



To: The Leader and Executive Councillor for Strategy and Transformation: Councillor Lewis Herbert

Report by: Joel Carré, Head of Environmental Services

Relevant scrutiny committee: Strategy & Resources
10/10/2016
Scrutiny Committee

Wards affected: Abbey Arbury Castle Cherry Hinton Coleridge
East Chesterton King's Hedges Market Newnham
Petersfield Queen Edith's Romsey Trumpington
West Chesterton

PUBLIC SPACES PROTECTION ORDER

Proposed Public Spaces Protection Orders For Dog Control in Cambridge

Non Key Decision

1. Executive summary

The purpose of this report is to ask the Executive Councillor to approve, in principle, the proposal to make public spaces protection orders in respect of dog control (including dog fouling, dog exclusion and dogs on leads requirements) within Cambridge, in the form set out at Appendix A and the locations set out in Appendix B; and to authorise officers to publicise the proposed orders and to consult, as required by the Anti-Social Behaviour, Crime and Policing Act 2014.

2. Recommendations

The Executive Councillor is recommended:

1. To approve, in principle, the proposal to make public spaces protection orders for dog control within Cambridge in the form set out at Appendix A and the locations set out in Appendix B;
2. To authorise officers to publicise the proposed orders and to carry out consultation as required by the Anti-Social Behaviour, Crime and Policing Act 2014.

3. Background

Dog Control Orders

- 3.1. Dog Control Orders were made by Cambridge City Council in July 2013 and created offences of:
- Failing to remove dog faeces;
 - Not keeping a dog on a lead in designated areas;
 - Not putting, and keeping, a dog on a lead when directed to do so by an authorised officer; and
 - Permitting a dog to enter land from which dogs are excluded
- 3.2. The introduction of Dog Control Orders created transparency and consistency within the City Council boundary and gave authorised officers¹ the ability to issue fixed penalty notices for offences that were previously not enforced. The power for local authorities to make Dog Control Orders was granted under the Clean Neighbourhoods and Environment Act 2005.
- 3.3. The City Council currently has 8 authorised officers (Dog Warden (1 FTE) and Public Realm Enforcement Officers (6 FTE) who undertake public realm education and enforcement, including around responsible dog ownership, in line with the Council's Enforcement Policy. Enforcement action for environmental crime is either taken under current legislation or byelaws
- 3.4. Keep Britain Tidy, the national campaigning group for improving local environmental quality states that in 2010 the UK dog population was estimated to be 8 million, with dogs producing approximately 1,000 tonnes of excrement each day. In a survey of over 10,000 sites across the UK dog fouling was present on 7% of these sites. Some dog owners still fail to clean up after their dogs and the highest level of dog fouling can be found in areas where people actually live.
- 3.5. The penalty for committing an offence contained in a Dog Control Order is a maximum fine of level 3 on the standard scale (currently £1000). Alternatively the opportunity to pay a fixed penalty (currently £75) is offered in place of prosecution. A fixed penalty notice (FPN) is an 'on the spot' fine for committing criminal offences such as breach of Dog Control Orders. Payment of a FPN means that no further action will be taken for that particular offence, it doesn't constitute an admission of guilt by the offender, but it does mean that such cases are diverted away from the Magistrates Court which may lead to the court imposing a larger penalty of up to £1000 and a criminal record.

¹ Officers authorised to issue fixed penalty notices for dog control offences includes two dog wardens and six enforcement officers.

Transition from Dog Control Orders

- 3.6. Where a Dog Control Order is currently in force, it will continue to be valid for a period of three years following commencement of the Anti-social, Crime and Policing Act 2014. At this point it then is to be treated as a PSPO (with effect from October 2017).
- 3.7. Home Office guidance² has identified that there is not the need to wait for this to happen and local authorities can decide to review the need for orders ahead of the transition. The council have opted to review current areas of dog control ahead of October 2017, as an early review will allow for new areas of dog control to be considered and consulted on, for public spaces protection order signage requirements to be reviewed and for a smooth transition that allows fixed penalties to continue to be issued for those that breach orders.

Anti-social Behaviour, Crime and Policing Act 2014 – Public Spaces Protection Orders

- 3.8. Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 gives the Council new powers to make public spaces protection orders (PSPOs). These orders are intended to deal with a nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of the area. They are designed to ensure that the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.
- 3.9. The definition of public space is wide and includes any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.
- 3.10. The Council can make a public spaces protection order if satisfied on reasonable grounds that two conditions are met. The first condition is that:
- a. Activities carried on in a public place within the Council's area have had a detrimental effect on the quality of life of those in the locality; or,
 - b. It is likely that activities will be carried on in a public place within that area and that they will have such an effect.

The second condition is that the effect or likely effect, of the activities:

- a. Is or is likely to be, of a persistent or continuing nature;

² Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers: Statutory guidance for frontline professionals
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- b. Is, or is likely to be, such as to make the activities unreasonable; and,
 - c. Justifies the restrictions imposed by the notice.
- 3.11. A public spaces protection order is an order that identifies the public place and:
 - a. Prohibits specified things being done in that public place;
 - b. Requires specified things to be done by persons carrying on specified activities in that place; or
 - c. Does both of those things.
- 3.12. The only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order to prevent or reduce the risk of the detrimental effect continuing, occurring or recurring.
- 3.13. Prohibitions can apply to all persons, or only to persons in specified categories, or to all persons except those in specified categories.
- 3.14. The order can specify the times at which it applies and the circumstances in which it applies or does not apply.
- 3.15. Unless extended the order may not have effect for more than 3 years.
- 3.16. Before making a public spaces protection order, the Council must consult with the Chief Officer of Police, the local policing body, whatever community representatives the Council thinks appropriate to consult and the owner or occupier of land within the restricted area.
- 3.17. In deciding whether to make a public spaces protection order and if so, what it should include, the Council must have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the European Convention on Human Rights
- 3.18. The Council must publish the text of a proposed order on its website.

Proposed Dog Control Public Spaces Protection Order

- 3.19. There are a number of differences between Dog Control Orders and the Public spaces protection orders, which are:
 - a. The test for making a PSPO covers the same activities previously prohibited under DCOs, but also provides flexibility for local authorities to vary them as necessary
 - b. Multiple orders are replaced by a single order, thereby streamlining the process for making orders

- c. A PSPO continues to allow for the same type of restrictions set out in Dog Control Orders, but allows the local authority to be more flexible when responding to local problems
 - d. PSPOs can be used to place restrictions on public rights of way, including the highways which could not previously be applied
- 3.20. The proposed locations for the PSPO as set out in appendix B vary from the existing Dog Control Orders in the following:
- a. Introduction of dog exclusion areas in parks which are fenced in
 - b. Removal of dogs on leads restrictions in areas where residents and officers have found restrictions impractical or unsuitable
 - c. Introduction of dogs on leads restrictions in areas where complaints have been received e.g. Cherry Hinton Hall and Ravensworth Gardens
- 3.21. Currently the City Council Dog Control Orders for clearing up dog faeces (i.e. dog fouling) and dog exclusion areas do not apply to all people.

Dog fouling is not required to be cleared by people who are:

- a. Registered as a blind person in a register complied under section 29 of the National Assistance Act 1948; or
- b. Have a disability which affects the person's mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which the person relies for assistance.

Dog exclusion areas are not required to be complied with by people who are:

- a. Registered as a blind person in a register complied under section 29 of the National Assistance Act 1948; or
- b. Are deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which the person relies for assistance; or
- c. Have disability which affects the person's mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which the person relies for assistance

It is proposed that the same exemptions, as above, are created within the proposed new Dog Control PSPO to ensure that the restrictions placed on dog owners / handlers are reasonable and take into account conditions where it is not possible to comply.

Consultation

- 3.22. In accordance with the Anti-social Behaviour, Crime and Policing Act 2014, if a PSPO is approved in principle the Council is then required to consult the Chief Officer of Police, the local policing body, and appropriate community representatives.
- 3.23. In addition, Government guidance recommends that a community survey is undertaken to see if people support the introduction of the proposed PSPO. Subject to the Council approving the principle of the proposed PSPO, it is recommended that a community survey be undertaken using the Council website to run from 17 October to 21 November 2016 asking people if they would support the introduction of the proposed PSPOs, as detailed on the attached draft order (Appendix A).
- 3.24. In addition to Cambridge residents, visitors and businesses it is recommended that the following specific stakeholder groups should also be consulted (during the period set out in 3.21):
- All residents groups / associations near to proposed PSPOs
 - Ward councillors
 - Friends of Groups for land subject to proposed PSPOs
 - Chair of the Parishes Committee – regarding Mill Road Cemetery
 - Dog welfare organisations including Wood Green, the RSPCA and the Dogs Trust
 - Organisations associated with assistance dogs including Guide Dogs for the Blind
 - Organisations associated with the homeless including Wintercomfort and the Street Outreach Team
 - Local Access Forum for Access Land subject to proposed PSPOs
- 3.25. Officers will report the outcome of the consultation to the Executive Councillor at the Strategy and Resources Committee meeting on 23 January 2017, including any proposed amendments to the public space protection order, together with a recommendation for the order's formal agreement.

4. Implications

(a) Financial Implications

In accordance with Anti-social Behaviour, Crime and Policing Act 2014, once a public space protection order is agreed, the Council must 'cause to be erected on or adjacent to the land in relation to which the public spaces protection order has been made such notice or notices as it considers sufficient to draw the attention of any member of the public using that land to –

- (i) the fact that a public spaces protection order has been made; and
- (ii) and the effect of that order being made.

Consequently, there will be a financial cost to introducing the proposed order which will need to be met, either at the time the order is agreed, or after October 2017 (after this time Dog Control Orders automatically become PSPOs and the requirement to change signage will apply). The signs will cost approximately £9.60 each plus delivery charge of £15. Approximately the total cost is in the region of £3000 which will be met from within existing departmental cost centres.

Dog Fouling and Dogs on Leads by direction are city-wide offences and therefore advisory warning signs will be placed in hotspot areas. Dog exclusion and dogs on leads areas will have advisory signs placed at entrances to the designated areas under these orders.

The issuing of Fixed Penalty Notices will generate additional income, which can offset the cost of signage in future years if considered appropriate.

(b) Staffing Implications

There are no additional staffing implications as officers are already equipped to deal with dog fouling and nuisances.

(c) Equality and Poverty Implications

An Equality Impact Assessment (EQIA) has been completed; please see attached Appendix C.

The impact on residents, visitors and businesses is expected to be positive, as these proposals should continue to act as a deterrent to irresponsible dog ownership. Exemptions are currently in place for those with disabilities and it is recommended that the same exemptions are considered in the proposed public spaces protection order. There is no adverse impact on any other Protected Groups from its adoption.

(d) Environmental Implications

There will continue to be a positive effect on local environmental quality with the conversion of Dog Control Orders to Public Space Protection Orders and the continued enforcement against dog fouling.

(e) Procurement

Costs for the purchase of signage are estimated to be in the region of £3000 and fall below the threshold of £10,000 within the corporate procurement procedures. Therefore best value will be demonstrated by obtaining at least one written quotation.

(f) Consultation and communication

The order will also be published on the website and social media. Further consultation will take place with the groups detailed in section 3.22

(g) Community Safety

The introduction of the proposed public space protection order for dog control will continue to have a positive effect on Community Safety, reducing the risks associated with Toxocariasis and nuisance dogs.

h) Human Rights

In deciding whether to make a public space protection order and if so, what it should include, the Council must have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the European Convention on Human Rights.

5. Background papers

These background papers were used in the preparation of this report:

- Anti-social Behaviour, Crime and Policing Act 2014:
<http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted/data.htm>
- DEFRA Dealing Practitioner's Manual on dealing with irresponsible dog ownership:
- https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/373429/dog-ownership-practitioners-manual-201411.pdf
- The Anti-Social Behaviour, Crime and Policing Act 2014 Statutory guidance for frontline professionals:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final_2.pdf

6. Appendices

Draft Orders Appendix A
Proposed locations for Orders Appendix B
EQIA Appendix C

7. Inspection of papers

To inspect the background papers or if you have a query on the report please contact:

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ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 SECTION 59

PUBLIC SPACES PROTECTION ORDER 2017

Cambridge City Council (in this Order called “the Council”) hereby makes the following order:

This Order comes into force on the 23 January 2017 for a period of 3 years

General provisions:

1. This Order applies to the all land within the Council’s administrative area, which is open to the air (which includes land that is covered but open to the air on at least one side) and to which the public are entitled or permitted to have access (with or without payment).
2. A person who fails to comply with any obligation imposed by this order is guilty of a criminal offence by virtue of section 67(1) of the Anti-social Behaviour Crime and Policing Act 2014 and liable to a fine on summary conviction not exceeding level 3 on the standard scale.

Obligations on persons with dogs:

3. Fouling

If a dog defecates at any time on land to which this order applies a person who is in charge of the dog at the time must remove the faeces from the land immediately unless:

- They have reasonable excuse for failing to do so; or
- The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

4. Leads by order

A person in charge of a dog on land to which this order applies must comply with a direction given to him by an authorised officer of the Authority to put and keep the dog on a lead unless:

- They have reasonable excuse for failing to do so; or
- The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

An authorised officer may only give a direction under this order if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or to a bird or another animal.

5. Leads

A person in charge of a dog on land detailed in Schedule 1 below must keep the dog on a lead at all times unless

- They have reasonable excuse for failing to do so; or
- The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

6. Exclusion

A person in charge of a dog on land detailed in Schedule 2 below must not take it into or keep it in this land at all times unless

- They have reasonable excuse for failing to do so; or
- The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

7. Exemptions

Nothing in section 3 of this order shall apply to a person who:

- Is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- Has a disability which affects the person's mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which the person relies for assistance.

Nothing in section 6 of this order shall apply to a person who:

- Is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- Is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which the person relies for assistance; or
- Has disability which affects the person's mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which the person relies for assistance.

For the purpose of this order:

- A person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
- Placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land;
- Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces
- "An authorised officer of the Authority" means an employee, partnership agency or contractor of Cambridge City Council who is authorised in writing by Cambridge City Council for the purposes of giving directions under the Order.
- For the purposes of the Order, a "disability" means a condition that qualifies as a disability for the purposes of the Equality Act 2010.
- Each of the following is a "Prescribed Charity" –
 - Dogs for the Disabled (registered charity number 700454)
 - Support Dogs (registered charity number 1088281)
 - Canine Partners for Independence (registered charity number 803680)

Dated.....

Schedule 1

Dogs on leads areas:

- Cemeteries
 - Newmarket Road Cemetery – the whole of the cemetery
 - Histon Road Cemetery – the whole of the cemetery
- Abbey Pool play area (Access Land)
- Coldhams Lane play area (Access Land)
- Ditton Fields – *the whole of the park*
- Kings Hedges Recreation Ground (Pulley) – *the part of the park that contains the children's play equipment, but excluding the fenced area that contains the paddling pool*
- Molewood Close – *the whole of the park*
- Ravensworth Gardens – *Green area (upper area)*
- Velos Walk – *the whole of the park*

Schedule 2

Dog exclusion areas

- Fenced bowling greens at the following locations:
 - Alexandra Gardens
 - Christs Pieces
 - Coleridge Recreation Ground
 - Lammas Land
 - Nightingale Avenue
 - Trumpington Recreation Ground
- Fenced tennis courts at the following locations:
 - Cherry Hinton Hall
 - Christs Pieces
 - Coleridge Recreation Ground
 - Jesus Green (Access Land)
 - Lammas Land
 - Nightingale Avenue
 - Trumpington Recreation Ground
- Outdoor paddling pools at the following locations:
 - Abbey Pool Paddling Pool (Access Land)
 - Cherry Hinton Hall
 - Coleridge Paddling Pool
 - Lammas Land
 - Sheep's Green Learner Pool
- Fenced children's play areas at the following locations:
 - Aberdeen Avenue
 - Ainsdale
 - Alexandra Gardens
 - Arbury Court
 - Atkins Close
 - Bateson Road
 - Beales Way
 - Brooks Road
 - Cherry Hinton Hall
 - Cherry Hinton Recreation Ground
 - Chesterton Recreation Ground

- Chestnut Grove
- Christs Pieces
- Church End
- Coleridge Recreation Ground
- Discovery Way
- Dudley Road
- Edgecombe Flats
- Flower Street
- Green End Road
- Gunhild Way/Close
- Histon Road
- Humphreys Road
- Jesus Green (Access Land)
- Kathleen Elliot Way
- Kingfisher Way
- Neptune Close
- Nightingale Avenue
- Nuns Way
- Pearl Close
- Petersfield
- Peverel Road
- Ramsden Square
- Ravensworth Gardens (1)
- Ravensworth Gardens (2)
- Ravensworth Gardens (Upper Green)
- Reily Way
- River Lane
- Robert May Close
- Romsey Recreation Ground
- Scotland Road
- Sleaford Street/Ainsworth Street
- St Barnabas Court
- St Matthews Recreation Ground
- St Thomas's Square
- Stourbridge Common (Access Land)
- The Bath House
- Thorpe Way/Fison Road
- Trumpington Recreation Ground
- Whytford Close

Appendix B: Proposed locations of Orders

Location	Area	Restriction	Introduction date	Proposal	Comments
Abbey Pool Paddling Pool (Access Land)	Outdoor paddling pool	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Abbey Pool Paddling Pool (Access Land)	Children's play area	Dog on leads area	July 2013	Keep as a dogs on leads area	Has right of way through the park
Aberdeen Avenue	Fenced children's play areas	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Ainsdale	The whole of the park	Dog on leads area	July 2013	Create a dog exclusion area	Park has now been fully enclosed since 2013
Alexandra Gardens	Fenced bowling green	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Alexandra Gardens	Fenced children's play areas	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Arbury Court	Fenced children's play areas	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Arbury Court	The whole of the park, excluding the fenced area	Dog on leads area	July 2013	Remove dogs on leads restriction	
Ashbury Close	The whole of the park	Dog on leads area	July 2013	Remove dogs on leads restriction	
Atkins Close	Fenced children's play areas	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Barnwell Road	Fenced bowling greens	Dog exclusion area	July 2013	Remove dog exclusion restriction	
Barnwell Road	Fenced tennis courts	Dog exclusion area	July 2013	Remove dog exclusion restriction	
Bateson Road	Fenced children's play areas	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Beales Way	Fenced children's play areas	Dog exclusion area	July 2013	Keep as a dog exclusion area	

Location	Area	Restriction	Introduction date	Proposal	Comments
Brooks Road	Fenced children's play areas	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Brooks Road	The whole of the park, excluding the fenced area	Dog on leads area	July 2013	Remove dogs on leads restriction	
Cambridge Lakes	The whole area	None	None	Consider dog on leads restriction	
Cherry Hinton Hall	Fenced tennis courts	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Cherry Hinton Hall	Outdoor paddling pools	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Cherry Hinton Hall	Fenced children's play areas	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Cherry Hinton Recreation Ground	Fenced children's play areas	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Cherry Hinton Hall	Pond / stream	None	None	Create a dogs on lead area	
Chesterton Recreation Ground	Fenced children's play areas	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Chestnut Grove	Fenced children's play areas	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Christs Pieces	Fenced bowling greens	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Christs Pieces	Fenced tennis courts	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Christs Pieces	Fenced children's play areas	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Church End	Fenced children's play areas	None	None	Create a dog exclusion area	Park has now been fully enclosed since 2013
Coldhams Lane play area (Access Land)	Play area	Dog on leads area	July 2013	Keep as a dogs on leads area	

Location	Area	Restriction	Introduction date	Proposal	Comments
Coleridge Recreation Ground	Fenced bowling greens	Dog exclusion area	July 2013	Consider removal	
Coleridge Paddling Pool	Outdoor paddling pools	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Coleridge Recreation Ground	Fenced tennis courts	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Coleridge Recreation Ground	Fenced children's play areas	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Discovery Way	Fenced children's play areas	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Ditton Fields	The whole of the park	Dog on leads area	July 2013	Keep as a dog on leads area	
Dudley Road	Fenced children's play areas	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Dundee Close	the whole of the park	Dog on leads area	July 2013	Remove dogs on leads restriction	
Edgecombe Flats	Fenced children's play areas	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Ekin Road	Fenced children's play areas	Dog exclusion area	July 2013	Remove dogs exclusion restriction	
Flower Street	Fenced children's play areas	Dog exclusion area	July 2013	Keep as a dog exclusion area	
George Nuttall Close	the whole of the park	Dog on leads area	July 2013	Remove dogs on leads restriction	
Great Eastern Street	the whole of the park	Dog on leads area	July 2013	Remove dogs on leads restriction	
Green End Road	Fenced children's play areas	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Green End Road	the whole of the park, excluding the fenced area	Dog on leads area	July 2013	Remove dogs on leads restriction	

Location	Area	Restriction	Introduction date	Proposal	Comments
Gunhild Way/Close	Fenced children's play areas	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Histon Road	Fenced children's play areas	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Histon Road Cemetery	the whole of the cemetery	Dog on leads area	July 2013	Keep as a dogs on leads area	
Humphreys Road	Fenced children's play areas	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Jesus Green (Access Land)	Fenced tennis courts	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Jesus Green (Access Land)	Fenced children's play areas	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Kathleen Elliot Way	Fenced children's play areas	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Kingfisher Way	Fenced children's play areas	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Kings Hedges Recreation Ground	The part of the park that contains the children's play equipment	Dog on leads area	July 2013	Keep as a dog on leads area	
Kings Hedges Recreation Ground	Outdoor paddling pools	Dog exclusion area	July 2013	Remove dogs exclusion restriction	Area no longer fenced off
Lammas Land	Fenced bowling greens	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Lammas Land	Fenced tennis courts	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Lammas Land	the part of the park that contains the children's play equipment, but excluding the unfenced area that contains the paddling pool	Dog on leads area	July 2013	Remove dogs on leads restriction	

Location	Area	Restriction	Introduction date	Proposal	Comments
Lammas Land	Outdoor paddling pools	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Hampden Gardens	Fenced children's play area	None	None	Add as a dog exclusion area	
Mill Road Cemetery	the whole of the cemetery	Dog on leads area	July 2013	Remove dogs on leads area	Currently suspended
Molewood Close	the whole of the park	Dog on leads area	July 2013	Keep as a dogs on leads area	
Neptune Close	Fenced children's play areas	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Newmarket Road Cemetery	the whole of the cemetery	Dog on leads area	July 2013	Keep as a dogs on leads area	
Nightingale Avenue	Fenced bowling greens	Dog exclusion area	July 2013	Keep as a dogs on leads area	
Nightingale Avenue	Fenced tennis courts	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Nightingale Avenue	Fenced children's play areas	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Nuns Way	Fenced children's play areas	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Pearl Close	Fenced children's play areas	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Petersfield	Fenced children's play areas	Dog exclusion area	July 2013	Keep	
Peeverel Road	Children's play area	None	None	Add a dog exclusion area	
Ramsden Square	Fenced children's play areas	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Ravensworth Gardens (1)	Fenced children's play areas	Dog exclusion area	July 2013	Keep as a dog exclusion area	

Location	Area	Restriction	Introduction date	Proposal	Comments
Ravensworth Gardens (2)	Fenced children's play areas	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Ravensworth Gardens	Green area (upper area)	None	None	Add a dog exclusion or dogs on leads restriction	
Reilly Way	Fenced children's play areas	Dog exclusion area	July 2013	Keep as a dog exclusion area	
River Lane	Fenced children's play areas	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Robert May Close	Fenced children's play areas	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Romsey Recreation Ground	Fenced children's play areas	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Scotland Road	Fenced children's play areas	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Sheep's Green Learner Pool	Outdoor paddling pools	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Shelly Road	the whole of the park	Dog on leads area	July 2013	Remove dogs on leads area	
Shenstone House	the whole of the park	Dog on leads area	July 2013	Remove dogs on leads area	
Sleaford Street/Ainsworth Street	Fenced children's play areas	Dog exclusion area	July 2013	Keep as a dog exclusion area	
St Barnabas Court	Fenced children's play areas	Dog exclusion area	July 2013	Keep as a dog exclusion area	
St Matthews Recreation Ground	Fenced children's play areas	Dog exclusion area	July 2013	Keep as a dog exclusion area	
St Thomas's Square	Fenced children's play areas	Dog exclusion area	July 2013	Keep as a dog exclusion area	

Location	Area	Restriction	Introduction date	Proposal	Comments
Stourbridge Common (Access Land)	Fenced children's play areas	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Tenby Close	the whole of the park	Dog on leads area	July 2013	Remove dogs on leads area	
The Bath House	Fenced children's play areas	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Thorpe Way play	the whole of the park, excluding the fenced area that contains children's play equipment.	Dog on leads area	July 2013	Remove dogs on leads area	
Thorpe Way/Fison Road	Fenced children's play areas	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Trumpington Recreation Ground	Fenced bowling greens	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Trumpington Recreation Ground	Fenced tennis courts	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Trumpington Recreation Ground	Fenced children's play areas	Dog exclusion area	July 2013	Keep as a dog exclusion area	
Velos Walk	the whole of the park	Dog on leads area	July 2013	Keep as a dog on leads area	
Whytford Close	Fenced children's play areas	Dog exclusion area	July 2013	Keep as a dog exclusion area	

Appendix C - Cambridge City Council Equality Impact Assessment



Completing an Equality Impact Assessment will help you to think about what impact your strategy, policy, plan, project, contract or major change to your service may have on people that live in, work in or visit Cambridge, as well as on City Council staff.

The template is easy to use. You do not need to have specialist equalities knowledge to complete it. It asks you to make judgements based on evidence and experience. There are guidance notes on the intranet to help you. You can also get advice from Suzanne Goff, Strategy Officer on 01223 457174 or email suzanne.goff@cambridge.gov.uk or from any member of the Joint Equalities Group.

1. Title of strategy, policy, plan, project, contract or major change to your service:

Proposed Public Spaces Protection Orders For Dog Control in Cambridge

2. What is the objective or purpose of your strategy, policy, plan, project, contract or major change to your service?

Dog control orders were made by Cambridge City Council in July 2013 and created offences of:

- Failing to remove dog faeces;
- Not keeping a dog on a lead in designated areas;
- Not putting, and keeping, a dog on a lead when directed to do so by an authorised officer; and
- Permitting a dog to enter land from which dogs are excluded

The introduction of Dog Control Orders created transparency and consistency within the City Council boundary and gave authorised officers the ability to issue fixed penalty notices for offences that were previously not enforced.

Where a dog control order is currently in force, it will continue to be valid for a period of three years following commencement of the Anti-social, Crime and Policing Act 2014. At this point it then is to be treated as a PSPO (with effect from October 2017). Guidance has identified that there is not the need to wait for this to happen and local authorities can decide to review the need for orders ahead of the transition.

Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 gives the Council new powers to make public spaces protection orders (PSPOs). These orders are intended to deal with a nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of the area. They are designed to ensure that the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

The definition of public space is wide and includes any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

2. What is the objective or purpose of your strategy, policy, plan, project, contract or major change to your service?

The Council can make a public spaces protection order if satisfied on reasonable grounds that two conditions are met. The first condition is that:

- c. Activities carried on in a public place within the Council's area have had a detrimental effect on the quality of life of those in the locality; or,
- d. It is likely that activities will be carried on in a public place within that area and that they will have such an effect.

The second condition is that the effect or likely effect, of the activities:

- d. Is or is likely to be, of a persistent or continuing nature;
- e. Is, or is likely to be, such as to make the activities unreasonable; and,
- f. Justifies the restrictions imposed by the notice.

3. Who will be affected by this strategy, policy, plan, project, contract or major change to your service? (Please tick those that apply)

- ☒ Residents
- ☒ Visitors
- ☐ Staff

A specific client group or groups (please state):

4. What type of strategy, policy, plan, project, contract or major change to your service is this? (Please tick)

- ☐ New
- ☐ Revised
- ☒ Existing

5. Responsible directorate and service

Directorate: Environment

Service: Streets and Open Spaces Operations

6. Are other departments or partners involved in delivering this strategy, policy, plan, project, contract or major change to your service?

☐ No

☒ Yes (please give details):

All council officers and external agencies who are involved with dog control and responsibility gathering can be involved with dog control, including but not limited to Cambridgeshire Police, Wood Green Animal Shelter, RSPCA and local dog welfare organisations.

7. Potential impact

Please list and explain how this strategy, policy, plan, project, contract or major change to your service could **positively** or **negatively** affect individuals from the following equalities groups.

When answering this question, please think about:

- The results of relevant consultation that you or others have completed (for example with residents, people that work in or visit Cambridge, service users, staff or partner organisations).
- Complaints information.
- Performance information.
- Information about people using your service (for example whether people from certain equalities groups use the service more or less than others).
- Inspection results.
- Comparisons with other organisations.
- The implementation of your piece of work (don't just assess what you think the impact will be after you have completed your work, but also think about what steps you might have to take to make sure that the implementation of your work does not negatively impact on people from a particular equality group).
- The relevant premises involved.
- Your communications.
- National research (local information is not always available, particularly for some equalities groups, so use national research to provide evidence for your conclusions).

(a) Age (any group of people of a particular age, including younger and older people – in particular, please consider any safeguarding issues for children and vulnerable adults)

Data for this characteristic is not held.

(b) Disability (including people with a physical impairment, sensory impairment, learning disability, mental health problem or other condition which has an impact on their daily life)

Currently the dog control orders for clearing up dog faeces and dog exclusion areas do not apply to all people.

Dog fouling is not required to be cleared by people who are:

- c. Registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- d. Have a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.

Dog exclusion areas are not required to be complied with by people who are:

- d. Registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- e. Are deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance; or
- f. Have disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance

It is proposed that the same exemptions are created within the PSPO to ensure that the restrictions placed on dog owners / handlers are reasonable and take into account conditions where it is not possible to comply.

(c) Gender

Data for this characteristic is not held..

(d) Pregnancy and maternity

Data for this characteristic is not held..

(e) Transgender (including gender re-assignment)

Data for this characteristic is not held.

(f) Marriage and Civil Partnership

Data for this characteristic is not held.

(g) Race or Ethnicity

Data for this characteristic is not held.

(h) Religion or Belief

Data for this characteristic is not held.

(i) Sexual Orientation

Data for this characteristic is not held.

(j) Other factors that may lead to inequality – in particular – please consider the impact of any changes on low income groups or those experiencing the impacts of poverty (please state):

Data for offences of dog control does not hold records of any of the above characteristics, so it is not possible to quantify / consider how specific groups might or might not be affected in Cambridge.

All enforcement action is undertaken in accordance with the council's [Corporate Enforcement Policy](#).

Currently the option for dealing with dog control is fixed penalty notices, which offers individuals and businesses the opportunity to pay a monetary fine, and in turn discharge their liability to prosecution (they will not end up with a criminal record). The continuation of fines at the same level, including an early repayment amount continues to offer a lower threshold that individuals and businesses can also take advantage of, reducing financial impacts.

The council does not offer payment by instalments or payment plans. Payment for fixed penalties can only be accepted for the full amount. However in cases of extreme financial difficulties, officers have discretion to be able to extend the lower threshold payment period (subject to legal restrictions), and will work together with those issued fixed penalties to avoid prosecution where possible.

8. If you have any additional comments please add them here

All communication by the Streets and Open Spaces Operations team is undertaken in accordance with the [Service Standards](#) which details what customers can expect of us.

Usage and payment of FPNS will be monitored and the EqIA kept under review as required.

9. Conclusions and Next Steps

- If you have not identified any negative impacts, please sign off this form.
- If you have identified potential negative actions, you must complete the action plan at the end of this document to set out how you propose to mitigate the impact. If you do not feel that the potential negative impact can be mitigated, you must complete question 8 to explain why that is the case.
- If there is insufficient evidence to say whether or not there is likely to be a negative impact, please complete the action plan setting out what additional information you need to gather to complete the assessment.

All completed Equality Impact Assessments must be emailed to Suzanne Goff, Strategy Officer, who will arrange for it to be published on the City Council's website.

Email suzanne.goff@cambridge.gov.uk

10. Sign off

Name and job title of assessment lead officer: Wendy Young, Operations Manager (Community Engagement and Enforcement)

Names and job titles of other assessment team members and people consulted:

Date of completion: 8 August 2016

Date of next review of the assessment: