

NON EXEMPT

HAVANT BOROUGH COUNCIL

CABINET

15 March 2017

THE ADOPTION OF PUBLIC SPACE PROTECTION ORDERS (DOGS) UNDER ANTI SOCIAL BEHAVIOUR AND POLICE ACT 2014 TO REPLACE EXISTING BYELAWS

**Report by Tim Pointer
Neighbourhood Support Team Leader**

FOR RECOMMENDATION TO COUNCIL

KEY DECISION: No

1.0 Purpose of Report

The Council is requested to approve the use of Public Space Protection orders (PSPO) – Dogs for the Borough of Havant.

2.0 Recommendation

That the Cabinet recommends to Council that it:

- 2.1 authorises the making of the proposed Public Space Protection Orders – Dogs (Havant Borough Council) 2017 in relation to
 - failing to dispose of dog faeces
 - the control of dogs in designated children's play areas
 - the control of dogs within cemeteries
 - the exclusion of dogs from gated and fenced tennis courts
 - failing to put a dog on a lead when directed to do so
 - seasonal exclusion of dogs from blue flag beaches
- 2.2 agrees to the use of £80 fixed penalty notices to tackle offences disclosed; and
- 2.3 delegates authority to the Service Manager Neighbourhood Support in consultation with the Portfolio Holder 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.

3.0 Subject of Report

Since 1990 Havant Borough Council (HBC) has utilised local byelaws and other legislation in place to control problems related to dogs. This include the offence of failing to remove dog faeces, requirements for dogs to be held on a lead and seasonal dog bans from particular areas.

3.1 The Crime, Anti-Social Behaviour and Police Act 2014 created new powers to replace previous and existing legislation for the control of dogs in public areas. The legislation also places a requirement on the council to publicise the nature and extent of the orders.

3.2 These new powers provide a clearer and more consistent approach to dog control and make it easier for everyone to understand what a dog owner's responsibilities are. They also provide an opportunity for the Council to reinforce its message of "zero tolerance" in relation to littering.

3.3 The new legislation also identified the need to balance the requirements of dog owners and other members of the community.

They will also allow the Council to increase the penalties in line with littering for those committing offences with fines of £80 being introduced.

3.4 It is recognised that the vast majority of dog owners are considerate to others needs and to the environment but a scoping study of the demand placed on Council services revealed community concerns over the owners failing

- to clear up after their dogs
- to control their dogs in designated children's play areas
- to control their dogs in cemeteries
- to observe seasonal "blue flag" restrictions.

It was also noted that there was an increase in reports of dogs not being on a lead or under control in the street and also being allowed to run free in fenced play areas such as tennis courts.

3.5 To test current public attitude to these issues a predominantly online consultation process was carried out between 2nd January to 10th February 2017 using social media and Havant Borough Council's Website. This was complimented by a poster campaign in the town centres, smaller notices in affected parks with hard copies available in the Plaza foyer, both Portsmouth City Council housing offices and Beachlands Office.

3.6 The council received 606 completed surveys and several submissions from councillors and interested organisations. Of those that answered

the question, 583 (96%) were residents of the borough and 383 (64%) were dog owners. In response to questions about the proposed order, the following was noted (percentages are of those that answered the particular question:

- 584 (96%) agreed it should be an offence for failing to dispose of dog faeces
- 444 (73%) agreed that dogs should be kept on leads in certain play areas
- 462 (76%) agreed dogs should be kept on leads within cemeteries.
- 418 (69%) agreed with a continuation of the seasonal exclusion of dogs from blue flag beaches in Hayling Island.
- 450 (74%) agreed that dogs should be banned from gated and fenced tennis courts.
- 508 (84%) agreed that it should be an offence to fail to put a dog on a lead when asked by an authorised officer.
- 320 (53%) agreed that there should be a limit on the number of dogs to be walked by one person

The full consultation report is attached at appendix “A”

3.7 The Council also sought the views of the Kennel Club and the Dogs Trust both were supportive of the approach taken by the council generally but felt that any issues relating to the number of dogs being walked by an individual could be appropriately dealt with by the ability to require that dogs be placed on a lead. It is not therefore proposed to proceed with this particular offence.

3.8 The Kennel Club and Dogs Trust also raised concerns over the impact that such legislation might have on “assistance dogs” and therefore it is proposed that exemptions are put in place for users of registered assistance dogs.

4.0 Implications

4.1 Resources:

The back office processes for the enforcement of Fixed Penalty Notices (FPNs) already exist and will be operated alongside those for littering

The most significant implication will be the signage required for the areas covered by the PSPO, this will hopefully be met from the proceeds of FPNs

4.2 Legal:

Prosecutions for failure to pay any fixed penalty notice for the above offences will be pursued by the council legal team and costs recouped

via court processes. Powers in respect of Section 59, Anti-Social Behaviour, Crime and Policing Act 2014 & Section 2, Anti-Social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations.

- 4.3 **Strategy:** Improving and creating a better quality of place.
- 4.4 **Risks:** This action may increase public expectations over the number of offences reported this expectation will need to be mitigated by the communication strategy
- 4.5 **Communications:** An internal and external communication strategy will be developed to ensure that maximum coverage of the requirements of the order is provided to residents with, and without dogs.

Appendix A

Consultation Report

Agreed and signed off by:

Legal Services (Sara Bryan): 7/3/17

Head of Finance (Craig Smith): 7/3/17

Head of Neighbourhood Support (Natalie Meagher): 7/3/17

Cabinet Lead (Cllr Briggs): 1/3/17

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