

NORTH DEVON COUNCIL

REPORT TO: STRATEGY AND RESOURCES COMMITTEE

DATE: 13th NOVEMBER 2020

**TOPIC: UPDATED REPORT RE PUBLIC SPACES
PROTECTION ORDERS**

DOG CONTROL

**REPORT BY: ANDY COLE – ENVIRONMENTAL PROTECTION
SERVICE LEAD**

1. Introduction

- 1.1 On 1st June 2020 Members considered a proposed public consultation exercise on the implementation of a number of controls designed to address anti-social behaviour associated with irresponsible dog ownership.
- 1.2 This report gives Members the opportunity to consider the results of the completed public consultation exercise - to enable decisions to be made about the implementation of relevant, lawful and proportionate controls.
- 1.3 The potentially contentious nature of this important area of the Council's business is acknowledged.

Members who have previously expressed an interest in this area of work were invited to discuss the previously submitted report - in advance of the Strategy and Resources Committee meeting on Friday 13th November.

The report was updated at the request of Members – resulting in this updated version.

2. Recommendations

- 2.1 It is recommended to Full Council that Members approve the measures identified in section 4.9 of this report.
- 2.2 It is also recommend that Committee consider any further controls and make such recommendations to Full Council as are considered appropriate.

3 Reasons for Recommendations

- 3.1 To enable controls to be put in place which better address anti-social behaviour associated with irresponsible dog ownership.

4 Report

- 4.1 Members' have previously been made aware of the significant and positive public health, social and economic benefits of dog ownership.

A number of published papers for example have evidenced the savings to the NHS through improved physical and mental health of owning a companion dog.

While the majority of dog owners are responsible, there is unfortunately an irresponsible minority who do not pick up after their dog or allow their dogs to run out of control.

- 4.2 The Anti-Social Behaviour, Crime and Policing Act 2014 contains provisions for local authorities to introduce Public Space Protection Orders' (PSPO), designed to address anti-social behaviour.

To implement a PSPO, a local authority must be satisfied on reasonable grounds that the activity has been or is likely to be detrimental to the quality of life of those in the locality, and that the activity is likely to be persistent and unreasonable in nature.

The PSPO can either prohibit the activity or make specific requirements on those who are carrying out the detrimental activity.

- 4.3 The recent public consultation exercise - designed to inform the evidence base for implementing any new PSPO, by pursuing the least restrictive approach - is now complete.

- 4.4 Considering the number of responses received (3000+), and the need for absolute transparency and robustness in the evaluation of this data, an external consultant was commissioned to undertake an independent analysis of the responses received.

- 4.5 The consultant's findings are included as Appendix 1 to this report – with the key findings summarised below:

- There is majority *support* for the controls identified in the consultation exercise, in relation to :
 - controlling dog fouling
 - dog control (excluding the 6 busy amenity beaches and the Tarka Trail)

- public cemeteries
 - enclosed children's play areas
 - formal sports pitches
 - Braunton Burrows special area of conservation
 - high tide resting sites
- There is majority *opposition* for the controls identified in the consultation exercise, in relation to :
- proposals for dog control on the 6 busy amenity beaches
 - proposals for dog control on the Tarka Trail

4.6 The Environmental Protection Team receives the following reactive requests for service in relation to this area of work :

	2016/17	2017/18	2018/19	2019/20
Dog Fouling	84	69	97	72
Dogs Out of Control	113	87	80	66
Lost Dogs	98	110	92	78
Stray Dogs	129	132	136	138

4.7 In relation to those aspects of the consultation which present a majority *opposition* (the 6 main amenity beaches and the Tarka Trail), Officers' have further liaised with the landowners to clarify their views.

This information is attached as Appendix 2 to this report.

4.8 On consideration of the data presented in 4.5, 4.6 and 4.7 - as well as their routine observations from carrying out their day to day duties – Officers' are satisfied that there is the legal justification for implementing a suite of measures to enable the Council to better address anti-social behaviour associated with irresponsible dog ownership.

4.9 It is recommended that a new District wide PSPO is implemented - incorporating measures to:

- 1 issue Fixed Penalty Notices (FPNs) of £100 to people who do not pick up their dog waste in all areas open to the public.
- 2 issue FPNs' of £100 to people who do not place their dog on a lead of 2.0m length or less in any public area when directed by a suitably delegated person / Officer - where that person / Officer is satisfied that the dog is out of control by way of being at large and not on a lead - and / or poses a nuisance or danger to people or other animals.
- 3 issue FPNs' of £100 to people who walk or exercise their dogs 'off lead' in any cemetery open to the public.
- 4 issue FPNs' of £100 to people who allow their dogs to be present on any formal sports pitch, or enclosed children's play area.
- 5 issue FPNs' of £100 to people who allow their dogs to be present within the vicinity (to be defined on a site specific basis) of land used as a High Tide Roosting Site (as identified in Appendix 3, Figure 1) between 1st October and 31st March.
- 6 issue FPNs' of £100 to people who allow their dogs to be present on Croyde Bay (as defined in Appendix 3, Figure 2) between, 1st May and 30th September.
- 7 issue FPNs' of £100 to people who walk or exercise their dogs 'off lead' in the dunes behind Croyde Bay (as defined in Appendix 3, Figure 2) between, 1st May and 30th September.
- 8 issue FPNs' of £100 to people who allow their dogs to be present on Combe Martin Beach (as defined in Appendix 3, Figure 3) between, 1st May and 30th September.
- 9 issue FPNs' of £100 to people who walk or exercise their dogs 'off lead' in certain parts of Braunton Burrows during certain times of year - as defined by the landowner.
- 10 exempt people who have an assistance dog registered with a member organisation of Assistance Dogs UK from these controls.

4.10 It is recommended that the Head of Environmental Health and Housing Services is given authority to delegate enforcement powers to other groups

where it can be demonstrated that they hold the appropriate competencies – for example Police Officers’, Parish Council Officers’ and specific individual landowners on request.

A programme of accreditation - which takes into account the requirements of all legislation and associated guidance - shall be put in place to enable a robust assessment of competence to take place before such delegation is given.

- 4.11 All existing signage on NDC owned land will be replaced to provide absolute clarity about any controls which are in place in a given location. Whilst the final designs are not yet complete, the general appearance and style of the new signage is currently proposed to be consistent with the working examples provided in Appendix 4 to this report.
- 4.12 In relation to the proposed controls for High Tide Roosting Sites, detailed maps will be drawn up for each site to clearly identify the exact areas to which the controls refer.
- 4.13 Individual landowners who request additional controls to be introduced on their land will be required to install signage as per the finalised Council designs.
- 4.14 A high profile communications exercise will be undertaken to promote responsible dog ownership and to ensure there is a high level of awareness of the controls amongst the Community.

5 Resource Implications

- 5.1 The setting up of any new PSPO can be undertaken within existing resources. The cost of the new signage is estimated to be in the region of £5k which can be met from existing revenue budget.
- 5.2 Enforcement of the PSPO can be undertaken by the Council’s Officers’, and by other groups where the Council is satisfied that they hold the appropriate competencies – as detailed above.

6 Constitutional Context

Article or Appendix and paragraph	Referred or delegated power?	Key decision?
Part 2, Article 4, 4.5.3 and Part 3,	Delegated	No

7 Statement of Confidentiality

This report contains no confidential information or exempt information under the provisions of Schedule 12A of the 1972 Local Government Act.

8 Background Papers

This report has been prepared with reference to the Local Government Association document “Public Spaces Protection Orders – Guidance for Councils” - published on 1st February 2018 and readily available at www.local.gov.uk. Consultation responses.

9 Statement of internal Advice

The author confirms that advice has been taken from all appropriate Councillors and Officers.

Author: Andy Cole, Environmental Protection Service Lead
Date: 13th November 2020
Reference: PSPO Strategy and Resources Report

Appendix 1

*“Analysis of Responses to the North Devon Council 2020
PSPO Dog Control Consultation”*

by

Tonic Consulting 2nd November 2020

(double click document to open)

ANALYSIS OF RESPONSES TO THE NORTH DEVON COUNCIL 2020 PSPO DOG CONTROL PUBLIC CONSULTATION

**INDEPENDENT
ANALYSIS
CONDUCTED BY
TONIC**

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Version: 1.3 Date: 21/10/2020



Appendix 2

Landowner Responses

Landowner Response			
Land	Do you support the implementation of controls which would allow the issuing of Fixed Penalty Notices (FPNs') of £100 to people who do not pick up their dog waste on your beach ?	Do you support the implementation of controls which would allow the issuing of FPN's of £100 to people who do not place their dog on a lead of 2.0m length or less when directed by a suitable delegated person / Officer ?	Would you like to implement any further controls on your beach in relation to dogs ?
Saunton Sands	No	No	Restrictions on commercial dog walking operators through licence or permit based system
Woolacombe Sands	Yes	No	No – satisfied with current arrangements

Landowner Response			
Land	Do you support the implementation of controls which would allow the issuing of Fixed Penalty Notices (FPNs') of £100 to people who do not pick up their dog waste on your beach ?	Do you support the implementation of controls which would allow the issuing of FPN's of £100 to people who do not place their dog on a lead of 2.0m length or less when directed by a suitable delegated person / Officer ?	Would you like to implement any further controls on your beach in relation to dogs ?
Putsborough Sands	Yes	No	No – satisfied with current arrangements
Instow Beach	Yes	Only if consistent with wishes of Instow Residents, Parishioners and other landowners	Only if requested by Instow Residents, Parishioners and other landowners

Landowner Response			
Land	Do you support the implementation of controls which would allow the issuing of Fixed Penalty Notices (FPNs') of £100 to people who do not pick up their dog waste on your beach ?	Do you support the implementation of controls which would allow the issuing of FPN's of £100 to people who do not place their dog on a lead of 2.0m length or less when directed by a suitable delegated person / Officer ?	Would you like to implement any further controls on your beach in relation to dogs ?
Instow Beach	Yes	Yes	No – satisfied with current arrangements
Croyde Bay	Yes	Yes	Yes. Between 1 st May – 30 th September: - not allow dogs on the beach at any time of day. - require that dogs being walked in the dunes must be on a lead.

Landowner Response			
Land	Do you support the implementation of controls which would allow the issuing of Fixed Penalty Notices (FPNs') of £100 to people who do not pick up their dog waste on your beach ?	Do you support the implementation of controls which would allow the issuing of FPN's of £100 to people who do not place their dog on a lead of 2.0m length or less when directed by a suitable delegated person / Officer ?	Would you like to implement any further controls on your beach in relation to dogs ?
Combe Martin Beach	Yes	Yes	Yes. Between 1 st May – 30 th September: - not allow dogs on the beach at any time of day.
Tarka Trail	Yes	"Unsure – but probably No"	No <i>(note - question asked related to Tarka Trail, not beach)</i>

Appendix 3

Maps

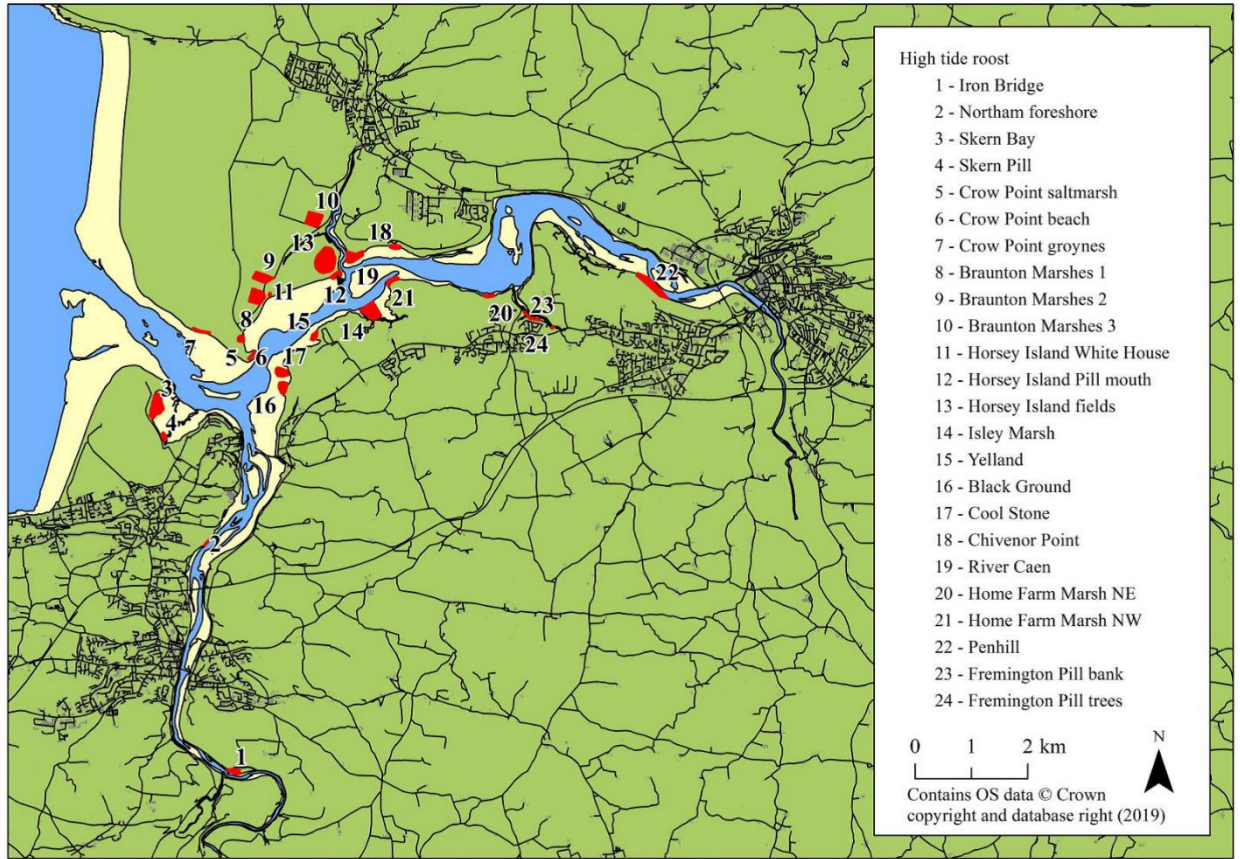


Figure 1 - High Tide Roosting Sites in North Devon

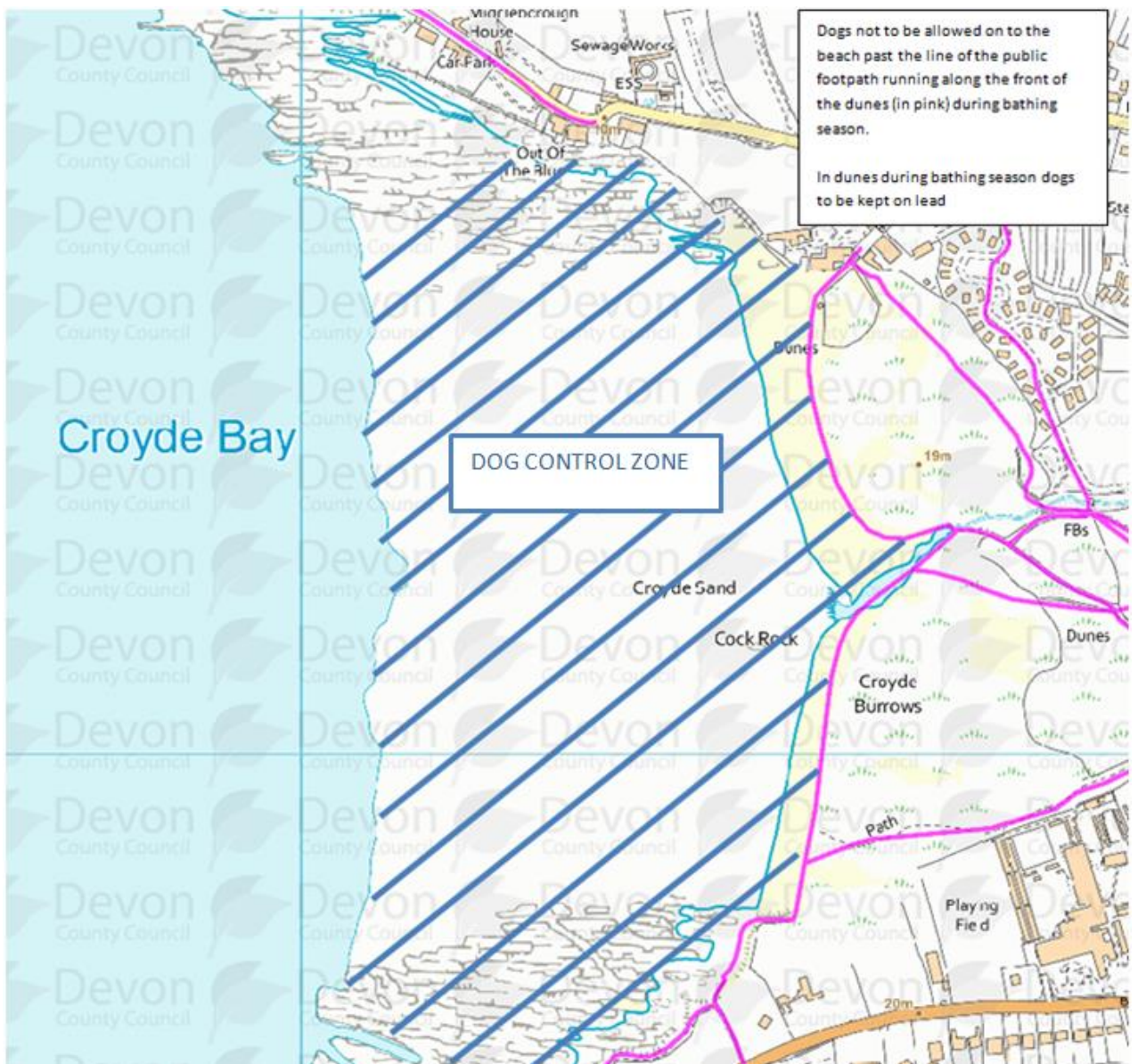


Figure 2 – Croyde Bay

Appendix 4

Draft sample signage

PUBLIC SPACES PROTECTION ORDER

Section 59 Anti-Social Behaviour, Crime & Policing Act 2014

A general order applies throughout North Devon directing responsible behaviours and dog controls as required.



NO FOULING

Dog owners/walkers must clear up
Dog faeces is to be promptly removed
Dispose of the waste appropriately



DOGS ON LEADS

Dog permitted if kept on leads
Fixed leads of no more than 2m in length
Respect the sensitivities of others



DOGS EXCLUDED

Dogs are excluded from this area
Assistance dogs may be exempt
Respect the sensitivities of others

Offenders will be liable to a fixed
penalty fine or prosecution. Further
details can be found on our website
www.northdevon.gov.uk



PUBLIC SPACES PROTECTION ORDER

Public Spaces Protection Orders can regulate irresponsible behaviour and offenders will be liable to a fixed penalty fine or prosecution for non-compliance. To assist a common understanding and easy identification of the condition in various places, we adopted a "traffic light system".

These symbols will guide and remind you...



Exercise freely

Be mindful of sensitivities



Dogs on a lead

May be directed for multiple reasons



No dogs allowed

May be temporary or permanent exclusions

Offenders will be liable to a fixed penalty fine or prosecution. Further details can be found on our website www.northdevon.gov.uk

