

Guildford Borough Public Spaces Protection Order (PSPO) Proposal for extension December 2020

1. Introduction - Public Spaces Protection Orders

Public Space Protection Orders (PSPOs) were introduced under the Anti-social Behaviour Crime and Policing Act 2014 as a tool to enable Councils and their partners to address anti-social behaviour in their local areas. Councils can use PSPOs to prohibit specified activities within a defined public area and send a clear message that certain behaviours will not be tolerated, helping reassure residents that unreasonable conduct is being addressed.

A PSPO can last for up to three years, but may be extended for a further three years. There is no limit on the number of times an Order may be extended.

Guildford currently has a Borough wide PSPO which makes it an offence for a person to allow a dog to foul and not clean it up. The current PSPO expires on 10 December 2020.

2. Legal framework

A Borough wide PSPO was adopted on 11 December 2017 which makes it an offence for a person to allow a dog to foul and not clean it up in any public place.

Enforcement for offences is undertaken by the Council's Joint Enforcement Team (JET). Under the Act, the Council has the power to prosecute anyone who is in breach of the PSPO. Authorised officers have the power to issue a fixed penalty notice to anyone they reasonably believe to be in breach of the PSPO.

Under section 60 of the Act, the Council can extend an existing PSPO if it is satisfied on reasonable grounds that doing so is necessary to prevent an occurrence or recurrence of the activities after the expiration date of the order, or to prevent an increase in the frequency or seriousness of the activities.

In accordance with the Council's constitution, the Landlord Services Manager and the Fleet and Waste Services Manager have delegated powers to exercise the Council's functions and enforcement powers under the Anti-Social Behaviour, Crime and Policing Act 2014, including implementing PSPOs. These powers may also be exercised by the Managing Director or the relevant Director.

3. Public Space Protection Order review

The Council has reviewed the current Borough wide PSPO, consistent with the statutory framework and the guidance set out in the Local Government Association guidance '*Public Spaces Protection Orders-guidance for Councils*'.

In extending a PSPO, there are legal requirements regarding consultation, publicity and notification. Local authorities are obliged to consult with the local chief officer of police; the police and crime commissioner; owners or occupiers of land within the affected area where reasonably practicable, and appropriate community representatives. Any county councils (where the Order is being made by a district), and parish or community councils that are in the proposed area covered by the PSPO must be notified.

Consultation evidence supporting this extension is presented in this report:

Appendix 1 – Dog Fouling PSPO

Appendix 2 – Supporting Statements

Appendix 3 – List of Councillors/Parishes supportive

3.1 Consultations

3.1.1 A public statement confirming the Council's intention to extend the current PSPO was published on the [Guildford Borough Council website](#), with members of the public given the opportunity to comment.

3.1.2 Guildford Borough Council notified Surrey County Council and the Police and Crime Commissioner of their proposal to extend the current PSPO.

3.1.3 Relevant stakeholders were also consulted and supporting statements and evidence gathered where appropriate. Stakeholders consulted include:

- Surrey Police Borough Commander
- the Office for the Police and Crime Commissioner for Surrey
- internal Council services: JET, Park Ranger Team, Housing
- external partners: including animal charities and land owners consulted upon the inception of the current PSPO.

3.1.4 Ward councillors and Parish Councils were consulted on the proposal to extend the current PSPO through a briefing note, following which many expressed their support for the extension.

3.2 Supporting Statements

The statements in Appendix 2 have been collected in consultation with key stakeholders and members of the Safer Guildford Partnership to represent the interests of the community:

1. Guildford Borough Council Animal Welfare Officer
2. Guildford Borough Council Park Ranger Service
3. Guildford Borough Council Amenity Horticultural Manager
4. Guildford Borough Council JET (Joint Enforcement Team)
5. Surrey County Council, Countryside Service
6. Surrey Wildlife Trust
7. Natural England
8. Albury Estate

The statements provided confirm that dog fouling is a common and unpleasant form of anti-social behaviour which would be significantly harder to tackle if the PSPO were not extended. The statements also detail that parks and open spaces in the Borough are a valuable community asset for residents and as an attraction to visitors and as such stakeholders rely on the enforcement powers associated with the PSPO to effectively tackle anti-social behaviour. The extension of the PSPO is also widely supported by Members.

4. Risks

Not extending the current PSPO will result in the enforcement powers associated ceasing to be available for the Council.

If there is a lapse beyond the expiry date, a new PSPO would need to be implemented.

The anticipated issues with not having a PSPO in place preventing dog fouling, is continuation of, or/and an increase in fouling. Dog fouling is a form of anti-social behaviour which would have a significant effect on the Boroughs streets, parks and open space and have a direct adverse impact on residents and visitors, businesses.

5. Summary of options

Option 1: Do nothing - removal of or allowing the PSPO to expire.

Removing or allowing the PSPO to expire will result in the removal of powers for enforcement available to the Council and the Police. This is likely to cause a continuation and / or increase in dog fouling. The evidence presented demonstrates that there is support for retaining the powers available under the PSPO to manage associated anti-social behaviour.

Option 2: Extend the current PSPO

The Council is satisfied that the evidence available shows that an extension of the order is necessary to prevent the occurrence, reoccurrence, increase in frequency and / or seriousness of antisocial behaviour associated with dog fouling in the Borough.

Option 3: To implement a new PSPO.

If there is a lapse beyond the expiry date, a new PSPO would need to be implemented.

The current PSPO expires on 10 December 2020. The statutory process to implement a new PSPO is anticipated to take 6. This would result in a lapse in enforcement powers and the related issues stated above.

6. Recommendation

That, in accordance with the Council's constitution, the Managing Director exercises the Council's functions under the Anti-Social Behaviour Crime & Policing Act 2014 and extends the current Borough wide PSPO for 3 years from 11 December 2020 to 10 December 2023 (option 2).

6.1 Reason for recommendation

The Council has gone through a structured process and undertaken the statutory consultation process required to extend the current PSPO. The consultation has considered the needs of our residents, communities and businesses.

The evidence presented demonstrates that the current Guildford Borough wide PSPO restricting the activity of dog fouling is still relevant for the benefit of residents, businesses and enforcement bodies in managing anti-social behaviour.

The Council is satisfied that the evidence available shows that an extension of the order is necessary to prevent the occurrence, reoccurrence, increase in frequency and / or seriousness of antisocial behaviour associated with dog fouling in the Borough of Guildford.

Appendix 1

**GUILDFORD BOROUGH COUNCIL
PUBLIC SPACES PROTECTION ORDER (NO. 1) 2017 DOG FOULING**

Guildford Borough Council (“the Council”), in exercise of its powers under Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014, hereby makes the following Order:

1. This Order applies to all public places within the Borough of Guildford (“the restricted area”). A public place is any place to which the public, or a section of it, have access to on payment or otherwise, as of right, or by virtue of express or implied permission.

2. This Order may be cited as the Guildford Borough Council Public Spaces Protection Order (No.1) 2017 Dog Fouling and comes into force on for a period of 3 years.

3. The Council is satisfied that activities have been carried on or are likely to be carried on in the restricted area which have had or are likely to have a detrimental effect on the quality of life of those in the locality, namely:

People allowing their dogs to foul and failing to remove the faeces from the land forthwith.

4. This Order requires the following specified things to be done in the restricted area:

The person in charge of a dog which defecates in the restricted area must remove the faeces from the land forthwith unless he/she is registered blind under Section 29 of the National Assistance Act 1948 or he/she has permission from the landowner or occupier to leave the faeces on the land.

5. Any person who without reasonable excuse fails to comply with the requirement in paragraph 4 above shall be guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Dated this day of 2017

Signed for and on behalf of the Council



.....
(Name and position)

Authorised by Guildford Borough Council.

Appendix 2

Supporting Statements:

1. Statement of Peter Burnage, Animal Welfare Officer, Guildford Borough Council

Dog Fouling PSPO

As Animal Welfare officer for the Borough Council, I fully support the renewal of this PSPO. The borough of Guildford has a high resident dog population and also a high visiting dog population. All surrounding boroughs have PSPOs to control fouling and so if we do not, it is likely that owners from these areas will walk in Guildford so they do not need to clean up leading to the problem of dog fouling rapidly increasing.

The main reasons I support this PSPO are as follows:

Human Health

Dog fouling presents a risk to human health. Dogs that are not wormed can spread toxocara canis to people which can be severe and damage eyesight to the extent of non-reversible blindness in a very few cases. Dog fouling can also cause other illnesses- symptoms including vomiting, diarrhoea as well as flu-like symptoms. This can occur from ingestion which can easily occur from touching contaminated footwear and failing to wash hands.

Environmental

There are many sensitive areas of land in the borough and these have their own unique ecosystems often governed by the soil nutrition. Dog fouling increases the nutrients in the soil and allows faster growing, more competitive species of plant to grow (couch grass, brambles etc). This is leading to habitat loss on some of the boroughs chalk land and sandy heath. It is important to protect these areas and the enforcement of the PSPO would help do this.

Animal Health

Dogs can spread illness and disease to other dogs (and other animals- wild and farmed) through their faeces.

Other

Dog fouling is unpleasant and smelly. It makes people stop using alleyways, paths and recreation grounds. It makes communities feel unsafe and can lead to other crimes such as vandalism, as it may give the impression that a location is not policed.

2. Statement of Fin Wakefield, Senior Ranger for Parks, Guildford Borough Council

I am the Senior Ranger for Parks and Leisure Services at Guildford Borough Council. My team cover approximately 120 parks, open spaces and countryside sites across the borough of Guildford and address an array of issues, including communicating with park users about dog fouling.

Dog fouling in parks and open spaces is an ongoing issue which sadly impacts many local residents, families, sports players and visitors. Despite the media campaigns over recent years, I believe dog fouling continues to be an issue in our borough. Whilst it has certainly improved at many sites (the introduction of a borough wide "public space" order has made it far clearer), things may once again decline if the PSPO is not renewed. From my own experiences at patrolling the parks, I am often astounded at how much dog mess isn't picked up. Whilst the vast majority of dog owners are responsible, sadly there are those who will only respond to the possibility of enforcement action.

Throughout the Covid-19 pandemic, we have seen our parks and open spaces become even more valuable to the local community. It is important that measures such as the PSPO are implemented to ensure that the relevant authorities have the powers to address dog fouling and help keep our shared spaces clean and safe for everyone to enjoy.

3. Statement of Richard Anderson, Amenity Horticultural Manager, Guildford Borough Council

Dog fouling is a major concern for many people using our parks and open spaces, dog fouling is unsightly, unpleasant, smelly and anti-social. It causes a nasty mess if you step in it, cycle through it, push a wheelchair through it, drive a mobility scooter through it or even worse fall in it. If you then don't realise that you have stepped in it, there is a good chance that you will carry it and spread it, either outside in public places, or take it inside into public buildings, your place of work, your own home or someone else's home.

Users of our parks and open spaces find dog fouling unhygienic and a health hazard, the danger caused by dog mess is greatly increased because dogs are walked in all our parks and open spaces and therefore also foul in areas where the general public, and in particular where children walk and play. We also have a lot of user groups in our parks and open spaces such as sports/fitness activities and events all of which are likely to come in contact with dog mess if it is not picked up. As we know, this can spread diseases such as Parvo, which is a potentially fatal disease which is transferred between dogs, but the key health issue with dog faeces is that it can lead to toxocariasis in humans.

The parasites lay eggs, which are released via the infected dog's faeces. The eggs can remain active in the soil for many years, long after the dog mess has been washed away by the rain. If the eggs are then ingested by someone, for example a small child, they may hatch into larvae and thus lead to toxocariasis. So, the child doesn't necessarily have to pick up dog faeces in order to become infected – they could just be playing with soil which had dog faeces on it years ago and still contains active eggs. We also hold the Surrey Agricultural Show at Stoke Park, at this time there is a lot of livestock on the parks which can also be affected by dog fouling.

There is daily evidence of people not picking up their dog fouling through out our parks and open spaces, if we do see people not picking up, we do tell the owners, however most of the dog fouling is not evidenced.

4. Statement of Stuart Craggs, JET Team Leader, Guildford Borough Council

Public Space Protection Order (Dog Fouling)
Joint Enforcement Team Activities 2018-2020

The Joint Enforcement Team (JET) responded to the creation of the Dog Fouling Public Space Protection in August 2018. Prior to this date the JET supported the then Dog Warden in his activities to address the issue of Dog fouling in public places.

Dog fouling was recognised as a Higher profile public issue alongside the JET primary functions. Following the formal taking of ownership of the issue the JET sought to maintain the momentum created by the Dog Warden alongside their responsibilities to their other duties.

Incoming method of reports of Dog Fouling issues was transferred from GBC IT platform TASCMI to the GBC IT platform known as ROCC. Reports were received to the CSC and entered onto the ROCC system by the call handler. The reports came in two basic types. A report of dog fouling that required clearing by the Street scenes team and secondly a report of dog fouling where a complainant had more specific information or was willing to give such information that may require the JET to investigate the matter.

The Street Scenes Inspectors passed the reports that may require investigation to the JET.

GBC ROCC It platform does not have a search capability for the records of Dog Fouling. Therefore, we are unable to accurately account for Dog Fouling complaints.

In 2018 JET committed Approximately 7% of its total time to Dog Fouling. This is time solely focussed on patrol, engagement, education and enforcement. This does not include time spent on targeted patrols embedded into the daily patrol regime. It is estimated that JE have spent between 7% and 10% of their operational time addressing Dog Fouling issues.

JET held 4 Educational trailer days with Dog fouling as one of the promotional subjects.

JET followed the Dog Warden training and advice on addressing dog fouling reports. By design the investigation is reactionary or post event and credible evidence is often not available for prosecution or any meaningful disposal.

JET's response was based on local community impact or what would appear to be repeat or blatant disregard by persons who would allow their dogs to foul and not pick up and dispose appropriately.

JET's response to Dog Fouling reports...

- An overt highly visual site visit in uniform and vehicle marked as Environmental Enforcement (Often the CCTV van). This would include overt foot patrol and public engagement in the area concerned.
- Door to door enquiries which doubled as educational and investigative. This would often lead to a focussed visit to a person who was a likely suspect allowing JET officer to offer appropriate advice and education.
- *observing offenders and dealing appropriately. This would always be overt and uniformed to comply with the Regulatory Enforcement Policy.*
- In support of the above patrol measures JET would often put PSPO signage on street furniture in " Hot Spots" and this would often include spraying a " PICK IT UP" chalk paint decal on the public pavement. This bright orange street decal was very effective deterrent.
- JET would add hot spots to their daily patrol regime. This meant that the officer en route to a deployment would as a minimum deliberately divert their journey to include the dog fouling area. This increased visibility as well as reassurance to those affected.

The problem of Dog Fouling still exists across the whole borough. JET respond whenever they can with one or all the above methods of intervention.

Hot Spots.

- Merrow Downs
- Jacobs Well village hall
- Newlands Corner & Warwick's Bench
- Stoughton Recreation Ground.
- Bargate Court & Surrounding flats
- Allen House Grounds
- Southway Schools area.
- Merrow Common
- Fox Corner Nature reserve
- Riverside Nature Reserve
- Stoke Park.

This list is not exhaustive but represents an overview of the continued problems with dog fouling.

It is not only open spaces that suffer from poor dog discipline, but our housing estates are included. It is very common to find people have picked up their dog faeces in a bag, but the bag is then discarded into the hedgerow, causing a wider Environmental impact. This is common in our open spaces.

JET have issued no fixed penalty notices, our highly visible presence immediately deters or encourages people to comply. We do not operate covertly.

The renewal of the Public Space protection Order (Dog Fouling) is a most crucial tool to address this Anti-Social issue. This being a "Found committing offence" makes the use of alternative legislation such as reporting for Anti-Social Behaviour, CPW /CPN route impractical.

5. Statement of Steve Michell, Countryside Access and Operations Manager, Surrey County Council

We support the renewal of this Public Space Protection Order(PSPO). Surrey County Council manages 3,400km of public rights of way and 10,000 acres of countryside estate, all of which are used heavily by dog walkers. Dog fouling is a significant problem in these areas and the PSPO is an essential way of helping to manage the issue.

6. Statement of Jenny Hooper, Countryside Co-ordinator, Surrey Wildlife Trust

Surrey Wildlife Trust would be in support of renewing the PSPO and would provide the following statement. "As well as being unsightly, smelly and potentially dangerous, dog excrement also has an negative environmental effect through nutrient enrichment on sites where many plants require poor soil to survive"

For your information from 1st April 2020, Surrey County Council have taken over the management of public access on their estate, including access to public footpaths, car parks, bins, litter, dog fouling and issues of fly tipping and unauthorised access.

From this date, Surrey Wildlife Trust will focus on managing the biodiversity of the natural habitat and wildlife species on Surrey County Council's countryside estate. Their responsibilities will cover conservation and grazing only, and are no longer responsible for public access.

7. Statement of Sarah Bunce, Communications Officer, Natural England

I hear you are renewing the Guildford Borough Council Public Spaces Protection Order for dog fouling. We at the Thames Basin Heaths Partnership would definitely support the renewal. As you know we are out wardening on GBC land most days of the week and there are still some dog fouling 'hotspots'. For example, Warden Nick, who wardens regularly at Whitmoor Common, says the paths out of the Salt Box Road car park have always been very bad. He also says the paths out of the main Ockham Common car park (Bouldermerre car park) can also be bad.

Anecdotally, I don't think the situation improved during lockdown either. Because people were reluctant to touch surfaces, like bins, I believe there was more fouling than ever.

Good luck with the renewal and do let us know if we can help in any way.

8. Statement of Michael Baxter, Albury Estate

I confirm that the Albury Estate would support renewal of the PSPO as the number of dogs being walked across the Estate's land is ever increasing, particularly since the Covid-19 pandemic started.

Much of the access to the Estate, particularly in the pressure points such as Newlands Corner and St. Martha's is managed by Surrey County Council under an Access Agreement and it might well be worth your while contacting Steve Mitchell as he heads up the Council's countryside team. His e-mail address is steve.mitchell@surreycc.gov.uk and his phone number 020 8541 7040.

The southern areas of the Estate which are open to the public under the Law Of Property Act 1925 are looked after by the Friends of the Hurtwood and again you might like to contact Mark Beaumont the Ranger whose e-mail address is mark@friendsofthehurtwood.co.uk and telephone 07920 705070.

The area of major access which the Estate looks after directly is around Albury Heath which is also the site of the local cricket and football club. I'm aware that the sports club have constant issues with dog fouling on the playing areas which of course has significant potential health issues for those playing football and cricket.

I hope the above is of some assistance but do please come back to me if you would like anything further.

Appendix 3

List of Ward Councillors and Parish Councils who have expressed support for renewing the PSPO:

Dennis Booth
Ruth Brothwell
Colin Cross
Angela Goodwin
Angela Gunning
Gillian Harwood
Tom Hunt
Gordon Jackson
Steven Lee
Nigel Manning
Ann McShee
Bob McShee
Ramsey Nagaty
John Redpath
Caroline Reeves
Tony Rooth
Deborah Seabrook
Pauling Searle
Paul Spooner
James Walsh
Fiona White
Catherine-Ann Young
Effingham Parish Council
Ripley Parish Council
Tongham Parish Council