



## North Devon Council

Report Date: Monday, 4 December 2023

Topic: Public Spaces Protection Order (Dog Control) 2024

Report by: Daryl Littlejohns, Environmental Health Manager

### 1. INTRODUCTION

- 1.1 On 4<sup>th</sup> of September 2023 Strategy and Resources Committee approved a three year review and consultation on the Public Space Protection Order (PSPO) Dog Controls, which is due to expire on 31 December 2023.
- 1.2 The responses have provided widespread support for adding or retaining dog controls for fouling, lead requirements, dog exclusion areas, temporary restrictions for 'hot spot' areas (fouling or anti-social behaviours), limits on dogs per person on and off lead, extendable leads and the new proposed paw print signage scheme. A revised Draft Order is provided in Appendix A.
- 1.3 This report sets out the response to the consultation and advises Members of the proposed changes for their consideration.

### 2. RECOMMENDATIONS

- 2.1. It is recommended that Members approve the '**retained**' and '**added**' controls in Section 4.0 of this report.
- 2.2. That delegated authority be given to the Head of Planning, Housing and Heath to make the Public Spaces Protection Order 2024 (Appendix A) in line with the provisions in Section 4.0 of this report.
- 2.3. It is recommended recommended that Members approve the Voluntary Dog Walkers Code of Practice, Policy development and a Registration Scheme for professional dog walkers (reference to Section 4.7).

### 3. REASONS FOR RECOMMENDATIONS

3.1. The Council is required to review the PSPO every three years, with the existing Order expiring on 31<sup>st</sup> December 2023.

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

### 4. REPORT

4.1 Following the independent analysis by Member Services of the public consultation responses and representations, it is proposed the new PSPO for 2024 should **retain** and **add** those features listed below (4.2 to 4.6).

#### 4.2 Dog Fouling

**Retain** the current wording within the new PSPO 2024

#### 4.3 Dog Lead Requirements

- a) **Retain** requirement to be on a lead when directed by an authorised officer
- b) **Retain** requirement to be on a lead in specified areas;
  - Cemeteries, churchyards and graveyards
  - Croyde Bay Dunes
- c) **Retain** seasonal requirement of dogs in specified area
  - Land used as high tide roosting site (1st October – 31st March)
- d) **Add** requirement to be on a lead in additional specified areas;
  - Council owned allotments and car parks
  - Ornamental and formal gardens
- e) **Retain** condition that when there is clear notification that a dog is required to be on a lead, the lead must be limited to a length not greater than 2 metres

#### 4.4 Dog Exclusions

- a) **Retain** exclusion of dogs from a limited number of public areas.
  - Enclosed Children's play areas
  - Designated sports Pitches
- b) **Retain** seasonal exclusions of dogs in specified locations
  - Combe Martin Beach (1st May – 30th September)
  - Croyde Beach (1st May – 30th September)

#### 4.5 Temporary Restrictions

- a) **Add** ability to impose temporary restrictions in areas where there is a high incidence of dog related anti-social behaviour or fouling.
- b) **Add** the following types of temporary restrictions
  - Dogs on leads restriction for maximum period of 2 months
  - Dog exclusion for maximum period of 2 months.

#### 4.6 Limitation on number of dogs

- a) **Add** imposed cap on the number of dogs a single person can walk at any one time
- b) **Add** the following two limitations
  - No more than six dogs at once
  - No more than three off-lead at any time

4.6.1 National guidance was researched alongside evidence of the need and benefit of controls. The public consultation indicated widespread support for proposed dog controls.

4.6.2 The Public Consultation provided 76.5% agreement with the number of dogs per person to be restricted to between three and five dogs. A limit of six dogs is recommended initially for the new PSPO, 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 (as above).

#### **4.7 Voluntary Code of Practice for Professional Dog Walker Businesses**

- 4.7.1 The new proposed conditions, will help manage the negative impact of intensive walking of large groups of dogs, the potential for anti-social behaviour and dog fouling.
- 4.7.2 There has been a rapid growth of professional dog walking in what is an unregulated sector. This was considered by Officers as part of the review. The Council consulted with 30 local dog walking businesses on the Code of Practice (Appendix D). The Consultees were in support of the scheme and are now looking at setting up their own association.
- 4.7.3 The Code would include a Council Registration Scheme and promote best practice. Conformance with the Code would provide a defence to the 'three dogs off lead rule' for professional dog walkers. It should give dog walking businesses the flexibility to maintain a commercially viable business.

#### **4.8 Fouling and Anti-Social Behaviour Hot Spots'**

- 4.8.1 The consultation returned a majority support for the temporary introduction of restrictions in problem areas (hotspots). Most respondents selected the 'At the Council's Discretion' option.
- 4.8.2 Temporary conditions for dogs on lead should greatly reduce or eradicate the fouling hotspot areas and empower local communities. These areas would have increased monitoring and enforcement.
- 4.8.3 Where the above fails to positively influence behaviours, a temporary exclusion of dogs (Red Paw) would be an escalation option.

#### **4.9 Dog Lead lengths**

- 4.9.1 A minor amendment to the length of prescribed lead was a consideration and showed 59% support. A reduction from 2m to 1.5m was suggested to reaffirm the need for a 'short lead' measure of control, to prevent injury, upset and accidents. This maybe a difficult area to enforce and the link between cause and effect cannot be validated at this time.

#### **4.10 'Paw Signs'**

- 4.10.3 The proposal for adoption of Red/Amber/Green (RAG) paw-print signs to supplement the range of measures, received a high level of support. The paw print signage should provide a clear and graphical understanding of dog control restrictions and encourage compliance as dog walkers enter and exit from one area to another.



## **4.11 Communication Strategy**

4.11.1 The revised PSPO aims to provide proportional and timely interventions and community empowerment. We will convey the context and expected benefits to influence socially acceptable dog handling behaviours.

4.11.3 We are committed to prioritising education and awareness, as a means to compliance. Officers will work with The Councils Communication Team to update the public on any approved PSPO revisions and restrictions.

## **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.

## **6. EQUALITIES ASSESSMENT**

6.1. An Equalities Assessment was conducted as part of the report to Strategy Resources Committee on the 4<sup>th</sup> September 2023. None of the proposed changes would alter this assessment.

## **7. ENVIRONMENTAL ASSESSMENT**

7.1. An Environmental Assessment was conducted as part of the report to Strategy Resources Committee on the 4<sup>th</sup> September 2023. None of the proposed changes would alter this assessment.

## **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**

9.1. The decision in respect of the recommendations in this report can be made by this Committee pursuant to delegated powers provided in Part 3 Annex 1 paragraph 1.

## **10. STATEMENT OF CONFIDENTIALITY**

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

## **11. BACKGROUND PAPERS**

Background papers are provided in Appendices 1 to 9 and were used in the preparation of this report.



## **12. STATEMENT OF INTERNAL ADVICE**

The author (below) confirms that advice has been taken from all appropriate Councillors and Officers: DARYL LITTLEJOHNS Environmental Health manager.

### **APPENDICES**

- A. Draft PSPO 2024
- B. Public Consultation Responses
- C. Partner Consultation
- D. Dog Walking Code of Practice
- E. Signage & Publications