

Extension of Dog Control Public Space Protection Order

Meeting	Overview and Scrutiny 26th September 2023
Report Author	Penny Button Head of Neighbourhoods
Portfolio Holder	Cllr Keen, Neighbourhoods
Status	For Recommendation
Classification:	Unrestricted
Key Decision	Yes
Reasons for Key	Significant effect on communities
Ward:	All Wards

Executive Summary:

The Public Space Protection Order for Dog Control was originally approved in October 2017 and was amended and extended in October 2020 for three years in accordance with the provisions of the Antisocial Behaviour, Crime and Policing Act 2014.

This extension expires in October 2023 and this report is requesting a further extension for 3 years until 25 October 2026 in accordance with Section 60 of the Act.

Recommendation(s):

Members of the Overview and Scrutiny Panel are asked to:

1. Note and scrutinise the report and consider any representations to Cabinet in advance of its meeting on 19 October 2023.

Corporate Implications

Financial and Value for Money

The extension of the Public Space Protection Order for Dog Control will not have an additional financial impact as the educational campaign, raising public awareness and signage are covered by existing budgets.

Legal

The Public Space Protection Order was made under the provisions of the Antisocial Behaviour, Crime and Policing Act 2014.

Section 59 of the Act gives the local authority may make a public spaces protection order if satisfied on reasonable grounds that two conditions are met. The local authority made the initial Order on the 25th October 2017.

Section 60 of the Act allows the Council may extend the period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent:

- occurrence or recurrence after that time of the activities identified in the order, or
- an increase in the frequency or seriousness of those activities after that time.
- An extension under this section—

(a) may not be for a period of more than 3 years;

(b) must be published in accordance with regulations made by the Secretary of State.

- A public spaces protection order may be extended under this section more than once.

Risk Management

The Public Space Protection Order for Dog Control places restrictions on how open spaces can be used. The order bans dog fouling, restricts when dogs can be taken on open space and when they should be kept on leads. There is a risk that such an order could be subject to legal challenge, this is unlikely as this order has been in place for 3 years without challenge. Failure to extend this Order will put the viability of Thanet's blue flag awards at risk as control of dogs is one of the key criteria for the blue flag award.

Corporate

The Public Space Protection Order for dog control supports the Council Corporate Statement 2019-2023 priority of Communities.

Equality Act 2010 & Public Sector Equality Duty

Whilst the Public Space Protection Order applies to all and therefore does not discriminate against those with protected characteristics the statutory guidance associated with the enforcement of the order does recognise that certain protected characteristics should be considered when undertaking enforcement.

Corporate Priorities

This report relates to the following corporate priorities: -

- *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 and extended for three years until 25th October 2023.
- 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 existing Public Space Protection Order has been in place since October 2020 following an agreed extension to the 2017 Order. This has continued to have a positive impact and helped prevent detrimental effects of the quality of the districts coastal water, the quality of cleanliness on Thanets 10 blue flag and seaside award winning beaches, 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 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, 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 Consider any representations to Cabinet in advance of its meeting on 19 October 2023.

4.0 Next Steps

- 4.1 This will now be taken to the 19th October 2023 Cabinet meeting for adoption.

Contact Officer: *Eden Geddes (Enforcement & Multi Agency Task Force Manager)*
Reporting to: *Penny Button Head of Neighbourhoods*

Annex List

Annex 1: TDC Dog PSPO
Annex 2: Blue Flag Criteria Criterion 23
Annex 3: Section 60 of the Act

Background Papers

Title: [Original 2020 Public Space protection order](#)

Corporate Consultation

Finance: *Chris Blundell (Director of Corporate Services - Section 151)*
Legal: *(Sameera Khan - Interim Head of Legal & Monitoring Officer)*