

# Chichester District Council

**CABINET**

**5 September 2023**

## **Public Spaces Protection Order - Dog Control 2023**

### **1. Contacts**

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### **2. Recommendations**

- 2.1 That Cabinet authorises the making of the attached Public Spaces Protection Order - Dog Control 2023 relating to the dog behaviour and geographical areas set out in appendices 1 and 2 to the agenda report.**

### **3. Background**

- 3.1. The legal and procedural background to the Public Spaces Protection Order (PSPO) Dog Control was set out in a previous Cabinet paper dated 10 October 2020.
- 3.2 The power to make and extend a PSPO rests with local authorities, in consultation with the police and other interested stakeholders that may be affected, and once made, can be in force for any period up to a maximum of three years and then reviewed.
- 3.3 A local authority can make a PSPO in respect of any public space within its administrative boundary. 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.
- 3.4 The restrictions and requirements included in a PSPO may be wide ranging or targeted on specific behaviours by particular groups and/or at specified times and may either prohibit an activity or place restrictions on it. In bringing in an order the Council must be satisfied that the activity or behaviours have had or are likely to have a detrimental effect on the quality of life of those in the locality and are or are likely to be persistent or continuing in nature.
- 3.5 The Council's PSPO under review includes dog fouling, dog exclusion areas and dogs on leads by direction. The Council has considered restrictions on other specific behaviours that allegedly give rise to anti-social behaviour, such as restricting the number of dogs that can be walked at any one time by one person. However, any proposed controls must be proportionate and necessary and the Council would need evidence to illustrate the detrimental impact of a particular

activity when balancing the rights of the community to enjoy public spaces without anti-social behaviour, with the civil liberties of individuals/groups who may be affected by any restrictions imposed.

- 3.6 The control of dogs is an emotive subject with views of non-dog owners and dog-owners being considered in conjunction with the needs of the dog. For instance, the Animal Welfare Act 2006 makes it a legal requirement for those responsible for dogs to provide them with 'suitable exercise' which means regular opportunities for a walk and run off-lead.
- 3.7 Any significant change to the draft PSPO, such as inclusion of new dog exclusion zones or provisions for the control of professional dog walkers would require evidence to justify the restriction, and then a further period of consultation.

#### **4 Outcomes to be Achieved**

- 4.1 That an appropriate PSPO remains in force so that the public benefit from a safe, protected environment, free of nuisance dog-behaviour.

#### **5 Proposal**

- 5.1 That the PSPO be approved to control behaviour associated with irresponsible dog ownership as set out in the draft PSPO attached at appendix 1. That the Cabinet also confirms the areas detailed in the draft PSPO shown in appendix 2 should be covered by the PSPO.

#### **6 Alternatives Considered**

- 6.1 The Council is not required to extend the PSPO and may determine, despite the majority of consultation responses, that there is no need for a PSPO to control behaviours relating to irresponsible dog ownership. Evidence in the form of dog nuisance complaints and records of the number of interactions with members of the public about dogs does not support non-extension of the PSPO.

#### **7 Resource and Legal Implications**

- 7.1 The Council can enforce the recommended PSPO using staff in the Environmental Protection Team, enforcement officers employed under a Deed of Delegation agreement with East Hampshire District Council, and the council Foreshores Officers can also enforce the PSPO on the foreshore and at Selsey Beach.
- 7.2 The details of the PSPO will be publicised both in writing via various outlets, via social media and the Council's webpages.

#### **8 Consultation**

- 8.1 In conjunction with the Council's Public Relations Team, a full public consultation was carried out between 10 May 2023 and 7 June 2023. This consultation was also brought to the attention of various partner agencies and other local stakeholders including parish councils and major landowners. A summary and analysis of the comments received is provided in appendices 3 and 4.

8.2 Common themes in the consultation responses included requests for more dog bins, greater enforcement, and fines for dog poo bag litter. The Council already has 260 dog poo bins across the district and collects 450Kg of dog poo per day, we are at capacity in that regard and do not believe that further bins are the answer but that dog owners should carry the poo home with them and dispose of it in their domestic bin. The PSPO is enforced by our Environmental Enforcement arrangement with East Hants District Council and officers of the Council both by patrols and by targeted enforcement to reported perpetrators, 11 Fixed Penalty Notices were issued across the period of the extant 2020 PSPO. Leaving dog poo bags behind is a littering offence again enforced by EHDC and officers of the Council.

## 9 Community Impact and Corporate Risks

9.1 The PSPO Dog Control enables the Council to deal with dog-related nuisance in the District.

9.2 The primary operational risk of not having a PSPO is that nuisance behaviours are dealt with less effectively by the Council. The consultation gives a breakdown of public views on whether the behaviours which the draft PSPO covered should be seen by the Council as being so serious as to require those additional powers. The risk of proceeding with powers which are beyond those which the public considers are required are that those powers are seen to be unfair or unreasonable to the detriment of the reputation and effectiveness of the Council.

## 10 Other Implications

	Yes	No
<b>Crime and Disorder</b> If supported a PSPO will directly address aspects of antisocial behaviour.	✓	
<b>Climate Change and Biodiversity</b>		✓
<b>Human Rights and Equality Impact</b> See background papers	✓	
<b>Safeguarding and Early Help</b>		✓
<b>General Data Protection Regulations (GDPR)</b>		✓
<b>Health and Wellbeing</b> The PSPO facilitates an enforceable culture of picking up after your dog thus lowering the risk of disease associated with dog faeces. The dog exclusion areas allow for individuals who are scared of dogs to enjoy public space free from fear.	✓	
<b>Other</b> (please specify) eg biodiversity		✓

## 11 Appendices

Appendix 1 – Draft PSPO Dog Control 2023 and Schedules  
 Appendix 2 – Draft PSPO Dog Control 2023 Maps for Dog Fouling  
 Appendix 3 – Public Consultation Analysis Report  
 Appendix 4 – Other Consultation Responses

## 12 Background Papers

12.1 Equality Impact Assessment – PSPO Dog Control