

# Chichester District Council

CABINET

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## Public Spaces Protection Order - Dog Control 2020

### 1. Contacts

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### 2. Recommendations

- 2.1 That Cabinet authorises the making of the attached Public Spaces Protection Order - Dog Control 2020 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 the previous Cabinet report dated 7 July 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 been or are likely to be detrimental to the quality of life of those in the locality, persistent and unreasonable in nature and can only include matters defined by the legislation.
- 3.5 The Council has considered other controls for inclusion in the PSPO, such as controlling professional dog walkers who walk multiple dogs at once. There is little evidence to support including such a provision at the present time though we welcome complaints and evidence that will inform future PSPOs on all relevant matters.

- 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. The Animal Welfare Act 2006 for instance 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 a further period of consultation.
- 3.8 The draft PSPO was considered by the Environment Panel following the end of the public consultation period. No further amendments were made to the draft document.

#### **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 confirm the areas detailed in the draft PSPO shown in appendix 2 that should be covered by the PSPO.
- 5.2 The only significant change in the draft PSPO is the proposed deletion of the dog exclusion zone at East Wittering beach and Bracklesham beach. It is considered that this change from the current PSPO is supported by the consultation responses referred to in paragraph 6.2 below.

#### **6 Alternatives Considered**

- 6.1 The Council is not required to extend the PSPO and may determine, in spite of 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.
- 6.2 The main alternative to the consultation draft PSPO would be to keep the East Wittering and Bracklesham dog exclusion zones. There is a majority of consultation responses supporting the deletion of these two dog exclusion zones, including East Wittering and Bracklesham Parish Council and so the recommendation is to delete these two dog exclusion zones.
- 6.3 Members queried whether the provisions of the PSPO could be broadened to include non-adopted roads (by deleting the word 'adopted' from paragraph 1, schedule 1 of the draft for adoption PSPO as at Appendix 1). However, advice from Legal Services suggested that this would raise complex enforcement issues and would also bring some private land into the auspices of the PSPO and, as such, require further consultation. As such, the draft PSPO, Schedule 1, 1 relates to 'adopted roads' as per the consultation version PSPO.

## 7 Resource and Legal Implications

- 7.1 The Council can enforce the recommended PSPO via staff in the Environmental Protection Team, enforcement officers employed under a Section 101 agreement with East Hampshire District Council and the council Foreshores Officers will also enforce the PSPO on the beaches.
- 7.2 In terms of publishing and enforcing the Order, the Council will replace existing PSPO signs where necessary. The cost of this work will be met from existing budgets and where possible, pictorial signs will be used to represent the controls which hopefully will eliminate the need for replacing signs as and when the legislation changes. The details of the PSPO will also be publicised both in writing via various outlets and via social media.

## 8 Consultation

- 8.1 In conjunction with the Council's Public Relations Team, a full public consultation was carried out between 17 July 2020 and 14 August 2020. This consultation was also brought to the attention of various partner agencies and other local stakeholders including parish councils and major land owners. A summary and analysis of the comments received is provided in appendices 3 and 4.

## 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>		✓
<b>Other</b> (please specify) eg biodiversity		✓

## 11 Appendices

- Appendix 1 – Draft PSPO Dog Control 2020 and Schedules  
Appendix 2 – Draft PSPO Dog Control 2020 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