

Arun District Council

REPORT TO:	Environment Committee 15 June 2023
SUBJECT:	Public Space Protection Orders for Dogs
LEAD OFFICER:	Karl Roberts, Director of Growth
LEAD MEMBER:	Cllr Sue Wallsgrove
WARDS:	All
CORPORATE PRIORITY/POLICY CONTEXT/CORPORATE VISION: Improving the wellbeing of Arun and supporting our environment to support us by ensuring responsible dog ownership, through proportionate use of public space protection orders to help control the presence of dogs, specify locations where dogs must be kept on a lead and to help regulate the fouling of land by dogs.	
DIRECTORATE POLICY CONTEXT: Helping to improve the social, economic, and environmental wellbeing of the District by supporting responsible dog ownership.	
FINANCIAL SUMMARY: No additional expenditure has been identified at this stage. Consultation can be carried out within existing resources.	

1. PURPOSE OF REPORT

- 1.1 This report seeks approval to commence public consultation on proposals to renew the current Public Space Protection Orders (PSPO) for the control of dogs, which expire on 5 November 2023, for a further three years until 2026.
- 1.2 A further report will be presented back to the Environment Committee on 7 September detailing the outcome of the consultation, with recommendations regarding renewal of the existing PSPO and any other changes or amendments advised.

2. RECOMMENDATIONS

- 2.1 That the Environment Committee approve undertaking of public consultation on proposals to renew the current PSPO for the control of dogs for a further three years.

Arun District Council

3. EXECUTIVE SUMMARY

- 3.1 This report seeks approval to commence public consultation on proposals to extend the current PSPOs for the control of dogs, which expire on 5 November 2023, for a further three years until 2026.

4. DETAIL

- 4.1 The Anti-social Behaviour, Crime and Policing Act 2014 introduced Public Spaces Protection Orders (PSPO) which allow local authorities to adopt measures for defined areas to combat anti-social behaviour. In October 2017 the existing Dog Controls transferred into PSPOs in Arun initially for a period of 3 years. In October 2020 the PSPOs were amended and renewed to November 2023.
- 4.2 A PSPO can last for up to three years, after which it must be reviewed. If the review supports renewal and other requirements are satisfied, then it may be renewed for a further three years. There is no limit on the number of times a PSPO may be reviewed and renewed.
- 4.3 The main aim of the current PSPO is to encourage responsible dog ownership whilst balancing the needs of dog owners and non-dog owners. The existing PSPOs are based on maintaining controls which have developed from byelaws over a period of 30 years, based upon feedback from the public, Council Officers and their practical experiences in managing land and enforcement issues in relation to dog controls.
- 4.4 The Anti-social Behaviour, Crime & Policing Act 2014 (ASB Act) gives local authorities powers to introduce PSPOs as a way of tackling persistent or on-going nuisance identified in specific locations where it is having a detrimental effect on the quality of life of the local community.
- 4.5 When used, a PSPO applies to everyone within a defined geographical area. The conditions imposed make sure that public spaces can be used and enjoyed free from anti-social behaviour. Failure to comply with the conditions of a PSPO can result in fixed penalty notice or prosecution.
- 4.6 Consultation is proposed on renewing the current PSPO for a further three years until November 2026.
- 4.7 In Summary the Council's PSPOs currently cover:
- 1) Fouling of Land by dogs
- Requires dog owners to remove faeces and this applies to any land which is open to the air and to which the public have access with the exception of:
 - a) Land used for agriculture or land used for forestry

Arun District Council

2) Dogs on Leads

- Requires dogs to be kept on leads:
 - Within cemeteries and churchyards;
 - Specific leisure gardens, fields, seafront leisure areas, part of the seafront and seafront areas; and
 - Specific lengths of promenades adjacent to excluded beach areas, between 1 May and 30 September each year.

3) Dogs Exclusions

- Excludes dogs from:
 - Children's play areas, tennis courts, putting greens, pitch and putt courses, adventure golf courses, crazy golf courses, bowls greens, BMX tracks, skate parks and games courts;
 - Specific leisure gardens and conservation areas; and
 - Specific lengths of beach.

4) Dogs on Leads by Direction

- Requires dog owners to put their dogs on a lead when directed by an authorised officer. This applies to any public land where a dog is considered to be out of control or causing alarm and distress, with the exception of
 - a) Land used for agriculture or land used for forestry.

If any conditions are breached a Fixed Penalty Notice (FPN) of £100 can currently be issued. Failure to pay can lead to prosecution and on summary conviction to a fine not exceeding Level 3 (currently £1,000) on the standard scale. The fine of £100 is discounted to £75 if paid within 14 days of issue.

4.8 Internal consultation has identified potential minor amendments to the current PSPO in relation to dogs on leads as set out below, based on Officers' experience in managing land and enforcement issues. It is proposed to include these within the public consultation.

- To include Place St Maur Bognor Regis. This site was refurbished last year and is now a busy open space with water fountains which are popular for children's play. The area also hosts events. Whilst it is not a formal play area in the traditional sense, it is proposed that a dogs on leads requirement is formalised here all year round for the protection of users. If necessary, this could mirror the seasonal dogs on leads requirement which runs along the nearby promenade.
- To include Hotham Park discovery garden. There are a number of existing restrictions within Hotham Park (boating lake dogs on leads, conservation area dog exclusion) and it is proposed to extend dogs on leads to the discovery garden which is primarily used for environmental/outdoor education purposes.

Arun District Council

- To include West Beach board walk. Increasing issues with dog fouling along the boardwalk. The boardwalk runs through the Site of Special Scientific Interest and Nature Reserve. Many people let their dog out of the car from the rope walk car park, therefore it is proposed that the area leading to the boardwalk by the toilets be dogs on leads.

4.9 Members have also been advised of the proposed consultation, and asked to provide comments on any further changes that may be required, so that these can be reviewed and included within the public consultation if appropriate.

5. CONSULTATION

5.1 Public consultation is proposed on renewing the current PSPO which expire on 5 November 2023 for a period of 3 years. Consultation is proposed via a survey accessed from the council's website, which will be publicised via social media.

5.2 Consultation will include internal stakeholders, as well as the chief officer of police, the crime commissioner, and appropriate community representative and owners and occupiers of land as required under section 72 of the ASB Act and guidance, including West Sussex County Council and the Town and Parish Councils.

5.3 A link to the existing PSPOs is provided in the background section of this report.

5.4 A further report will be presented back to the Environment Committee on 7 September 2023 detailing the outcome of the consultation, with recommendations regarding renewal of the existing PSPO.

6. OPTIONS/ALTERNATIVES CONSIDERED

6.1 Not to carry out further consultation. This would mean that the existing PSPOs would expire on 5 November 2023.

7. COMMENTS BY THE GROUP HEAD OF FINANCE/SECTION 151 OFFICER

7.1 There are no additional financial implications arising from this report. Any costs arising as a result of the consultation process will need to be managed within the existing departmental revenue budget.

8 RISK ASSESSMENT CONSIDERATIONS

8.1 Failure to consult and renew the existing PSPO would mean the current PSPOs will expire on 5 November 2023, reducing the Council's ability to control anti-social behaviour associated with dogs.

Arun District Council

9 COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

- 9.1 No legal implications at this stage.

10 HUMAN RESOURCES IMPACT

- 10.1 No human resource impacts have been identified in connection with the proposals contained within this report.

11 HEALTH & SAFETY IMPACT

- 11.1 PSPOs provide an important means to control anti-social behaviour relating to dogs, thereby ensuring protection of the health and safety of the community. As the proposal is to consult on renewing the current PSPO no additional health and safety risks are anticipated.

12. PROPERTY & ESTATES IMPACT

- 12.1 No additional property and estates impacts have been identified from the proposals. Property and Estates will be included as an internal consultee.

13. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

- 13.1 A draft EIA has been completed and is attached at Appendix 1. This will be reviewed and updated following the public consultation.
- 13.2 The current PSPOs contain specific provisions which ensure that the PSPOs do not apply to a person who is registered as a blind, or who has a disability and is in charge of an assistance dog.

14. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

- 14.1 Maintaining arrangements to support management of dog fouling will help to reduce pollution of the environment and provides positive social value.

15. CRIME AND DISORDER REDUCTION IMPACT

- 15.1 PSPOs are declared under the Anti-social Behaviour, Crime and Policing Act 2014, and are designed to prevent anti-social behaviour relating to dogs. This report seeks approval to consult on renewing the existing PSPOs and thereby maintain existing arrangements for managing anti-social behaviour associated with dogs.
- 15.2 Should consultation not be undertaken then the existing PSPO will expire on 5 November 2023 reducing controls over anti-social behaviour associated with dogs.

Arun District Council

16. HUMAN RIGHTS IMPACT

- 16.1 Consultation will ensure that the public and stakeholders are able to provide feedback on the proposal to renew the existing PSPO, details of which will be reported back to the Environment Committee.

17. FREEDOM OF INFORMATION/DATA PROTECTION CONSIDERATIONS

- 17.1 Consultation feedback will be managed in accordance with GDPR provisions. Consultation responses reported back to committee and will be appropriately summarised and or redacted to ensure compliance with GDPR.
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BACKGROUND DOCUMENTS

Appendix 1, Equalities Impact Assessment

Public Space Protection Order relating to the control of dogs, 2020.
[PSPO 2020](#)

Public Spaces Protection Orders Guidance for Councils [PSPO Guidance](#)

Arun Beaches and Rules:
[Our beaches | Arun District Council](#)

Dog fouling
[Dogs | Arun District Council](#)