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Date: 8th January 2024

**INDIVIDUAL CABINET
MEMBER DECISION**

Dear Sir/Madam,

The Cabinet Member for Planning and Regulation (Councillor R. Smith) is to consider the following report and make a decision on **Tuesday 16th January, 2024 at 3.30 p.m.** in the Committee Room D, Town Hall, Nuneaton.

Yours faithfully,

BRENT DAVIS
Chief Executive

A G E N D A
PART 1
PUBLIC BUSINESS

1. **EVACUATION PROCEDURE**

A fire drill is not expected, so if the alarm sounds, please evacuate the building quickly and calmly. Please use the stairs and do not use the lifts. Once out of the building, please gather outside Lloyd Bank on the opposite side of the road.

Exit by the door by which you entered the room or by the fire exits which are clearly indicated by the standard green fire exit signs.

If you need any assistance in evacuating the building, please make yourself known to a member of staff.

Please also make sure all your mobile phones are turned off or set to silent.

2. **PUBLIC CONSULTATION** - Members of the public will be given the opportunity to speak on specific agenda items, if notice has been received.

Members of the public will be given three minutes to speak on a particular item and this is strictly timed. The chair will inform all public speakers that: their comments must be limited to addressing issues raised in the agenda item under consideration: and that any departure from the item will not be tolerated.

The chair may interrupt the speaker if they start discussing other matters which are not related to the item, or the speaker uses threatening or inappropriate language towards Councillors or officers and if after a warning issued by the chair, the speaker persists, they will be asked to stop speaking by the chair. The chair will advise the speaker that, having ignored the warning, the speaker's opportunity to speak to the current or other items on the agenda may not be allowed. In this eventuality, the chair has discretion to exclude the speaker from speaking further on the item under consideration or other items of the agenda.

3. **DECLARATIONS OF INTEREST** - To receive declarations of Disclosable Pecuniary and Other Interests, in accordance with the Members' Code of Conduct.

Declaring interests at meetings

If there is any item of business to be discussed at the meeting in which you have a disclosable pecuniary interest or non-pecuniary interest (Other Interests), you must declare the interest appropriately at the start of the meeting or as soon as you become aware that you have an interest.

Arrangements have been made for interests that are declared regularly by members to be appended to the agenda (**Page 4**). Any interest noted in the Schedule at the back of the agenda papers will be deemed to have been declared and will be minuted as such by the Committee Services Officer. As a general rule, there will, therefore, be no need for those Members to declare those interests as set out in the schedule.

There are, however, TWO EXCEPTIONS to the general rule:

1. When the interest amounts to a Disclosable Pecuniary Interest that is engaged in connection with any item on the agenda and the member feels that the interest is such that they must leave the room. Prior to leaving the room, the member must inform the meeting that they are doing so, to ensure that it is recorded in the minutes.

2. Where a dispensation has been granted to vote and/or speak on an item where there is a Disclosable Pecuniary Interest, but it is not referred to in the Schedule (where for example, the dispensation was granted by the Monitoring Officer immediately prior to the meeting). The existence and nature of the dispensation needs to be recorded in the minutes and will, therefore, have to be disclosed at an appropriate time to the meeting.

Note: Following the adoption of the new Code of Conduct, Members are reminded that they should declare the existence and nature of their personal interests at the commencement of the relevant item (or as soon as the interest becomes apparent). If that interest is a Disclosable Pecuniary or a Deemed Disclosable Pecuniary Interest, the Member must withdraw from the room.

Where a Member has a Disclosable Pecuniary Interest but has received a dispensation from Audit & Standards Committee, that Member may vote and/or speak on the matter (as the case may be) and must disclose the existence of the dispensation and any restrictions placed on it at the time the interest is declared.

Where a Member has a Deemed Disclosable Interest as defined in the Code of Conduct, the Member may address the meeting as a member of the public as set out in the Code.

Note: Council Procedure Rules require Members with Disclosable Pecuniary Interests to withdraw from the meeting unless a dispensation allows them to remain to vote and/or speak on the business giving rise to the interest.

Where a Member has a Deemed Disclosable Interest, the Council's Code of Conduct permits public speaking on the item, after which the Member is required by Council Procedure Rules to withdraw from the meeting.

4. DOG CONTROL PUBLIC SPACE PROTECTION ORDER - CONSULTATION – report of the Safety and Environmental Health Manager, attached **(Page 5)**.

Councillor R. Smith – Schedule of Declarations of Interests 2023/24

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	R. Smith		Chairman of Volunteer Friends, Bulkington; Trustee of Bulkington Sports and Social Club; Director of NABCEL; Member of the following Outside Bodies: <ul style="list-style-type: none"> • A5 Member Partnership; • PATROL (Parking and Traffic Regulation Outside of London) Joint Committee; • Building Control Partnership Steering Group • Bulkington Village Community and Conference Centre West Midlands Combined Authority and Land Delivery Board	



Cabinet/Individual Cabinet Member Decision

Report Summary Sheet

Date: 16th January 2024

Subject: Dog Control Public Space Protection Order - Consultation

Portfolio: Planning and Regulation

From: Rachel Fleeson – Safety and Environmental Health Manager

Summary: For the Cabinet Member to consider approval of a statutory public consultation in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014 regarding an extension of the Councils Dog Control Public Space Protection Order (PSPO).

Recommendations:

That the Cabinet Member authorise the statutory public consultation.

Options:

To approve or reject the request for approval of the public consultation

Reasons:

The Council is seeking to extend the current Dog Control PSPO for a further period of 3 years. Prior to extending a PSPO the Anti-Social Behaviour, Crime and Policing Act 2014 requires a period of stakeholder and public consultation on the proposed extension. As such authority is sought for the consultation.

Consultation undertaken with Members/Officers/Stakeholders

Legal Services in relation to the extension and consultation process.

Subject to call-in: Yes

Ward relevance: All

Forward plan: n/a

Building a Better Borough Aim: 1

Building a Better Borough Priority: 1

Relevant statutes or policy:

Anti-Social Behaviour, Crime and Policing Act 2014

Equalities Implications:

(Does this require an Equalities Impact Assessment? If so please append.)

None

Human resources implications: None

Financial implications: None

Health Inequalities Implications: None

Section 17 Crime & Disorder Implications: None

Risk management implications: None

Environmental implications: None as a result of consultation directly

Legal implications: None

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NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Cllr Richard Smith

From: Rachel Fleeson, Safety and Environmental Health Manager

Subject: Public Space Protection Order Consultation – Dog Control

Portfolio: Planning & Regulation (Councillor Richard Smith)

Building a Better Borough Aim: 1

Building a Better Borough Priority: 1

1 Purpose of Report

The Cabinet Member is asked to consider approval of a statutory public consultation, in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014, regarding the extension for period of 3 further years of the Council's current Dog Control Public Space Protection Order (PSPO). The current order is appended at Appendix A for information.

2 Recommendations

Approval is given for the public consultation to take place.

3 Background

3.1 Public Space Protection Orders were introduced by the Anti-Social Behaviour, Crime and Policing Act 2014 and can set restrictions or requirements on groups or individuals to prevent them committing anti-social behaviour in a public place. Key tests must be met. These are;

- *it must be having, or be likely to have, a detrimental effect on the quality of life of those in the locality;*
- *be of persistent or continuing nature; and*
- *be unreasonable.*

3.2 Nuneaton and Bedworth Borough Council currently has a Public Space Protection Order (PSPO) for the purposes of dog control. The order was made in March 2021. This replaced a previous order. The PSPO creates offences within the sphere of dog control relating to dog fouling, requirements for dogs on leads in specified places or by direction, and areas of dog exclusion.

3.3 The Anti-Social Behaviour, Crime and Policing Act 2014 prescribes that PSPOs exist for a period of up to 3 years unless extended during that time. After this time they lapse and become unenforceable.

4. Proposal

4.1 The Council is seeking to extend the current Dog Control PSPO and complaint data shows dog control issues to be a continuing issue for residents since the introduction of the PSPO in 2021.

4.3 Prior to extending a PSPO the Anti-Social Behaviour, Crime and Policing Act 2014 requires a period of stakeholder and public consultation on the proposed extension. Required consultees include, but are not limited to, Warwickshire Country Council, Chief of Police, Police and Crime Commissioner, appropriate community representatives, owners or occupiers of land, users of the public space and the wider public.

4.5 Should authority to consult be received the consultation process will reflect the nature and gravity of the proposal, specifically reflecting that there are no changes proposed to the existing order. As such it is proposed to present the extension proposal on the Councils website and social media channels and invite comment.

4.6 Following the consultation, responses will be analysed and then reported to Cabinet for consideration. At that time, Cabinet can consider whether to extend the order.

RACHEL FLEESON

Appendices

Appendix A – NBBC Dog Control Public Space Protection Order 2021

Background Papers

Statutory Guidance on the use of Anti-Social Behaviour Powers – Home Office.

https://assets.publishing.service.gov.uk/media/6422a19b60a35e00120cae63/2023_Update_ASB_Statutory_Guidance_-_FINAL_1_.pdf

The Anti-social Behaviour, Crime and Policing Act 2014

The Dog Control Public Spaces Protection Order - (Nuneaton and Bedworth Borough Council) 2021

Nuneaton and Bedworth Borough Council (in this order called "the Authority") hereby makes the following Order:

This Order comes into force on 10th March 2021 for a period of 3 years.

Offences

1. Fouling

If within the administrative area of the Authority a dog defecates at any time on land 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 and a person who is in charge of the dog at the time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless

(a) he has reasonable excuse for failing to do so;

or

(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

2. Leads by order

A person in charge of a dog shall be guilty of an offence if, at any time, within the administrative area of the Authority he does not comply with a direction given to him by an authorised officer of the authority to put and keep the dog on a lead unless

(a) he has reasonable excuse for failing to do so;

or

(b) 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.

3. Leads

A person in charge of a dog shall be guilty of an offence if, at any time on land detailed in Schedule 1 below, he does not keep the dog on a lead unless

(a) he has reasonable excuse for failing to do so;

or

(b) 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. Exclusion

A person in charge of a dog shall be guilty of an offence if, at any time, he takes the dog onto, or permits the dog to enter or to remain on, any land detailed in Schedule 2 below unless

(a) he has reasonable excuse for failing to do so;

or

(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

5. Exemptions

Nothing in this order shall apply to a person who –

(a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or

(b) is 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

(c) has a physical or mental impairment which has a substantial and long-term adverse effect on the ability to carry out normal day to day activities, in respect of a dog trained by any current or future members of Assistance Dogs UK or any other charity registered in the UK with a purpose of training assistance dogs and upon which he 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 Nuneaton and Bedworth Borough Council who is authorised in writing by Nuneaton and Bedworth Borough Council for the purposes of giving directions under the Order.

- Each of the following is a 'prescribed charity' - Dogs for the Disabled (registered charity number 700454), Support Dogs Limited (registered charity number 1088281) and Canine Partners for Independence (registered charity number (803680)

6. Penalty

A person who is guilty of an offence under this Order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

The COMMON SEAL of the)
NUNEATON AND BEDWORTH BOROUGH COUNCIL was)
hereunto affixed this 25/03/2021
in the presence of:-)


WAHEEDA SHEIKH
LEGAL SERVICES MANAGER.



Schedule 1
The keeping of dogs on leads

1. Oaston Road Cemetery, Nuneaton
2. Bucks Hill Cemetery, Stockingford, Nuneaton
3. Attleborough Cemetery, Nuneaton
4. Coventry Road Cemetery, Bedworth
5. Marston Lane Cemetery, Bedworth
6. All public roads, pavements and footways and the pedestrianised roads within the Borough of Nuneaton and Bedworth, or any grass verge which is adjacent to the carriageway or footway and is maintainable at public expense.
7. All other sport grounds, fields and pitches not subject to the Dog Exclusion Schedule of the Dog Control Public Spaces Protection Order - (Nuneaton and Bedworth Borough Council) 202111, when in use for authorised sporting activities.
8. Bailey Park, Marston Lane Bedworth, to include only the area enclosed by fencing marked in red on attached plan A.

Schedule 2 Dog Exclusion

1. Any clearly demarcated children's play areas, multi-use game areas, skate parks, BMX tracks or Green Gyms signed as a 'dog exclusion zone' (whether the sign uses those particular words and/or symbols having like effect); and
2. Heart of England Crematorium, Eastboro Way, Nuneaton, Warwickshire, CV11 6WZ.

Plan A



A handwritten signature in black ink, consisting of stylized initials.