

# Extending Dog Public Spaces Protection Order

## Report to support the Individual Cabinet Member Decision

<b>Date</b>	22nd September 2020
<b>Report Author</b>	Penny Button
<b>Portfolio Holder</b>	Cllr Steve Albon, Cabinet Member for Operational Services
<b>Status</b>	For Decision
<b>Classification:</b>	Unrestricted
<b>Key Decision</b>	Yes
<b>Reasons for Key (if appropriate)</b>	Significant effect on communities
<b>Previously Considered by</b>	Cabinet - 17th October 2017
<b>Ward:</b>	All Thanet Wards

### Executive Summary:

In 2017 Thanet District Council consulted on a new dog Public Spaces Protection Order (PSPO) for dog fouling, exclusion and dog control, this was adopted and came into force on 25th October 2017.

This report proposes Thanet District Council continue the current PSPO until 25th October 2023.

PSPO extension can only be granted if criteria under [Section 60 of the Act](#) have been met. This includes that an extension is necessary to prevent activity recurring, or there has been an increase in frequency or seriousness of the activity.

### Recommendation(s):

That the current PSPO is renewed until 2023 and adopted in accordance with the Anti-Social Behaviour (ASB), Crime and Policing Act 2014.

### Corporate Implications

#### Financial and Value for Money

There will be some budgetary impact following the extension of the proposed PSPO. This will include the continued provision of adequate signage, and raising public awareness

through Education campaigning. This is estimated to be in the region of £2,000 and will be met from existing budgets from within the service. Recent stencils cost in the region of £35.26 each, replacement signs cost on average £15 each.

## **Legal**

This decision will enable Thanet District Council to issue fixed penalty notices under the Anti-social behaviour act 2014, Part 4 Legislation.

## **Corporate**

Without the decision Thanet District Council will be unable to enforce against Dog related anti social behaviour.

## **Equality Act 2010 & Public Sector Equality Duty**

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

*Compliance can only be achieved if we can evidence that due regard is given in substance, this means starting your assessment at the beginning of your piece of work and updating it throughout. Completing the assessment at the end or after a decision is taken will not satisfy the Duty.*

*Where an assessment is required please summarise the key findings here and append your full analysis to the report with any personal data redacted.*

*Please see the equality compliance toolkit on TOM or contact the Legal Department for assistance.*

## **CORPORATE PRIORITIES**

This report relates to the following corporate priorities: -

- Environment
- Communities

### **1.0 Introduction and Background**

1.1 A Public Spaces Protection Order (PSPO) is not the same as a byelaw. PSPO's are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life. To justify a PSPO there has firstly

to be evidence of a nuisance, and secondly that the effect (or the likely effect) of the activities is of a persistent nature making the behaviour unreasonable and rendering the notice justified.

- 1.2 It does this by imposing conditions on the use of that area, which apply to everyone. Orders are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from antisocial behaviour.
- 1.3 In 2017 Thanet District Council consulted on a new dog fouling and dog control Public Space Protection Order which covered dog fouling, dog exclusion and dog control, this was subsequently adopted 25th October 2017.
- 1.4 Public Space Protection Orders are valid for 3 years after which they have to be extended. Such an extension can only be granted if criteria (See Annex 4) have been met. This includes that an extension is necessary to prevent activity recurring, or there has been an increase in frequency or seriousness of the activity.

## **2.0 The Current Situation**

- 2.1 The impact of the original order (2017) (See Annex 1) and the three year PSPO restrictions have had a positive impact and helped prevent detrimental effects on the quality of the districts coastal water, the quality of cleanliness on Thanets 21 blue flag (See Annex 3) and seaside award winning beaches, and protection of our coastline, cemeteries and playgrounds. The order has helped protect the diversity of bird populations and wildlife at Pegwell Bay upper chalk shore, mudflats and saltmarsh. The order has protected the quality of public health and welfare through enforcement which has been helping promote cleaner beaches, parks, churchyards and fenced playgrounds.
- 2.2 Residents and visitors have understood the traffic light system which controls dog exclusion areas, and the maps have been published on-site, on social media, websites and newspapers to show where you can walk your dog. Continuing with the current traffic light system will keep consistency of understanding and continue the clear message. Various residents and groups have shared the dog code and it has been used positively.
- 2.3 Every season dog code leaflets and signs are distributed to dog walkers, bay inspectors, tourist offices, beach shops, cafes and restaurants. Ensuring the traffic light system stays in use for a further three years will provide further consistency and ensure the understanding of the PSPO is further imbedded into the community.
- 2.4 We are suggesting that the new PSPO will be the same as that which has been in for the last three years. We have made some minor changes, which are:

- i) Westbrook Bay - Currently dogs must be kept on a lead - amending to Dogs not allowed on the beach between 10am and 6pm 1 May- 30 September to maintain the Blue Flag Award;
  - ii) Pegwell Bay - amend to cover upper chalk shore to protect endangered wildlife
  - iii) The activities that could be banned not in our existing PSPO; Humans and dogs interfering with, trapping or attempting to trap or snare or disturb any wildlife on council owned land.
- 2.4 A public consultation was held in 2017 this included; TDC Press Release, Posters in Open Spaces across the District, Postal Form, Website and Online Form (frequently asked questions on an online form encouraging people to reply. During this time certain key stakeholders were consulted including; Kent Chief of Police, Parish and Town Councils, The Dogs Trust, Kennels, The Kennel Club, Kent Wildlife Trust, Local Vets, Coastal Groups, KCC, Keep Britain Tidy, Blue Flag Group.
- 2.5 Full results of the consultation can be found in Annex 5 and are summarised as follows: N/A
- 2.6 SUMMARY OF CONSULTATION RESULTS TO BE INCLUDED WHEN AVAILABLE AFTER CONSULTATION PROCESS : N/A
- 2.7 The consultation responses demonstrate that there is strong evidence to support/not support the proposed extension of the PSPO for a further 3 years. N/A
- 2.8 Engagement, education and ultimately enforcement of the PSPO is required to ensure that it is followed. This will be undertaken by Thanet District Councils Foreshore Officers, Dog Warden Service, Enforcement Education Officer, Bay Inspectors, PCSOs and other council authorised representatives. Targeted patrolling of problem areas to take place as at present, offering leaflets and advice to dog walkers. Fixed Penalty Notices to be issued immediately to dog fouling or dog control offenders, and to repeat offenders for dog exclusion zones. Education and advice through stencils and signage district initiatives to be continued as at present. Beach signs are clearly posted and available to view on the TDC webpage showing the PSPO Map, and are also present at every relevant bay and beach in the district.

## **3.0 Options**

### **3.1 Option 1**

- 3.2 That the current PSPO is extended until 2023 and adopted in accordance with the Anti-Social Behaviour (ASB), Crime and Policing Act 2014 to include the following restriction;

District-wide (any place to which the public or any section of the public has access. On payment or otherwise, as a right or by virtue of express or implied permission):

- a) Persons in charge of a dog must have with them appropriate means to pick up dog faeces deposited by that dog; and
- b) Persons in charge of a dog must remove the faeces and for it to be disposed of in an appropriate receptacle,
- c) Exclude dogs from designated areas, not to allow dogs within fenced children's play areas and control dogs in cemeteries,
- d) Require dogs to be kept on leads; or placed on a lead if considered to be out of control upon request by authorised officers.

### **3.3 Option 2**

- 3.4 Not to continue the PSPO. This is not recommended as it would leave the district without any legislation or powers to enforce against dog fouling (See Annex 2), dog exclusion breaches etc. Officers consider that the 2017 PSPO has proved successful, they have proven an improved deterrent and enabled a better response when problems are observed by authorised officers. The Council is proposing to extend the existing PSPOs for a further three years to deal with the problems observed by residents and officers and prevent an increase of some behaviours that have reduced. Without the PSPO extension it is likely that the problem will not be eradicated but escalated (See Annex 4).

**Contact Officer:** Lisa Collingwood (Education Enforcement Officer)

**Reporting to:** Richard Taylor (Enforcement Manager Operational Services)

### **Annex List**

*Annex 1:* [TDC PSPO 2017](#)

*Annex 2:* [TDC Website Dog PSPO](#)

*Annex 3:* [Blue Flag Criteria](#) Criterion 23.

*Annex 4:* [Section 60 of the Act](#)

### **Background Papers**

*Title:* [Amended Proposal 2017](#)

### **Corporate Consultation**

**Finance:** Chris Blundell (Director of Finance)

**Legal:** Jennifer Phillips (Law and Democratic Services)