

Chichester District Council

THE CABINET

11 July 2017

Public Spaces Protection Order - Dog Control

1. Contacts

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2. Recommendations

- 2.1 That the Cabinet authorises the making of the attached Public Spaces Protection Order - Dog Control relating to the behaviours 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 February 2017.
- 3.2 Dog Control Orders (DCO) are being repealed on 1 October 2017 and Public Space Protection Orders (PSPOs) may be used to replace these orders. The power to make 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.
- 3.5 The delegated powers to authorise the use of Fixed Penalty Notices for breaches of a PSPO was approved by the Cabinet in July 2016.

4 Outcomes to be Achieved

- 4.1 That members consider the PSPO which has been amended as a result of the consultation responses (see appendices 3 and 4) and decide which behaviours relating to dog ownership require control by way of a PSPO, including its geographical area, so that the public benefit from a safe, protected environment, free of nuisance behaviour. The amendments to the Order made following consultation are attached at appendix 5.

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.

6 Alternatives Considered

- 6.1 The Council is not required to replace the DCO with a PSPO and may determine, in light of the consultation responses, that there is no need for a PSPO to control behaviours relating to irresponsible dog ownership.
- 6.2 That the draft PSPO is further amended to reflect consultation responses and the available evidence to support the proposed PSPO.

7 Resource and Legal Implications

- 7.1 The Council already has the resources to enforce the recommended PSPO in the form of the Dog Wardens, to enforce the current DCO that this PSPO is replacing. In addition, the Foreshores Officers will also enforce the PSPO on the beach.
- 7.2 In terms of publishing and enforcing the Order, the Council will need to remove existing signs that refer to old byelaws and Dog Control Orders and replace with new signs referring to the PSPO. The cost of this work will be met from existing budgets and where possible, pictorial signs will be used to represent the controls and 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 Corporate Information Team, a full public consultation was carried out between 15 February 2017 and 15 March 2017. 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 of the comments received is provided in appendices three, four and five. Officers have subsequently made additional enquiries with stakeholders regarding proposed amendments to the PSPO and these are detailed also in appendix 5.

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 and that operational activities are therefore hampered by out of date practices. 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
Crime and Disorder If supported a PSPO will directly address aspects of antisocial behaviour.	x	
Climate Change		X
Human Rights and Equality Impact see background papers	x	
Safeguarding		X
Other (please specify) eg biodiversity		X

11 Appendices

Appendix 1 – Draft PSPO Dog Control 2017 and Schedules
Appendix 2 – Draft PSPO Dog Control 2017 Maps for Dog Fouling
Appendix 3 – Public Consultation
Appendix 4 – Other Consultation Responses
Appendix 5 - Amendments to Draft PSPO Dog Control

12 Background Papers

- 12.1 Equality Impact Assessment – PSPO Dog Control