



# NOTICE OF MEETING

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## **CABINET MEMBER FOR COMMUNITY SAFETY & ENVIRONMENT**

**MONDAY 20 DECEMBER 2021 AT 10AM**

**COUNCIL CHAMBER, SECOND FLOOR, THE GUILDHALL**

Telephone enquiries to Jane Di Dino 023 9283 4060

Email: [democratic@portsmouthcc.gov.uk](mailto:democratic@portsmouthcc.gov.uk)

If any member of the public wishing to attend the meeting has access requirements, please notify the contact named above.

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- Attendees will be requested to undertake an asymptomatic/ lateral flow test within 48 hours of the meeting. Around one in three people who are infected with COVID-19 have no symptoms so could be spreading the virus without knowing it. Asymptomatic testing – getting tested when you don't have symptoms - helps protect people most at risk by helping to drive down transmission rates. We strongly encourage you to take up the habit of regular asymptomatic testing to help prevent the spread of coronavirus to your colleagues and residents you work with.
- We strongly recommend that attendees should be double vaccinated, and if eligible, have received a booster.
- If symptomatic you must not attend and self-isolate following the stay at home guidance issued by UK Health Security Agency.
- All attendees are required to wear a face covering while moving around within the Guildhall and are recommended to continue wearing a face covering in the Council Chamber except when speaking.
- Although not requirement, attendees are strongly encouraged to keep a social distance and take opportunities to prevent the spread of infection.
- Hand sanitiser is provided at the entrance and throughout the Guildhall. All attendees are encouraged to make use of hand sanitiser on entry to the Guildhall and are requested to follow the one-way system in place.
- Attendees are encouraged book into the venue (QR code). An NHS test and trace log will be retained and maintained for 21 days for those that cannot or have not downloaded the app.
- Those not participating in the meeting and wish to view proceedings are encouraged to do so remotely via the livestream link.

## Membership

Councillor Dave Ashmore (Cabinet Member)  
Councillor Kirsty Mellor  
Councillor Gemma New

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(NB This agenda should be retained for future reference with the minutes of this meeting).

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### AGENDA

- 1 Apologies for Absence.
- 2 Declarations of Members' Interests.
- 3 **Extension of the Public Spaces Protection Order (Dog Controls) (Pages 3 - 28)**

Purpose.

To seek approval for the extension and variations of the existing Public Spaces Protection Order ('PSPO') in relation to dog fouling and dog controls.

**RECOMMENDED that the Cabinet Member for Community Safety & Environment:**

1. Notes the outcome of the consultation on proposals to extend and vary the PSPO.
2. Approves a variation to the existing PSPO in the following terms:
  - To include in the 'prescribed charity' o Assistance Dogs UK registered charity (119538)
3. Approves the extension of the PSPO for a further 3 years (07.01.2025).

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# Agenda Item 3



Portsmouth  
CITY COUNCIL

<b>Title of meeting:</b>	Cabinet Member for Community Safety & Environment
<b>Date of meeting:</b>	20 December 2021
<b>Subject:</b>	Extension of the PSPO (Dog Controls)
<b>Report by:</b>	Director of Culture, Leisure and Regulatory Services
<b>Wards affected:</b>	All
<b>Key decision:</b>	No
<b>Full Council decision:</b>	No

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## 1. Purpose of report

- 1.1 To seek approval for the extension and variations of the existing Public Spaces Protection Order ('PSPO') in relation to dog fouling and dog controls.

## 2. Recommendations

- 2.1. The Cabinet Member notes the outcome of the consultation on proposals to extend and vary the PSPO.
- 2.2. The Cabinet Member approves a variation to the existing PSPO in the following terms:
  - To include in the 'prescribed charity'
    - Assistance Dogs UK registered charity (119538)
- 2.3. The Cabinet Member approves the extension of the PSPO for a further 3 years (07.01.2025).

## 3. Background

- 3.1. Section 59 and Section 62 of the Anti-Social behaviour, Crime and Policing Act 2014 enabled Portsmouth City Council ("the Council") to introduce a PSPO to replace the Dog Control Order introduced in 2011 (Section 51 of the Clean Neighbourhoods and Environment Act 2005).
- 3.2. Local authorities may use PSPO's to prohibit specified activities and require certain things to be done by people engaged in particular activities within a defined area. PSPOs differ from other tools under the Act as they are council led and rather



than targeting specific individuals or properties, they focus on the identified problem behaviour in a specific location.

- 3.3. The 2014 legislation enabled PCC to cover all aspects of owner's responsibility, fouling of land by dogs, dog exclusion areas and dogs on lead under one PSPO following full consultation in accordance with the Act and statutory guidance, currently contained in the "Anti-Social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers" revised in January 2021.
- 3.4. The PSPO made under the 2014 legislation is cited as the Portsmouth City Council (Dog Controls) PSPO which was enacted on 7<sup>th</sup> January 2019. Under s.60 of the 2014 legislation, PSPOs can only last for a maximum 3-year period unless extended. Unless the Council extends or varies this Order before it has expired, it shall expire 7<sup>th</sup> January 2022.
- 3.5. In order to extend the PSPO for a further period, the Council must be satisfied on reasonable grounds that extension is necessary to prevent:
  - a) occurrence or reoccurrence of the activities identified in the PSPO after the expiry of the current PSPO; and
  - b) an increase in the frequency or seriousness of those activities after the expiry of the PSPO.
- 3.6. The Council must also be satisfied that it is reasonable to vary the PSPO to add amended and/or new requirements to prevent, reduce or reduce the risk of the continuance, occurrence or recurrence of the detrimental effect that those activities specified in the PSPO have had, or are likely to have, on the quality of life of those in the proposed areas.
- 3.7. The intended purpose of the Portsmouth City Council (Dog Controls) PSPO is considered to have been successful with the majority of persons accepting the controls put in place and where these have been ignored, there are powers to issue Fixed Penalty Notices.

#### **4. Reasons for recommendations**

- 4.1. If the Council does not extend the existing PSPO it will cease to have effect. This would mean that officers could not take action and may lead to serious issues with dog fouling and dog control.
- 4.2. The existing PSPO will only remain in force up to three years (07.01.2022). The PSPO may be extended for a further 3 years (2025).
- 4.3. Dog fouling has and is likely to continue to have a detrimental effect on the quality of life of people in the City and it is for the benefit of the public that there are clear restrictions in place to prevent dog fouling and to enforce responsible dog ownership.



- 4.4. In addition to causing public nuisance, dog faeces can, on rare occasions in children lead to Toxocariasis, which can lead to blindness.
- 4.5. The response from consultation with City Councillors, The Kennel Club, Police and Crime Commissioner and Senior Hampshire Police Officer is broadly supportive. The detrimental effect on the quality of life of people in the City and the effect or likely effect of the activities is likely to be persistent, unreasonable, and therefore justifies the restrictions proposed.
- 4.6. The PSPO will be subject to a regular review as the maximum duration is of up to three years after which it may be extended again if certain criteria under section 60 of the Act are met. This includes consideration of whether an extension is necessary to prevent activity from reoccurring or there has been an increase in frequency or seriousness of the activity.
- 4.7. The powers / restrictions imposed by the proposed PSPO would not apply to those who are registered blind or use an Assistance Dog from Dogs for the Disabled, Support Dogs and Canine Partners for Independence or Hearing Dogs.
- 4.8. In order to approve the recommendations in respect of dog controls, the Cabinet Member has to be satisfied that the need to provide safe places to exercise dogs has been balanced against the interests of those who may be affected by the activities of dogs.
- 4.9. If the Cabinet Member approves the recommendations, the extended and varied Order will be published on the Council's website and implemented from 07.01.2022. Additional and/or amended signage, where necessary, will be erected and the PSPO will be kept under review to ensure it is still necessary.

## **5. Integrated impact assessment**

- 5.1. A full Integrated Impact Assessment was carried out and shows how it relates Communities and Safety, Environment and Public Space and Equalities and Diversity.
- 5.2. The PSPO will enable enforcement action against those who allow their dogs to foul the highways and open spaces in Portsmouth. Keeping footpaths and open spaces clean of dog faeces will be monitored by the community safety team.
- 5.3. By keeping our footpaths and open spaces clean of dog faeces, it will improve the quality of the footpaths and green spaces making for a safer city for all residents and visitors.
- 5.4. The PSPO will not apply those who use assistance dogs or those with a disability which affects their mobility.



## **6. Legal implications**

- 6.1. The Anti-Social Behaviour, Crime and Policing Act 2014 (sections 59 to 75) set out the requirements for a PSPO to be made and the procedures for consultation, publicity and notification of orders before a PSPO is made.
- 6.2. The Council must be satisfied on reasonable grounds that the prohibitions imposed are ones that are reasonable to impose in order to prevent the detrimental effect from continuing, occurring or recurring or to reduce the detrimental effect or reduce the risk of its continuance, occurrence or recurrence.
- 6.3. Section 61 of the 2014 legislation provides a power to vary a PSPO by altering or removing a prohibition or requirement included in the Order or adding a new one.
- 6.4. Section 72 details the requirements for consultation rights, consultation, publicity and notification. Consultation includes consulting the chief officer of police and the local policing body, any community representatives the LA thinks it appropriate to consult and the owner or occupier of land within restricted areas (where this is not the Council). In addition, consultation should be undertaken with animal law and welfare organisations.
- 6.5. The Cabinet Member must consider the results of the consultation and the evidence in support of making the PSPO in the terms attached.
- 6.6. Following the making of an order by the LA, an interested person may appeal to the High Court to question the validity of a PSPO, or a variation of an Order. An appeal must be made within the period of 6 weeks beginning with the date on which the Order or variation is made. An interested person is someone who lives in, regularly works in or visits the area in question.
- 6.7. The enforcement of breaches of the PSPO will continually to be initially enforced through the use of a simple fine under a fixed penalty notice in most cases and then to criminal prosecution in the Magistrates' Court if not paid.
- 6.8. The Cabinet Member has the power to make the recommendations contained within this report.

## **7. Director of Finance's comments**

- 7.1. Any costs arising from the recommendations in this report will be met from existing budgets.



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Signed by:

**Stephen Baily**

**Director of Culture, Leisure and Regulatory Services**

**Appendices:**

1. Integrated Impact Assessment
2. Draft PSPO
3. Kennel Club consultation
4. P&CC and Hampshire Constabulary consultation

**Background list of documents: Section 100D of the Local Government Act 1972**

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

<b>Title of document</b>	<b>Location</b>
Appendix 1. Integrated Impact Assessment	Attached
Appendix 2. Draft PSPO	Attached
Appendix 3. Kennel Club consultation	Attached
Appendix 4. P&CC and Hampshire Constabulary consultation	Attached

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by ..... on .....

.....

Signed by:

**Councillor Dave Ashmore**

**Cabinet Member for Environment & Community Safety**

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# Integrated Impact Assessment (IIA)

Integrated impact assessment (IIA) form December 2019

[www.portsmouth.gov.uk](http://www.portsmouth.gov.uk)

The integrated impact assessment is a quick and easy screening process. It should:

- identify those policies, projects, services, functions or strategies that could impact positively or negatively on the following areas:
  - Communities and safety
  - Regeneration and culture
  - Environment and public space
  - Equality & - Diversity - This can be found in Section A5

**Directorate:** Cabinet Member for Environment & Community Safety

**Service, function:** Culture & Leisure

**Title of policy, service, function, project or strategy (new or old) :**

PSPO Portsmouth City Council Dog Controls

**Type of policy, service, function, project or strategy:**

- Existing
- New / proposed
- Changed

**What is the aim of your policy, service, function, project or strategy?**

To extend the current PSPO that will expire in January 2020 with 2 amendments  
1. To include in the carrying of a suitable means of to show he can pick up, remove and dispose of his dog's faeces

2. To extend the prescribed charity to Assistance Dogs Charity to whom this order does not apply

Has any consultation been undertaken for this proposal? What were the outcomes of the consultations? Has anything changed because of the consultation? Did this inform your proposal?

Police and Crime Commissioner  
Senior Portsmouth Police Officer  
The Kennel Club

The public via social media campaign

All those consulted in the previous PSPO were included in the original proposals but to date we only have the Kennel Club feedback, which is included

A - Communities and safety

Yes

No

Is your policy/proposal relevant to the following questions?

**A1-Crime - Will it make our city safer?**



In thinking about this question:

- How will it reduce crime, disorder, ASB and the fear of crime?
- How will it prevent the misuse of drugs, alcohol and other substances?
- How will it protect and support young people at risk of harm?
- How will it discourage re-offending?

If you want more information contact [Lisa.Wills@portsmouthcc.gov.uk](mailto:Lisa.Wills@portsmouthcc.gov.uk) or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cou-spp-plan-2018-20.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

By enabling enforcement of those who allow their dogs to foul the highways and open spaces in Portsmouth

How will you measure/check the impact of your proposal?

By regular reviews of the data collected by Community Safety

A - Communities and safety

Yes

No

Is your policy/proposal relevant to the following questions?

**A2-Housing - Will it provide good quality homes?**



In thinking about this question:

- How will it increase good quality affordable housing, including social housing?
- How will it reduce the number of poor quality homes and accommodation?
- How will it produce well-insulated and sustainable buildings?
- How will it provide a mix of housing for different groups and needs?

If you want more information contact [Daniel.Young@portsmouthcc.gov.uk](mailto:Daniel.Young@portsmouthcc.gov.uk) or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/psh-providing-affordable-housing-in-portsmouth-april-19.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

**A - Communities and safety**

Yes

No

Is your policy/proposal relevant to the following questions?

**A3-Health - Will this help promote healthy, safe and independent living?**



In thinking about this question:

- How will it improve physical and mental health?
- How will it improve quality of life?
- How will it encourage healthy lifestyle choices?
- How will it create healthy places? (Including workplaces)

If you want more information contact [Dominique.Letouze@portsmouthcc.gov.uk](mailto:Dominique.Letouze@portsmouthcc.gov.uk) or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cons-114.86-health-and-wellbeing-strategy-proof-2.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

This will help with a cleaner and city that improves quality of life  
The incidence of Toxcara in children can have a devastating affect on the child, which could ultimately lead to blindness

How are you going to measure/check the impact of your proposal?

By regular reviews of the data collected by Community Safety

**A - Communities and safety**

Yes

No

Is your policy/proposal relevant to the following questions?

**A4-Income deprivation and poverty-Will it consider income deprivation and reduce poverty?**



In thinking about this question:

- How will it support those vulnerable to falling into poverty; e.g., single working age adults and lone parent households?
- How will it consider low-income communities, households and individuals?
- How will it support those unable to work?
- How will it support those with no educational qualifications?

If you want more information contact [Mark.Sage@portsmouthcc.gov.uk](mailto:Mark.Sage@portsmouthcc.gov.uk) or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cou-homelessness-strategy-2018-to-2023.pdf>  
<https://www.portsmouth.gov.uk/ext/health-and-care/health/joint-strategic-needs-assessment>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

A - Communities and safety

Yes

No

Is your policy/proposal relevant to the following questions?

**A5-Equality & diversity** - Will it have any positive/negative impacts on the protected characteristics?



In thinking about this question:

- How will it impact on the protected characteristics-Positive or negative impact (Protected characteristics under the Equality Act 2010, Age, disability, race/ethnicity, Sexual orientation, gender reassignment, sex, religion or belief, pregnancy and maternity, marriage and civil partnership,socio-economic)
- What mitigation has been put in place to lessen any impacts or barriers removed?
- How will it help promote equality for a specific protected characteristic?

If you want more information contact [gina.perryman@portsmouthcc.gov.uk](mailto:gina.perryman@portsmouthcc.gov.uk) or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cmu-equality-strategy-2019-22-final.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

This Order will not apply those who use assistance dogs or those with a disability which affects their mobility

How are you going to measure/check the impact of your proposal?  
By regular reviews of the data collected by Community Safety

**B - Environment and climate change**

Yes

No

Is your policy/proposal relevant to the following questions?

**B1-Carbon emissions** - Will it reduce carbon emissions?

In thinking about this question:

- How will it reduce greenhouse gas emissions?
- How will it provide renewable sources of energy?
- How will it reduce the need for motorised vehicle travel?
- How will it encourage and support residents to reduce carbon emissions?

If you want more information contact [Tristan.thorn@portsmouthcc.gov.uk](mailto:Tristan.thorn@portsmouthcc.gov.uk) or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cmu-sustainability-strategy.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

**B - Environment and climate change**

Yes

No

Is your policy/proposal relevant to the following questions?

**B2-Energy use** - Will it reduce energy use?

In thinking about this question:

- How will it reduce water consumption?
- How will it reduce electricity consumption?
- How will it reduce gas consumption?
- How will it reduce the production of waste?

If you want more information contact [Triston.thorn@portsmouthcc.gov.uk](mailto:Triston.thorn@portsmouthcc.gov.uk) or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/pln-portsmouth-plan-post-adoption.pdf>  
<https://democracy.portsmouth.gov.uk/documents/s24685/Home%20Energy%20Appendix%201%20-%20Energy%20and%20water%20at%20home%20-%20Strategy%202019-25.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

**B - Environment and climate change**

Yes

No

Is your policy/proposal relevant to the following questions?

**B3 - Climate change mitigation and flooding**-Will it proactively mitigate against a changing climate and flooding?

In thinking about this question:

- How will it minimise flood risk from both coastal and surface flooding in the future?
- How will it protect properties and buildings from flooding?
- How will it make local people aware of the risk from flooding?
- How will it mitigate for future changes in temperature and extreme weather events?

If you want more information contact [Tristan.thorn@portsmouthcc.gov.uk](mailto:Tristan.thorn@portsmouthcc.gov.uk) or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/env-surface-water-management-plan-2019.pdf>  
<https://www.portsmouth.gov.uk/ext/documents-external/cou-flood-risk-management-plan.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

**B - Environment and climate change**

Yes

No

Is your policy/proposal relevant to the following questions?

**B4-Natural environment**-Will it ensure public spaces are greener, more sustainable and well-maintained?

In thinking about this question:

- How will it encourage biodiversity and protect habitats?
- How will it preserve natural sites?
- How will it conserve and enhance natural species?

If you want more information contact [Daniel.Young@portsmouthcc.gov.uk](mailto:Daniel.Young@portsmouthcc.gov.uk) or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/pln-solent-recreation-mitigation-strategy-dec-17.pdf>  
<https://www.portsmouth.gov.uk/ext/documents-external/pln-portsmouth-plan-post-adoption.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

By keeping our footpaths and opens spaces clean of dog faeces

How are you going to measure/check the impact of your proposal?

By regular reviews of the data collected by Community Safety



**B - Environment and climate change**

Yes

No

Is your policy/proposal relevant to the following questions?

**B5-Air quality - Will it improve air quality?**

In thinking about this question:

- How will it reduce motor vehicle traffic congestion?
- How will it reduce emissions of key pollutants?
- How will it discourage the idling of motor vehicles?
- How will it reduce reliance on private car use?

If you want more information contact [Hayley.Trower@portsmouthcc.gov.uk](mailto:Hayley.Trower@portsmouthcc.gov.uk) or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/env-aq-air-quality-plan-outline-business-case.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

**B - Environment and climate change**

Yes

No

Is your policy/proposal relevant to the following questions?

**B6-Transport - Will it improve road safety and transport for the whole community?**

In thinking about this question:

- How will it prioritise pedestrians, cyclists and public transport users over users of private vehicles?
- How will it allocate street space to ensure children and older people can walk and cycle safely in the area?
- How will it increase the proportion of journeys made using sustainable and active transport?
- How will it reduce the risk of traffic collisions, and near misses, with pedestrians and cyclists?

If you want more information contact [Pam.Turton@portsmouthcc.gov.uk](mailto:Pam.Turton@portsmouthcc.gov.uk) or go to:

<https://www.portsmouth.gov.uk/ext/travel/local-transport-plan-3>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

**B - Environment and climate change**

Yes

No

Is your policy/proposal relevant to the following questions?

**B7-Waste management** - Will it increase recycling and reduce the production of waste?

In thinking about this question:

- How will it reduce household waste and consumption?
- How will it increase recycling?
- How will it reduce industrial and construction waste?

If you want more information contact [Steven.Russell@portsmouthcc.gov.uk](mailto:Steven.Russell@portsmouthcc.gov.uk) or go to:

<https://documents.hants.gov.uk/mineralsandwaste/HampshireMineralsWastePlanADOPTED.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

**C - Regeneration of our city**

Yes

No

Is your policy/proposal relevant to the following questions?

**C1-Culture and heritage** - Will it promote, protect and enhance our culture and heritage?



In thinking about this question:

- How will it protect areas of cultural value?
- How will it protect listed buildings?
- How will it encourage events and attractions?
- How will it make Portsmouth a city people want to live in?

If you want more information contact [Claire.Looney@portsmouthcc.gov.uk](mailto:Claire.Looney@portsmouthcc.gov.uk) or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/pln-portsmouth-plan-post-adoption.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

By having a cleaner city

How are you going to measure/check the impact of your proposal?  
By regular reviews of the data collected by Community Safety

**C - Regeneration of our city**

Yes

No

Is your policy/proposal relevant to the following questions?

**C2-Employment and opportunities** - Will it promote the development of a skilled workforce?



In thinking about this question:

- How will it improve qualifications and skills for local people?
- How will it reduce unemployment?
- How will it create high quality jobs?
- How will it improve earnings?

If you want more information contact [Mark.Pembleton@portsmouthcc.gov.uk](mailto:Mark.Pembleton@portsmouthcc.gov.uk) or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cou-regeneration-strategy.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

Is your policy/proposal relevant to the following questions?

**C3 - Economy - Will it encourage businesses to invest in the city, support sustainable growth and regeneration?**

In thinking about this question:

- How will it encourage the development of key industries?
- How will it improve the local economy?
- How will it create valuable employment opportunities for local people?
- How will it promote employment and growth in the city?

If you want more information contact [Mark.Pembleton@portsmouthcc.gov.uk](mailto:Mark.Pembleton@portsmouthcc.gov.uk) or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cou-regeneration-strategy.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?  
By regular reviews of the data collected by Community Safety

**Q8 - Who was involved in the Integrated impact assessment?**

Clean City

**This IIA has been approved by:**

Stepehn Baily

**Contact number:**

02392 834187

**Date:**

04 November 2021

**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

**PORTSMOUTH CITY COUNCIL**

**PORTSMOUTH CITY COUNCIL (DOG CONTROLS) PUBLIC SPACES  
PROTECTION ORDER 2018**

Portsmouth City Council (in this Order, called "the Council") hereby makes the following Order pursuant to Section 59 and Section 61 of the Anti-social Behaviour, Crime and Policing Act 2014 ("the Act") and to all other enabling powers.

1. This Order may be cited as the Portsmouth City Council (Dog Controls) Public Spaces Protection Order 2022 and shall come into force on [DATE TO BE INSERTED]. Unless the Council extends or varies this Order before it has expired, it shall expire on [DATE TO BE INSERTED 2025].
2. This Order covers the following dog controls within the City of Portsmouth as shown on the plans in Schedule A (attached):
  - a. Exclusion of dogs from land
  - b. Fouling of land by dogs and the removal of dog faeces
  - c. Dogs only permitted on land if kept on lead
  - d. Dogs to be put on lead by direction of an authorised council officer

and creates the offences outlined below.

3. This Order applies to the land described in the Schedule to this Order below, being public land to which the public are entitled or permitted to have access (with or without payment) in the administrative area of the Council, identified for the purposes of Section 59(4) of the Act, and in this Order referred to as the "Restricted Areas".
4. In this Order, "an Authorised Officer" means Police Officer / PCSO or a person who is authorised in writing by the Council for the purpose of enforcement of this Order.
5. The Council makes this Order on the basis it is satisfied on reasonable grounds that, without these controls, the activities carried on and/or likely to be carried on in the Restricted Areas will have a detrimental effect on the quality of life of those in the locality and that the detrimental effect or likely detrimental effect of the aforementioned activities is, or is likely to be, of a persistent or continuing nature, is or is likely to be, such as to make it unreasonable, and justifies the restrictions imposed by this Order.

**Penalty:**

6. A person who is guilty of an offence under this Order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

A Police Officer / PCSO or Authorised Officer may issue a fixed penalty notice to anyone he/she believes has committed an offence. The person will have 14 days to pay the fixed penalty. If they pay the fixed penalty within the 14 days, they will not be prosecuted.

**The Offences:**

**A. Exclusion of dogs from land**

1. A person in charge of a dog shall be guilty of an offence if, at any time and without reasonable excuse, he/she takes the dog on to, or permits the dog to enter or to remain on, any Restricted Areas shown in Schedule A below unless the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his/her doing so.
2. This shall not apply to a person who:
  - a. is registered as a blind person in a register compiled 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/she relies for assistance; or
  - c. has a disability which affects his/her mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he/she relies for assistance.

The term "prescribed charity" includes but is not limited to;

    - i. Dogs for the Disabled (registered charity number 700454); and
    - ii. Support Dogs Limited (registered charity number 1088281); and
    - iii. Canine Partners for Independence (registered charity number 803680); and
    - iv. Assistance Dogs UK (registered charity number 119538).

**B. Fouling of land by dogs**

1. If within the administrative area of the Council, as shown in Schedule A, a dog defecates at any time on land to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission, and a person who is in charge of the dog at the time, without reasonable excuse, fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his/her failing to do so.
2. This shall not apply to a person who:
  - a. is registered as a blind person in a register compiled 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/she relies for assistance; or
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    - i. Dogs for the Disabled (registered charity number 700454); and
    - ii. Support Dogs Limited (registered charity number 1088281); and

- iii. Canine Partners for Independence (registered charity number 803680); and
- iv. Assistance Dogs UK (registered charity number 119538).

**C. Dogs only permitted on land if kept on lead**

1. A person in charge of a dog shall be guilty of an offence if, at any time and without reasonable excuse, on land detailed in Schedule A, he/she does not keep the dog secured on a lead, of a maximum length of 2 metres unless the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his/her failing to do so.
2. This shall not apply to a person who:
  - a. is registered as a blind person in a register compiled 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/she relies for assistance; or
  - c. has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he/she relies for assistance. The term “prescribed charity” includes but is not limited to;
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    - iii. Canine Partners for Independence (registered charity number 803680); and
    - iv. Assistance Dogs UK (registered charity number 119538).

**D. Dogs on leads by direction of a Police Officer / PCSO or Authorised Officer**

1. A person in charge of a dog shall be guilty of an offence if, at any time and without reasonable excuse, on land detailed in Schedule A, he/she does not comply with a direction given to him by an Authorised Officer to put and keep the dog secured on a lead of a maximum length of 2 metres unless the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his/her failing to do so.
2. This shall not apply to a person who:
  - a. is registered as a blind person in a register compiled 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/she relies for assistance; or
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    - iv. Assistance Dogs UK (registered charity number 119538).

## Appendix 2

### Schedule A

Plan A - map of Portsmouth City Council's administrative area for the purposes of dog fouling.

Plans showing dog controls areas.

### Appeals

Any challenge to this Order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or regularly visits the Restricted Area. This means that only those who are directly affected by the restrictions have the power to challenge.

Interested persons can challenge the validity of this Order on two grounds:

1. That the Council did not have the power to make the Order or variation, or to include particular prohibitions or requirements:
2. That one of the requirements of the Act, for instance consultation, has not been complied with.

When an application is made, the High Court can decide to suspend the operation of the Order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the Order, quash it or vary it.

Dated this                      day of

SEAL





# THE KENNEL CLUB

## The Kennel Club's Response to Portsmouth City Council Public Spaces Protection Order Consultation

*Submitted on 13<sup>th</sup> October 2021 by: The Kennel Club, Clarges Street, Piccadilly, London W1J 8AB, email: [kcdog@thekennelclub.org.uk](mailto:kcdog@thekennelclub.org.uk)*

The Kennel Club is the largest organisation in the UK devoted to dog health, welfare, and training. Our objective is to ensure that dogs live healthy, happy lives with responsible owners. We campaign for and advocate on behalf of dogs and their owners and, as part of our external affairs activities, engage with local authorities on issues such as Public Spaces Protection Orders (PSPOs). We also run KC Dog, the UK's largest dog owners group, which was established to campaign against unreasonable access restrictions for dog owners and to monitor emerging access-related issues.

The Kennel Club is the only national organisation named by the UK Government as a body that local authorities should consult prior to introducing restrictions on dog walkers and is considered the leading canine authority on dog access. As such, we would like to highlight the importance of ensuring that PSPOs are necessary and proportionate responses to problems caused by dogs and irresponsible owners. We also believe that it is essential for authorities to balance the interests of dog owners with the interests of other access users.

### Response to proposed measures

#### **Exclusion**

The Kennel Club does not typically oppose Orders to exclude dogs from playgrounds or enclosed recreational grounds, such as skate parks, tennis courts, or beaches and promenades, as long as alternative provisions are made for dog walkers in the vicinity. Children and dogs should be able to socialise together quite safely under adult supervision, with having a child in the home the biggest predictor for a family owning a dog.

**We can support reasonable 'dogs on lead' Orders which can, when used in a proportionate and evidence-based way, include areas such as cemeteries, picnic areas, or on pavements in proximity to cars and other road traffic.**

However, we will oppose PSPOs which introduce blanket restrictions on dog walkers accessing public open spaces without specific and reasonable justification. Dog owners are required to provide their dogs with appropriate daily exercise, including "regular opportunities to walk and run", which in most cases will be off lead while still under control.

Their ability to meet this requirement is greatly affected by the amount of publicly accessible parks and other public places such as beaches and promenades in their area where dogs can exercise without restrictions. This section of the Animal Welfare Act was included in the statutory guidance produced for local authorities by the Home Office on the use of PSPOs.

Accordingly, the underlying principle we seek to see applied is that dog controls should be the least restrictive to achieve a given defined and measurable outcome; this is the approach used by Natural England. In many cases, a seasonal or time of day restriction will be effective and the least restrictive approach, rather than a blanket year-round restriction. For instance, a "dogs on lead" order for a picnic area is unlikely to be necessary in mid-winter.



## THE KENNEL CLUB

The most effective spot checks that the local authority could carry out are those which catch offenders in the act of not picking up, rather than guessing behaviours on the basis of what dog owners are or are not carrying with them. For example, in the absence of waste bags, owners trying to flout the measures could theoretically point to any number of items on their person that they intend to use. This gives rise to concerns about the ease with which local authorities could successfully enforce this law when trying to define whether or not dog owners have a means of picking up.

Alternatively, an irresponsible owner looking to avoid a fine could simply tie one bag to their dog's lead or collar but not actually use it.

Cornwall Council considered introducing a similar means to pick up measure, but subsequently decided against doing so 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.

If the Council proceeds to introduce such a measure, it is essential it provides greater clarity to dog walkers on how to comply with the Order.

### **On lead by direction**

The Kennel Club strongly welcomes 'On lead by direction' Orders. These allow responsible dog owners to exercise their dogs off lead without restriction providing their dogs are under control, whilst simultaneously giving the local authority powers to restrict dogs not under control.

We recommend that the authorised officer enforcing the Order is familiar with dog behaviour in order to determine whether restraint is necessary. There exists the possibility that a dog, through no fault of its own, could be considered a 'nuisance' or 'annoyance' to someone who simply does not like dogs.

We encourage local authorities to make use of more flexible and targeted measures at their disposal, including Acceptable Behavioural Contracts and Community Protection Notices. Kennel Club Good Citizen Training Clubs and our accredited trainers can assist owners whose dogs run out of control due to them not having the ability to train a reliable recall.

### **Appropriate signage**

It is important to note that in relation to PSPOs, The Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014 makes it a legal requirement for local authorities to –

“cause to be erected on or adjacent to the public place to which the order relates such notice (or notices) as it considers sufficient to draw the attention of any member of the public using that place to -



## THE KENNEL CLUB

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“cause to be erected on or adjacent to the public place to which the order relates such notice (or notices) as it considers sufficient to draw the attention of any member of the public using that place to –



- (i) the fact that the order has been made, extended or varied (as the case may be); and
- (ii) the effect of that order being made, extended or varied (as the case may be)."

### **Assistance dogs**

The Kennel Club welcomes the exemptions proposed in this Order for assistance dogs. We urge the Council to review the Equality and Human Rights Commission's guidance for businesses and service providers when providing any exemptions for those who rely on assistance dogs. The guidance can be viewed here: <https://www.equalityhumanrights.com/sites/default/files/assistance-dogs-a-guide-for-all-businesses.pdf>

However, we would suggest further consideration of the wording contained within the Order, specifically with reference to 'prescribed charity'. While a proportion of assistance dogs relied upon by disabled people are trained by charities, many are not. A number of reputable assistance dog providers are members of Assistance Dogs UK. This umbrella group currently has eight member organisations, which can be viewed here: <http://www.assistancedogs.org.uk/>. It is important to note that the membership of Assistance Dogs UK is not a definitive list of all UK assistance dog organisations and may change during the currency of the PSPO. It also does not provide for owner trained assistance dogs.

We therefore encourage the Council to allow for some flexibility when considering whether a disabled person's dog is acting as an assistance dog. The Council could consider adopting the definitions of assistance dogs used by Mole Valley District Council, which can be found here:

[https://www.molevalley.gov.uk/media/pdf/1/b/83072\\_-\\_Completed\\_PSPO.pdf](https://www.molevalley.gov.uk/media/pdf/1/b/83072_-_Completed_PSPO.pdf)

or that of Northumberland County Council:

"(4) The term "Assistance Dog" shall mean a dog which has been trained to assist a person with a disability.

(5) The expression "disability" shall have the meaning prescribed in section 6 of the Equality Act 2010 or as may be defined in any subsequent amendment or re-enactment of that legislation".



**HAMPSHIRE**  
CONSTABULARY

**Gosport NPT Neighbourhood Police Office**  
Town Hall  
High Street  
Gosport  
Hampshire  
PO12 1EB

Mr. D.W. Evans  
Culture, Leisure and Regulatory Services  
Seafront Office  
Avenue de Caen  
Portsmouth  
PO5 3NS

**Telephone** 101      **Direct Dial** 023 8047 8566

**Fax** 01962 874201      **Text Relay** 18001 101

**Email Address**  
stuart.york.17529@hampshire.pnn.police.uk

**Our ref:** Portsmouth – Other Matters  
**Your ref:**

12<sup>th</sup> November 2021

Dear Mr. Evans,

**RESPONSE TO PROPOSED DOG CONTROL PUBLIC SPACE PROTECTION ORDER (PSPO) IN PORTSMOUTH**

The Police and Crime Commissioner for Hampshire has forwarded your email of the 26<sup>th</sup> October 2021 to me, for comment. Having considered the email and the proposed order I have the following comments.

Reviewing the incidents held by Hampshire Constabulary on their Records Management System for the period 8<sup>th</sup> November 2020 to 7<sup>th</sup> November 2021 shows one incident mentioning dog fouling.

Portsmouth City Council have advise me that between November 2020 and October 2021, 388 dog fouling reports have been made. Across the City this represents just over 1 incident a day. As no enforcement action has been taken it would appear that none of the incidents have been witnessed. The PSPO creates a number of exemptions from the exigencies PSPO, it might be that some or all of the reports relate to those with an exemption from the order.

We would remind you that PSPOs will not be suitable or effective in all circumstances. It is important to consider carefully the right approach for identifying and addressing the problem behaviour. Other options should actively be considered before a PSPO is pursued – and where a PSPO is used, it should be carefully framed and employed alongside other approaches as part of a broad and balanced anti-social behaviour strategy.



[www.hampshire.police.uk](http://www.hampshire.police.uk)

Deaf? Non-emergency text **07781 480999**

For crime and community information [www.hampshirealert.co.uk](http://www.hampshirealert.co.uk)



The proposal is to create a Public Spaces Protection Order (PSPO) covering the whole of Portsmouth City Council Administration Area, requiring those in charge of a dog to:

- Prevent their dog from entering or remaining within a restricted area
- Remove their dog's faeces promptly
- Carry the appropriate means to remove the faeces
- Prove that they are carrying the appropriate means to remove the faeces
- Obey directions to place / keep dog secured on a lead

Enforcement of the offences created by this order is by authorised officers, which includes employees of Hampshire Constabulary. Hampshire Constabulary supports responsible dog ownership, and those initiatives aimed at reducing the issues related to dogs. However, given the current policing priorities and current staffing levels, in normal circumstances it is highly unlikely that Hampshire Constabulary will have sufficient personnel on duty to undertake any action in relation to any of the activities contained within the order.

Appropriate reporting methods should be put in place to ensure that members of the general public can quickly report incidents to the relevant department.

We would be concerned if the effects of this order, were to place an additional burden on our resources or create a perception within the general public that "the police" can be called to deal with incidents related to dog fouling.

Reading the order we have the following comments:

Section B, paragraph 2 (proposed new paragraph), contains he and his, perhaps this should be amended to include both genders.

Section D reads:

***D. Dogs on leads by direction of a Police Officer / PCS or Authorised Officer***

Should this be:

***D. Dogs on leads by direction of a Police Officer / PCSO or Authorised Officer***

I do note that in several places within the PSPO a lead with a maximum length of 2 metres is mentioned, this specification prevents the use of extending leads, which I notice are popular with dog walkers.

If I can be of further assistance please do not hesitate to contact me.

Yours sincerely,

S York  
Designing Out Crime Officer



[www.hampshire.police.uk](http://www.hampshire.police.uk)

Deaf? Non-emergency text **07781 480999**

For crime and community information [www.hampshirealert.co.uk](http://www.hampshirealert.co.uk)

