

Cabinet

6 October 2020

Dog-related Public Spaces Protection Order

For Decision

Portfolio Holder: Cllr J Haynes, Customer and Community Services

Local Councillor(s): Impact on all wards

Executive Director: J Sellgren, Executive Director of Place

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Report Status: Public

Recommendation:

1. That Cabinet approve the Dog-related Public Spaces Protection Order 2020.

Reasons for Recommendation:

1. To protect public health, safety and animal welfare.
2. To consolidate existing Dog-related Public Spaces Protection Orders and provisions into a single Order to give greater consistency and clarity for residents and visitors to Dorset.
3. To assist with the efficient use of enforcement resources.

1. Executive Summary

This report summarises the findings from a Dog-related Public Spaces Protection Order consultation undertaken between January and May 2020. Informed by the consultation it proposes the Dog-related Public Spaces Protection Order 2020 to replace and consolidate existing Public Spaces Protection Orders (PSPO) and provisions for the Council area for a period of 3 years.

The draft Order was considered by Place and Resources Overview Committee at their meeting on 21 September 2020. This report includes changes recommended by the committee.

2. Financial Implications

The PSPO will require changes to existing signage and the provision of new signage. The cost of changes and replacement of routine signage will be met from existing budget. The replacement of any larger signs, particularly in beach areas, will be kept to a minimum and options discussed with the relevant Town Councils.

3. Climate implications

The restrictions placed on some open spaces may cause dog owners to travel further by car to exercise their dogs. This could lead to increased carbon dioxide emissions. This impact is considered to be minimal.

4. Other Implications

Public Health:

Keeping public open spaces free from dog fouling is a high priority for our residents as is the safe use of parks and open spaces by all. Dog fouling is unpleasant and can spread disease. Having adequate control over a dog by placing it on a lead helps ensure that the owner can see if the dog fouls and ensures the dog is under the owner's control. Dogs not under the owner's control can cause injury to people and other animals and be a public hazard.

Animal Welfare:

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

5. Risk Assessment

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

Current Risk: MEDIUM

Residual Risk: LOW

6. Equalities Impact Assessment

An Equality Impact Assessment (EqIA) was completed for the consultation.

An EqIA for the proposed Order is given at Appendix D. This was considered by the Equality and Diversity Action Group at their meeting on 18 September 2020 and their comments have further shaped the assessment. The EqIA will continue to be updated as the Order is implemented.

Exemptions to compliance and enforcement practices have been informed by the EqIA addressing issues such as assistance dogs, reduced mobility of some dog owners and the understanding of signage.

7. Appendices

- A. Consultation Report
- B. Infographic – Key Findings from the Consultation
- C. Draft Dog-related Public Spaces Protection Order
- D. Equalities Impact Assessment
- E. Minute from Place and Resources Overview Committee, 21 September 2020

8. Background Papers

Anti-social Behaviour Crime and Policing Act 2014

Anti-social Behaviour, Crime and Policing Act 2014 - Statutory Guidance for Frontline Professionals, Home Office, July 2014

Dealing with Irresponsible Dog Ownership publication - DEFRA

Information on the Dog Warden Service – Dorset Council website

Highways Act 1980

9. Background

- 9.1 There are currently a number of dog-related controls in existence across the Dorset Council area from the predecessor district and borough councils. Some were due to expire during the past year and have received temporary extension periods to enable a consolidated Dog-related Public Spaces Protection Order (PSPO) to be produced. A public consultation exercise took place over a 15-week period ending in May 2020. The consultation has been used to inform the development of the new draft Order. A Consultation Report is given at Appendix A with a summary at Appendix B. The draft Order is given at Appendix C.
- 9.2 For a PSPO to be made, the elements within it must meet the following two conditions which are prescribed in the legislation.

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.

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.

Both conditions must be satisfied but Members are asked to be particularly mindful of condition 2 when including any proposed land that is to have a dog restriction placed on it. The inclusion of any restriction should be proportional to need.

- 9.3 An Order, as well as meeting the above tests, must be fair, proportionate and consistent with the principles related to public safety and public health to enable dog owners and non-dog owners to enjoy public open spaces. It must be able to be enforceable without having detrimental impact on those that are vulnerable or reliant on assistance from dogs.

The issue of dog restrictions in public places can be polarising and the Council should seek to achieve a balance between public health, public safety, human and animal welfare.

- 9.4 Authorised officers enforce the provisions of the PSPO by patrolling and investigating complaints. They can require owners to control their dogs where for example the dog is not under control, shows aggressive tendencies or is causing antisocial behaviour. Fixed Penalty Notices can be issued for non-compliance and/or prosecution for certain offences at a Magistrates Court. An important role of the officers is to raise awareness of the provisions of an Order. Officers take a proportionate approach to enforcement, seeking to raise awareness and educate in the first instance.
- 9.5 The draft Order looks to provide some generic restrictions across public open spaces to aid clarity, understanding, signage and enforcement. A single Dog-related PSPO will make it far easier for residents and visitors to appreciate the provisions in force across our area. Previously, each district and borough council had their own different provisions and this was undoubtedly confusing. There are some location specific provisions notably in relation to beaches where restrictions can vary depending upon local circumstances. Where dog exclusion areas are proposed for areas of beaches, there are normally unrestricted areas in the vicinity.
- 9.6 Only suggested provisions in the public consultation can be considered for inclusion in the Order. The suggested provisions were drawn from the current Orders and good practice information. Any suggested provisions outside the scope of the consultation would require a further consultation exercise. Some current Orders expire at the end of this year and so no other provisions can be considered. However, a PSPO has to be reviewed and re-made within 3 years and other provisions can be considered at that time.
- 9.7 The consultation had a high level of participation with 8600 responses and included good representation of respondent ages, dog owners and non-dog owners. Twenty-five Parish and Town Councils responded, with local and national organisations taking part including Dorset Police and the Police and Crime Commissioner who are statutory consultees. Other consultees included community representatives and relevant landowners. We wish to thank participants for their contributions.

9.8 The recommended provisions below follow the order of the Consultation Report. Place and Resources Overview Committee considered the proposed provisions for inclusion in the Order with an officer recommendation given in each case having regard to;

- Protection of public health and public safety
- Welfare of dogs and owners
- Provisions from predecessor councils
- Consultation responses
- Progression towards consistency across the council area
- Enforceability of restrictions

The Committee accepted the recommendations requesting some amendments to aid clarity which have been incorporated.

9.9 A small team of Animal Welfare & Dog Control Officers are responsible for raising awareness around dog issues, education and enforcement. They also undertake a range of other animal welfare duties such as the licensing of premises used for boarding and sale. Their work is essential in helping keep Dorset a great place for people and dogs alike and can be helped by responsible dog ownership.

10 Proposed Provisions

- a. **Clearance of dog fouling and appropriate disposal from public open spaces.** Page 12 of the consultation report and the proposed open spaces listed in Schedule 1 of the draft Order. This received significant support and is a current requirement in all predecessor council areas.

Recommended for inclusion.

- b. **Maximum lead length of 2m where required.** Page 15 of the consultation report and the areas are listed in Schedule 3 of the draft Order. This received significant support and is a current requirement of both West Dorset and Weymouth and Portland Council's PSPOs.

Recommended for inclusion.

- c. **Dogs on lead as directed by an authorised officer, maximum lead length 2m.** Page 21 of the consultation report. This received significant support and is a current requirement of West Dorset, Weymouth and Portland and North Dorset Council's PSPOs.

Recommended for inclusion.

- d. **Dogs on leads, generic locations.** Page 23 of the consultation report.

All roadways and footways in areas of vehicle speed limits up to and including 30mph. Whilst this received significant support there is concern that the enforcement of such a restriction is difficult, along with very high signage requirements. A current requirement only of Weymouth & Portland Council PSPO.

Not recommended for inclusion.

Municipal cemeteries, church and graveyards, where dog are permitted. Received significant support and is a current requirement of both West Dorset and Weymouth and Portland Council's PSPOs.

Recommended for inclusion.

Public formal gardens. Received significant support and is a current requirement of both West Dorset and Weymouth and Portland Council's PSPOs.

Recommended for inclusion.

Council owned allotments, where permitted. 59% supported the restriction however there was comment about individual allotments bounded by fencing where dogs could be off-lead. This would be difficult to enforce having different requirements on the same land. A current requirement of both West Dorset and Weymouth and Portland Council's PSPOs.

Recommended for inclusion.

Council owned car parks. Received significant support and a current requirement of some beachside car parks.

Recommended for inclusion.

Within 5m of marked sports pitches - 70% supported the restriction. Dog fouling on and around sports pitches is highly objectionable and a risk to public health. Dogs need to be under control for owners to remove fouling. Significant support and is a current requirement of both West Dorset and Weymouth and Portland Council's PSPOs.

Recommended for inclusion.

- e. **Dogs on leads, specific locations.** Page 35 of the consultation report.

Rodwell Trail, Weymouth. An urban cycle and footway connecting the outlying wards to Weymouth town. The responses were divided. Dog owners were less supportive of dogs being on a lead. Support for the restriction has come from the Police, Dorset Waste, Weymouth Town Council, cycling groups and 60% of responding residents. This is a very popular location, and it would be more difficult to find and remove dog fouling if off-lead. A current requirement.

Recommended for inclusion.

West Bay Harbour side and Esplanades. Received significant support and is a current requirement.

Recommended for inclusion.

Lyme Regis pathways etc. adjacent to the Front/Town Beach. Received significant support and is a current requirement.

Recommended for inclusion.

Weymouth Esplanade. Received significant support and is a current requirement.

Recommended for inclusion.

Swanage. The Parade and adjacent roads leading to the Beach. Received significant support and is a current requirement.

Recommended for inclusion.

Studland. Access to South Beach and Car Park. Received significant support and is a current requirement.

Recommended for inclusion.

Studland. Ferry Road, from Studland Beach Car Park to the South Coast Path End Marker, Shell Beach National Trust Car Park and all access routes to Shell beach. Land is owned by the National Trust. Natural England have expressed a view for dogs to be on lead in order to protect the local habitat.

Note: change to Place & Resources Overview Committee report to give better description of applicable area.

Recommended for inclusion.

Charmouth, Lower Sea Lane Car Parks and surrounding areas leading to the Beach. Received significant support and is a current requirement.

Recommended for inclusion.

Charmouth Beach Area - to either side of the proposed beach exclusion area and extending to the parish boundary. The exclusion area is marked as red on the map (page 63). This was requested for inclusion by the Parish Council. 58% supported no restriction. There is no current requirement for dogs on lead.

Not recommended for inclusion.

- f. **Dog exclusion areas – generic.** Page 65 of the consultation report.

Marked sports pitches and recreation areas – 55% supported exclusion from these areas including the majority of responding Town and Parish Councils. However, 40%, including the Police, supported an on-lead restriction as a better provision. On grounds of public health; public safety and as a current requirement of West Dorset, Weymouth and Portland and North Dorset Council's PSPOs it is recommended for inclusion.

Recommended for inclusion.

Enclosed children's play areas – received significant support and a current requirement in West Dorset, Weymouth and Portland, North Dorset and some locations in East Dorset.

Recommended for inclusion.

- g. **Beach Restrictions** – Page 71 of the consultation document. (Maps are produced to support the Order by clearly delineating areas where restrictions apply).

Harmonisation of a beach exclusion period - received significant support with the highest level of support given to 1 May to 30 September (the shortest exclusion period).

Recommended for inclusion.

Swanage, Central Beach (931 respondents). Continued exclusion in the current area was supported by 60% of overall respondents. Many dog owners disagreed and were keen for the provision of a dog exercise area. The majority of respondents agreed for the beach to be off-lead outside of the exclusion period.

It is recommended that dogs are excluded from this beach between 1 May and 30 September and may be exercised off-lead at other times.

Charmouth Beaches (855 respondents). Beaches East and West of stream and adjoining the Car Park. There is a current requirement on both beaches for exclusion in the summer period, however 52% of overall respondents did not support this continuing and wanted unrestricted use of the beach throughout the year. Charmouth Parish Council have requested some restriction to be placed on the beaches.

It is recommended to include East Beach (under Evans Cliff) as an exclusion area between 1 May and 30 September with dog's exercised off-lead at other times. West Beach to have no restrictions.

Lyme Regis, Front/Town Beach (1175 respondents). Significant support received for an exclusion period. Lyme Regis Town Council indicated that they would prefer an all year-round exclusion.

There is a current requirement for exclusion on the beach in the summer period and no restriction for the remaining of the year. There was no clear support for the position to change. However, there has been significant complaint about dogs being off-lead and the Town Council would prefer an on-lead restriction for the remainder of the year. The adjoining beaches have no restrictions and can be used for exercise off lead.

It is recommended that dogs are excluded from this beach between 1 May and 30 September and on-lead at all other times.

Chideock, Seatown Beach (623 respondents). No majority for or against exclusion. 56% in favour of off-lead at all other times. Currently, dogs are excluded in the summer period as a requirement of the PSPO and at the request of the landowner, The Wraxall Estate. Chideock Parish Council would prefer exclusion to continue in the summer period.

Note: change to Place & Resources Overview Committee report to correct current exclusion period.

It is recommended that dogs are excluded from this beach between 1 May and 30 September and off-lead at all other times.

Studland Beach, also known as Knoll Beach and Middle Beach (1398 respondents). There is a current requirement for dogs on-lead during the summer period but no exclusion period. There was significant support (70%) for no exclusion period to continue, furthermore 67% did not want an on-lead restriction. However, Natural England would prefer an all year round on-lead restriction in relation to protection of habitats.

Note: change to Place & Resources Overview Committee report to correct current on lead restriction period.

It is recommended that there will be no exclusion period but dogs shall be on-lead between 1 May and 30 September.

West Bay, East Beach and West Beach (1093 respondents). Currently, there are exclusion periods on both beaches. A small majority supported an exclusion on both beaches and did not want a dog on-lead restriction for the remainder of year. A further question asked if East Beach only should have an exclusion period. 55% of respondents supported this.

It is recommended that dogs are excluded from East and West Beaches between 1 May and 30 September and may be exercised off-lead at all other times.

Weymouth, Central and Greenhill Beaches (1818 respondents). Significant support for a continued exclusion period (59%) and exercise area (62%). Majority of support for dogs to be allowed off-lead outside the exclusion period (as currently).

Weymouth Town Council and others have requested a review for the repositioning of the exercise area further up the beach. It is recommended that a specific proposal be included in the next consultation.

It is recommended that dogs are excluded from the beach between 1 May and 30 September and may be exercised off-lead at all other times.

Footnote:

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