

# Chichester District Council

CABINET

7 JULY 2020

## Public Spaces Protection Order Control of Dogs Public Consultation Exercise

### 1. Contacts

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### 2. Recommendations

- 2.1 That Cabinet approves the attached draft Public Spaces Protection Order 2020 – Control of Dogs and schedules and maps (Appendices 1-4) for the purpose of a public consultation.
- 2.2 That Cabinet authorises commencement of a public consultation exercise on the draft Public Spaces Protection Order 2020 – Control of Dogs.

### 3. Background

- 3.1 The Anti-Social Behaviour, Police and Crime Act 2014 introduced Public Spaces Protection Orders (PSPO's), replacing the Dog Control Orders and local byelaws that were in existence prior to this date.
- 3.2 The power to make a PSPO rests with local authorities, in consultation with other relevant stakeholders and the public. The PSPO can be in force for up to a maximum of three years. A PSPO must be reviewed before it expires and can be extended up to a maximum of three years. The local authority must consult before extending or varying the PSPO.
- 3.3 A PSPO was made by Cabinet in 2017 for the control of dogs; specifically dog fouling, the exclusion of dogs from specific areas, and the power to require dogs to be put on a lead.
- 3.4 Dog control matters continue to attract significant numbers of complaints from residents to the council. Stakeholders consulted support the PSPO to be extended for a further 3 years, with some amendments that are considered necessary for effective enforcement. At its meeting in June, the Environment Panel discussed and commented on the draft PSPO and it is this PSPO and its appendices (appendices 1-4 below) which are presented for Cabinet's approval.
- 3.5 Orders can be enforced by authorised officers of the Council and other agencies and organisations where the Council has delegated such authority. In establishing

a PSPO, appropriate signage must be displayed in accordance with the requirements of the Act.

- 3.6 A breach of the PSPO, without reasonable excuse is an offence which can be dealt with through the issuing of a Fixed Penalty Notice of up to £100, or a Level 3 fine of up to £1,000 on prosecution.
- 3.7 The Environment Panel considered the draft order at the 17 June 2020 meeting. Whilst there was some concern at the proposal to remove the dog exclusion zones at East Wittering and Bracklesham bathing beaches the Panel resolved overall to support the proposed amendments.

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

- 4.1 The ultimate outcome, on adoption of the revised PSPO, is appropriate dog control to manage and where necessary enforce against dog fouling, require dogs to be on leads and to exclude dogs from specified areas.

#### **5 Proposal**

- 5.1 To consult on a PSPO proposed for the three year period beginning 17 October 2020, following expiration of the current PSPO.
- 5.2 In most respects the restrictions covered by the proposed PSPO are unchanged. Dogs will continue to be excluded from some public parks, children's play areas, and a designated section of Selsey bathing beach. The requirements relating to dog fouling in defined areas, and provision for keeping dogs on leads, by direction throughout the District, remain the same.
- 5.3 The proposed amendments are:
- To remove the sections of bathing beaches at East Wittering and Bracklesham from which dogs are excluded from 1 May to 30 September.
  - To enable officers from other Local Authorities to enforce any requirement of the PSPO where properly authorised to do so. Such an Agency Agreement already exists with East Hampshire District Council with respect to dog fouling under the current PSPO.

#### **6 Alternatives Considered**

- 6.1 The alternative to extension of the PSPO is to allow the current PSPO to lapse without replacement. However, the public health and ecological rationale for controls over certain dog behaviours is well understood and generally widely accepted by the public. The Council has evidence to support the demand for the current PSPO in terms of complaints made and continues to believe that PSPOs are a timely and effective tool which may be useful where other tools or remedies are slow or otherwise inadequate.
- 6.2 The alternative to extension of the PSPO without amendment is to simply extend the current PSPO, and keep the requirements to exclude dogs from the sections of bathing beaches at East Wittering and Bracklesham. Reviewing the effectiveness of the current PSPO has shown that the orders in these areas are not enforceable. In both locations the exclusion zones are impractical to demarcate effectively and

clearly for the public to comply with. Specifically, it is not possible to apply signage at low tide, so dog walkers can unknowingly move from excluded to non-excluded zones.

## 7 Resource and Legal Implications

- 7.1 The consultation process and adoption of the revised PSPO will be undertaken within existing staff resources.

## 8 Consultation

- 8.1 Officers have communicated with the Parish Councils, the Environment Agency, and foreshores officers involved in enforcing the order to inform the review of the 2017 PSPO and the revised draft PSPO included at Appendices 1 to 4.
- 8.2 The Environment Panel considered the draft order at the 17 June 2020 meeting and support the proposed amendments.
- 8.3 This report requests that a full public consultation exercise is undertaken based on the draft PSPO at Appendices 1 to 4.

## 9 Community Impact and Corporate Risks

- 9.1 The PSPO - Control of Dogs enables the Council to deal with dog related nuisance, recreational disturbance of wildlife and public health issues that arise from dog fouling.
- 9.2 Failure to consult and consider the views of consultees, the public and partner agencies to the evidence based PSPOs would place the Council at legal, financial and reputational risk.

## 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> PSPO may impact Article 8, the right to respect private and family life by restricting the right to take a dog on to those areas where they are excluded by the Order. However, the restriction is on the grounds of protection of health and is therefore deemed as reasonable and potentially necessary. An Equality Impact Assessment demonstrates that the PSPO will have a positive impact on equalities because it exempts registered blind people and people with a disability that would prevent them from doing so, from having to remove dog faeces and the same are exempt from provisions of the exclusion areas.	✓	
<b>Safeguarding and Early Help</b>		✓
<b>General Data Protection Regulations (GDPR)</b>		✓
<b>Health and Wellbeing</b>		✓
<b>Other</b> (please specify)		✓

## **11 Appendices**

- Appendix 1 Draft PSPO Control of Dogs 2020 and Schedules
- Appendix 2 Draft PSPO 2020 Maps for Dog Fouling
- Appendix 3 Draft PSPO 2020 Maps showing area from which Dogs are excluded all year round
- Appendix 4 Draft PSPO 2020 Map showing area from which Dogs are excluded between 1 May and 31 September

## **12 Background Papers**

- 12.1 None