

Record of Officer Decision

Public Spaces Protection Order (PSPO) Extension Dog Fouling 2024

Decision Taker and Date Decision Taken:

Director of Adult and Community Services, in consultation with Cabinet Member for Adult and Community Services, Public Health and Inequalities on 08 April 2024.

Summary of Matter or Issue Requiring Decision:

Torbay Council in exercise of its powers under Section 60 of the Anti-Social Behaviour, Crime and Policing Act 2014 and under all other enabling powers, extends the following order made on 8 April 2021 under Section 59 and may be cited as: Torbay Council Public Space Protection Order Extension Dog Fouling 2024.

The PSPO would apply to all public places within the Torbay Council area including but not limited to roads, footpaths, pavements, alleyways, beaches and foreshores, all grass verges and parks and open spaces including wooded areas. For this purpose, a 'public place' means any land to which the public has access, on payment or otherwise, as of right, or by virtue of express or implied permission.

If a dog defecates at any time on land to which the PSPO applies, and the 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:

- (i) That person has a reasonable excuse for failing to do so; or
- (ii) The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to that person failing to do so.

Decision Taken:

That the Public Space Protection Order Extension Dog Fouling 2024, as attached to this Record of Decision, be extended from 8 April 2024 for a period of 3 years.

Summary of Reason(s) for Decision Taken:

In making this order the Council is satisfied that dog fouling has had a detrimental effect on the quality of life of those who live and work in Torbay and that the effect, or likely effect of dog fouling was likely to be, of a persistent or continuing nature, and as such resulted in dog fouling being unreasonable.

Summary of Alternatives or Options considered and rejected and Background Papers:

An alternative option would have been to do nothing, however given the continuous and persistent nature of dog fouling within Torbay, this option was discounted.

Details of any conflict of interest and dispensation granted to the Officer taking the decision or by any Member of the Council in delegating responsibility for any specific express delegation:

None.

Implementation:

This decision will be implemented immediately.

A copy of this decision and any supporting documentation considered by the Officer taking this decision may also be available for inspection by the public at the Council's offices or posted upon payment of any copying and postage charges. Any member of the public wishing to take up either of these options is asked to please ring (01803) 207087 or email governance.support@torbay.gov.uk

Signed: _____ Date: ___8 April 2024___
(Director of Adult and Community Services)