



Place Scrutiny Committee

Proposed content of Public Consultation for a Dog-related Public Spaces Protection Order

Date of Meeting: 24 October 2019

Portfolio Holder: Cllr Anthony Alford - Customer, Communities and Regulatory Services

Local Member(s): Impact on all wards

Director: Karyn Punchard, Corporate Director for Place Services

Executive Summary:

For your committee to recommend to Cabinet at their meeting on 10 December 2019, the content of a public consultation for a Dog-related Public Spaces Protection Order (PSPO) to replace and consolidate existing PSPO's and byelaws for the Council area.

To request the time extension of current Dog-related PSPO's covering the former East Dorset, Purbeck, West Dorset and Weymouth and Portland council areas to 31 December 2020 to enable the new Order to be properly made.

Equalities Impact Assessment:

An EqIA has been completed for the consultation process. All future reports including that proposing the draft Dog-related PSPO will be subject to EqIA assessment.

Budget:

There are no budget implications related to the proposed consultation. There will be budget implications when implementing the new Dog-related PSPO including signage and enforcement costs. These will be detailed when the draft Dog-related PSPO is brought forward for consideration.

Risk Assessment:

Having considered the risks associated with this decision, the level of risk has been identified as;

Current Risk: MEDIUM

Residual Risk: LOW

Climate implications:

The existence of Public Spaces Protection Orders means the likelihood that Officers will need to visit these areas for educational and enforcement purposes. .

Signs produced for publicising any restrictions will consider the availability of recycled plastics. Any signs that may already be in place but provide the correct message will not be changed, Any signs displaying the incorrect message will covering adhesive vinyl and reused.

The consultation will be web-based or be emailed to stakeholders reducing the need for consultation papers to be printed and distributed.

Other Implications:

Environmental:

Keeping land free from dog fouling is a high priority for our residents as is the safe use of parks and open spaces by all. Faeces if left uncollected is visibly unpleasant and can cause additional distress when trodden on footwear, passed to clothing or bike/pushchair wheels.

Dog faeces (as well as cat and fox faeces) can potentially carry a number of pathogens including Toxicaris (a roundworm parasite), a rare infection which can in serious cases lead to permanent blindness, weight loss and fatigue. Having adequate control over a dog by placing it on a lead will ensure that the owner can properly see if the dog should foul. It also provides for the owner to control the dog's activities in particular environments, for example when in crowded areas, where there is a need to respect land use (e.g. cemeteries or formal gardens), children's play areas and where sports activities may excite a dog to get involved.

For animal welfare reasons and the well-being of dog owners it is also important to have appropriate areas to exercise dogs off lead.

Having a dog can prevent the feeling of isolation and loneliness as well as help socialisation and promote well-being.

Recommendations:

1. That your Committee consider the consultation proposals and recommend to Cabinet the content of the public consultation as set out in Appendix A, which addresses the content of a future PSPO.
2. That your Committee recommends the extension of the current Dog-related PSPO's in the former East Dorset, Purbeck, West Dorset and Weymouth & Portland council areas until 31 December 2020 following the consultation with stakeholders previously undertaken; responses are at Appendix B..

Reason for Recommendations:

1. One Dog-related PSPO for the council area will help ensure consistency, fairness and clarity for residents and visitors to Dorset and will assist the efficient use of enforcement resources.
2. While it is a requirement to consult with stakeholders prior to introducing a PSPO, it is appropriate to define the parameters of the consultation in order to avoid generating unworkable proposals or raising unreasonable expectations.
3. A number of Dog-related PSPOs currently in place from predecessor councils will expire during the period of making the new Order. Should those expiry dates not be extended, it will not be possible to enforce the relevant requirements for public safety and animal welfare.

Appendices:

- A. Draft consultation document including maps of specific locations.
- B. Comments from stakeholders on the extension of existing Dog-related PSPOs.

Background Papers:

Anti-social Behaviour, Crime and Policing Act 2014

Anti-social Behaviour, Crime and Policing Act 2014 - Reform of Anti-social Behaviours. Statutory Guidance for Front Line Professionals; Home Office, July 2014 (updated August 2019)

Dealing with Irresponsible Dog Ownership - Practitioners Manual, DEFRA, October 2014

Anti-social Behaviour Dorset Councils Partnership Protocol

Information on the Dorset Council Dog Warden Service can be found here; <https://www.dorsetcouncil.gov.uk/environmental-health/dog-warden-service.aspx>

The former Dorset Council Partnership's EqIA on this matter can be viewed here: <https://www.dorsetcouncil.gov.uk/your-council/equality-and-diversity/equality-impact-assessments/north-dorset-equality-impact-assessments.aspx>

Officer Contact:

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1. Background

- 1.1. A number of dog-related controls exist across the Dorset Council area. Some have been introduced by the previous district/borough councils as primary authorities, others by second-tier town and parish councils (byelaws).
- 1.2. The health and wellbeing benefits of dog ownership, and associated exercise is well recognised and Dorset Council would wish to support dog owners in this endeavour. However, it is also important to balance the wishes of the wider community to ensure that dog owners and non-owners alike are provided for when considering whether controls are appropriate in specified areas.
- 1.3. The predecessor councils of North Dorset; West Dorset and Weymouth and Portland went through a consultation process to make Dog-related PSPO's with each having a life of 3 years (prescribed). The Weymouth & Portland Order expired in May 2019; however, councillors agreed to extend the Order for 12 months in recognition of Local Government Re-organisation. The West Dorset, East Dorset and Purbeck orders will expire in August 2020, October 2020, and October 2020 respectively, North Dorset in February 2022.
- 1.4. For a PSPO to be made it must meet the following two conditions, prescribed in the legislation.
 - 1.4.1. Condition 1
 - Activities carried out in a public place within the authority's area have had a detrimental effect on the quality of life of those living in the locality, or
 - It is likely that the activities will be carried out in a public place within that area and they will have such an effect.
 - 1.4.2. Condition 2

The effect or likely effect of the activities:

 - Is or is likely to be of a persistent or continuing nature;
 - Is or is likely to be, such as to make the activities unreasonable; and
 - Justifies the restrictions imposed by the order.
- 1.5. This report is seeking your agreement to undertake a public consultation using the proposed document attached at Appendix A and your comments are welcomed. The consultation will run for a period of 12 weeks. It will be publicised to stakeholders including those named within the guidance and to national and local stakeholders. It will be published on the council website and announced in local and social media formats.
- 1.6. The content of the consultation looks to provide generic restrictions for ease of education, signage and enforcement. The proposed restrictions include:
 - removal and appropriate disposal of dog faeces

- restricted access for dogs on marked sports pitches and enclosed children's play areas
- dogs on lead in public spaces such as formal gardens and cemeteries
- dogs to be put on a lead when directed to do so by an authorised officer
- restrict the lead length to 2m where dogs on lead restrictions apply
- options for restrictions to named beaches and adjacent footways.

1.7. When the consultation is complete, the results will be analysed and a draft Order prepared for consideration by your committee and recommendation to Cabinet. The draft Order requires ratification at Full Council for the Order to be made.

1.8. To ensure that there is no gap in the ability to enforce existing dog controls, the Committee is requested to recommend to Cabinet that the Orders currently in place, which are due to expire in May 2020, August 2020 and October 2020, are extended to 31 December 2020.

1.9. Legislation requires that stakeholder views be sought on any proposal to extend the time period of an existing PSPO and responses received are shown in Appendix B.