

Monmouthshire Select Committee Minutes

Meeting of Strong Communities Select Committee held at on Thursday, 12th March, 2020 at 10.00 am

Councillors Present

County Councillor L. Dymock (Chairman)
County Councillor A. Webb (Vice Chairman)

County Councillors: P. Clarke, A. Easson,
L. Guppy, V. Smith, J. Treharne and D. Batrouni

Officers in Attendance

Hazel Ilett, Scrutiny Manager
David Jones, Head of Public Protection
Huw Owen, Principal Environment Health Officer
(Public Health)

APOLOGIES: County Councillor D. Dovey

1. Declarations of interest

No declarations of interest were made.

2. Open Public Forum

No members of the public were present.

3. Public Spaces Protection Order for Dog Controls

Huw Owen, Principal Environmental Health Officer and David Owens, Head of Public Protection presented their recommendations. A four-stage process towards introducing a Public Spaces Protection order for dog controls is proposed. First, public consultation would take place to gather opinions about potentially introducing Public Spaces Protection orders for dog controls. That process will take three months. The second stage would be to draft a Public Space Protection order which will be informed by the consultation, and be ready before the summer recess in July. The third stage would be to put the draft back out to public consultation. Finally, pre-decision scrutiny would take place before putting the matter to final Cabinet approval by the end of the year. Dog fouling is included under the term 'litter', and is therefore subject to the goal of improving flytipping and litter in the Corporate Plan.

Challenge:

Rather than dog fouling measures only being enforceable by the Council in MCC areas, is it not also a social matter that can be enforced on the streets as well?

Public Space Protection orders can only cover public spaces, defined as any place to which the public has access (paid or otherwise) – so it could cover, for example, a shopping centre. It can also cover land in private ownership which is accessed by the public. King George V playing fields could come under the description, as it is administered by trustees of the council. Part of

the consultation will include asking whether additional controls in fouling are needed, whether there should be exemption areas, etc.

How can these measures realistically be enforced, and fines issued?

As things stand, enforcement is carried out by officers in Environmental Health and the Waste and Street services. In addition, Police Community Support officers are authorised to issue a fixed penalty notice when they witness an offence. Between 2008-12 there were two officers who proactively patrolled to see if they could catch offenders in the act of not picking up after their dog, but this wasn't cost-effective. We are therefore not proposing additional staff for enforcement, but there should be as many authorised officers as possible across the services who can act if they see an offence; parking officers would be good candidates for increased authorisation in this regard, as they are in a position to possibly witness offences taking place. If the consultation results in a clearer delineation between where dogs can and can't go, some of the problem would be addressed pre-emptively. We have had experience of members of the public feeling so strongly that they have approached the team and been willing to provide witness statements.

Regarding leads, what are the boundaries for expecting to manage the behaviour of dogs?

This will be a trickier part of the consultation. Additional authorisation could again come in here: for example, if a police officer sees a dog running free in a children's play area, they could tell the owner to put the dog on a lead. The nature and scale of enforcement should be informed greatly by the consultation process.

How will a balanced approach be found, considering the broad spectrum of public opinion when it comes to dogs?

Balance is indeed difficult. Bailey Park in Abergavenny is a good example: it hosts the rugby club, small children, as well as dog walkers. Expectations again will be key – Bailey Park won't be sterile, the rugby club will still have to check for dog fouling before kick-off, for example. The public engagement should again help to inform the balance.

With a consultation, will information be given about how the measures could be enforced?

It would not be successful to have a large number of enforcement officers – this might still not be sufficient to catch the offenders. Targeted enforcement is very important, which generates hotspots – partly informed by the public – that can be proactively patrolled.

Do we have an idea of how many tickets have been given by officers to date?

Because we don't have proactive patrolling at the moment the current number of fixed penalty notices is low.

We will need to be careful not to ban dogs from areas like castles, as we're a rural county and bringing dogs on a day out is very important for many families – we wouldn't want to discourage attendance.

If a Public Space Protection order is introduced, it will give the opportunity for the council to set out its expectations regarding dog controls, whether that concerns fouling, exemption areas, dogs on leads etc. This will serve as a baseline and hopefully enable targeted enforcement to be effective.

There have been a lot of posts recently on social media about dog fouling on pavements in a new estate in Monmouthshire – can estates and footpaths leading into town be included in designated protection areas?

Yes, anywhere accessed by the public would be included in the definition.

Because enforcement could be a bit ‘thin’, could we not increase the fines as a greater discouragement?

It will be interesting to see the comments on this via the consultation. The existing fine level for breach of a Public Space Protection order (currently for things like anti-social behaviour in car parks) was set by Cabinet two years ago. It’s possible that the amount could be re-considered if there’s a groundswell of opinion to that effect through the consultation. A Public Space Protection order creates a criminal offence, so in place of issuing a fixed penalty notice we could take an offender directly to court – but generally, it is seen as more effective to issue a fixed penalty notice in the first instance.

Would a PSPO cover unadopted land?

The detail which will come out will have to be considered as we move through the process – lots of places will be suggested for exemptions and where restrictions should apply. The definition of a public space is such that we might need to get legal interpretation in one or two areas.

Will the views of dog groomers and kennels be included as part of the consultation?

The aim of the consultation, and the reason for outlining a lengthy process, is to allow for gathering as many views as possible. An important point to note is that if a PSPO is declared, it is open to appeal: it can go to a high court or be open to a judicial review. Certainly, there have been some local authorities which have considered introducing exemption areas in certain locations and been threatened with judicial reviews, leading them to reconsider their positions. We will want to gather comments from everyone who works or lives in Monmouthshire, or visits, and engage positively with those groups that have an interest: Dogs Trust, kennel clubs, dog walkers, etc. One of the first questions on the consultation will ascertain whether the respondent lives in Monmouthshire, do they have a particular interest – if so, what is it?, etc.

Chair’s Conclusion:

Members have raised important points and concerns, but are unanimous in their support, nonetheless. We have highlighted the importance of adding in places of concern, and heard concerns about enforcement. Further detail about fines and enforcement was sought, but the officers have expressed that the way forward is to focus on awareness and the consultation process. There are concerns about exclusion areas in regards to secondary schools and sports pitches – it will be interesting to see how this is addressed in the consultation. We need to ensure that town and community councils are providing facilities such as the dog waste bins and bags. Dog walkers and groomers need to be involved in the consultation, as well as town and community councils – the officers have confirmed that they will be. This committee approves of the consultation taking place and looks forward to reading the responses once it is completed.

4. To confirm minutes of the previous meeting

The minutes of the previous meetings held on 23rd January and 24th February 2020 were confirmed and signed as an accurate record.

5. Strong Communities Forward Work Programme

There have been requests to scrutinise car parking proposals, starting with a member workshop on 30th March in which we will initially present the context for the subject. This will be held jointly with the Economy and Development Select committee, but all members are invited. This will be followed by a call for evidence in which views will be sought from the Chamber of Commerce, town and community councils, cluster areas and organisations such as Team Abergavenny. We would like to then call a special Select Committee in which those organisations can present their views, including submitting questions to the members ahead of time. The next stage will be for the Consultants Capita to produce a set of proposals for the committee to consider based on the consultations feedback and members' initial discussions. The proposals will be brought back to the committee once there is a draft paper.

On 27th April there will be a workshop on County Lines, following on from the scrutiny of modern day slavery.

6. Cabinet and Council Forward Work programme

7. To agree date and time of next meeting as 23rd April 2020 at 10.00am.

The meeting ended at **11.00 am**