

FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision 04 April 2022

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

Purpose:

To seek Executive authorisation to extend the Public Space Protection Order (PSPO), relating to dog control, in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014 for a further three year period.

Executive summary:

On 4 March 2019 the Executive authorised the making of a Public Spaces Protection Order (Dog Fouling) 2019. 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 2022 unless extended.

Recommendation/Recommended Option:

It is recommended that the Executive agrees:

- (a) that the draft Public Spaces Protection Order presented to the Executive on 4 April 2022 is extended for a period of three years; and
- (b) that delegated authority be given to the Head of Environmental Health 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 continue 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: Draft Public Spaces Protection Order (Dog Control) 2022 with map and schedule**

B: Equality Impact Assessment

Reference papers: **Consultation response 2022**

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Executive Briefing Paper

Date:	04 April 2022
Subject:	Dog Control Public Spaces Protection Order
Briefing by:	Head of Environmental Health
Portfolio:	Health and Public Protection

INTRODUCTION

1. On 4 March 2019, the Executive authorised the making of a Public Spaces Protection Order (Dog Fouling) 2019. A PSPO can be made for a maximum duration of three years, after which it may be extended.
2. The current PSPO expires on 31 March 2022 and this report requests extension of this order for a further three years as awareness raising, engagement with dog owners, clear direction by officers and ultimately enforcement have worked.

BACKGROUND

3. The extended PSPO includes restrictions on the following:
 - (a) Fouling and means of pick up
 - (b) Dogs on lead by direction
 - (c) Maximum number of dogs
 - (d) Dogs on leads and
 - (e) Exclusion of dogs

CONSULTATION

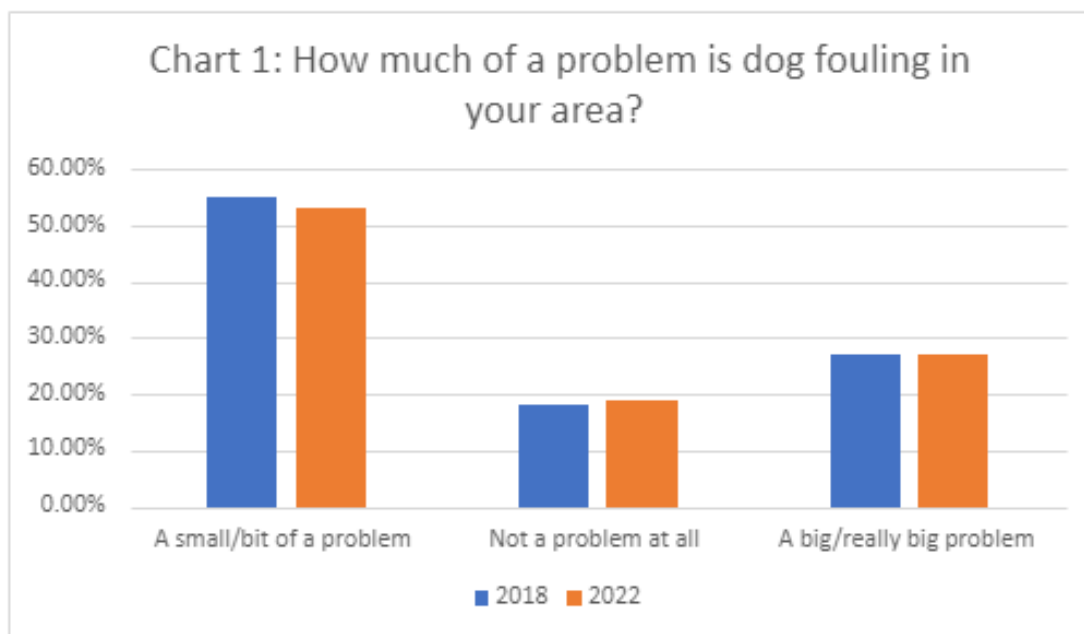
4. Before introducing or extending a PSPO the Council is required to carry out a consultation. The following analysis summarises the findings from the 2022 Public Space Protection Order (PSPO) dog control consultation. The consultation started on the 28 February to 25 March 2022 and we have had 190 responses.

Analysis

5. The following section analyses the results received for each topic area covered in the PSPO Consultation. It must be noted that for the 2018 consultation the Council received 1152 survey responses where as in 2022 the consultation only received 190 responses.

Dog Fouling

6. Chart 1 below shows the difference between the responses from the 2018 and 2022 consultations when asked how much of problem dog fouling was in a respondent's local area.



In chart 1 it can be seen that there has not been a significant change in residents views regarding the problem of dog fouling. There has been a small increase in the number of people who think that dog fouling is not a problem at all.

Question - Are there any dog fouling hot spots where you live?

The main hotspots identified by residents in the consultation were grassed areas in general, then Hill Head beach followed by Cliff Road Promenade and Blackbrook Park.

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

As seen below there remains strong support for issuing FPNs for not clearing up dog foul:

2018 – For 96%, against 4%

2022 – For 98%, against 2%

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

The main theme to emerge from comments was made was around increasing the enforcement of Fixed Penalty Notices (FPN's). A number of comments also focused on increasing the provision of bins available to dog owners. A small number of comments

mentioned aspects such as more signage and the provision of free dog poo bags. It was also mentioned by some respondents that dog fouling has improved over the past three years.

Dogs on leads

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

7. As seen below there remains strong support for the power to direct people to put their dogs on leads if they are causing a nuisance:

2018 – For 94%, against 6%

2022 – For 98%, against 2%

The main themes that arose from the question were that there should be specific areas where dogs should be on leads, that there is a problem with untrained dogs making people feel uncomfortable and there also needs to be more warden patrols. Other themes were that dogs off leads can cause stress to children especially in public parks. It was also mentioned that defining 'nuisance' can be difficult.

Question - Should we have the power to issue fixed penalty notices to owners whose dogs are off the lead in the areas specified?

It can be seen below that a greater proportion of respondents support dogs being on a lead in certain areas:

2018 – For 71%, against 29%

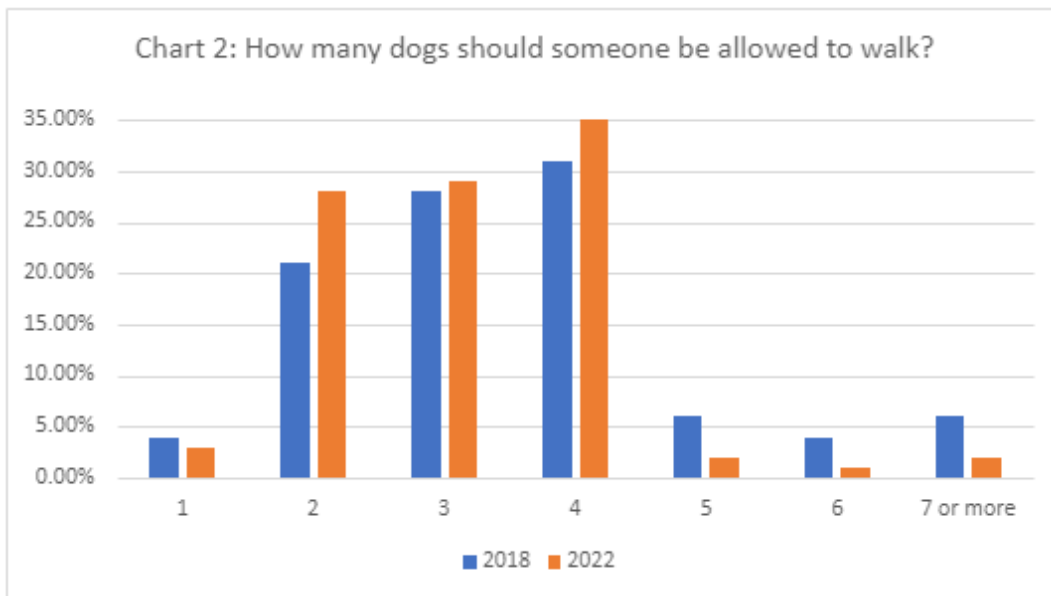
2022 – For 87%, against 13%

Question - Should we also have the power to issue fixed penalty notices to owners whose dogs are off the lead in Portchester Crematorium?

Of the 190 respondents 95% agreed with the new proposal and only 5% disagreed. The main themes were that it is disrespectful for dogs to be off the lead in this area and that more signage is needed in areas where dogs must be on leads to inform the public. It was also mentioned that it is important that there are still areas where dogs can run freely. Another main theme was that at Hill Head beach there are problems with wildlife being disturbed and therefore dogs need to be on leads in the area.

Number of dogs someone is allowed to walk

8. Chart 2 below shows the difference between the responses from the 2018 and 2022 consultations when asked how many dogs someone should be allowed to walk.



In chart 2 it can be seen that in the 2022 consultation a smaller percentage of respondents thought people should be able to walk more than four dogs.

Question - Should we have the power to restrict the number of dogs someone can walk in a public space?

9. It can be seen below that the number of people in favour of the power to restrict the number of dogs someone can walk increased between 2018 and 2022.

2018 – For 78%, against 22%

2022 – For 95%, against 5%

The main theme from comments received was that professional dog walkers tend to be the people with large numbers of dogs and that they tend to not take responsibility for what the dogs are doing.

Exclusion Zones

10. Questions around exclusion zones had the following responses.

Question - Do you think dogs should continue to be excluded from the sites above?

Of the 190 respondents 90% agreed with the sites listed and 10% disagreed.

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

The main themes were that dogs should be excluded from play areas and that they should be on leads at Hill Head beach.

Questions - Please tell us if any of our proposals impact on your ability to look after your dog?

There was only a very small number of comments for this question and the only concern was that the exclusion zones could potentially increase car use if people were not able to walk far.

11. There have been several responses we received to the consultation inbox. Seven residents were in favour of extending the PSPO. Hampshire Constabulary responded stating that they are in favour of extending the PSPO. The Kennel Club provided a detailed response as part of the consultation process, their responses to each of the consultation's topic areas were as follows;-

In respect of dog fouling they want more proactive measures to be adopted. For example: increase number of bins available for dog owners to use, communicating that bagged faeces can be disposed of in normal litter bins, running training events and poster campaigns to encourage owners to pick up after their dog

In respect of dog access, they do not believe in blanket restrictions and suggest that seasonal or time of day restrictions are effective and the least restrictive approach.

In respect of on lead by direction, they recommend that officers enforcing the order are familiar with dog behaviour in order to determine whether restraint is necessary

The final point is that they believe appropriate signage is affixed and it is legally required and that assistance dogs criteria is widened to allow for some flexibility when considering whether a disabled person's dog is acting as an assistance dog.

EQUALITY IMPACT ASSESMENT

12. 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 B sets out the protected characteristics and responses to the consultation from the public.

CONCLUSION

13. 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 Ian Rickman (Ext 4773)