

# Place and Resources Overview Committee

## 5 October 2023

### Report on the findings from the Public Consultation for the Dog Related Public Spaces Protection Order and draft Order

#### For Recommendation to Cabinet

**Portfolio Holder:** Cllr L Beddow, Culture and Communities

**Local Councillor(s):** Impact on all wards

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**Report Status:** Public

#### **Brief Summary:**

This report summarises the findings from a Dog-related Public Spaces Protection Order public consultation undertaken between June and August 2023. Informed by the consultation, it proposes the new draft Dog-related Public Spaces Protection Order 2024 (PSPO) which will replace the existing Public Spaces Protection Order. The report outlines the provisions for the Council area for a period of 3 years from 1 January 2024 until the 31 December 2026.

The recommendations from your Committee will be considered by Cabinet at their meeting on 7 November 2023.

#### **Recommendations:**

Members of the Committee consider and comment on the outcome of

1. the Public Consultation Report, Appendix A,
2. the draft PSPO 2024, Appendix B,
3. the Equality Impact Assessment, Appendix C, and
4. that the draft PSPO, or as amended, be recommended to Cabinet.

## **Reason for Recommendations:**

To protect public health, safety and animal welfare.

To provide a new PSPO as required by the Anti-social Behaviour Crime and Policing Act 2014.

To assist with the efficient use of enforcement resources.

To recognise the public's support, through the consultation responses, for certain restrictions required for public safety.

To recognise and implement the requirements of the Equality legislation.

## **1. Report**

- 1.1.1 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.

- 1.1.2 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.

- 1.1.3 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.
- 1.1.4 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.
- 1.1.5 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.
- 1.1.6 Only suggested provisions in the public consultation can be considered for inclusion in the Order. These were drawn from the current Order and good practice information. Any suggested provisions outside the scope of the consultation would require a further consultation exercise. However, a PSPO has to be reviewed and re-made within 3 years and other provisions can be considered at that time.
- 1.1.7 Where a restriction applies, the landowner can apply to Dorset Council for a consent to ensure that we do not undertake enforcement on that land. The PSPO takes precedent over any other legal provision (e.g. byelaws).
- 1.1.8 The draft Order looks to maintain most of the restrictions that are currently in place, confirmed by majority public support in the consultation.
- 1.1.9 The consultation had a high level of participation with 4221 responses and included good representation of respondent ages, dog owners and non-dog owners.

1.1.10 Consultation information was sent to all Parish and Town Councils, alongside Dorset Police and the Dorset Police and Crime Commissioner who are statutory consultees. Other consultees included community representatives, organisations representing dog ownership or equality diversity and inclusion and all relevant landowners. Any significant additional commentary from these organisations is summarised in Appendix A. No responses have been received from Dorset Police or the Dorset Police and Crime Commissioner.

1.1.11 We wish to thank participants for their contributions.

1.1.12 In terms of representative responses, over 80% were from local residents. The majority of responses were from White British (80%), female (65%) and over 65 (33%), which is typical of the Dorset population. The response rate of people recognising themselves having a disability was 9.5%, a higher level than that of the 2020 public consultation which was 6.6% This reflects the comparative levels in the 2011 and 2021 Census.

1.1.13 Approximately 2/3<sup>rd</sup> of respondents were from dog owners. This is similar to the 2020 response rate.

1.1.14 The recommended provisions below follow the order of the Consultation Report with an officer recommendation given in each case. The first bracketed figure is the % response from the 2023 consultation. A second bracketed figure gives a comparative response rate from the 2020 public consultation. In some provisions the comparator hasn't been included because the 2020 question was worded or framed differently.

## **1.2 Proposed Provisions - generic provisions**

1.2.1 Clearance of dog fouling and appropriate disposal from public open spaces. Page 7 of the consultation report and the proposed open spaces listed in Schedule 1 of the draft Order. This received almost universal support (99% 2023), (97% 2020).

Recommended for inclusion.

1.2.2 Maximum lead length of 2m where required, page 7 and the areas are listed in Schedule 3 of the draft Order. This received significant support (82% 2023), (75% 2020). There was some commentary suggesting that it should be considered on a site-by-site basis. A consistent approach is recommended as variations could be considerable and confusing to the public.

Recommended for inclusion.

- 1.2.3 Dogs on lead as directed by an authorised officer, maximum lead length 2m, page 8. This received almost universal support (96% 2023), (92% 2020).

Recommended for inclusion.

### **1.3 Proposed Provisions - dogs on leads, generic locations**

- 1.3.1 Municipal cemeteries, church and graveyards, where dogs are permitted, page 9. Received almost universal support (91% 2023), (85% 2020)

Recommended for inclusion.

- 1.3.2 Public formal gardens, page 10. Received significant support (80% 2023), (65% 2020). Some commentary was received on providing zoned areas and allowing off lead in part, however given the number of locations, this was considered a potentially confusing measure for the public and would require significant additional signage.

Recommended for inclusion.

- 1.3.3 Council owned allotments where permitted, page 11. Received significant support (75% 2023), (65% 2020).

Recommended for inclusion.

- 1.3.4 Council owned car parks, page 12. Received significant support (92% 2023), (85% 2020)

Recommended for inclusion.

- 1.3.5 Within 5m of marked sports pitches, page 13. Received significant support (80% 2023), (70% 2020). There was some commentary about adopting a non-blanket approach - considering the restriction only when the pitch is being used for sport. However, the risk of residual dog fouling near to the pitch remains a concern.

Recommended for inclusion.

- 1.4 **Proposed Provisions - dogs on leads, specific locations.** Page 14 of the consultation report.

- 1.4.1 Rodwell Trail, Weymouth. A well-used urban cycle and footway connecting the outlying wards to Weymouth town. The responses were

divided, 48% were in favour, 24% favoured no restriction and 28% didn't know. The majority were in favour of continuing the restriction. Dog owners were less supportive of dogs being on a lead but 52% of residents responding were in favour of retention. DCN, Cycling UK and West Dorset commented on a cleaner and safer space since the introduction of the requirement to keep dogs on lead. This is a very popular location, and the Order should reflect the necessity to reduce the risk of fouling to as low as possible.

Recommended for inclusion.

- 1.4.2 West Bay Harbour side and Esplanades. Received majority support (61% 2023), (67% 2020). No significant theme identified in open text commentary.

Recommended for inclusion.

- 1.4.3 Lyme Regis pathways etc. adjacent to the Front/Town Beach. Received majority support (63% 2023), (68% 2020). No significant theme identified in open text commentary.

Recommended for inclusion.

- 1.4.4 Weymouth Esplanade. Received majority support (67% 2023), (77% 2020). No significant theme identified in open text commentary.

Recommended for inclusion.

- 1.4.5 Swanage. The Parade and adjacent roads leading to the Beach. Received majority support (60% 2023), (75% 2020). No significant theme identified in open text commentary.

Recommended for inclusion.

- 1.4.6 Studland. Access to Knoll Beach and Middle Beach from the car park, including the car park and staircases. Received majority support (57% 2023), (60% 2020). No responses were received from Studland Town Council.

Recommended for inclusion.

- 1.4.7 Studland beaches are managed by the National Trust on behalf of Natural England. As agents of the land, they have requested that all of the Studland beaches are dogs on lead restricted. The consultation restricted

the questions to just Shell Bay beach and Knoll Beach, to enable an area of these beaches to be restriction free in the summer months.

For Shell Bay beach (1st May to 30th September) the responses were divided, 49% in favour, in favour of no restriction 33% and 18% don't know. The majority was therefore in favour the retain the restriction. The opinion of dog-owners vs non-dog owners was stark. An overwhelming 84% of non-dog owners and only 30% of dog owners wanted the restriction retained.

Recommended for inclusion.

- 1.4.8 Studland Beach known as Knoll Beach (not including Middle Beach), (1st May to 30th September) The responses were the same as Studland Shell Beach above. This enables enforcement of the restricted beaches in the summer months to run from the entrance on Knoll beach by the National Trust Centre up to the ferry.

Recommended for inclusion.

- 1.4.9 Studland – Ferry Road, from Studland Beach car park to South Coast end marker, Shell beach National Trust Car Park and access routes to Shell Beach. Received majority support (57% 2023).

Recommended for inclusion.

- 1.4.10 Charmouth, Lower Sea Lane Car Parks and surrounding areas leading to the Beach. Received majority support (56% 2023), (64% 2020).

Recommended for inclusion.

## **1.5 Proposed Provisions - dog exclusion areas, generic. Page 24 of the consultation report.**

- 1.5.1 Recreation areas, including skateboard parks, tennis and basketball courts, bowling and putting greens, enclosed play parks, sporting or recreational facilities and athletics tracks. Received majority support (64% 2023), (55% 2020)

Recommended for inclusion.

- 1.5.2 Marked Sports Pitches. Received majority support (60% 2023). Restrictions to apply only when in use or during the playing season received only limited support.

Recommended for inclusion.

**1.6 Proposed Provisions – generic beach restrictions – Page 27 of the consultation document. (Maps are produced to support the Order by clearly delineating areas where restrictions apply).**

- 1.6.1 Fixed time period for summer restriction. Continuing the fixed period of 1 May to 30 September for relevant Beach restrictions received majority support (51%).

Of those that did not support this time period (32%), 71% wanted the beaches without restriction between 19:00 and 08:00. BCP Council do not allow dogs on beaches at any time during the exclusion period so in retaining our restriction we have consistency across Dorset. There is potential for increased incidence of residual fouling and encroachment into the exclusion period.

Recommended for inclusion.

**1.7 Proposed Provisions - specific beach locations**

- 1.7.1 Swanage, Central Beach. Received majority support (76% 2023), (60% 2020). No significant theme identified in open text commentary. Swanage Town Council had general concerns about dog fouling within the Town.

Recommended for inclusion.

- 1.7.2 Lyme Regis, Front/Town Beach, summer restriction. Received majority support (53% 2023), (47% 2020).

Recommended for inclusion.

- 1.7.3 Lyme Regis, Front Town Beach winter restriction (1 October to the 30 April) requirement to keep dogs on lead. Did not receive majority support with 46% in favour of maintaining the restriction and 54% in favour of no restriction. (40% and 58% respectively 2020). Lyme Regis Town Council wanted an option for an extended exclusion period. In setting the parameters for the consultation, this was not seen as a proportionate choice.

Officers are concerned that there is limited suitable alternative space to exercise a dog off lead during the winter months. Officers have considered adjacent beaches and found them unsuitable as they are either slippery or unstable underfoot for those with mobility issues. No open green spaces are available without climbing a gradient.



There is no evidence of significant use of this beach area by families and children compared with other beaches in Dorset without restrictions, nor increased level of subsequent risk from dog attacks or fouling contamination.

Not recommended for inclusion.

- 1.7.4 Chideock, Seatown Beach. No overall majority with 50% for and 50% against, the same as 2020. No representation made from the Wraxall Estate, the landowner. This is a long stretch of beach and zoning was suggested by a limited amount of people.

Recommended for inclusion.

- 1.7.5 West Bay - East Beach and West Beach. Received majority support (59% 2023). No significant theme identified in open text commentary.

Recommended for Inclusion.

- 1.7.6 Charmouth, West beach. The responses were divided with 51% in favour of the restriction and 49% wanting no restriction. The commentary was also divided in terms of support.

Recommended for inclusion.

- 1.7.7 Weymouth, Central (except exercise area at the Pavilion end) and Greenhill Beaches. Received Majority support (67% 2023), (59% 2020). Some limited commentary on the current location of the beach exercise area and relocating to the Greenhill end.

Recommended for Inclusion.

## **2 Financial Implications**

The new PSPO may require changes to existing signage. The cost of changes and replacement of routine signage will be met from the existing budget.

## **3 Natural Environment, Climate & Ecology Implications**

The provisions are specifically related to human public health and dog welfare. The protection of the environment in terms of ecology is not a purpose of the Order.

Some restrictions on open spaces may cause dog owners to travel further by car to exercise their dogs which would add to the carbon load.

## **4 Well-being and Health Implications**

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.

## **5 Other Implications**

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.

## **6 Risk Assessment**

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

Current Risk: Medium

Residual Risk: Low

## **7 Equalities Impact Assessment**

An EqIA for the proposed Order is given at Appendix C.

Assistance dogs was considered by the Equality, Diversity and Inclusion Reference Group at their meeting in July 2023 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 and in line with guidance issued by the ECHR addressing issues such as assistance dogs, reduced mobility of some dog owners and the understanding of signage.

## **8 Appendices**

Appendix A – Dog-related PSPO Public Consultation Response Report 2024

Appendix B - Dog-related Public Spaces Protection Order 2024 (draft)

Appendix C – EqIA Dog-related Public Spaces Protection Order (PSPO) 2024

Appendix D - Public Consultation Findings Infographic 2024

## **9 Background Papers**

[Anti-social Behaviour, Crime and Policing Act 2014, Chapter 2](#)

[Anti-social Behaviour Crime and Policing Act 2014, Anti-social Behaviours Powers, Statutory Guidance for Frontline Professionals, Revised March 2023](#)

[The Local Government Association, Public Spaces Protection Order, Guidance for Councils, 2018](#)

[Equality Act 2010: Guidance](#)

[EHRC, Assistance Dogs: a guide for all businesses](#)

[Dorset Council, Equality, Diversity and Inclusion Strategy 2021-2024](#)

[Dealing with irresponsible dog ownership: Practitioners Guide, DEFRA, 2017](#)

[Dorset Council Website, Dog related PSPO](#)