



**Title of meeting:** Cabinet

**Date of meeting:** Tuesday 10<sup>th</sup> September 2024

**Subject:** Portsmouth City Council (Dog Controls) Public Space Protection Order 2022 - renewal in 2025

**Report by:** Director of Culture, Leisure, & Regulatory Services

**Cabinet Member:** Councillor Steve Pitt

**Wards affected:** All wards

**Key decision:** No

**Full Council decision:** No

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**1. Purpose of report**

1.1 To seek approval for a new Public Spaces Protection Order ('PSPO') in relation to dog fouling and dog controls to replace the existing 2022 order upon date of expiry on January 7<sup>th</sup> 2025.

**2. Recommendations**

2.1 That approval is given by Cabinet to hold a public consultation on the details of the exclusion of dogs from the beach during the bathing season in the next PSPO. The two suggested revisions to the order relating to the beach areas between Eastney and Old Portsmouth are as follows:

- Consultation on whether to make any amendments to the eastern boundary of the seasonal dog exclusion zone on the beach.
- Consultation on whether to make any amendments to the period of exclusion from 24 hour exclusion of dogs to a daily time constrained exclusion period.

2.2 That the section of the PSPO relating to dog control orders in city parks renews without revisions following the advice of the Environmental Enforcement Manager who reports no issues with the current legislation and with no recorded evidence of any member of public or organisation raising an issue with the current legislation.

2.3 That following assessment of data from the consultation the PSPO be brought back for approval of revision, or renewal of existing order should the data suggest revisions are not suitable.



### **3. Background**

- 3.1 Section 59 and Section 62 of the Anti-Social behaviour, Crime and Policing Act 2014, Clean Neighbourhoods and Environment Act 2005 (section 51) enabled Portsmouth City Council 'the Council' to introduce a PSPO to replace the Dog Control Act 2011. This legislation enabled PCC to cover all aspects of owner's responsibility, fouling of land by dogs, dog exclusion areas and dogs on lead and full consultation in accordance with the act was carried out.
- 3.2 The PSPO made under the 2022 legislation is cited as the Portsmouth City Council (Dog Controls) PSPO which was enacted on 7<sup>th</sup> January 2022. 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 2025.
- 3.3 The subject of Dog Control Orders is highlighted as one of the most frequent subjects of complaint and comment that Seafront Services staff respond to in any given year. An assessment of contact received over the last three years (2022-2024) highlights that approximately 50% of complaints or comments reaching the Seafront Operations Officer were in relation to dog control orders.
- 3.4 Assessment of the details of the complaints highlights an approximate 50% split between owners of dogs upset about the existence of rules, and a lack of consideration for dog owners and access to public space and 50% who do not favour dogs and would welcome stronger levels of enforcement or exclusion. The balance of emotions around the specifics of dog controls highlights the requirement for a public consultation on the details of future orders rather than a simple renewal of the existing order.
- 3.5 The content of this report has been compiled through consultation and discussion with the Environmental Enforcement Officer Manager and

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

- 4.1 To have an effective PSPO in place for the next three years upon the anniversary of the existing order.
- 4.2 To follow the democratic process of consulting with members of the public regards the future of the order given the subject of dog controls generates the greatest level of contact with Seafront Services. Revisions to the next PSPO could reduce the number of complaints around the existing dog control order, freeing up valuable time to concentrate on other matters.

### **5. Integrated impact assessment**

The Integrated impact assessment is attached.



## 6. Legal implications

- 6.1 The Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") sets out the relevant statutory requirements to enable a PSPO to be made, extended or varied.
- 6.2 A PSPO can be made for a maximum duration of up to 3 years. Section 60 of the Act provides a power to extend a PSPO if the Council is satisfied on reasonable grounds that doing so is necessary to prevent:
- 6.2.1 occurrence or recurrence after that time of the activities identified in the order;
  - or
  - 6.2.2 an increase in the frequency or seriousness of those activities after that time.
- 6.3 An extension of a PSPO can be for a period of not more than 3 years and must be published in accordance with statutory requirements. Such extensions can be repeated, with each extension lasting for a maximum of 3 years.
- 6.4 Section 61 of the Act provides a power to vary a PSPO, which may include altering the area to which it applies, and/or adding or removing a prohibition or requirement included in the Order.
- 6.5 The same legislative tests should be applied to extensions and variations of a PSPO as to proposed new PSPOs. 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.
- 6.6 Section 72 of the Act details the requirements for consultation rights, publicity, and notification, which includes when PSPOs are extended or varied. There are statutory requirements regarding publishing or publicising and Councils are required to undertake a further consultation process.
- 6.7 Consultation includes consulting the chief officer of police and the local policing body, any community representatives the Council thinks it appropriate to consult and the owner or occupier of land within restricted areas (where this is not the Council). In this case, this should include The Crown Estate in relation to the foreshore. In addition, consultation should be undertaken with animal law and welfare organisations.
- 6.8 Section 72 of the Act requires the Council at all stages to have particular regard to Articles 10 and 11 of the Human Rights Act 1998.
- 6.9 The Council must consider the results of the consultation and the evidence in support before varying and/or extending the PSPO.



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

The activities proposed within this report are expected to be funded from the existing service portfolio budgets, as approved by Full Council

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Signed by: Claire Looney, Commissioning and Partnership Manager

**Appendices:**

**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>
Current PSPO (Jan 22 - Jan 25)	<a href="#">Signed and sealed PSPO 4 Jan 2022.pdf</a>
Weblink to list of Park Spaces and Beaches to which the PSPO applies	<a href="http://portsmouth.gov.uk">Tables (portsmouth.gov.uk)</a>
Map of current boundaries of dog control order zone on Seafront	<a href="#">DCO-Southsea-beach-accessible.pdf (portsmouth.gov.uk)</a>
Integrated Impact Assessment	<a href="#">Integrated Impact Assessment.IA642298356 - Dogs Control Order.pdf</a>

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

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Signed by: