

Place and Resources Overview Committee

6 June 2023

Dog Related Public Spaces Protection Order 2024 – Public Consultation Requirement

For Review and Consultation

Portfolio Holder: Cllr L Beddow, Culture and Communities

Local Councillor(s): All

Executive Director: J Sellgren, Executive Director of Place

Report Author: Janet Moore

Job Title: Service Manager Environmental Protection

Tel: 01305838413

Email: janet.moore@dorsetcouncil.gov.uk

Report Status: Public

Brief Summary: The current Dog Related Public Spaces Protection Order (PSPO) will expire on the 31 December 2023.

The Council has three options going forward; to discontinue with a PSPO; to extend the PSPO unchanged for a further amount of time; or if changes are required, to provide a new PSPO. Both an extension to the existing PSPO and the provision of a new PSPO require the Council to carry out a public consultation.

This report outlines the reasons why a Dorset Council Dog Related PSPO should be provided after the expiry of the current Order and provides detail on the proposals for the public consultation.

Recommendation:

1. To support the provision of a Dog Related Public Spaces Protection Order from the expiration of the current Order, either by extension of the existing Order or by the introduction of a new Order.

2. To consider and comment on the content of the required public consultation document.

Reason for Recommendation:

1. To protect public health, public safety, and animal welfare.
2. To comply with legislative requirements contained within the Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014.
3. To ensure the public and key stakeholders are fully consulted on any restriction placed within the Dog Related PSPO.
4. To ensure that any restrictions are proportionate and consistent across the Council area.
5. To assist with the efficient use of enforcement resources.

1. **Report**

2. **Background**

- 2.1 The Anti-social Behaviour, Crime and Policing Act 2014 brought into force Dog Related PSPO's. Orders can be introduced in a specific public area where the local authority is satisfied, on reasonable grounds, that certain conditions have been met.
- 2.2 For a PSPO to be made it must meet the following two conditions set out in the legislation:

Condition 1

- Activities carried on 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.

- 2.3 The intention of the PSPO is to tackle irresponsible dog ownership which is detrimental to the local community's quality of life so that everyone can use and enjoy public spaces safely. The broad aim is to reduce the risk of fouling, dog bites or other aggressive behaviours, whilst recognising the welfare needs of dogs and the positive contribution they bring to society.
- 2.4 It is difficult to provide evidence of the effectiveness of the PSPO in terms of preventing irresponsible dog ownership as the Order acts as a deterrent rather than an active enforcement tool. There are a small number of officers covering a broad range of duties in a large geographical area and being in the right place at the right time in order to witness an offence is difficult. Members of the public rarely complain about specific individuals who breach the Order, they are more likely to complain about an area in general and the evidence supplied seldom reaches the standard required to take enforcement action. However, without the Order there would be no offence for fouling or other anti-social dog behaviours.
- 2.5 It is considered that without the PSPO there would be an increased risk to public health especially to children who are more likely to come into contact with faecal contamination.
- 2.6 Some Parish and Town Councils have authorised their officers for the purpose of enforcing the provisions of the PSPO with training provided by Dorset Council. They can also undertake awareness raising in local communities and are very beneficial roles.

3.0 The Consultation

- 3.1 An interim review of the PSPO was carried out in 2022, a year after its introduction. A concern was raised about the restrictions on Front Beach, Lyme Regis. Here, as requested by Lyme Regis Town Council, dogs were required to be kept on a lead outside of the exclusion period – different from other beach restrictions. Representations were made saying that this was too restrictive. Officers recommend including this issue in the consultation.
- 3.2 The draft consultation document is attached as Appendix A.
- 3.3 Whilst the consultation is an opportunity for people – residents, business owners, organisations and visitors - to have their say on the current

restrictions and whether they would like to retain them or make any changes, the Council will continue to prioritise proportionality and consistency in any restriction. In drafting the Order, it is important that we keep it straightforward and as easy to follow as possible, helping residents and visitors understand and comply with the requirements.

- 3.4 The public consultation is proposed to run from 14 June 2023 until 25 August 2023. There will be an online questionnaire with paper copies at libraries and customer access points. Information will also be posted on the Council website and through our social media channels along with press releases.
- 3.5 The subsequent report on findings and recommendations will be considered at the Place and Resources Overview Committee on 5 October 2023 with a further report to Cabinet on the 7 November 2023.
- 3.6 The Act specifies the consultees which must be consulted including the Police, community representatives (as deemed appropriate by the Council) and the owners/occupiers of relevant land. Officers have contacted stakeholders to advise them of the forthcoming consultation.

4.0 Financial Implications

- 4.1 None directly from the consultation process although significant officer resource is required to prepare the consultation and analyse the findings.
- 4.2 Additional signage may be required if there are any location or restrictive changes to the PSPO. This is not considered to be significant and will be met within existing budgets.

5.0 Natural Environment, Climate & Ecology Implications

- 5.1 None directly from the consultation process.
- 5.2 The legislative aim of the PSPO is to prevent risks to public health, not to be used as a tool to protect environmental habitats. However, in controlling the locations where dogs can roam, there will be an indirect effect on some of our sensitive habitats.
- 5.3 Keeping land free from dog fouling is a high residential priority as is the safe use of parks and open spaces.

6.0 Well-being and Health Implications.

- 6.1 None directly from the consultation process.

- 6.2 The PSPO aims to protect public health through infection control, reducing the risk of dog bites or other aggressive behaviours and encouraging active lifestyles.

7.0 Other Implications

8.0 Risk Assessment

- 8.1 HAVING CONSIDERED: the risks associated with this decision; the level of risk has been identified as: Low.

Current Risk: Low

Residual Risk: Low

9.0 Equalities Impact Assessment

- 9.1 The consultation will be an inclusive process – an online consultation with paper copies and alternative formats available.
- 9.2 The Dorset Council Equalities Reference Group will be directly consulted and their feedback sought.
- 9.3 Issues relating to assistance dogs will be addressed in the Dog Related PSPO Equalities Impact Assessment.

10.0 Appendices

- 10.1 Appendix A - Consultation on Proposed Dog Related Public Spaces Protection Order.
- 10.2 Appendix B Consultation Timeline
- 10.3 Appendix C PSPO Review Report to Place and Resources Scrutiny Committee 2022

11.0 Background Papers

- 11.1 [The Anti-Social Behaviour Crime and Policing Act 2014 Regulations – The regulations to the Act 2014](#)
- 11.2 [The Statutory Guidance to the Act for Frontline Professionals August 2019](#)
- 11.3 [The Local Government Association Public Spaces Protection Orders Guidance dated February 2018](#)