



North Devon Council

Report Date: Monday, 7 August 2023

Topic: Public Spaces Protection Order Review 2024 (Dog Controls PSPO)

Report by: Daryl Littlejohns, Environmental Health Manager

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 They considered the results of the completed public consultation exercise - to enable decisions to be made about the implementation of relevant, lawful and proportionate dog controls.
- 1.3 It was RESOLVED at Full Council on the 25 November 2020 that the recommendations of the Strategy and Resources Committee held on 13 November 2020 regarding Public Spaces Protection Orders Dog Controls be approved.
- 1.4 Attached Appendix A (The Public Spaces Protection Order 8th February 2021).
- 1.5 The current PSPO will end on 31st of December 2023 and ideally we will be in a position to seamlessly move to a new order from 1st January 2024. Without it, we will have no provision for enforcement of dog fouling or other controls within the existing order. An outline of the 'step-stones' that guide us through is attached (Appendix C).
- 1.6 Prior to public consultation in September/October an effective consultation process will take place with a range of stakeholders to assess the impact of dog owners and anti-social behaviour. This will help us evaluate existing controls and amendments where applicable for proportionate interventions.

2. RECOMMENDATIONS

2.1 The Committee approve the Public Spaces Protection Order (Dog Controls) Review & Consultation Process and that the results of the consultation to be presented for ratification at Full Council on the 22th November 2023.

2.2 It is also recommend that Committee consider any further controls and make such recommendations to Officers and Full Council as are considered appropriate.

3 REASONS FOR RECOMMENDATIONS

3.1 The Council is required to review the PSPO every three years.

3.2 This is to ensure controls continue to be in place which address anti-social behaviour associated with irresponsible dog ownership.

4 REPORT

4.1 There are significant and positive public health, social and economic benefits from 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 proportional Public Space Protection Orders' (PSPO) which are evidence based, designed to address anti-social behaviour.

To continue to implement a PSPO, a local authority must be satisfied on reasonable grounds that the lack of control of dogs 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.

Public consultation in 2020

- 4.3 The original public consultation exercise for 2020 - designed to inform the evidence base for implementing the PSPO, by pursuing a proportionate and least restrictive approach.
- 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 the independent analysis of the responses received.
- 4.5 The consultant's findings are included as Appendix B to this report – with the key findings summarised below:
- There was 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)
 - formal sports pitches
 - Braunton Burrows special area of conservation
 - high tide nesting sites

 - There was 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 It is anticipated the existing elements of the 2021-2023 order will be retained; appearing as they do; to have been efficient and effective measures that can modify anti-social behaviours.

Additions and variations of the existing conditions, will be explored and scoped within the early consultation of key stakeholders. These notions have emerged in the review process, based on officer opinion, professional judgement and developments locally and nationally since the inception of the 2020 order.

Professional dog walkers

- 4.7 The rapid growth of professional dog walking in what is an unregulated sector raises significant considerations. As part of a coherent policy across the authority, conditions within the PSPO, could help manage the negative impact of intensive walking of large groups of dogs as is frequently the case.

Alongside the use of licensing and voluntary schemes that promote 'best practice' in commercial activity, we aim to consider the merits of a control on the number of dogs a single person can walk at any one time which would equally apply to domestic and social walkers.

A limit of six dogs is supported initially, with a further requirement that at least three must be on a 'short-lead'. Only three dogs may be exercised off-lead or be walked on extendible or stretchy leads when under the control of a single person.

This is a contentious subject, likely to divide opinion. National guidance will be researched alongside evidence of need and benefit to determine a rational, practical and proportionate stance.

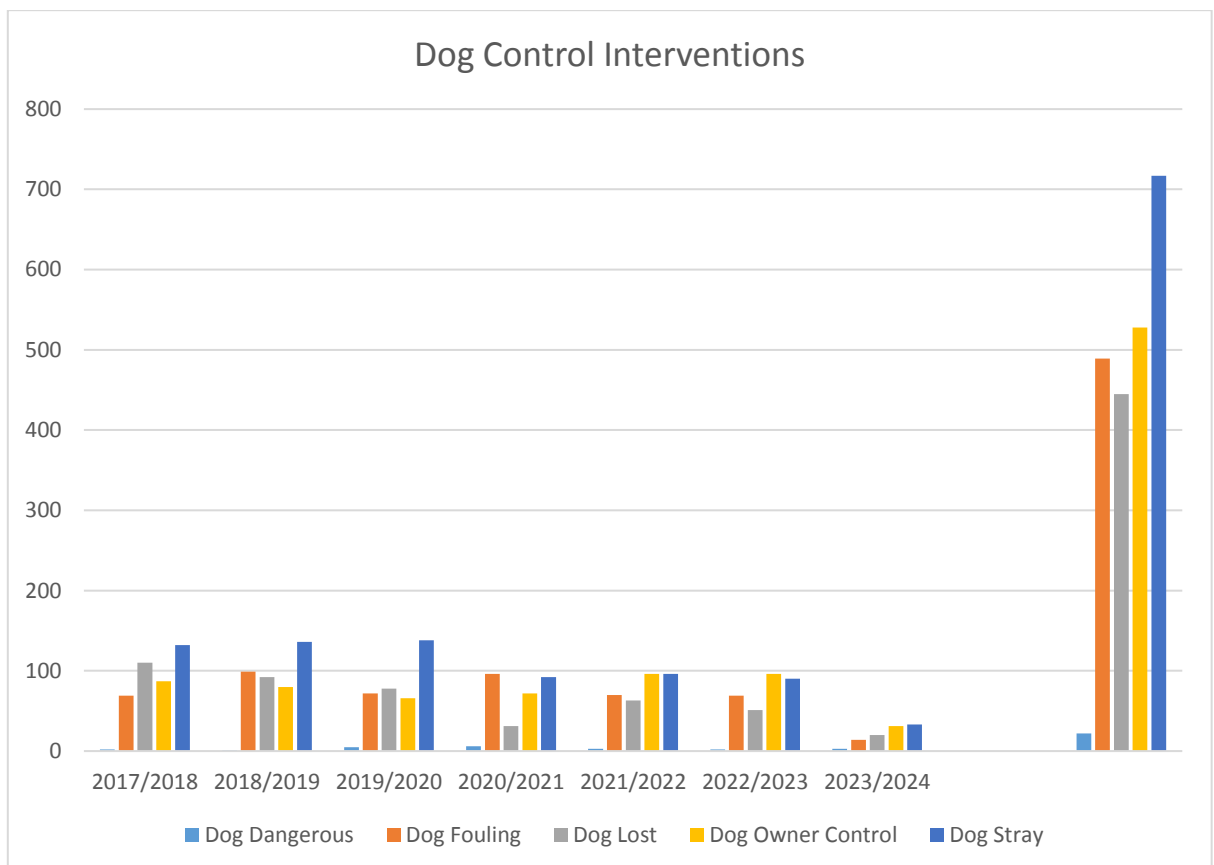
A carefully drafted proposal will feature in the public consultation and the responses will be collated with all other relevant material to inform any recommendation or decision. A brief is attached for further reference (Appendix D).

Local land owners

- 4.8 Empowerment of landowners and managers such as Parish Councils could lead to better localised controls.

This could be implemented through a voluntary code in a similar manner to the exclusion of dogs on sports pitches, whereby the third party would approach NDC for consideration of the restriction being applied within a small park for example.

4.9 Table 1. Shows the Environmental Protection Team – Service Requests for dog issues from 2017 to 2022. Overall totals show that ‘dog control’ complaints is second in service demand to ‘stray dogs’.



4.10 The consultation with key partners and stakeholders should yield additional data and evidence to support existing controls, challenge our position or promote alternative activity.

Review of signage

4.11 The review of signage and public information associated with a variance of the PSPO will also be consulted upon.

A proposal for adoption of **Red/Amber/Green (RAG) Paw-Print** signs to supplement the range of measures, has been used successfully by Dorset Councils as a simple system for understanding the controls. We will consult stakeholders, the public and learn about Dorset Councils experience of their Paw Print Signs (Appendix E).



A Communications strategy will be prepared that clarifies the narrative we wish to promote, informs and directs people to the consultation opportunities and outlines the time table for the development and ratification of the order.

5 RESOURCE IMPLICATIONS

- 5.1 The continuation of the PSPO can be undertaken within existing resources.
- 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 EQUALITIES ASSESSMENT

- 6.1 Please detail if there are/are not any equalities implications anticipated as a result of this report. If so, please complete the Equality Impact Assessment (EIA) Summary form available on Insite and email to the Corporate and Community Services Team at equality@northdevon.gov.uk.

7 ENVIRONMENTAL ASSESSMENT

- 7.1 Please undertake an Environmental Assessment and complete the checklist (EAC) form available on Insite. If there are no environmental implications arising from your proposals please state that there are none. If after completion of the assessment there are environmental implications please provide a brief summary. If you require any further information please contact the Sustainability and Climate Change Officer. Email completed EACs to donna.sibley@torridge.gov.uk

8 CORPORATE PRIORITIES

- 8.1 What impact, positive or negative, does the subject of this report have on:
 - 8.1.1 The commercialisation agenda:
 - 8.1.2 Improving customer focus and/or
 - 8.1.3 Regeneration or economic development

9 CONSTITUTIONAL CONTEXT

Article or Appendix and paragraph	Referred or delegated power?	Key decision?
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Part 2, Article 4,
4.5.3 and Part 3,
Annexe 1,
paragraph 1(h).

Delegated

No

10 STATEMENT OF CONFIDENTIALITY

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

11 BACKGROUND PAPERS

- 11.1 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.

12 STATEMENT OF INTERNAL ADVICE

The author (below) confirms that advice has been taken from all appropriate Councillors and Officers:add name and job title.....