

# FAREHAM

BOROUGH COUNCIL

## EXECUTIVE MEMBER DECISION (HEALTH AND PUBLIC PROTECTION)

**Date:** Tuesday, 20 June 2023

**Time:** 5.00 pm

**Venue:** Executive Meeting Area - Civic Offices

**Executive Member:** Councillor Miss J Burton



**1. Report Published**

To consider the following matters for decision for which reports have been published:-

**Non-Key Decision(s)**

**2. Dog Control Public Spaces Protection Order (Pages 3 - 22)**

A report by the Director of Leisure and Community.



A WANNELL  
Chief Executive Officer

[www.fareham.gov.uk](http://www.fareham.gov.uk)

12 June 2023

**For further information please contact:  
Democratic Services, Civic Offices, Fareham, PO16 7AZ  
Tel:01329 236100  
[democraticservices@fareham.gov.uk](mailto:democraticservices@fareham.gov.uk)**

# FAREHAM

## BOROUGH COUNCIL

### **Report to the Executive Member for Health & Public Protection for Decision 20 June 2023**

<b>Portfolio:</b>	Health and Public Protection
<b>Subject:</b>	<b>Dog Control Public Spaces Protection Order</b>
<b>Report of:</b>	Director of Leisure and Community
<b>Corporate Priorities:</b>	Leisure Opportunities for Health and Fun Protect and Enhance the Environment

**Purpose:**

This report sets out the results of the recent Public Spaces Protection Order (PSPO) engagement exercise for an additional seasonal dog exclusion zone at Hill Head beach. The report requests consideration by the Executive Member and a decision on the making of an updated Public Places Protection Order (Dog Control).

**Executive summary:**

At the 6 March 2023 Executive meeting a draft PSPO was presented which included an additional seasonal dog exclusion zone at Hill Head beach between the 1 October and 31 March. At the meeting it was agreed that a consultation on the draft Order be conducted.

The consultation ran from 2 May 2023 – 30 May 2023. Overall, the Council received 262 responses of which 195 (74%) were in favour of the proposal. The main theme from those in favour of the proposal focused around ensuring that there would be sufficient enforcement to ensure the exclusion is adhered to, if implemented.

From those who were not in favour of the proposal, the main theme was that there are other bird disturbances at Hill Head beach other than dogs such as people, water sports and boats.

If the draft PSPO attached at Appendix A to the report is approved, signage will be put in place at the exclusion zone. The signage would be designed by Bird Aware Solent in conjunction with Fareham Borough Council.

The draft PSPO would come into effect on 30 June 2023.

**Recommendation:**

It is recommended that the Executive Member for Health and Public Protection agrees the making of the draft Public Spaces Protection Order attached at Appendix A to the report.

**Reason:**

To allow the introduction of an additional seasonal dog exclusion zone at Hill Head beach.

**Cost of Proposals:**

The cost of the proposal can be met from within existing budgets.

**Appendices:**                    **A:** Draft Public Spaces Protection Order (Dog Control) with map and schedule

**Background Papers:** None

**Reference Papers:**        6 March 2023 Executive Report – Proposed Changes to Dog Control Public Spaces Protection Order

# FAREHAM

## BOROUGH COUNCIL

### Executive Member Briefing Paper

<b>Date:</b>	20 June 2023
<b>Subject:</b>	<b>Public Spaces Protection Order for an additional seasonal dog exclusion zone at Hill Head beach – consideration of consultation responses</b>
<b>Briefing by:</b>	Head of Environmental Health
<b>Portfolio:</b>	Health and Public Protection

#### Introduction

1. This report provides feedback on the results of the Public Spaces Protection Order (PSPO) engagement exercise, which ran from 2 May 2023 to 30 May 2023. The report seeks approval for the making of the draft Public Spaces Protection Order (Appendix A) to introduce an additional restriction on dogs between 1 October and 31 March, in the exclusion zone at Hill Head, as identified in Appendix A.

#### Background

2. In April 2022 the Council's Dog Control Public Spaces Protection Order (PSPO) was due to expire and therefore the Council proposed to extend the PSPO for a period of three years. As part of the process required, a consultation was conducted on a draft PSPO.
3. Alongside the Executive report, a tabled item detailing a consultation submission from Bird Aware Solent was presented at the meeting. It was agreed that Officers work with Bird Aware Solent and report back to a future meeting of the Executive if further changes to the Order were necessary.
4. Following the meeting, Officers worked with Bird Aware Solent to create an amended draft PSPO which included the proposed additional seasonal dog exclusion zone at Hill Head between 1 October and 31 March.
5. The draft PSPO was presented at the 6 March 2023 Executive meeting, and it was agreed at the meeting that a consultation on the draft Order be conducted. The consultation took place between the 2 May and 30 May.
6. The proposed draft Order and details of how to take part in the consultation were placed on the Council's website. Consultees, including Hampshire Constabulary, Hampshire County Council, and various local organisations/groups were contacted. Public notices were placed on the Council's noticeboards and emails were sent to members of the E-panel.

#### Consultation Results

7. Overall, 262 responses were received from a wide range of interested parties including members of organisations such as Hill Head Sailing Club, Royal Society for the Protection of

Birds (RSPB), and the Hampshire and Isle of Wight Wildlife Trust. Responses from The Kennel Club and Aqass Ltd were also received.

8. Of the 262 responses, 195 (74%) were in favour of the proposal. Of the remaining 67 responses, 61 (23%) were against the proposal and 6 (3%) were unclear whether they were for or against.

### **For the Proposal**

9. The following main themes emerged from the 'in favour of' responses:

*More enforcement required:* 27 respondents mentioned that more enforcement would likely be required to ensure the zone is adhered to.

The Enforcement Team have been consulted and could include enforcement of this site within existing resources.

*Dogs should be on leads along the Promenade:* 21 respondents raised concerns around the proposal allowing dogs to be off the lead along the promenade as it would be easy for dogs to run onto the beach.

Whether a dog is on or off the lead along this section of promenade does not currently have a significant effect on bird disturbance and therefore, a dog on lead zone along the promenade was not proposed.

*Extend the proposed zone to include Meon Shore:* 18 respondents suggested that the proposed refuge area be extended west to include Meon Shore, up to Solent Breezes.

The exclusion area proposed was identified as the site that could benefit the most in the area from having a dog exclusion zone.

### **Against the Proposal**

10. The following main themes emerged from the 'against' responses:

*Other disturbances other than dogs:* 22 respondents mentioned that there are other bird disturbances other than dogs at Hill Head beach such as people, sewage, water sports and boats.

Of the 105 site visits where bird disturbance was noted at Hill Head, 86 visits (81.9%) featured disturbance relating to a dog's presence or behaviour. Therefore, the proposal focuses on a significant cause of bird disturbance at Hill Head.

*Already have a safe haven for birds:* 11 respondents mentioned that birds have a safe area close by at Titchfield Haven Nature Reserve.

The beach area identified in the proposal is a key feeding spot for overwintering migratory birds. The beach provides birds with rich sand and mud flats to feed from.

*Dogs on lead area rather than an exclusion zone:* Seven respondents suggested that instead of an exclusion zone the area could be a dog on lead zone.

An exclusion zone would have a greater benefit on the area than a dog on lead zone.

### **Dog Walkers**

11. There were 69 responses from dog walkers. Of these 25 (36%) were in favour of the proposal and 44 (64%) were against.
12. The main theme from dog walkers who were in favour of the proposal was:

*More signage required to educate dog walkers:* Five respondents suggested that more signage is required to educate dog walkers.

Signage will be installed on site which will provide information on birds in the area and the importance of the site.

13. The main theme from dog walkers who were against the proposal was:

*There are other bird disturbances at Hill Head beach other than dogs:* 15 respondents mentioned that there are other sources of disturbance such as people, sewage, water sports and boats.

### **Respondents who were not dog walkers**

14. There were 193 responses from people who are not dog walkers. Of these 170 (88%) were in favour of the proposal and 17 (9%) were against.

15. The main theme from respondents who were in favour of the proposal was:

*More enforcement required:* 16 respondents mentioned that more enforcement would likely be required.

16. The main theme from respondents who were against the proposal was:

*Already have a safe haven for birds:* Three respondents mentioned that birds have Titchfield Haven Nature Reserve close by.

### **The Proposed Order**

17. A PSPO may be made or varied where the following conditions are met:

- a) Activities carried out in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality; and
- b) The effect is of a persistent or continuing nature, such as to make the activities unreasonable and justifies the restrictions imposed by the PSPO;

(section 59(2) and (3) of the Anti-Social, Crime and Policing Act 2014).

18. Reducing the disturbance to birds increases their chance of survival. Birds are an integral part of the surrounding natural environment and help ensure that the area is vibrant and healthy. Natural environments are an important aspect of human health. They provide health benefits both physically and mentally, such as enhancing the aesthetics of an area. The protection of birds would ensure that residents' health and wellbeing continues to be enhanced by protecting the natural environment.

19. Appendix A contains the proposed Public Spaces Protection Order (Dog Control) with map and schedule for approval. The order includes the additional restriction on dogs between 1 October and 31 March, in the exclusion zone at Hill Head, identified in the Appendix.

### **Next Steps**

20. If the proposed Public Spaces Protection Order (Dog Control) is approved, signage will be put in place at the designated site. The signage will be designed by Bird Aware Solent in conjunction with Fareham Borough Council. Bird Aware Solent will provide the funding for the signage.

21. If approved, the draft Public Spaces Protection Order (Dog Control) will come into effect on 30 June 2023.

## **Conclusion**

22. Following public consultation, a draft Public Spaces Protection Order (Dog Control) has been presented for consideration and approval.

## **Enquiries:**

For further information on this report please contact Alexander Jolley (01329 824470)



FAREHAM BOROUGH COUNCIL

Anti Social Behaviour, Crime and Policing Act 2014

Part 4, Sections 59

Public Spaces Protection Order (Dog Control) 2023

This Order comes into force on the [XXXXX] and will remain in force for three years from that date unless extended by further order under the Council's statutory powers.

Fareham Borough Council ("the Council") in exercise of its powers under sections 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") being satisfied that the conditions set out in section 59 of the Act have been met makes the following Order;-

1. General provisions

Definitions

- 1.1 "Authorised Officer" means any officer of the Authority authorised by the Chief Executive of the Authority for the purposes of paragraph 4 of the Order
- 1.2 "Public Place" means any place in the administrative area of the Authority to which the public or a section of the public has access, on payment or otherwise, as of right by virtue of express or implied permission. The administrative area of the Authority is land edged in thick black in Schedule 1
- 1.3 "Person in Charge" is a person who habitually has a dog in their possession shall be taken to be in charge of the dog

2. Offence and Penalty

- 2.1 It is an offence under Section 67 of the Act for a person without reasonable excuse, (i) to do anything that they are prohibited from doing under the Order, or (ii) to fail to comply with a requirement which they are subject to under the Order. A person guilty of an offence under section 67 is liable on summary conviction to a fine not exceeding level 3 on the standard scale

3. Fouling

- 3.1 The public health implications of dog fouling are well documented. This part and part 4 of the Order are designed to prevent contamination of public spaces by dog faeces

- 3.2 If a dog defecates at any time on any Public Place the person who is in charge of the dog at the time must remove the faeces forthwith unless;
    - (a) They have a reasonable excuse for failing to do so, or
    - (b) The owner, occupier or other person or authority having control of the Public Place has consented (generally or specifically) to them failing to do so
  - 3.3 Placing the faeces in a receptacle which is provided for that purpose, or for the disposal of waste, shall be sufficient removal from the Public Place
  - 3.4 Not being aware of the defecation or not having a device for or suitable means of removing the faeces shall not be reasonable excuse for failing to remove it
4. Dogs on Lead by Direction
    - 4.1 In public places in the Borough of Fareham where dogs are permitted off leads, a minority of persons in charge of dogs allow them to cause damage to property, and cause problems for pedestrians and other dog owners. This part of the Order is designed to enable authorised Council officers to direct that such a person put their dog on a lead
    - 4.2 An Authorised Officer may on any Public Place (other than those specified in Schedule 2 and 3 of the Order from which dogs are excluded from or must be kept on a lead in any event) direct a person in charge of a dog to keep the dog on a lead if such restraint is in the opinion of the Authorised Officer necessary to prevent nuisance to other persons or worry to animals
    - 4.3 A person issued with a direction under paragraph 4.2 of the Order must comply unless;-
      - (a) They have a reasonable excuse for failing to do so, or
      - (b) The owner, occupier or other person or authority having control of the Public Place has consented (generally or specifically) to them failing to do so
5. Maximum of four dogs
    - 5.1 There has been an increase in the number of persons and businesses walking large numbers of dogs together having poor control in some instances and not picking up faeces. This part of the Order seeks to place limits on the number of dogs which can be walked together to enable control
    - 5.2 A person shall not at any time take more than four dogs on to any Public Place (other than those specified in Schedule 3 of the Order from which dogs are excluded in any event)
    - 5.3 A person must comply with the requirement in paragraph 5.2 of this Order unless;-
      - (a) The owner, occupier or other person or authority having control of the Public Place has consented (generally or specifically) to them failing to do so

## 6. Dogs on Leads

6.1 In some public spaces within the Borough of Fareham that are sensitive because of their nature or usage, or which are fragile environments, close control of dogs by their being on a lead is necessary to prevent damage or undue disturbance. The restrictions in this Order are designed to facilitate a sharing of these public places, whilst recognising that dogs to need to be exercised off lead

6.2 A person in charge of a dog on any public place specified in Schedule 2 to the Order must keep the dog on a lead unless

- (a) They have a reasonable excuse for failing to do so, or
- (b) The owner, occupier or other person or authority having control of the place has consented (generally or specifically) to them failing to do so

## 7. Exclusion of dogs

7.1 There are specific public places in the Borough of Fareham from which dogs should be excluded for their safety and that of members of the public, and for public health and aesthetic reasons. This part of the Order states the relatively few places from where dogs will be excluded.

7.2 A person in charge of a dog must not take it into or keep it in any Public Place specified in Schedule 3 to the Order unless (a) they have a reasonable excuse for doing so; or (b) the owner, occupier or other person or authority having control of the Public Place has consented (generally or specifically) to them failing to do so.

## 8. Exemptions

8.1 Nothing in this Order shall apply to a person who:

(a) Is registered as a blind person on a register compiled under Section 29 of the National Assistance Act 1948; or

(b) Is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance; or

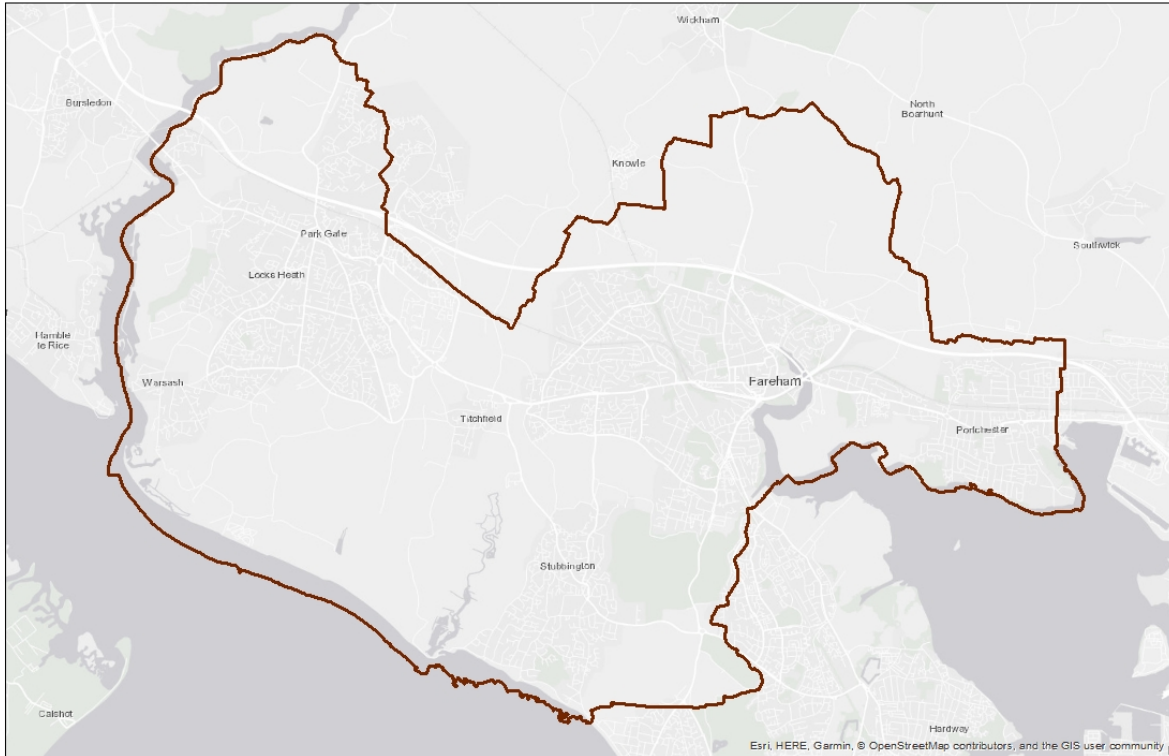
(c) Has a physical or mental impairment which has a substantial and long term adverse effect on the ability to carry out normal day-to-day activities, in respect of a dog trained by any current or future member of Assistance Dogs UK or any other charity registered in the UK with a purpose of training assistance dogs and upon which he relies for assistance; or

(d) Has a physical or mental impairment which has a substantial and long term adverse effect on the ability to carry out normal day-to-day activities and in the reasonable opinion of the Council that person relies upon the assistance of the dog in connection with their disability.

EXECUTED AS A DEED BY AFFIXING THE COMMON SEAL OF FAREHAM BOROUGH COUNCIL IN THE PRESENCE OF:

Solicitor

**-SCHEDULE 1-**  
**Administrative Area of the Borough of Fareham**



**FAREHAM**  
BOROUGH COUNCIL

**Administrative Area of Fareham**

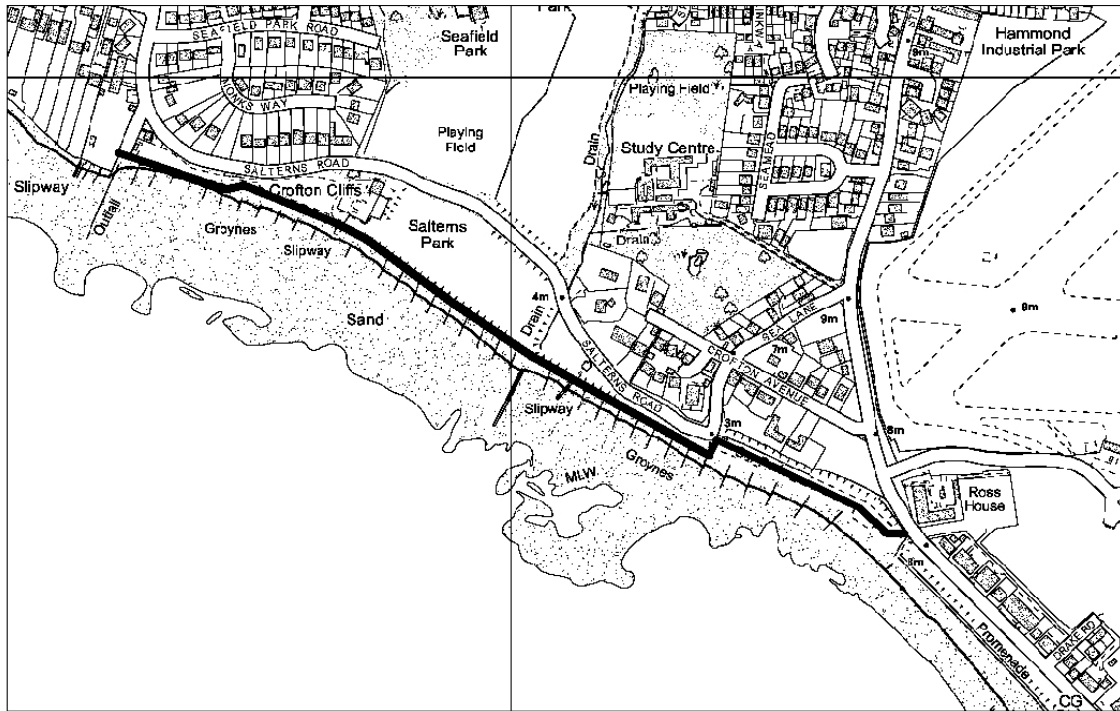
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-SCHEDULE 2-

PARAGRAPH 6 "DOGS ON LEADS"

. This Order applies to the following Public Places in the Borough of Fareham

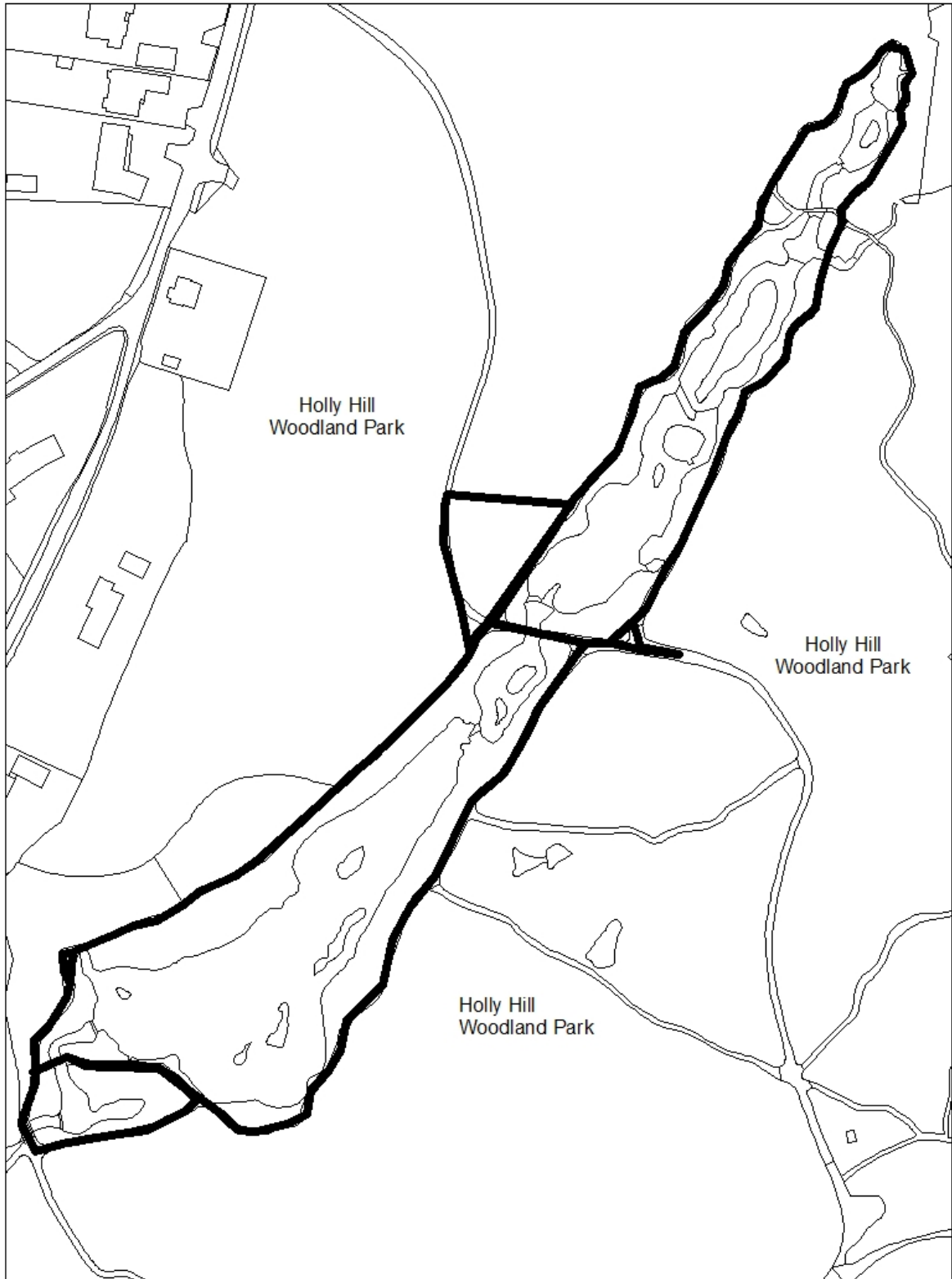
1. Any cemetery or churchyard
2. Westbury Manor Museum Garden, Fareham Town Centre
3. Sensory Garden of Reflection, Osborn Road, Fareham
4. Salterns Road Promenade, Hill Head (*refer to plan*)
5. Holly Hill Woodland Park (*refer to plan*)
6. Holly Hill Play Area (*refer to plan*)
7. Burrige Pond (*refer to plan*)
8. Coldeast Open Space (*refer to plan*)
9. Portchester Crematorium
10. At sites where the Authority keep animals and where signage is present (see sites below);
  - a) Portchester Common (*refer to plan*)
  - b) Abbey Meadows (*refer to plan*)

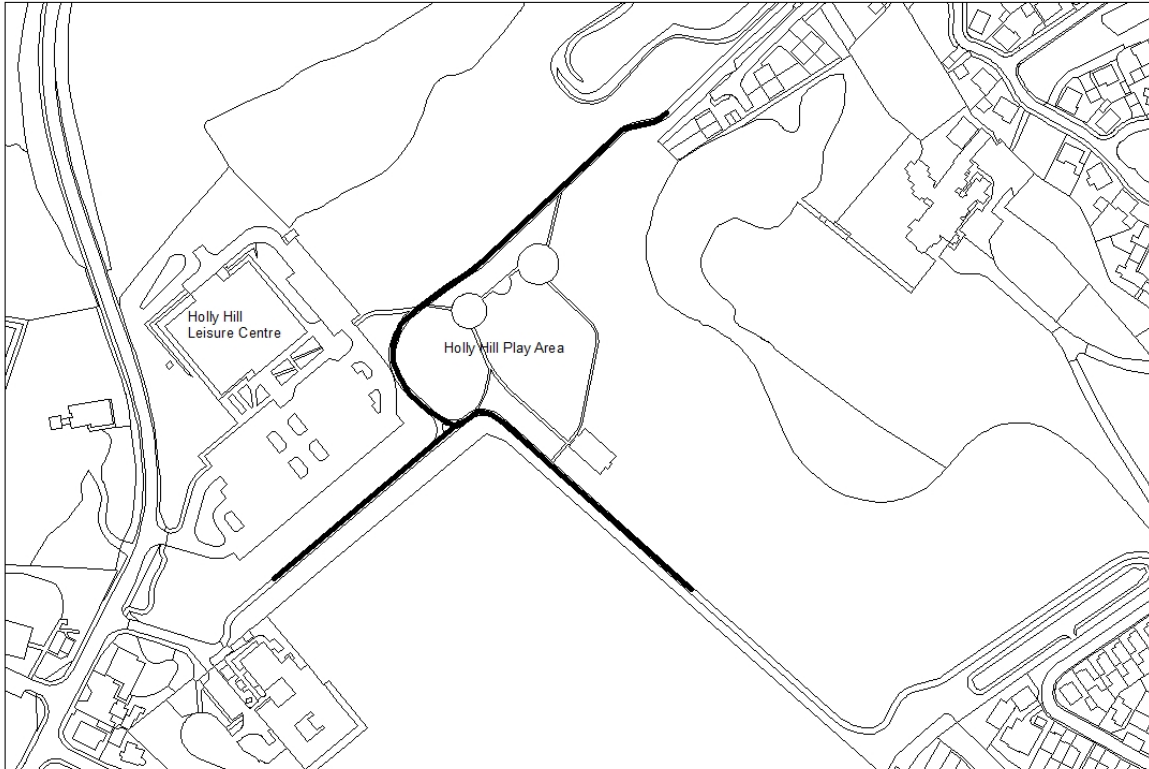


**FAREHAM**  
BOROUGH COUNCIL

**Salterns Road Promenade, Hill Head**

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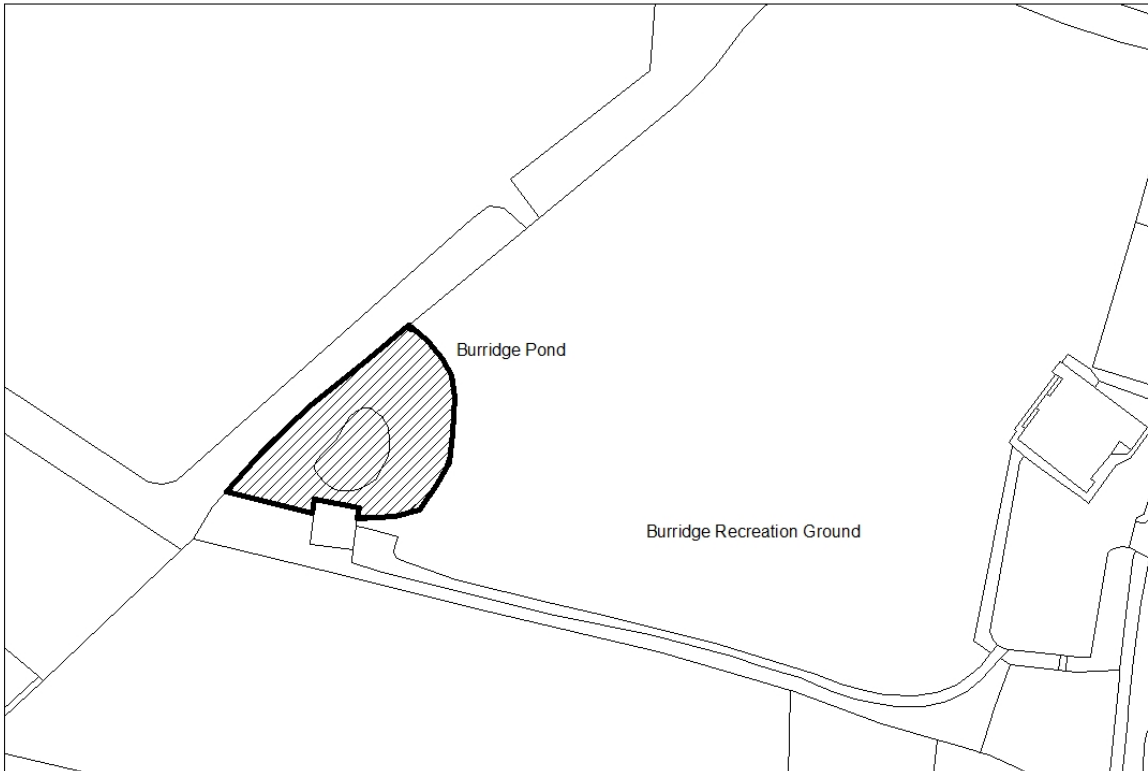




**FAREHAM**  
BOROUGH COUNCIL

**Holly Hill Play Area**

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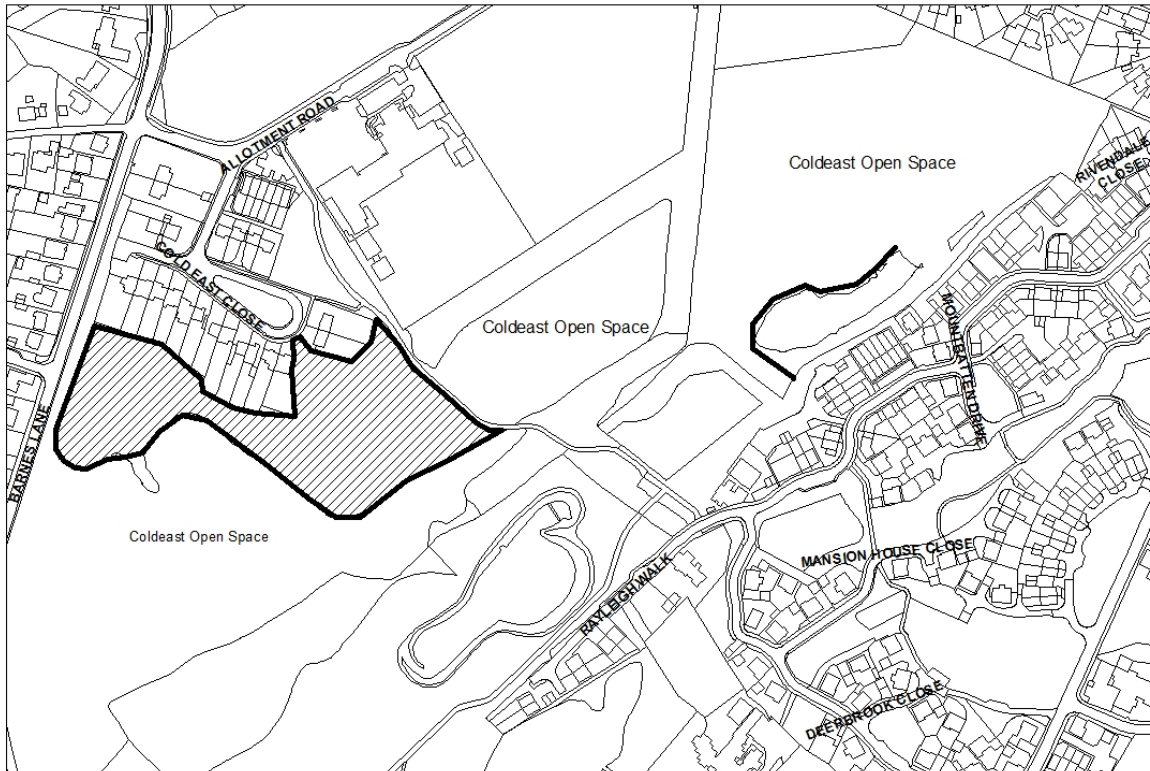


**FAREHAM**  
BOROUGH COUNCIL

**Burridge Pond, Burridge Recreation Ground**

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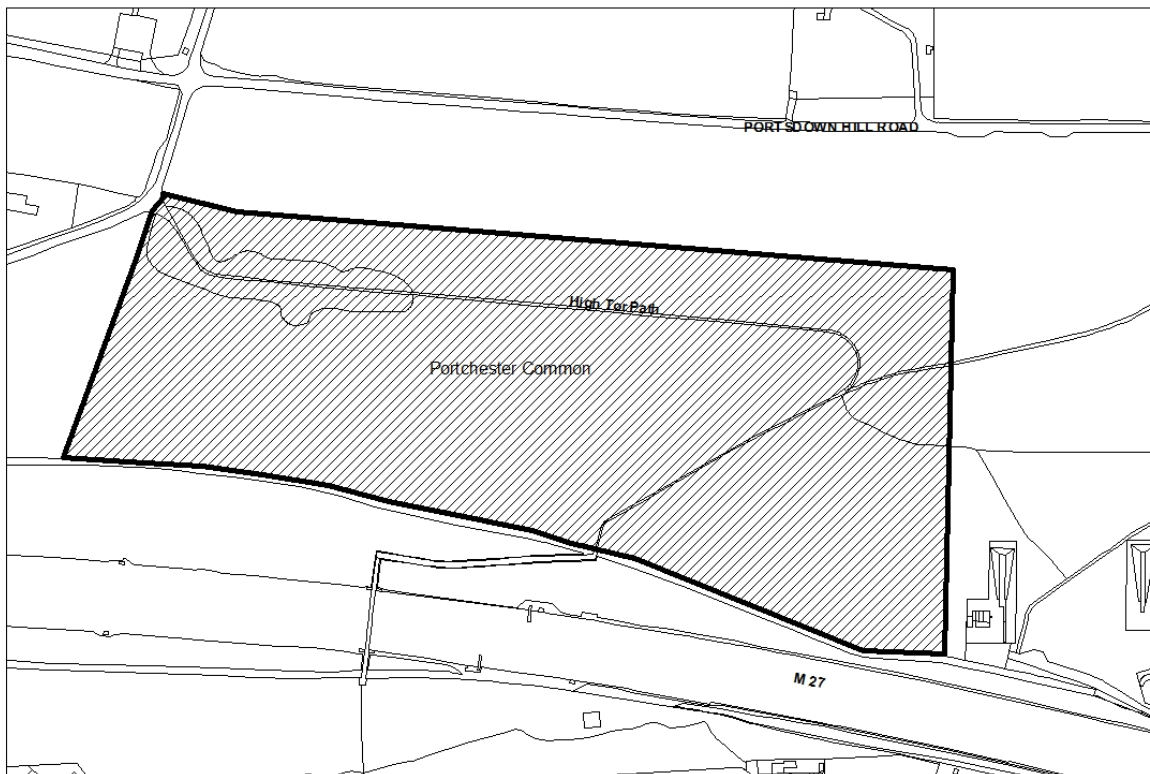




FAREHAM  
BOROUGH COUNCIL

**Coldeast Open Space**

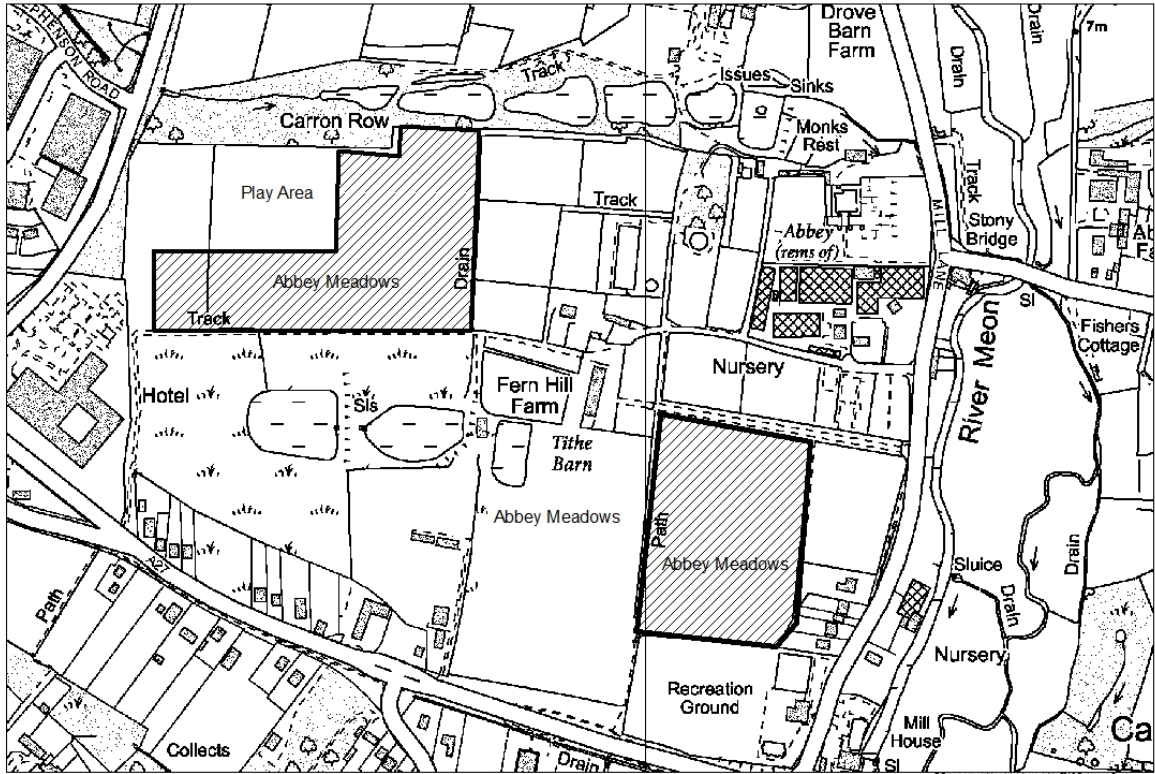
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**Portchester Common**

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Abbey Meadows, Titchfield

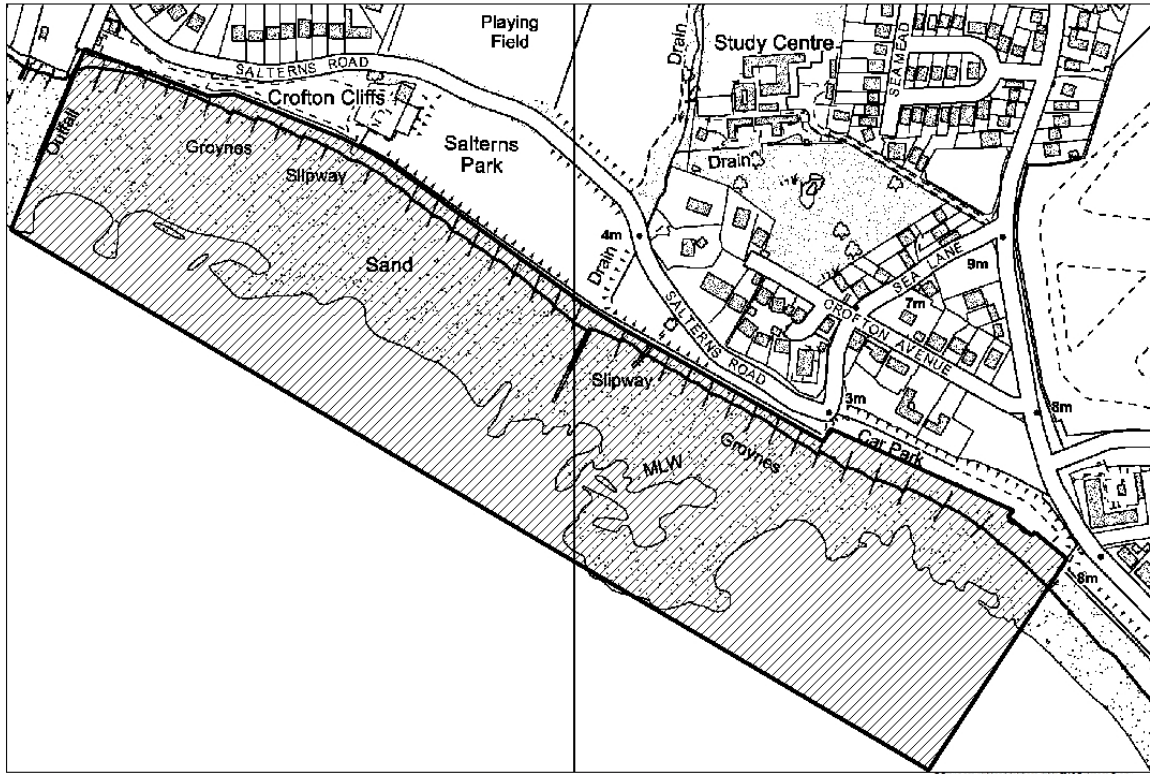
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## SCHEDULE 3

### PARAGRAPH 7 EXCLUSION OF DOGS

This Order applies to the following Public Places in the Borough of Fareham:

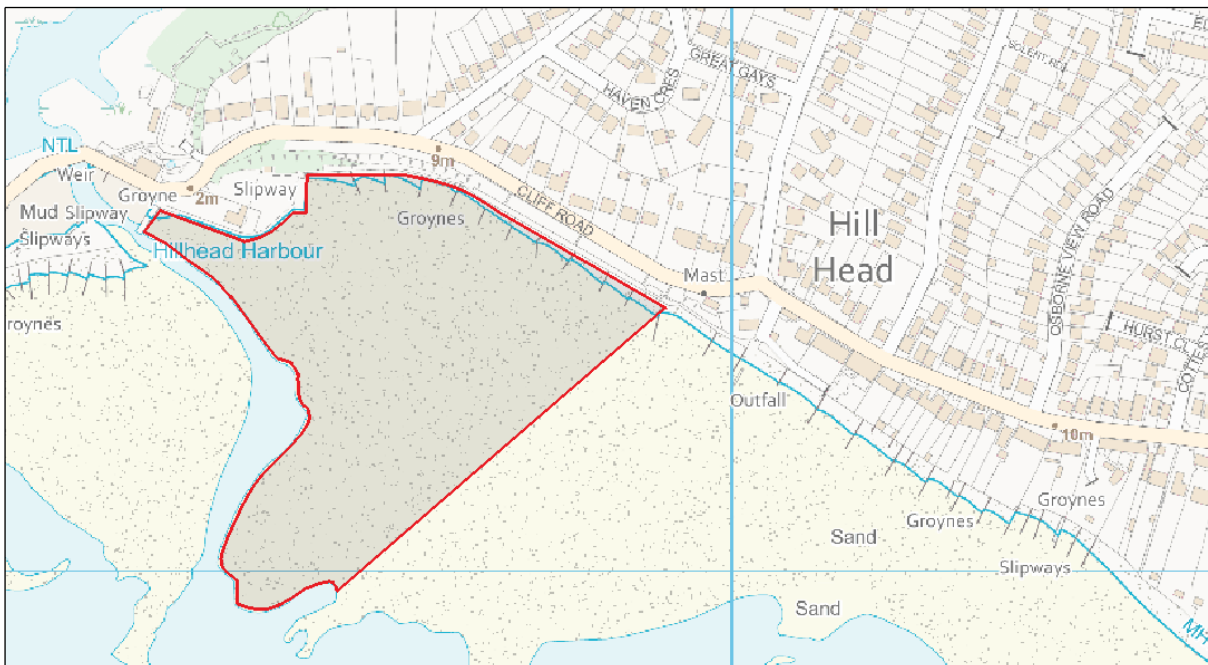
1. Between 1 May and 30 September inclusive in any year the following beach area;
  - i. Any area of beach between the promenade and Low Water Mark of Medium Tides and contained between the points enclosed with notional lines extending from the westernmost of Salterns Road car park and the Borough Boundary with Gosport which is shown outlined in black on the accompanying plan.
  
2. Between 1 October and 31 March inclusive in any year the following beach area;
  - i. Any area of the beach contained between the points enclosed with notional lines, extending from the slipway at Hill Head Sailing Club, and in line with the footpath to the end of the beach huts on the promenade which is shown outlined in the accompanying plan.
  
3. Any enclosed area designated solely for the purpose of children's play on which there is fixed play equipment or apparatus installed and where signage refers.
  
4. Any unenclosed area designated for the purpose of children's play on which there is fixed play equipment or apparatus installed and where signage refers. *(please refer to the plan(s))*
  - i. Holly Hill Play Area
  - ii. Abbey Meadows Play Area
  - iii. Queen Elizabeth II Platinum Jubilee Play Area



FAREHAM  
BOROUGH COUNCIL

Salterns Road Beach

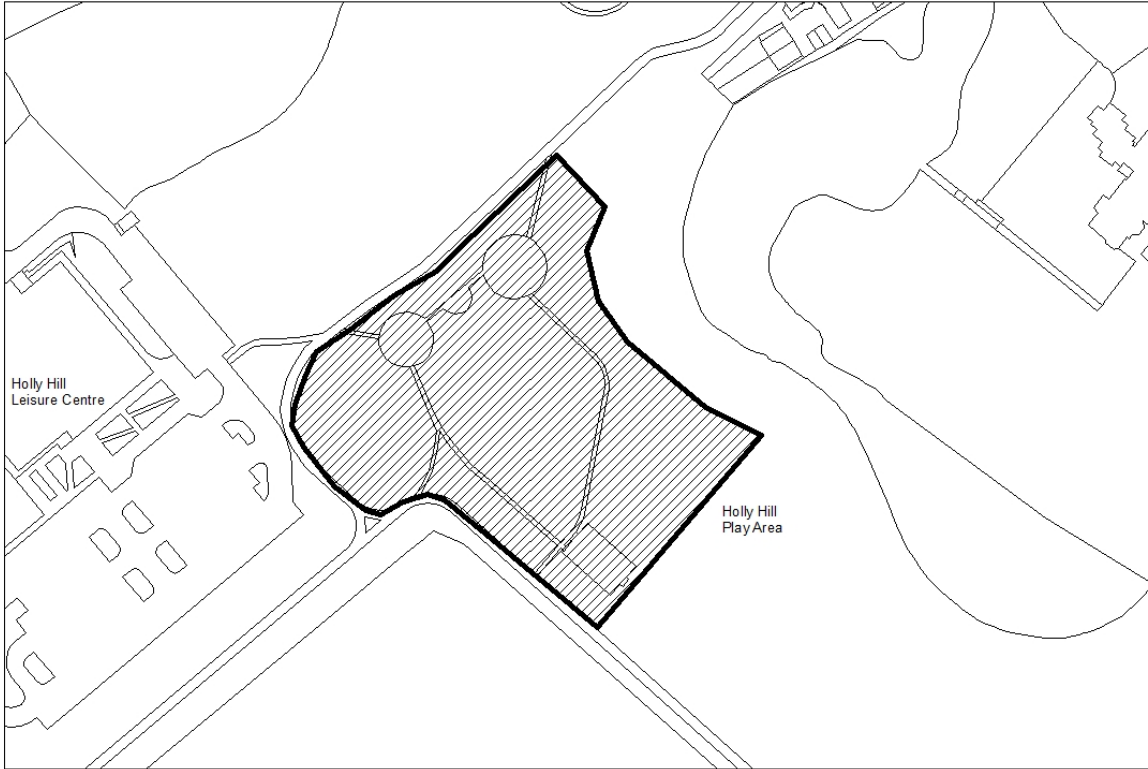
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Hill Head Beach

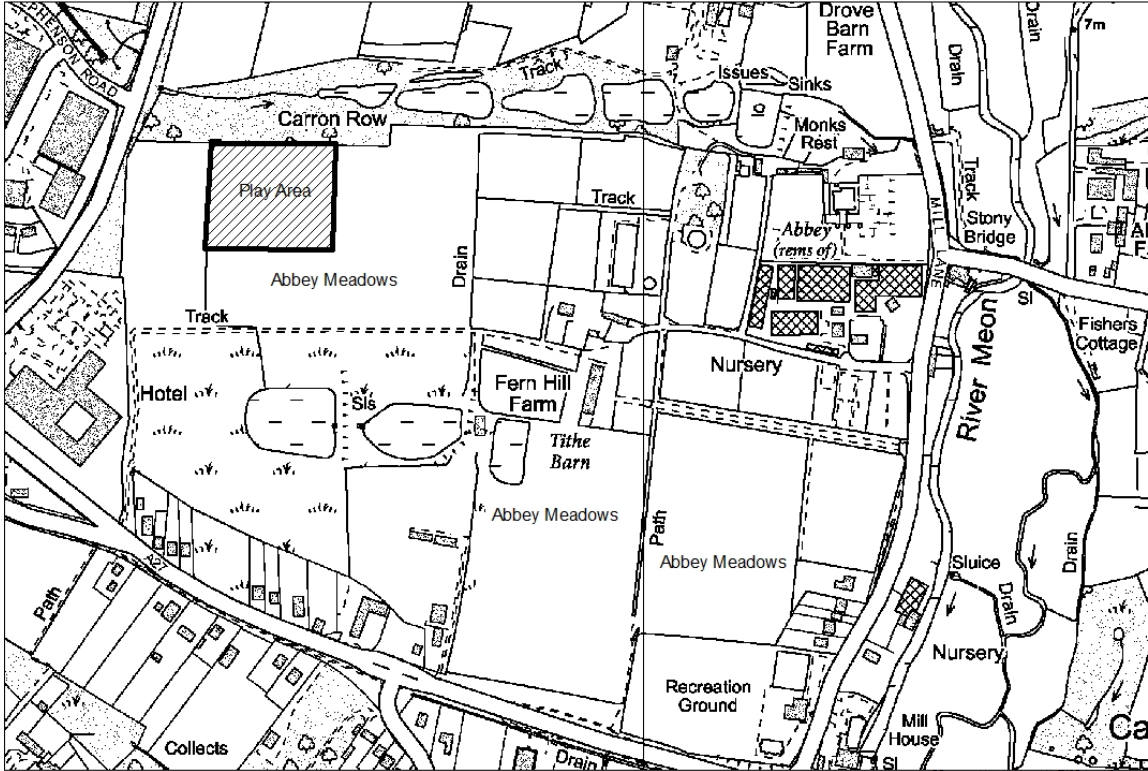
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Holly Hill Play Area

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Abbey Meadows Play Area, Titchfield

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FAREHAM  
BOROUGH COUNCIL

**Queen Elizabeth II Platinum Jubilee  
Play Area**

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