Portfolio: Health and Public Protection
Subject: Dog Control Public Spaces Protection Order
Report of: Head of Streetscene
Corporate Priorities: Protect and enhance the environment

Purpose:
To seek Executive authorisation to make a Public Space Protection Order (PSPO), relating to dog control, in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014.

Executive summary:
On 7 March 2016, the Executive authorised the making of a Public Spaces Protection Order (Dog Fouling) 2016. These can be made for a maximum duration of three years, after which it may be extended. The current PSPO will expire on 31 March 2019 unless extended. However, instead of extending the current order, the proposal is to introduce new order that not only included dog fouling but other restrictions covering dog control as well.

On 5 November 2018, the Executive authorised the commencement of the required consultation on a Public Space Protection Order (PSPO) relating to dog fouling and control in the Borough. An 8-week consultation was undertaken from 19 November 2018 to 14 January 2019, the results of which are summarised in this report and in more detail in Appendix A.

1,168 people and organisations took part in the consultation, 65% of whom were dog owners. Most respondents strongly supported most of proposals. However, there were mixed responses received for both the ‘means to pick up’ dog waste and the proposed ‘extension of the summer dog exclusion zone at Hill Head’. There was also a suggested amendment to the Council’s definition of people who rely on assistance dogs.

The draft Public Space Protection Order (Dog Control) has been amended to take account of the response to the public consultation. As a result, the controls relating to ‘means of pick up’, extending the ‘dog exclusion zone’ on Hill Head beach and ‘dogs on leads’ on Cliff Road Promenade’ have been removed from the original draft order.
The definition of those people who rely on ‘assistance dogs’ has also been amended to reflect the definition identified in the Equality Impact Assessment.

**Recommendation/Recommended Option:**
It is recommended that the Executive agrees:

(a) that the draft Public Spaces Protection Order presented to the Executive on 5 November 2018 is amended as follows:

1. the ‘means of pick up’ is excluded from the order;
2. the proposed extension of the ‘dog exclusion zone’ on Hill Head beach is excluded from the order;
3. the proposed ‘dogs on lead’ on Cliff Road Promenade is excluded from the order;
4. alteration to the definition of people who rely on assistance dogs be included as per paragraph 31;

(b) the making of the Public Spaces Protection Order (Dog Control) 2019 as contained in Appendix B of the report; and

(c) that delegated authority be given to the Head of Streetscene to carry out all necessary publicity required by virtue of the Anti-Social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations.

**Reason:**
To enable enforcement of dog control by way of a Fixed Penalty Notice throughout the Borough.

**Cost of proposals:**
The cost of proposals can be met from within existing budgets

**Appendices:**
A: PSPO Consultation Responses
B: Public Spaces Protection Order (Dog Control)
C: Equality Impact Assessment

**Background papers:**
Report to Executive 5 November 2018, Public Spaces Protection Order (Dog Control) Consultation
Report to Executive 7 March 2016 Dog Fouling Public Spaces Protection Order
Report to Executive 2 November 2015, Dog Fouling Strategy and Public Spaces Protection Order Consultation

**Reference papers:** None
INTRODUCTION

1. On 5 November 2018, the Executive authorised the commencement of the required consultation on a Public Space Protection Order (PSPO) relating to dog fouling and control within the Borough. This consultation was carried out in accordance with Section 72 of the Anti-Social Behaviour Crime and Policing Act 2014. The consultation ran from 19 November 2018 to 14 January 2019.

2. The responses and comments from the consultation have been taken into consideration and the draft order has been revised accordingly. Approval is now sought to authorise the PSPO for Dog Fouling and Dog Control and to bring it into force from 1st April 2019.

BACKGROUND

3. At its meeting on the 7 March 2016, the Executive authorised the making of a Public Spaces Protection Order (Dog Fouling) 2016. A PSPO can be made for a maximum duration of three years, after which it may be extended.

4. The current PSPO will expire on 31 March 2019 unless it is extended. However, instead of extending this current order, there was an opportunity to make a new order that not only includes dog fouling but other restrictions covering dog control at the same time.

5. The proposed PSPO included restrictions on the following:
   - Fouling and means of pick up
   - Dogs on lead by direction
   - Maximum number of dogs
   - Dogs on leads and
   - Exclusion of dogs

6. Before introducing a PSPO the Council is required to carry out a consultation. It was proposed that an 8-week consultation be publicised widely through the Council’s website and E-panel, Twitter, Facebook, press releases to local media and emails to community groups. Contact was also made with mandatory consultees, such as the police and HCC as well as vets and organisations affected by the restrictions contained
within the order. Consideration was also given to the affect the order will have on people who rely on assistance dogs.

CONSULTATION

7. A consultation on the PSPO proposals was carried out between 19 November 2018 and 14 January 2019. The public, statutory consultees and relevant canine organisations such as dog walking companies, assistance dog charities and the Kennel Club were encouraged to take part.

8. The consultation was promoted using posters, press releases, the E-Panel, social media and the Council’s website. There was a static display outlining the proposals in Fareham Shopping Centre throughout the consultation. Promotional banners were also located in the Civic Offices, libraries and the Council’s two leisure centres. In addition, an engagement session took place at Hill Head Sailing Club, supported by officers speaking to dog walkers on Hill Head promenade.

Consultation results

9. In total, 1,168 people and organisations took part in the consultation, 65% of whom were dog owners. This level of response means we can be confident that we have a good understanding of the possible impact of the PSPO proposals on the local dog owning community as well as residents in general. As the results below show, there was strong support for the majority of the PSPO proposals.

Oops out of Poops

10. Participants were first asked of their knowledge of the Council’s ‘Oops out of Poops’ campaign and whether they felt dog fouling had improved since it was launched in 2016. A third of respondents overall and just under half of dog walkers were aware of the campaign. The continued prominence of the campaign is also highlighted by the fact that residents still regularly come to the Civic Offices to collect free dog poo bags.

11. Overall, 55% of respondents felt that dog fouling had either stayed the same or improved during the last 3 years, reflecting well on the success of the campaign. This is supported by the fact that 73% of people felt that dog fouling was not a big problem in their local area.

Fouling hot spots

12. Those that felt that dog fouling was a problem identified the following locations as the main hotspots across the Borough:

- Hill Head Beach
- Park Lane Recreation Ground
- Seafield Park
- Blackbrook Park
- Portchester Castle
- Warsash Common
- Holly Hill Woodland Park
- Stubbington Recreation Ground

13. This information will help the two Enforcement Officers to direct their time and resources into troublesome areas. The intention is to extend the PSPO Enforcement powers to the three Countryside Rangers, two Streetscene Operations Supervisors and the Animal and Pest Control Officer, to enable them to issue Fixed Penalty Notices.
Dog Fouling

14. 96% of respondents believed the Council should continue to have the power to issue fixed penalty notices for not clearing up after a dog has fouled.

Means of pick up

15. 82% of respondents felt that the Council should have the power to issue fixed penalty notices to people who don’t have means to clear up after a dog e.g. carry a litter bag. Several comments focused on the Council providing more bins whereas others questioned how easy the proposal would be to enforce. This last view was shared by the Kennel Club which was ‘…concerned how easily local authorities could enforce this law when trying to define whether dog owners have ‘a means’ of picking up after the dogs, without risking the expense of legal challenge.’

16. Reference was also given by the Kennel Club to Cornwall Council, which recently decided against introducing a proposed requirement to pick up as they deemed it to be disproportionate and concluded that the requirement would be ‘toothless’, as it would be highly unlikely to be enforceable in a magistrates’ court.

17. In consideration of this feedback, the requirement to produce a means to pick has been removed from the PSPO.

Dogs on lead by direction

18. 45% of respondents had either seen or had a bad experience with a dog off its lead in the Borough. Out of control dogs harassing or behaving aggressively towards other dogs and people were the most common incidents mentioned. Hill Head Beach and Park Lane Recreation Ground were the two areas where the most incidents occurred. This information will help Enforcement Officers to direct their time and resources into troublesome areas.

19. Overall, 94% of respondents agreed that the Council should have the power to direct people to put their dogs on leads if they are causing a nuisance.

Dogs on leads in certain locations

20. 71% of respondents felt the Council should have the power to issue fixed penalty notices to owners whose dogs are off the lead in sensitive areas such as cemeteries or fragile environments e.g. public gardens. The greatest number of comments focused on the need for good signage.

Maximum number of dogs

21. 34% of respondents had an experience where a person had too many dogs to control well. Warsash Common, Titchfield Canal Path and Hill Head Beach were the most quoted locations. When asked how many dogs this should be, 84% said that it should be 4 dogs or lower.

22. It is interesting to note that of the 17 respondents who represented a dog walking company, 13 agreed that there should be a limit on the number of dogs a person can walk, with 4 being the preferred maximum for most.

Exclusion of dogs on Hill Head Beach

23. 17% of respondents had either experienced or witnessed a bad incident with dogs on the beach at Hill Head. Dog fouling, out of control dogs and people not abiding by the
current exclusions zone were the most common examples given.

24. However, when asked whether the no dogs on beach area at Hill Head should be extended further, only 39% of respondents overall agreed. It is interesting to note that only 14% of dog walkers agreed with the proposal. This reflects comments given by dog owners throughout the survey that focus on the perception that they are losing space to walk their dogs freely within the Borough.

25. The views of dog owners contrast strongly with those of non-dog owners, as 67% of those agreed with the proposed extension.

26. Given that only 39% agreed with extending the dog exclusion zone, the Hill Head ward councillors were consulted about the results and the feedback they had received from residents.

27. After considering the consultation responses and the views of the ward councillors the proposed extension of the summer dog exclusion zone on the beach at Hill Head and the ‘dogs on leads’ restriction on Cliff Road Promenade has been removed from the proposed PSPO.

Exclusion of dogs from Play Areas

28. 12% of respondents had a bad experience with dogs in play areas. Although the numbers were relatively low Blackbrook Park, Salterns Play Area and Portchester Park Play Area had the most mentioned incidents.

29. 83% of people believed that dogs should be excluded from play areas, with comments also strongly supporting this proposal.

EQUALITY IMPACT ASSESSMENT

30. The Council has a public-sector equality duty under the Equalities Act 2010 to have due regard to tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. The Equality Impact Assessment in Appendix C sets out the protected characteristics and responses to the consultation from the public.

31. One mitigation measure that is proposed, is an amendment to the wording that defines those exempt from the order. The current definition would not include a range of disabled people who rely on assistance dogs. A more flexible and inclusive definition is therefore proposed as follows:

Nothing in this Order shall apply to a person who –

a) Is registered as a blind person on a register complied 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.

CONCLUSION

32. The draft Public Space Protection Order (Dog Control) has been amended to take account of the response to the public consultation.

33. Controls relating to ‘means of pick up’ and extending the ‘dog exclusion zone’ on Hill Head beach and ‘dogs on lead’ on Cliff Road Promenade have been removed from the draft order that was presented to the Executive on 5 November 2018.

34. The definition of those people who rely on ‘assistance dogs’ has also been amended to reflect the definition identified in the Equality Impact Assessment.

Enquiries:
For further information on this report please contact Mark Bowler. (Ext 4420)
Taking the Lead on Responsible Dog Ownership

We consulted with residents and businesses on whether to put in place a Public Spaces Protection Order, to enable authorised Council officers to issue a fixed penalty notice to irresponsible dog owners. The consultation ran from 19 November 2019 to 14 January 2019, with over 1100 taking part in the consultation.

Taking the Oops out of Poops

QUESTION 1

Were you aware of the Council’s ‘Oops out of poops’ Campaign?

- Yes: 334 (29%)
- No: 811 (71%)

QUESTION 2

Do you think dog fouling has improved during the last three years?

- Stayed the Same: 352 (31%)
- Yes: 294 (26%)
- No: 497 (43%)
Tackling Dog Fouling

QUESTION 3

How much of a problem is dog fouling in your area?

- A Really Big Problem: 127 (12%)
- A Big Problem: 157 (15%)
- Not a Problem at All: 189 (18%)
- A Bit of a Problem: 267 (26%)
- A Small Problem: 306 (29%)
Are there any dog fouling hot spots where you live?

- Wallington Water Meadow: 2
- Warsash Rec: 4
- Wallsedeon Avenue: 2
- Titchfield Common: 4
- Strawberry Fields: 4
- Portchester Park: 2
- Portchester Shore: 3
- Pavements (Generally): 2
- Lee on Solent: 3
- Grass Verges (Generally): 7
- Fishermans Walk: 2
- Church Road: 4
- Chalky Walk: 2
- Bath Lane Park: 2
- Admirals Wood Woodland Park: 3
- Wicor Rec: 3
- White Hart Lane: 2
- Warsash Common: 9
- Titchfield Rec Ground: 3
- Titchfield Nature Reserve: 2
- Titchfield Canal: 4
- Thames Drive: 2
- Stubbington Recreation Ground: 8
- St John’s School: 2
- St John’s Park: 2
- Southampton Road: 3
- Serpentine Road: 4
- Seafield Park: 12
- Salters Recreation Area: 2
- Redlands Lane: 2
- Ranvilles Lane: 3
- Priory Park: 4
- Portchester Castle: 10
- Peak Lane: 2
- Park Lane Rec: 13
- Osborne Road: 2
- Miller Drive: 2
- Mill Road: 2
- Locks Heath Recreation Ground: 3
- Holly Hill Park: 25
- Hillhead Beach: 9
- Highlands Road: 3
- Hatherley Crescent: 2
- Harrison Road: 4
- Gudge Heath Lane: 2
- Gillies: 2
- Funtley Park: 2
- Funtley Meadow: 2
- Funtley Hill: 2
- Fareham Leisure Centre: 2
- Fareham High Street: 2
- Blackbrook Road: 4
- Blackbrook Park: 12
- Bishopsfield Road: 2
QUESTION 5

Should we continue to have the power to issue fixed penalty notices for not clearing up after a dog has fouled?

Yes 1110 (96%)
No 42 (4%)
Making Sure People Clear Up After Their Dog

QUESTION 6

Should we have the power to issue fixed penalty notices to people who don’t have means to clear up after a dog e.g. carry a litter bag?

- Yes: 989 (82%)
- No: 213 (18%)

QUESTION 7

Do you have any comments about our proposals to tackle dog fouling?

- Much of it happens at night/ early… 4
- Should have some discretion 3
- Don’t have the powers to stop and… 3
- Needs enforcing 24
- Dog poo bags not disposed of properly 8
- Make it easier to report dog fouling 2
- More signs warning dog owners to… 7
- Officers could carry bags instead of… 1
- Engaging people would be better 1
- Should get a warning first 1
- DNA testing 3
- A webpage to report dog fouling 1
- A lot of dog poo bags just get dumped 8
- Higher fines 6
- Cameras needed in certain areas 1
- Dog owners should need a licence 3
- It can be worse in school holidays… 1
- The officer could carry poo bags and… 8
- Need biodegradable dog bags 2
- More environmentally friendly to… 3
- People might just carry bags but still… 2
- Warning should be given first 3
- Bags on offer near disposal bins or in… 20
- Difficult to enforce 27
- People might run out of bags 24
- People might dispose of it correctly… 5
- More bins 36
- People forget or run out of bags 25
### Dogs on Lead by Direction

#### QUESTION 8
Have you had or seen any bad experiences with dogs off their lead in Fareham?

<table>
<thead>
<tr>
<th>Yes</th>
<th>512 (45%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td>631 (55%)</td>
</tr>
</tbody>
</table>

#### QUESTION 9
If so, what was the bad experience and where?

<table>
<thead>
<tr>
<th>Experience/Location</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annoying/Aggressive to people (i.e. jumping...)</td>
<td>48</td>
</tr>
<tr>
<td>Aggressive to other dogs</td>
<td>18</td>
</tr>
<tr>
<td>Cam Alders Fields - Out of Control Dogs/s</td>
<td>2</td>
</tr>
<tr>
<td>Too many dogs</td>
<td>2</td>
</tr>
<tr>
<td>Biting</td>
<td>4</td>
</tr>
<tr>
<td>Chilling - Out of Control Dog/s</td>
<td>4</td>
</tr>
<tr>
<td>Hook Road Park</td>
<td>2</td>
</tr>
<tr>
<td>Strawberry Fields - Out of Control Dog/s</td>
<td>3</td>
</tr>
<tr>
<td>Porchchester Castle - Out of Control Dog/s</td>
<td>2</td>
</tr>
<tr>
<td>Disturbing birds/wildlife</td>
<td>3</td>
</tr>
<tr>
<td>Stubbington - Out of Control Dog/s</td>
<td>6</td>
</tr>
<tr>
<td>Bishop'sfield Road - Out of Control Dog/s</td>
<td>2</td>
</tr>
<tr>
<td>Priory Park - Out of Control Dog/s</td>
<td>2</td>
</tr>
<tr>
<td>Warsash Common - Out of Control Dog/s</td>
<td>8</td>
</tr>
<tr>
<td>Salterns Open Space - Out of Control Dog/s</td>
<td>4</td>
</tr>
<tr>
<td>Holly Hill Park - Out of Control Dog/s</td>
<td>11</td>
</tr>
<tr>
<td>Gillies - Out of Control Dog/s</td>
<td>4</td>
</tr>
<tr>
<td>Wicor Recreation Ground - Out of Control Dog/s</td>
<td>4</td>
</tr>
<tr>
<td>Titchfield Haven - Out of Control Dog/s</td>
<td>3</td>
</tr>
<tr>
<td>Funtley Meadow - Out of Control Dog/s</td>
<td>2</td>
</tr>
<tr>
<td>Hill Head Beach - Out of Control Dog/s</td>
<td>26</td>
</tr>
<tr>
<td>Ranvilles Lane - Out of Control Dog/s</td>
<td>5</td>
</tr>
<tr>
<td>Bath Lane Park - Out of Control Dog/s</td>
<td>4</td>
</tr>
<tr>
<td>Blackbrook Park - Out of Control Dog/s</td>
<td>11</td>
</tr>
<tr>
<td>Park Lane Recreation Ground - Out of Control Dog/s</td>
<td>17</td>
</tr>
<tr>
<td>Titchfield Canal - Out of Control Dog/s</td>
<td>2</td>
</tr>
<tr>
<td>Dogs on Too Long Leads (Causing Tripping)...</td>
<td>3</td>
</tr>
<tr>
<td>Dog Fouling</td>
<td>9</td>
</tr>
<tr>
<td>Out of Control Dog/s (Off lead; Harassing)</td>
<td>59</td>
</tr>
</tbody>
</table>
**QUESTION 10**

Should we have the power to direct people to put their dogs on leads if they are causing a nuisance?

- Yes: 1079 (94%)
- No: 73 (6%)

**QUESTION 11**

Do you have any comments on this proposal?

- On leads in public spaces: 8
- Aggressive dogs should have a muzzle on: 2
- Larger/ More Signs: 3
- No visible officers: 9
- If Dog is causing a problem/ aggressive: 9
- Dogs Should Be on a Lead in Public Places: 10
- Difficult to Define a Nuisance: 18
- Difficult to Enforce: 21
- Issues with Dogs on Extendable Leads: 3
- Complusory Dog Training: 5
- Should be Lead Free Areas: 3
- Dog Licence Should be Required: 2
**Dogs on Leads**

**QUESTION 12**
Should we have the power to issue fixed penalty notices to owners whose dogs are off the lead in the areas above?

- Yes: 822 (71%)
- No: 330 (29%)

**QUESTION 13**
Are there other areas where you think dogs should be kept on the lead?

- Shared Use Pavements: 2
- Shopping Centres: 10
- Warsash Common: 2
- Blackbrook Park: 2
- Titchfield Canal Path: 2
- Near Schools: 5
- Beaches: 4
- Stubbington Green: 2
- Portchester Castle: 7
- Public Parks: 3
- Cemeteries: 3
- Churchyards: 5
- Areas Sensitive to Wildlife: 3
- Hill Head Promenade/ Beach: 9
- Play Areas: 16
- Public Areas: 13
- Public Footpaths: 26
- Garden of Reflection: 2
QUESTION 14

Do you have any comments on this proposal?

- People should have a warning first: 1
- People need to be more educated: 2
- Concerns with the means to enforce it: 2
  - Not enforced already: 2
- Provide free bags in major areas: 1
- Should have fenced off areas in parks: 1
- More education advertising: 1
- Leave some beach free for dogs to: 1
- Would be nice if more pubs and cafes: 1
- Fixed penalties are not the solution: 1
- Needs to be applicable to any area: 1
- Should be some discretion based on: 1
  - Should include right to appeal: 1
- Play areas should be dog free: 2
- Hard to educate those that don’t care: 1
- More risk with dogs on extending leads: 2
- Any public park/ open space should: 1
  - Will be very confusing: 1
- Educate people more about their: 3
  - Give initial warning first: 3
- Attacking peoples human rights: 1
- Aggressive dogs on or off lead should: 1
- Confined spaces need to be looked: 1
  - Needs to be enforced: 9
- Advisory for dogs on leads or yellow: 1
- It's the owners that need educating: 1
- Should be time restrictions (Early: 2
  - Any place near/ where food is: 1
- If dogs are under control they should: 2
  - Fine if persistent offender: 1
- Needs to be well signposted: 23
  - Very Restrictive: 1
- Few green spaces in Hill Head to let: 1
- Agree with Cliff Road Promenade: 1
  - Agree with Churchyards: 3
    - Agree with play areas: 5
  - Disagree with part of Coldest Open: 6
  - Disagree with Burridge Pond: 2
  - Disagree with Holly Hill Woodland Park: 18
  - Disagree with Salterns Road: 13
  - Disagree with Cliff Road Promenade: 18
  - Disagree with Abbey Meadows: 6
  - Disagree with Portchester Common: 7
Maximum Number of Dogs

QUESTION 15
Have you had any experiences where a person had too many dogs for them to control well?

Yes 384 (34%)
No 761 (66%)

QUESTION 16
If yes, please tell us when and where

- Locks Heath: 3
- Wfc Rec: 7
- Warsash Common: 10
- Titchfield Rec: 9
- Titchfield Canal Path: 7
- Seafield Park: 7
- Salterns Prom: 3
- Salterns Park: 2
- Portchester Park: 2
- Hook Common: 2
- Holly Hill Woodland Park: 6
- Hill Head Beach: 9
- Highlands Road: 4
- Fareham Leisure Centre Park: 2
- Deviation Line: 3
- Cliff Road Prom: 2
- Chilling Shore Area: 5
- Blackbrook Park: 2

QUESTION 17
Should we have the power to restrict the number of dogs someone can walk in a public place?

Yes 894 (78%)
No 257 (22%)
QUESTION 18

How many dogs should someone be allowed to walk?

- 7 or More: 63 (6%)
- 6: 46 (4%)
- 5: 65 (6%)
- 4: 324 (31%)
- 3: 291 (28%)
- 2: 221 (21%)
- 1: 41 (4%)

QUESTION 19

Do you have any comments on this proposal?

- Responsible dog walking needed: 5
- People need to be more responsible: 2
- Non-professional dog owners need...: 2
- No concerns: 7
- More accredited training system...: 7
- Maximum of two dogs: 15
- Maximum of 3 dogs: 8
- Maximum of 4 dogs: 33
- How will it be enforced: 4
- Enforcement penalties and cautions...: 12
- Dogs train better in groups: 2
- Dogs are intimidating in large packs: 10
- Dog walker licences should be...: 14
- Depends on level of control/...: 25
- Case by case value (depends on...: 41
- Align proposals with Gosport BC: 3
**Excluding Dogs from Certain Areas**

**QUESTION 20**

Have you had or seen any bad experiences with dogs on the beach at Hill Head?

- Yes: 189 (17%)
- No: 953 (83%)

**QUESTION 21**

If so, what was the bad experience and where?

- People Do Not Abide by the Exclusion: 18
- Out of Control Dogs (e.g. Dogs Off...): 65
- Fouling on Beach/ Promenade: 47

**QUESTION 22**

Do you think the no dogs on beach area should be extended? (They will still be allowed on much of the beach)

- Yes: 446 (39%)
- No: 706 (61%)

**QUESTION 23**

Have you had any bad experiences with dogs in play areas?

- Yes: 142 (12%)
- No: 1002 (88%)

**QUESTION 24**

If so, please tell us when and where

- Salterns Play Area: 5
- Uncontrolled Dogs - Blackbrook Park: 2
- Priory Park Hall Play Area: 2
- Portchester Park Play Area: 4
- Play Areas in General: 3
- Kenwood Park: 2
- Funtley Recreation Ground: 2
- Dore Avenue Play Area: 2
- Blackbrook Park: 6
- Bath Lane Play Area: 3
**QUESTION 25**

Do you think dogs should be excluded from play areas?

<table>
<thead>
<tr>
<th>Yes</th>
<th>953 (83%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td>191 (17%)</td>
</tr>
</tbody>
</table>

**QUESTION 26**

Do you have any further comment on our proposals to exclude dogs from certain areas?

<table>
<thead>
<tr>
<th>Suggestion</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsible training of dogs required</td>
<td>7</td>
</tr>
<tr>
<td>Responsible dog ownership required</td>
<td>8</td>
</tr>
<tr>
<td>No extension to current exclusion zones</td>
<td>5</td>
</tr>
<tr>
<td>More tie up points near play areas</td>
<td>3</td>
</tr>
<tr>
<td>Common sense to put the proposal through</td>
<td>10</td>
</tr>
<tr>
<td>Introduce dog walking areas</td>
<td>8</td>
</tr>
<tr>
<td>Guide dogs should be allowed in play areas</td>
<td>3</td>
</tr>
<tr>
<td>Fencing and gates with clear signage needed</td>
<td>6</td>
</tr>
<tr>
<td>Fence play areas</td>
<td>4</td>
</tr>
<tr>
<td>Fence areas where dogs aren't allowed</td>
<td>3</td>
</tr>
<tr>
<td>Extend exclusion zone to sports fields</td>
<td>3</td>
</tr>
<tr>
<td>Exclude dogs from play areas</td>
<td>69</td>
</tr>
<tr>
<td>Enforcement needs to happen</td>
<td>10</td>
</tr>
<tr>
<td>Dogs off leads should not be allowed in play areas</td>
<td>32</td>
</tr>
<tr>
<td>Disagree with any exclusion zones for dogs</td>
<td>9</td>
</tr>
<tr>
<td>Minority of dogs misbehave</td>
<td>5</td>
</tr>
</tbody>
</table>
About You

QUESTION 27
How many dogs do you own?

- 7+ 2
- 6  3
- 5  7 (1%)
- 4  9 (1%)
- 3  23 (3%)
- 2  113 (14%)
- 1  365 (46%)
- 0  278 (35%)

QUESTION 28
How often do you use a dog walking company?

- Monthly 17 (2%)
- Daily 24 (3%)
- Less often 37 (4%)
- Few times a week 41 (4%)
- I don't use a dog walker 812 (87%)

QUESTION 29
Do you have a registered assistance dog or Guide Dog?

- Prefer Not to Say 18 (2%)
- Yes 4
- No 1130 (98%)

QUESTION 30
Do you have any other disability or health condition that restricts your ability to walk your dog?

- Prefer not to say 53 (5%)
- Yes 47 (4%)
- No 1052 (91%)
QUESTION 31
Please tell us if any of our proposals impact on your ability to look after your dog?

- Concerns about dog theft so prefer dog with me in play area: 1
- Exercise my dog in the water as I have a disabling condition that prevents me walking far: 1

QUESTION 32
Do you represent any of the following?

- Charity: 15 (14%)
- Dog walking business: 17 (15%)
- Other organisation: 35 (32%)
- Other business: 43 (39%)
QUESTION 33

Please give details below:

<table>
<thead>
<tr>
<th>Organization</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hampshire and IoW Wildlife Trust</td>
<td>1</td>
</tr>
<tr>
<td>Fareham Hearing Centre</td>
<td>1</td>
</tr>
<tr>
<td>St Mary's Church</td>
<td>1</td>
</tr>
<tr>
<td>For the Love of Animals</td>
<td>1</td>
</tr>
<tr>
<td>Nellys Woofers</td>
<td>1</td>
</tr>
<tr>
<td>Shore Leave Haslar</td>
<td>1</td>
</tr>
<tr>
<td>Home Boarding</td>
<td>3</td>
</tr>
<tr>
<td>Admirals Wood Residents Association</td>
<td>1</td>
</tr>
<tr>
<td>NHS</td>
<td>1</td>
</tr>
<tr>
<td>Scout Hall Pre-School</td>
<td>1</td>
</tr>
<tr>
<td>Scouting and Crofton Saints</td>
<td>1</td>
</tr>
<tr>
<td>Explosive Search Dog Handler</td>
<td>1</td>
</tr>
<tr>
<td>Aunty Vicky's Walkies</td>
<td>1</td>
</tr>
<tr>
<td>Hearing Dogs for Deaf People</td>
<td>2</td>
</tr>
<tr>
<td>St Peter's Church</td>
<td>1</td>
</tr>
<tr>
<td>Parish Church of St Peter and St Paul</td>
<td>1</td>
</tr>
<tr>
<td>PawActive</td>
<td>1</td>
</tr>
<tr>
<td>Cinnamon Trust</td>
<td>1</td>
</tr>
<tr>
<td>Engineering repair company</td>
<td>1</td>
</tr>
<tr>
<td>Guide Dogs for the Blind</td>
<td>2</td>
</tr>
<tr>
<td>Canine Partners</td>
<td>2</td>
</tr>
<tr>
<td>Small Dog boarding business</td>
<td>1</td>
</tr>
<tr>
<td>Royal Navy</td>
<td>1</td>
</tr>
<tr>
<td>Professional Dog Walker: Dogs with...</td>
<td>1</td>
</tr>
<tr>
<td>Canine Partners: All sign signage and...</td>
<td>1</td>
</tr>
<tr>
<td>Professional Dog Walker: Keeps...</td>
<td>1</td>
</tr>
<tr>
<td>Doggie Holiday Homes</td>
<td>2</td>
</tr>
<tr>
<td>Professional Dog Walker: Generally...</td>
<td>1</td>
</tr>
<tr>
<td>Estate Agent</td>
<td>1</td>
</tr>
<tr>
<td>Driving Instruction</td>
<td>1</td>
</tr>
</tbody>
</table>
This Order comes into force on the [ ] and will remain in force for a period of three (3) 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 section 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 paragraphs 4 and 5 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 the land edged black in Schedule 1.

2.1 "Person in Charge" A person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

Offence and Penalty

2.2 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 a 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 Schedules 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 5.1 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 numbers of dogs together, and some of these persons have exercised poor control over these dogs. This has caused problems for other dog owners and has also resulted in dog foul not being picked up. This part of the Order seeks to place limits on the number of dogs which may be walked together to enable greater 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 6.1 of this Order 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.

6. Dogs on Leads

6.1 In some public places 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 do 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 complied 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.
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
-SCHEDULE 2-

PARAGRAPH 7 “DOGS ON LEADS”

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

1. Any cemetery or churchyard
   Crofton Cemetery, Oakcroft Lane, Stubbington
   Wickham Road Cemetery, Fareham
   St Peter’s Cemetery, Church Street, Titchfield
   Posbrook Lane Cemetery, Titchfield
   Roman Grove Cemetery, Castle View Road, Portchester
   St Johns Cemetery, St Johns Road, Locks Heath
   St Paul’s Cemetery, Barnes Lane, Sarisbury
   Holly Hill Cemetery, Barnes Lane, Sarisbury
   St Peter and St Paul’s Churchyard, Osborn Road, Fareham
   St Peter’s Churchyard, Church Street, Titchfield
   Crofton Churchyard, Lychgate Green, Stubbington
   St Mary’s Churchyard, Castle Street, Portchester
   St Paul’s Churchyard, Barnes Lane, Sarisbury

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. Burridge Pond (refer to plan)
8. Coldeast Open Space (refer to plan)
9. Any area within Fareham that is:
   i). Designated as a Site for Special Scientific Interest (“SSSI”) or; ii), where the Authority keep animals and where signage is present;
      a) Portchester Common (refer to plan)
      b) Abbey Meadows (refer to plan)
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. 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.

3. 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
Appendix C

Equality Impact Assessment

This document is intended to act as a guide and point of reference, rather than be a template. There is no requirement to use this document as part of the policy development or decision making process; although it may help.

When using this form, please feel free to enter as much or as little information as you feel is appropriate.

<table>
<thead>
<tr>
<th>Name</th>
<th>Roy Brown</th>
<th>Date</th>
<th>29/01/19</th>
</tr>
</thead>
<tbody>
<tr>
<td>Job title</td>
<td>Customer Engagement Manager</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

What are you thinking of changing or implementing?

The Council's current Dog Fouling Public Spaces Protection Order (PSPO) will expire on 31 March 2019 unless extended. Instead of extending this order, the Council is proposing to make a new order that not only includes dog fouling but includes restrictions on the following:

- Fouling and means of pick up
- Dogs on lead by direction
- Maximum number of dogs
- Dogs on leads and
- Exclusion of dogs

What is the expected or anticipated impact of this change?

The proposal will affect all dog owners who walk and exercise their dogs in Fareham. There is no record of the number of dogs in Fareham, but national estimates are that 26% of households have at least one dog.

Considerate dog ownership is of concern to residents, who want the Council to take action against irresponsible dog owners and there was strong support for the majority of the proposals during the PSPO consultation.

Protected characteristic: Age (including children and young people)

Points to consider:

- How have you considered the potential impact on people with this protected characteristic?
- What, if any, is the expected impact on people with this protected characteristic?
- What steps or action is planned to mitigate any negative impact?

The proposed PSPO may have a positive impact on young people who are more likely to come into contact with dog fouling and are at greater risk of infection.
<table>
<thead>
<tr>
<th>Protected characteristic</th>
<th>Description</th>
<th>Points to consider</th>
<th>No impact identified.</th>
</tr>
</thead>
</table>
| Disability (including physical and those with mental health conditions) | | - How have you considered the potential impact on people with this protected characteristic?  
- What, if any, is the expected impact on people with this protected characteristic?  
- What steps or action is planned to mitigate any negative impact? | |
| Trained assistance dogs | Will be exempt from the controls. For example, they will be able to support their owner in dog prohibited locations. Following feedback received during the consultation, the definition of assistance dogs in the PSPO has been widened to include dogs that support people with a greater range of disabilities. | | |
| Gender reassignment | | - How have you considered the potential impact on people with this protected characteristic?  
- What, if any, is the expected impact on people with this protected characteristic?  
- What steps or action is planned to mitigate any negative impact? | No impact identified. |
| Marriage and civil partnership | | - How have you considered the potential impact on people with this protected characteristic?  
- What, if any, is the expected impact on people with this protected characteristic?  
- What steps or action is planned to mitigate any negative impact? | No impact identified. |
| Pregnancy and maternity | | - How have you considered the potential impact on people with this protected characteristic?  
- What, if any, is the expected impact on people with this protected characteristic?  
- What steps or action is planned to mitigate any negative impact? | No impact identified. |
| Race | | - How have you considered the potential impact on people with this protected characteristic?  
- What, if any, is the expected impact on people with this protected characteristic?  
- What steps or action is planned to mitigate any negative impact? | No impact identified. |
### Protected characteristic: Religion or belief

Points to consider:
- How have you considered the potential impact on people with this protected characteristic?
- What, if any, is the expected impact on people with this protected characteristic?
- What steps or action is planned to mitigate any negative impact?

No impact identified.

### Protected characteristic: Sex

Points to consider:
- How have you considered the potential impact on people with this protected characteristic?
- What, if any, is the expected impact on people with this protected characteristic?
- What steps or action is planned to mitigate any negative impact?

No impact identified.

### Protected characteristic: Sexual orientation

Points to consider:
- How have you considered the potential impact on people with this protected characteristic?
- What, if any, is the expected impact on people with this protected characteristic?
- What steps or action is planned to mitigate any negative impact?

No impact identified.