

# Place and Resources Scrutiny Committee

## 8 March 2022

### Post Implementation Review of the Dog-related Public Spaces Protection Order

#### For Review and Consultation

**Portfolio Holder:** Cllr L Miller, Customer and Community Services

**Local Councillor(s):** All

**Executive Director:** J Sellgren, Executive Director of Place

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**Report Status:** Public

#### Recommendations:

1. To consider and support the following recommendations:

##### Recommendation 1 - Lyme Regis

To review the issues and availability of dog exercise areas in this locality. Officers to continue to work with the Town Council and other interested parties to explore options.

##### Recommendation 2 - Enforcement

To improve the effectiveness of enforcement, officers will continue to work with partner organisations and identify/authorise appropriate officers to assist with enforcement duties.

##### Recommendation 3 - Enforcement

To obtain improved local information which will help ensure a more targeted approach to patrolling and enforcement. This may include local surveys and directed community engagement.

#### Recommendation 4 – Public awareness

The Council's website gives locations where restrictions are in place but does not give information about alternative locations where dog walkers can exercise their dogs without restriction. Officers should look to address this.

#### Recommendation 5 – Monitoring

For officers to encourage and monitor further feedback about the Order which will inform the statutory review in 2023.

2. To advise on any further work which your committee would like officers to undertake in respect of the Dog-related Public Spaces Protection Order.

### **Reason for Recommendations:**

1. To ensure that provisions are operating effectively.
2. To ensure that provisions are being enforced in a proportionate and equitable manner.
3. To help inform the preparation of subsequent provisions.

## **1. Executive Summary**

A Dog-related Public Spaces Protection Order gives councils a tool to help tackle irresponsible dog ownership and ensure that public spaces are safe and can be enjoyed by all. Orders enable generic and specific restrictions to be placed on certain public open spaces. Provisions seek to find the balance between public health and safety and the freedom of owners to socialise with their dogs and provide them with adequate exercise. Orders must be fair, proportionate, and consistent and recognise and redress the impact that any restriction may have on those who are vulnerable or reliant on assistance dogs.

Prior to Local Government Reorganisation in Dorset, there were many dog-related controls in existence in the borough and district councils. In January 2021, a single Order came into force within the Dorset Council

area. This single set of provisions has made it easier for residents and visitors to understand the provisions that are now in place. Appropriate signage and enforcement complement the requirements of the Order.

This report sets out to review the first year of the Order's implementation, identify any key issues and make recommendations for Members consideration.

## **2. Financial Implications**

No financial implications at this stage.

## **3. Well-being and Health Implications**

Dogs provide companionship to their owners and benefits to health. However, dogs must be kept under appropriate control to prevent injury and the risk of disease.

## **4. Climate implications**

There are no climate implications.

## **5. Other Implications**

There are no other implications arising from the recommendations contained within this report in terms of impacts on other service areas within the Council.

## **6. Risk Assessment**

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

Current Risk: Low

Residual Risk: Low

## **7. Equalities Impact Assessment**

An assessment was undertaken when developing the Order. This has been reviewed in line with the accessibility issues highlighted in the report (attached as Appendix 1).

## **8. Appendices**

Appendix 1 EqIA for the Dog-related Public Spaces Protection Order

Appendix 2 The Dog-related Public Spaces Protection Order

Appendix 3 The Dog-related Public Spaces Protection Order Infographic

Appendix 4 [The Dog-related Public Spaces Protection Order Consultation Report](#)

(Click on the above link to view Appendix 4)

## 9. Background Papers

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

Anti-social Behaviour Crime and Policing Act 2014 [ASBCP Act](#)

Anti-social Behaviour, Crime and Policing Act 2014 Statutory Guidance [ASBCP Statutory Guidance](#)

Dealing with Irresponsible Dog Ownership DEFRA [DEFRA guidance](#)

## 10. Background

10.1 The Dorset Council Dog-related Public Spaces Protection Order (PSPO) was implemented on the 1 January 2021. This followed a public consultation the results of which were used to help shape the Order.

10.2 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.

10.3 The aim of the Order is to ensure public spaces can be enjoyed by all. Responsible dog ownership is encouraged and the welfare needs of dogs, which include adequate exercise and social contact, must be met. In doing so, we must also ensure that the risks associated with residual fouling and dog attacks or other aggressive behaviours are reduced.

- 10.4 The prevention of disease is an especially important aspect of the Order. Ocular toxocariasis is an infection caused by roundworms, the eggs of which can be found in the faeces of dogs and cats. Although rare, it most often affects young children and can cause serious ophthalmologic disease, including blindness. Other bacteria, found within the faeces, can also cause illness.
- 10.5 The Order contains four main restrictions (attached as Appendix 2).
- Prohibiting access to certain beaches at certain times of the year.
  - Prohibiting access to certain other locations for example children's playgrounds and sports pitches.
  - Requiring dogs to be kept on a lead in specific locations or by direction from an authorised officer.
  - Requiring persons in control of a dog to pick up and correctly dispose of the dog's faeces.
- 10.6 Authorised Officers enforce the provisions of the Order by patrolling and investigating complaints. The officers can require owners/ dog walkers to control their dogs where, for example, the dog is not under control, shows aggressive tendencies or causes anti-social behaviour.
- 10.7 The Order makes it an offence for non-compliance with the restrictions. Fixed Penalty Notices can be issued, and prosecution sought for any non-payment or repeated offences. A proportionate approach to enforcement is taken and for the most part officers will seek to engage with the public when on patrols, offering friendly advice and guidance on responsible dog ownership.
- 10.8 Fixed Penalty Notices command a fine set at £100.00 which is reduced to £75 if paid within 7 days.

## **11.0 Animal Welfare and Dog Control Team**

- 11.1 The Animal Welfare and Dog Control team is located in Environmental Protection. The team of six officers have a varied and busy workload;
- The inspection and licensing of approximately 130 animal establishments. These include dog breeders, animal boarders, riding establishments and zoos/dangerous wild animal premises (approximately 40% of team workload).
  - Dealing with concerns about animal cruelty and complaints of irresponsible dog ownership such as attacks on other dogs or barking nuisance (approximately 20% of team workload).

- Patrolling hotspots to check for compliance with the PSPO restrictions (approximately 20% of team workload).
- Responding to reports of strays and collecting them, taking to the rescue centre and enabling return to the owner where possible (approximately 10% of team workload).
- Special projects, as an example, officers are currently working with Trading Standards colleagues to disrupt the market in illegal puppy sales (approximately 10% of the team workload).

The balance shifts in the summer period when more patrols are needed with the influx of visitors to Dorset.

## **12.0 Consultation**

12.1 As part of the preparation of the draft Order, a public consultation exercise was undertaken which demonstrated a range of views on dog control. Whilst some respondents wanted more freedoms for themselves and their dogs, others including some landowners, wanted tighter controls for the protection of public safety and also agricultural stock.

12.2 The consultation had a high level of participation with 8600 responses with a good representation of ages responding. Dog owners made up 60% of respondents. 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. Key findings from the consultation are summarised in the infographic which accompanied the consultation report (Appendix 3).

12.3 A petition was received from the Lyme Regis Dog Friendly Group asking the Council to reconsider the proposed restriction for dogs on leads at Front Beach, Lyme Regis.

## **13.0 Post-implementation issues**

13.1 Since the Order came into effect, officers have been monitoring enquiries/complaints about the provisions (40 to date). The main issues are;

### **13.2 Lyme Regis Front Town Beach**

The requirement for dogs on-lead on Front Beach during the off-season period is different in relation to the other beaches in the Order.

As part of the consultation, Lyme Regis Town Council had requested an all-year ban on dogs for this beach because they felt there was a significant problem with fouling and use of the beach all year round. The restriction for dogs to be on-lead during the off-season period was seen as a compromise position. Alternative off-lead sites were identified at neighbouring beaches, Monmouth and East Cliff.

- 13.3 However, some residents raised objections that these alternative beaches were not suitable during high tide as they became too wet and slippery and at other times did not have level ground because of the layer of pebbles. Further concerns were raised that those with limited mobility were being discriminated against as they could not use these locations without increased risk of injury.
- 13.4 In response, officers looked at other nearby locations for exercising dogs off-lead however, options are limited in this area. As an improvement, an easy access walkway was laid on Monmouth Beach, a platform reaching to the water line where it is more even ground. Officers worked with Lyme Regis Town Council in securing grant money through the Welcome Back Fund, which paid for this platform. Unfortunately, during the rougher winter-weather it had to be removed as it became difficult to use but it will be re-laid during the spring.
- 13.5 Suitable locations for off-lead exercise during the off-peak season in this specific locality is problematic. Under the Animal Welfare Act 2006, owners of dogs are required to provide for their welfare needs. Statutory guidance advises this to include providing the necessary amount of exercise each day, which may require dogs to be off lead whilst under their control. It has been suggested adopting periods at the beginning and the end of the day when dogs can be exercised off-lead on the beach, this is the case on some restricted beaches in Cornwall. The Kennel Club has also suggested this option for all the beaches during the summer period where on-lead restrictions currently apply. This would require beaches to be cleansed daily (should fouling not be removed) in readiness for family use.
- 13.6 Sports Pitch restrictions – eastern areas of Ferndown and Potterne Park

Complaints were received from a few residents wanting to be able to walk their dogs across the grass pitches when they were not in use. They also requested that the provision within the Order, that dogs must be on-lead within 5m of the pitch, to be removed. Officers explained that these are often areas where children play and the risk from residual faecal matter or

dogs interrupting sporting activities is significant. Officers identified other areas in the vicinity that could be used for off-lead exercise.

13.7 The Order allows landowners or persons in control of land to give consent to certain dog related activities on their land. Both Wimborne Town Council and Wool Parish Council have taken up this right which, in effect, exempts dog owners/walkers from the dog on-lead and prohibition restrictions on named marked pitches in these council areas.

### 13.8 Enforcement

A few enquiries/complaints raised concerns about the lack of visible, uniformed patrol officers and questioned the level of enforcement. An important objective for officers is to engage with both dog owners and non-owners alike, offering friendly advice and guidance as required. Formal action is taken where required but is problematic for a number of reasons.

13.9 There are a small number of officers covering a range of duties in a large geographical area, being in the right place at the right time to witness an offence is difficult. All reports of fouling are investigated but the evidence supplied often doesn't reach the standard required to take enforcement action.

13.10 Officers undertake weekend patrols where required but they do not patrol in the mornings and evenings outside of daylight hours. If visibility is poor it is difficult to witness offences or obtain sufficient evidence to take enforcement action. Unfortunately, this tends to be the time when fouling offences occur. Additionally, it is not considered a proportionate response to undertake covert patrols so officers are relatively easy to identify in their uniform and marked vehicles.

13.11 Officers usually patrol in designated hotspots (informed by complaints or local knowledge). If offences are witnessed, a graduated approach to enforcement is taken. For certain offences, the officer will ask the offender to remedy the situation in the first instance as they may be unfamiliar with the restrictions. For example, they may ask for a dog to be put on a lead where that is a requirement. For other offences, such as fouling or where there is a blatant disregard for the rules or repeat offending the officer should issue a notice straight away. However, recognising repeat offenders is challenging unless you know the area well and patrol frequently.

13.12 To assist with raising awareness and enforcement, Dorset Council has authorised 20 Town and Parish Council Officers. This covers the areas of Beaminster, Charmouth, Lytchett Minster and Upton, Shaftesbury,



Weymouth and Wimborne. It should be noted that enforcing the PSPO is not officer's substantive role and is ancillary to their main duties for the Town and Parish Councils.

13.13 In gathering information for the report, we looked at the enforcement approach taken by other Councils in the region. A number of Councils, including nearby Local Authorities have served few if any Fixed Penalty Notices. In comparison, in the past year, Cornwall Council has served over forty notices for fouling or other PSPO breaches. There are two main differences between our service delivery and that of Cornwall Council. Firstly, the animal welfare inspection and licensing function for Cornwall Council is carried out by a different team. This means the core responsibilities for the dog wardens are to patrol and deal with strays. Further, service level agreements are in place with the Town and Parish Councils that enable extra patrols to be carried out by the parking wardens as a paid for service. These additional patrols are considered significant in terms of enforcement as parking wardens know their local area and importantly, have confidence and experience in enforcement procedures.

#### 13.14 Dog Waste Bins

Some complaints have been received about the lack of facilities to deposit waste. Dorset Council encourage bagged dog waste to be placed in the general litter bins that are managed by the Council. Some Town and Parish Councils supply specific dog waste bins.

Dog waste can be taken home and disposed of in the general waste stream. This is actively encouraged.

#### 13.15 Other Issues

Other issues include the restriction on the Nothe Fort, Weymouth where currently dogs are required on-lead all year in the gardens (except for a rough patch of land where dogs can be off lead); the interpretation made by Portland Town Council on a restriction on the land they own at Officers Field; restrictions and signage at Charmouth Beaches. All complaints have been responded to and issues addressed where possible.

### **14.0 Future review**

Prior to the expiry of the current Order in January 2024, the Council is required to undertake a review before any extension, change or renewal of the Order to identify whether restrictions remain appropriate; need to be amended or new restrictions added. In line with legislation and Government guidance, this will include a public consultation exercise which is due to commence in the Spring/ Summer period of 2023. The consultation report findings and recommendations will be subject to the

usual democratic process through Member Overview and Cabinet approval.

**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.