

Arun District Council

REPORT TO:	Environment Committee - 7 September 2023
SUBJECT:	Public Space Protection Orders for Dogs
LEAD OFFICER:	Karl Roberts, Director of Growth
LEAD MEMBER:	Councillor Wallsgrove, Chair of Environment Committee
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. Regulation of the renewed PSPO can be met within existing resources	

1. PURPOSE OF REPORT

- 1.1 This report seeks to update Committee on the outcome of the public consultation process on the renewal of the Public Space Protection Orders (PSPOs) for the control of dogs in specific areas within their respective schedules within the Arun District, which expire on 5 November 2023, with a recommendation to renew the PSPOs for a further three years from November 2023 with amendments to The Dogs on Leads schedule to include a further three areas.

2. RECOMMENDATIONS

2.1. That the Environment Committee approve the renewal of the existing PSPOs for a further three years with effect from November 2023; with amendment to the Schedule within The Dogs on Leads PSPO to include the further three areas:

- (i) Public Water play areas (fenced and unfenced) including Place St Maur, Bognor Regis
- (ii) Hotham Park Discovery Garden
- (iii) West Beach Board Walk

2.2. That authority is given to the Council's Legal Services Team to seal the PSPOs as above in 2.1.

3. EXECUTIVE SUMMARY

3.1 This report seeks to update Committee on the outcome of the public consultation process in relation to renewal of the PSPO for dogs, with recommendation to adopt an amended PSPO 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 Following approval from Environment Committee on 15 June 2023, Public Consultation was carried out from 3 to 31 July 2023 on proposals to renew the PSPO for a further three years with additions to the dogs on lead provisions in relation to Place St Maur and water play areas, Hotham Park Discovery Garden and West Beach Board Walk.

4.7 In Summary the Council's four 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

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.

5. CONSULTATION

- 5.1 Public consultation was undertaken between 3 and 31 July 2023 on proposals to renew the current PSPOs which expire on 5 November 2023 for a period of 3 years, including addition of dogs on leads in relation Place St Maur and other water play areas, Hotham Park Discover Garden and West Beach Board Walk. Consultation was via a Survey on the council's website, which was also publicised via social media, town and parish councils and the council's own website News and newsletter.
- 5.2 A link to the existing PSPOs is provided in the background documents section of this report.
- 5.3 The survey results are provided in Appendix 2 to this report. There were 396 responses to the survey, 179 being from dog owners and 217 from non-dog owners. There were also 214 individual comments, these can be found at Appendix 3 to this report and have been summarised in Appendix 4.

5.3.1. The public consultation showed a good level of general support for the Proposals, with some support for stricter controls, for example for extended controls on beaches, and for a greater enforcement presence.

5.3.2. There were 214 responses. There was support of between 98%-75% approximately, for renewing the existing controls and for the proposed amendments. The subjective comments are summarised as follows:

Support for the proposals	199
Fewer controls than proposed	21
More/Effective enforcement	13
More dog waste bins (Currently: 468 Bins)	10
Greater controls than proposed	6
Variations on proposed controls	3
Improved signage	7
Opposed to West Beach board walk proposal	1
Opposed to Place St Maur, Bognor Regis proposal	0
Opposed to Hotham Park discovery garden proposal	0

5.4 Consultation also included internal stakeholders, as well as the Chief officer of police, the Crime Commissioner, West Sussex County Council and Town and Parish Councils. Responses received are as follows.

5.4.1 Sussex Chief of Police: No specific response received. Confirmed completion of the survey.

5.4.2 Sussex Police Dog Liaison Officers: No specific response received. Confirmed completion of survey.

5.4.3 Police and Crime Commissioner: No specific response received. May have completed the online survey.

5.4.4 West Sussex County Council: No specific response received. May have completed the online survey.

5.4.5 Clerks to Town & Parish Councils:

- No specific comments received.
- One clarification request for geographical areas covered by Proposal.
- Some completed the survey as indicated in redacted comments to survey question number 9.
- The Members of Kingston Parish Council asked their Clerk to make clear that “it is the beach itself as well as the Greensward (both or separately) that they would like to know about the potential for the area being designated as an area that PSPO for dog controls could be applied.”

5.4.6 ADC District Councilors:

- Two sent emails fully supporting the proposal.
- One stated that the proposed PSPO complements the existing annual Dog on beaches Ban from 1 May to 30 September.

5.4.7 ADC Environmental Services: Support dogs on leads through the wet play areas of Place St Maur, Bognor Regis.

5.4.8 ADC Foreshore Officer: In support of the Proposal.

5.5 Detailed comments were also provided by the Dogs Trust, which overall were in support of the proposals if suitably administered. Their comments are provided in appendix 6.

6. OPTIONS/ALTERNATIVES CONSIDERED

- 6.1. Not to renew to PSPO. This would mean that the existing PSPOs would expire on 5 November 2023.
- 6.2. To renew the existing PSPO without changes. This would mean additional areas recommended for dogs on lead could not be controlled under these provisions.
- 6.3. To make further amendments to the proposed PSPOs and adopt. Any additional changes must be evidence based and may cause delay should further public consultation be required and may risk challenge to the council.

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 or the implementation of the new PSPOs, will need to be managed within the existing departmental revenue budget.

8 RISK ASSESSMENT CONSIDERATIONS

- 8.1 Failure to 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.

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

- 9.1 The Council may make a Public Spaces Protection Order where it is satisfied on reasonable grounds that activities carried on in a public place have had a detrimental effect on the quality of life of those in the locality, or that it is likely that activities will be carried on in a public place and that they will have a detrimental effect. In addition, the Council must be satisfied that the effect of the activities is persistent or continuing, that the activities are unreasonable, and that the effect justifies the restrictions imposed by the notice. The order may prohibit specified things being done, and/or require specified things to be done by persons carrying on specified activities.

- 9.2 Ongoing assistance and advice from Legal Services will be required to implement the PSPO. The Environment Committee is advised that an interested person (someone who lives in, regularly works in, or visits the restricted area) can challenge the PSPO in the High Court within six weeks of it being made.

- 9.3 The validity of the Order can be challenged on two grounds:

- i) That the Council did not have the power to make the Order, or to include particular prohibitions or requirements.
- ii) That one of the requirements (for instance, consultation) had not been complied with. The making of a PSPO can also be challenged by judicial review on public law grounds within three months of the decision.

10 HUMAN RESOURCES IMPACT

No Human Resource implications have been identified.

11 HEALTH & SAFETY IMPACT

PSPOs provide an important means to control anti-social behaviour relating to dogs, thereby ensuring protection of the health and safety of the community. The proposal to renew the PSPO will maintain protections for the community, with the proposed amendments potentially offering further reduction in health and safety risks.

12. PROPERTY & ESTATES IMPACT

There will be no direct impact on the management of the Council's property portfolio.

13. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

- 13.1 An EIA has been completed and is attached at Appendix 1.
- 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 renewal of the PSPO not occur, it will expire on 5 November 2023 reducing controls over anti-social behaviour associated with dogs.

16. HUMAN RIGHTS IMPACT

- 16.1 Consultation in relation to the proposed PSPOs was carried out as detailed in section 5 of this report, and provided an opportunity for the public and stakeholders to provide feedback, ensuring that an human rights concerns could be highlighted and considered by the Environment Committee.

17. FREEDOM OF INFORMATION/DATA PROTECTION CONSIDERATIONS

- 17.1 Consultation feedback has been managed in accordance with GDPR provisions. Consultation responses are reported back to committee herein, have been appropriately summarised and or redacted to ensure compliance with GDPR.

CONTACT OFFICER:

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BACKGROUND DOCUMENTS

[Report packs and Minutes Environment Committee 15 June 2023 - approving public consultation for proposed PSPO](#)

Appendix 1, Equalities Impact Assessment

Appendix 2, Public Consultation Survey graphical results (396 responses)

Appendix 3, Public Consultation Survey Individual Comments (214 responses)

Appendix 4, Public Consultation Summary of comments received.

Appendix 5, Plans of Dog Control Areas.

Appendix 6 Consultation response from Dogs Trust

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:

[Fines | Arun District Council](#)

Dogs on beaches ban:

[Our rules for activities allowed on our beaches. | Arun District Council](#)

PSPO (Dog Controls) News article of 3 July 2023 and Survey:

[Dogs in open spaces and on beaches...what do you think? | Latest news | Arun District Council](#)