

Management Committee

5 February 2019

Time extension of the Weymouth and Portland Dog-related Public Spaces Protection Order 2016

For Decision

Briefholder

Cllr M Byatt

Senior Leadership Team Contact:

S Hill, Strategic Director

Report Author:

Jane Williams, Team Leader - Environmental Protection (West)

Statutory Authority

Anti-social Behaviour, Crime and Policing Act 2014

Purpose of Report

1. To propose a time extension of the Weymouth and Portland Dog-related Public Spaces Protection Order ('PSPO') for a period of up to 12 months.

Recommendations

2. That the committee agree to a 12 month time extension to the current Weymouth and Portland Dog-related Public Spaces Protection Order 2016.

Reason for Decision

3. The current Order will expire on the 31st May 2019.
4. Owing to the timing and the transfer of functions to the new Dorset Council, followed by elections, it is considered expedient to seek an extension to the existing Order so that any new Order can be considered by Dorset Council.
5. Should an extension not be agreed, the extant Order will lapse and the various requirements it contains, including the requirements to have dogs on leads in prescribed areas, the requirement to clear up fouling and the prohibition of dogs from much of Weymouth beach during the summer, will not be enforceable.

Background and Reason Decision Needed

6. PSPO's are life-limited to 3 years after which a review must be undertaken in order to determine whether the requirements continue to be necessary, or should be changed or abandoned. The review procedure involves a 12-week public consultation to gather stakeholders' views and the entire process can take around 8 months to complete through the committee process.
7. If an extension to the existing Order is agreed, this would provide a suitable window of opportunity to undertake the necessary public consultation, and enable Weymouth Town Council to contribute to the consultation, once that council is elected.
8. In order to consider an extension to an existing PSPO, the legislation requires the local authority "*to satisfy itself on reasonable grounds that doing so is necessary to prevent:*
 - (a) *occurrence or recurrence after that time of the activities identified in the order, or*
 - (b) *an increase in the frequency or seriousness of those activities after that time.*"

In order to fulfil this requirement, a number of local and national stakeholders were consulted on the proposal – See Appendix 1 for list of consultees and responses received.

9. While there was some resistance to the suggestion to extend the existing requirements, particularly in relation to the prohibition of dogs from part of Weymouth beach during summer months, it can be seen that this proposal is generally supported. Therefore, rather than have a period when PSPO restrictions will be absent, it is considered appropriate to propose the continuation of the existing requirements for a period of up to 12 months. This will provide continuity of measures until the new PSPO is established.
10. It should also be borne in mind that the existing signs along the beach which refer to the dog prohibition period, would become obsolete and would require removal and, potentially, later replacement. Extending the existing order would avoid incurring unnecessary costs.
11. Should the extant Order lapse, it would not be possible to undertake enforcement action in respect of failure to clear up dog fouling. Such a situation would be considered untenable and not meet public expectations.

Implications

Corporate Plan

Ensuring safe and thriving communities with respect for each other.
Facilitating sustainable leisure, culture and community activities
Protecting and enhancing the built and natural environment.

Financial

To be met in existing budgets.

Equalities

An Equality Impact Assessment has been undertaken for assistance dogs and the impact this Order has on them. <https://www.dorsetforyou.gov.uk/your-council/equality-and-diversity/pdfs/eais/nddc/dog-related-public-space-protection-orders-2018.pdf>

All officers authorised to serve FPN's will receive safeguarding and equalities training.

Environmental

Keeping land free from dog fouling is a high resident priority, as is the safe use of parks and open spaces by all.

Dog faeces can carry the disease toxocaritis which can lead to permanent blindness in children if accidentally consumed, as well as being odorous and unpleasant when picked up on shoes, clothing or bike/pushchair wheels.

Having adequate control over a dog by placing it on a lead will ensure that the owner can see the dog foul as well as control its activities in particular environments for example when in crowded areas, where there is a need to respect land (e.g. cemeteries or formal gardens) or where sports activities may excite a dog to get involved which may cause fear to those engaged in the activity.

For animal welfare reasons as well as the lifestyle choice and well-being of dog owners it is equally as important to provide exercise areas for dogs off of the lead.

Economic Development

Maintaining a pleasant and healthy environment helps to promote the economic well-being of a tourist area.

Risk Management (including Health & Safety)

Risk of reputational damage if the Council fails to continue to prohibit dogs from Weymouth pleasure beach during the summer months, this would be exacerbated by the existing signs which express this prohibition.

Failure to clear up dog fouling is considered particularly unpleasant and the inability to enforce against this anti-social activity would be poorly perceived by the wider public.

Human Resources

To be met in existing budgets

Consultation and Engagement

Key internal and external Stakeholders were consulted; their responses are attached as Appendix A. This included the Police and the Office of the Police and Crime Commissioner as stipulated in the statutory guidance.

Appendices

Appendix 1 – stakeholders consultation responses

Background Papers

Dog related Public Spaces Protection Orders can be found on West Dorset's and Weymouth and Portland's dog warden pages for reference.

<https://www.dorsetforyou.gov.uk/environmental-health/documents/weymouth-public-space-protection-order.pdf>

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 December 2017.

Dealing with irresponsible dog ownership, Practitioners Manual and Annexes – D, DEFRA, October 2014.

Footnote

Issues relating to financial, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

Report Author: Jane Williams, Environmental Protection Team Leader

Telephone: 01305 252472

Email: jwilliams@dorset.gov.uk

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