

<b>Name of Committee:</b>	Cabinet		
<b>Committee Date:</b>	6 March 2024		
<b>Report Title:</b>	Public Spaces Protection Order (Dogs) Renewal		
<b>Responsible Officer:</b>	Wayne Layton, Executive Head of Regeneration, Economic Development and Preventative Service		
<b>Cabinet Lead:</b>	Councillor Gwen Robinson - Cabinet Lead for Communities and Housing		
<b>Status:</b>	Non-Exempt		
<b>Urgent Decision:</b>	No	<b>Key Decision:</b>	Yes
<b>Appendices:</b>	Appendix 1 - Public Space Protection Order (Dogs) and Schedule Appendix 2 – Results of the Statutory Consultation Exercise		
<b>Background Papers:</b>	None		
<b>Officer Contact:</b>	Name: Gary Morton, Public Space Protection Officer Email: <a href="mailto:gary.morton@havant.gov.uk">gary.morton@havant.gov.uk</a>		
<b>Report Number:</b>	HBC/		
<b>Corporate Priorities:</b>			
<p>The renewal of the Public Spaces Protection Order will help towards the aim of the Council to improve our public spaces, town centres and villages in the Borough.</p>			
<b>Executive Summary:</b>			
<p>Cabinet is recommended to approve the renewal the Public Spaces Protection Order - Dogs (relating to the control of dogs in the Borough of Havant) for three years (to expire at 11.59pm on 30 April 2027).</p> <p>An order has been in place since 2016 and is one of the tools available to local authorities to reduce anti-social behaviour from inappropriate dog ownership.</p> <p>The current measures relate to the removal of dog faeces, the control of dogs in designated areas such as play areas and cemeteries, the exclusion of dogs from areas such as tennis courts, failure to put a dog on a lead when directed to do so by an authorised officer and the seasonal exclusion of dogs from Blue Flag beaches.</p> <p>In line with legislation, a statutory consultation was undertaken to understand public views on renewing, changing or discharging the PSPO. This exercise was undertaken between November and December 2023 and provided a clear indication in favour of renewing the current measures for three years. This, alongside data and officer consideration, has informed the recommendation to extend the current PSPO.</p>			
<b>Recommendations:</b>			
<p>That Cabinet approves the renewal of the Public Spaces Protection Order - Dogs (relating to the control of dogs in the Borough of Havant) for three years (to expire at 11.59pm on 30 April 2027).</p>			

## 1.0 Introduction

- 1.1 Public Space Protection Orders are made by the Council under the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”). A PSPO is designed to deal with a particular nuisance or problem in an area. The behaviour must be having a detrimental effect on the quality of life of those in the community.
- 1.2 The Council may make a PSPOs for up to three years after which they can be extended for further periods of up to three years. There is no limit on the number of times a PSPO can be reviewed and renewed.
- 1.3 The existing Public Space Protection Order (Dogs)(“PSPO”) which was originally made in April 2017 (and subsequently extended) ends on 30 April 2024.

## 2.0 Background

- 2.1 Section 72 of the Anti-Social Behaviour, Crime and Policing Act 2014, requires a local authority to carry out the necessary consultation and the necessary publicity when deciding on the future course of action in relation to a PSPO.
- 2.2 The findings of a consultation exercise (Appendix 2) indicate support for the renewal of the PSPO.
- 2.3 The feedback from the consultation relating to the PSPO provided the following evidence:
  - a) The need for the PSPO remains proportionate and necessary in the Borough of Havant due to the ongoing nature of the original issue and the consultation provided evidence for the continuing need for the PSPO;
  - b) There was no strong feedback that the areas or terms of the PSPO should be varied and therefore varying the PSPO is not appropriate.
  - c) The consultation indicated a continuing need for the PSPO and therefore the findings do not support a discharge of the PSPO.
- 2.4 Evidence supports the need to renew the PSPO. Although the number of complaints will rise and fall in line with the seasons, the average number of complaints over the past four years is 57 complaints per year.
- 2.5 The Council continues to work hard to ensure that all dog owners behaviour in a responsible and respectful manner. Owning a dog can bring great happiness but also places a lifelong responsibility on the owner to ensure that the dog is not a hazard, a health risk or nuisance to other members of the community. Unfortunately, some

owners do not take a responsible attitude towards dog ownership. The Council needs to balance the needs of those in charge of dogs with the interests of those affected by the activities of dogs, bearing in mind the need for people, in particular children, to have access to dog-free areas and areas where dogs are kept under strict control. The renewal of the PSPO achieves this aim.

- 2.6 The wording of the PSPO and schedule can be found at Appendix 1. There are no proposed amendments to content of the PSPO.

### **3.0 Options**

- 3.1 Section 72 of the Anti-Social Behaviour, Crime and Policing Act 2014, a local authority must decide on one of the following options when considering the future course of action for a PSPO:

- a) Extend the period for which a Public Spaces Protection Order has effect and if so for how long
- b) Vary a Public Spaces Protection Order and if so how
- c) Discharge (cease) a Public Spaces Protection Order

- 3.2 Alternative options for the Council's officers to manage this type of anti-social behaviour in public spaces are limited due to available enforcement legislation. It is recommended that the Council extends the PSPO for a further three year period.

### **4.0 Relationship to the Corporate Strategy**

- 4.1 The extension of the PSPO will be in accordance with the aims of the Council to improve our public spaces in particular our seafront, towns and village centres across the borough (People First)

### **5.0 Conclusion**

- 5.1 The current PSPO has proved successful since its introduction and its extension is supported by feedback from public consultation and ongoing issues associated with responsible owner behaviour.

### **6.0 Implications and Comments**

- 6.1 S151 Comments

Members can be assured that the financial implications arising from this report, and its recommendations, are not significant and to be met from existing budgets.

- 6.2 Financial Implications

There are no significant financial implications to the recommendation and no additional funds are being sought.

The costs of implementation of a renewed PSPO is minimal, given the primary costs are in relation to ensuring the order continues to be widely publicised and understood by all residents, businesses and visitors to the borough via existing pathways and signage.

- 6.3 As with almost any decision made by the council, the risk exists that a decision to renew the PSPO may be challenged by an interested party. Havant's experience indicates the likelihood of such challenge is low and that our PSPO has been through a rigorous process of investigation, consultation and review. Should the decision to renew the order be challenged, such a challenge would be heard in the High Court and resisting such a challenge may involve associated costs. Monitoring Officer Comments

The Council must decide to renew the PSPO before it expires at the end of April. A decision to do so is a matter to be determined by Cabinet. The legal provisions and implications are outlined in the below section.

- 6.4 Legal Implications

Under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 the Council is able to make a PSPO if two conditions are met. The first is that the Council is satisfied that activities carried on in a public place have had or are likely to have a detrimental effect on the quality of life of those in the locality. The second condition is that the effect or likely effect of the activities are persistent or continuing in nature and are unreasonable and also that the effect of the activities justifies the restrictions imposed by the PSPO.

- 6.5 The Council has carried out the consultation under section 72 of the Act and there are no legal impediments to Cabinet renew the PSPO.

- 6.6 Equality and Diversity

Impact on those with disabilities are considered and included within the order. Officers will obviously be able to apply common sense when enforcing the PSPO involving residents with disabilities or other impairments.

- 6.7 Human Resources

There are no specific resource implications arising directly from the renewal of the PSPO.

- 6.8 Information Governance

There are no specific governance implications arising directly from the renewal of the PSPO

- 6.9 Climate and Environment

There are no specific climate and environment implications arising directly from the renewal of the PSPO

## 7.0 Risks

- 7.1 There are no specific risks identified as part of this proposal, beyond the potential for the decision to renew the order being challenged. However, these risks have been mitigated and recommendations are considered robust as the consultation response provided a strong indication of resident views, while the implementation of a PSPO for this issue is deemed to be legal, appropriate and proportionate.
- 7.2 If the PSPO is not renewed, the council will have no powers to control dogs, and will impact prevention of dog fouling, dogs on leads in sensitive areas, and may affect the Blue Flag Award on Hayling Beach.

## 8.0 Consultation

- 8.1 An extensive consultation exercise was conducted between Wednesday 1 November and Wednesday 13 December 2023, with the results indicating support for the renewal of the PSPO.

## 9.0 Communications

- 9.1 The Public Relations Team have been working closely with the Prevention and Enforcement Team through the consultation process, and following renewal, will continue to publicise progress. Details of the final decision will be made available on the council's website and via signage in the Borough.

<b>Agreed and signed off by:</b>		<b>Date:</b>
<b>Cabinet Lead:</b>	Councillor Robinson	27 February 2024
<b>Executive Head:</b>	Wayne Layton	27 February 2024
<b>Monitoring Officer:</b>	Jo McIntosh	27 February 2024
<b>Section151 Officer:</b>	Steven Pink	27 February 2024