

WAVERLEY BOROUGH COUNCIL

EXECUTIVE

5 NOVEMBER 2019

Title:

PUBLIC SPACE PROTECTION ORDERS

**[Portfolio Holder: Cllr Nick Palmer]
[Wards Affected: All Wards]**

Summary and purpose:

To report on the results of consultation on the proposed introduction of a Public Space Protection Order in relation to dog controls and the proposed timetable for progressing this work.

How this report relates to the Council's Corporate Priorities:

The work set out in this report will contribute to the Council's priorities by helping to make Waverley a better place to live and work.

Equality and Diversity Implications:

The Public Space Protection Orders contain exemptions in recognition of guide and assistance dog owners to safeguard rights and obligations under the Equality Act 2010.

Financial Implications:

The cost of signage necessary for the implementation of this order will be met within existing budgets.

Legal Implications:

Local authorities are able to make Public space protection orders under the Anti-Social Behaviour Crime and Policing Act 2014, following appropriate consultation and publicity. Statutory guidance is issued by the Home Office on the use of anti-social behaviour powers under the legislation.

1. Background

- 1.1 In 2016 the Council launched its Joint Enforcement Initiative with support from the Police and Crime Commissioner and Surrey Police. The Council made a commitment to improve its role in environmental and anti-social behaviour enforcement and its partnership working with Surrey Police and other agencies.
- 1.2 The Joint Enforcement Initiative was intended to drive forward this improvement in order to address the increasing problems associated with environmental crime (such as fly tipping, littering and dog fouling) and anti social behaviour which have a significant impact on the community and the local environment.

- 1.3 Officers across the local authority have enforcement roles to varying degrees and the Joint Enforcement Initiative approach also provided the opportunity to enable these different staff to work more closely together and with the Police and other agencies, gain mutual support, develop their knowledge and skills and increase their confidence in taking enforcement action.

2.0 Public Space Protection Orders

- 2.1 Issues relating to irresponsible dog ownership have featured highly in feedback from the public to the service and other teams such as the Ranger and Parks Team. During 2018 the council carried out a pre-consultation and then a public consultation on making two Public Space Protection Orders (PSPOs) to address these issues.
- Firstly in relation to dog fouling
 - Secondly in relation to dog controls including dog exclusion areas, dogs on lead by direction, dogs on lead, dogs on leads seasonal restrictions and limits on the number of dogs one person may be in control of in a public place at one time.
- 2.2 The public consultation began on 24th June 2018 and ended on 27 July 2018. The revised PSPOs were re-circulated to all those included in the pre-consultation along with media coverage through press releases and the use of social media. Posters were also displayed in parks and public open spaces directing people to the Survey Monkey questionnaire on the Council's website.
- 2.3 A significant number of responses (over 1200 on the website Survey Monkey and over forty letters / emails) were received. During the consultation period the council was approached by some Parish Councils who requested that some of their open spaces be covered by the PSPOs. The council was advised that to add these areas of land to the schedules we should publicise the proposed additions and extend the consultation period for a further four weeks to give people the opportunity to comment.
- 2.4 Given the level of response to the initial consultation period it was also felt this extension to the consultation would give opportunity to others in the community to further comment in relation to the proposed Orders.
- 2.5 There was overwhelming support for the proposed PSPO in respect of dog fouling. The responses to the consultation on other dog controls was however very mixed and varied. It was therefore decided to separate the two elements of the PSPO and proceed with the dog fouling aspect but to allow further time to analyse the feedback on the other proposed dog controls.
- 2.6 The Dog Fouling PSPO was considered by the Executive on 4 December 2018 and the Council on 11 December 2018 resolved to make the Order to take effect from 1 January 2019.
- 2.7 A report was submitted to the Environment Overview and Scrutiny Committee in February 2019 outlining the progress to date with the initiative.
- 2.8 Work has continued with the analysis of the responses to the other dog control proposals and having considered these carefully a number of changes to the

proposals are being made to simplify the controls and allow some flexibility for dog owners and discretion for enforcement officers.

2.9 Because of these changes a further period of consultation on the revised proposals was carried out during July and August this year. The feedback to this further consultation has now been analysed and revised proposals are now presented to you for comment and recommendations as appropriate to the Executive which will be considered at their November meeting. Subject to the support of the Executive the proposals would then go to Council in December for approval with a view to taking effect on 1 January 2020.

2.10 The one area which caused most controversy, during the consultation last year, was the proposal to limit the number of dogs one person could have under their control in a public space. There was considerable opposition to this and again the need to revise the proposals and consult further was recognised. It is therefore proposed that further consultation of this aspect will take place in the New Year, once the dog control aspects have been resolved and implemented.

3.0 Consultation feedback

3.1 The second round of consultation was launched on the council's website in July and ran until 16 August. Comments could be submitted to a dedicated email address dogpspo@waverley.gov.uk

3.2 There were 21 responses to the second round of consultation. Eleven of these supported the proposals, two of these seeking some clarification on the detailed requirements for certain areas, and three of them asking for dog exclusion zones or dogs on lead areas to be extended.

3.3 Ten responses opposed the proposals but the majority were as a result of misunderstandings or misinterpretation of the proposals, particularly around the proposals for Frensham Common and the Flashes.

3.4 The proposals to not include a complete ban of dogs on Frensham Common and the Flashes. The whole area is covered by the 'Dogs on Lead by Direction' requirement. This means that dogs can roam off lead on the majority of the common, but if an authorised officer considers a dog is not properly controlled, that officer can require the owner to put it on a lead.

3.5 The only areas covered by the Dog exclusion requirement are the 2 beaches (where a dog ban already applies) the three ponds (dogs not allowed in the ponds themselves for ecological reasons but allowed to walk around them) and 2 archaeological mounds (for conservation reasons).

3.6 In conclusion on most of the Frensham area dogs can still be exercised off lead unless they are deemed not to be under control by an authorised officer. Enforcement will be targeted on areas where intelligence from the community indicates there is a problem.

3.7 Some minor adjustments have been made to the areas covered by the Order as a result of the feedback from the community. We have replied to all respondents clarifying any queries or requests and explaining further the proposed requirements.

3.8 A report setting out the background to this work and the results of the consultation was presented to the Environment Overview and Scrutiny Committee on 9 September 2019. The Committee welcomed the proposal for the introduction of a Public Space Protection Order in relation to dog controls.

4.0 Conclusions

4.1 It is inevitable that there will be conflicting views on such proposals. Those who regard themselves as responsible dog owners might feel aggrieved by the proposed restrictions whilst those who have been adversely affected by dogs out of control and the actions of irresponsible dog owners will support the proposals. The issue is a question of balance. Balance between the rights of dog owners and dogs to exercise freely and the rights of other people not to be bothered or put in fear as a result of irresponsible dog owners and dogs out of control.

4.2 The Road Traffic Act 1988 states: " 27.--(1) A person who causes or permits a dog to be on a designated road without the dog being held on a lead is guilty of an offence. .. Dog owners are therefore already required to have their dog on a lead on most roads and footpaths in the borough.

4.3 It is important to emphasise that these proposals do not represent a blanket requirement to keep dogs on leads everywhere in the borough. For most of the borough the only requirement is to put a dog on a lead if requested to do so by an authorised officer of the council or a Police officer if they consider it not to be under control. In some areas, which are often frequented by people and families picnicking or relaxing dogs will be required to be kept on a lead at all times and in areas such as children's play area and cemeteries dogs will be excluded.

4.4 These proposed controls are therefore divided into three categories;

- Dogs on lead by direction;
- Dogs on lead;
- Dog Exclusion zones.

4.5 The current proposed order is attached as Annexe 1 and you will note that the areas covered by each category are listed in a table attached to the order. A set of maps associated with the order is on the council's web site at www.waverley.gov.uk/dogpspo

Recommendation

That the Executive recommends to Full Council that the proposed Public Space Protection Order in respect of dog controls be made.

Attachments

Annexe A – Public Space Protection Order 2019

Background Papers

Consultation press release and website pages and feedback emails.

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