



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to
COUNCIL
6 JULY 2022

PUBLIC SPACE PROTECTION ORDER – CONSULTATION REVIEW

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to seek Members' approval to continue with the legislation of dog control in specified places within the district under the Public Space Protection Order (PSPO) section of the Anti-Social Behaviour Crime and Policing Act 2014. This legislation will be valid for three years.

2. RECOMENDATIONS

- (i) that Members acknowledge the contents of the report;
- (ii) that the proposed legislation of dog control in specified places within the District under the Public Space Protection Order section of the Anti-Social Behaviour Crime and Policing Act 2014, be adopted without further amendment as detailed within Section 5 below and **APPENDIX 3**.

3. BACKGROUND

- 3.1 On 20 October 2014, the Government implemented the Anti-Social Behaviour and Policing Act 2014 ("the Act). The purpose of the Act is to give local authorities and the Police more effective powers to tackle Anti-Social Behaviour (ASB), providing better protection for victims and communities and the environment. Amongst these new tools and powers are Public Spaces Protection Orders (PSPOs), which provide Councils with a flexible power to implement local restrictions to address a range of anti-social behaviour issues in public places
- 3.2 On 1 February 2019 the Council implemented a PSPO to manage dog control across the District. The order ran until 28 February 2022 as each PSPO must be reviewed and undergo full consultation to determine if it should continue.
- 3.3 This particular order allows for authorised Officers to enforce against dog fouling by way of issuing Fixed Penalty Notices to those failing to 'pick up' after their dogs. It also allows for Officers to request dogs be placed on a lead when necessary to prevent nuisance and excludes dogs from our playsites and enclosed sports pitches. It further stipulates seasonal conditions in areas detailed below where dogs are required to be on a lead at all times. PSPOs can be enforced by Police Officers, authorised PCSOs, Council Officers and other designated groups, including officers under the Community Safety Accreditation Scheme.

4. THE CONSULTATION PROCESS

- 4.1 The consultation to extend our Public Space Protection Order for Dog Control by a further three years lasted for six weeks and was undertaken 20 April – 31 May 2022.
- 4.2 Full consultation was undertaken with the public during this period, with particular regard given to the rights of freedom of expression and the rights of assembly. The Chief Officer of Police, the Police and Crime Commissioner and those potentially affected by the proposed order, who were contacted directly and provided with details of how they could view a copy of the proposed order, notifying them of how long they have to make representation.

5. THE CONSULTATION RESULTS

- 5.1 As a Local Authority we want to continue to promote responsible dog ownership and to provide authorised Officers with the tools and powers to educate and enforce where necessary. Having reviewed the responses received to the consultation, as detailed in **APPENDIX 1 (to follow)** together with the complaints received and use of the tools and powers over the last three years it is deemed necessary to seek to continue with the following existing controls:

5.2 Dogs On Leads By Direction

- 5.2.1 It is proposed that authorised Officers continue to be given the power to request that owners place their dogs on a lead if their behaviour is having or is likely to have a detrimental effect on the local community. This equips authorised Officers witnessing behaviour of this nature with the powers to address the nuisance at the time. The order shall apply to all land within the administrative area of the Council which is open to the air to which the public are entitled or permitted to have access with or without payment.

5.3 Dogs On Leads at all times

- 5.3.1 There are specific public places within the district that are of a more sensitive nature, it is proposed that in these places dogs will continue to be required to be on a lead at all times. These are:
- Cemeteries, Heybridge, Burnham-on-Crouch and Maldon (**APPENDIX 2 – Maps 1, 2 and 3**)

5.4 Dogs On Leads at all times (seasonally 1 April -30 September)

- 5.4.1 There are specific public places with a seasonally high footfall within the District where it is proposed that dogs will continue to be required to be on a lead at all times between 1 April and 30 September. These are:
- Two areas in Promenade Park, Maldon; the lake and café area and the path to Byrhtnoth (**APPENDIX 2 – Map 4**)
 - Riverside Park, Burnham-on-Crouch sports pitches and adjacent quay front (**APPENDIX 2 – Maps 5**)

5.5 Dog Exclusion Areas

- 5.5.1 It is recognised by Maldon District Council that children's play sites are required to be safe and clean areas for children to use freely. As a result all its Council managed

play sites have been identified as dog free zones. It is proposed to reinforce this request and extend this District wide by continuing to include all children's play sites as dog exclusion areas with the Public Space Protection Order. It is further proposed that any enclosed sports pitches, such as tennis courts, bowls lawns etc also continue to be designated as dog exclusion areas. This does not apply to Assistance Dogs.

6. CONCLUSIONS

- 6.1 The consultation for the review of the existing Dog Control PSPO has been correctly adhered to which will enable Maldon District Council, with Members' approval, to extend the existing dog control measures by a further three years.

7. IMPLICATIONS

- (i) **Impact on Customers** – The proposals have been introduced as a consequence of complaints and customer demand. This is the opportunity for customers to demonstrate their support or opposition to dog control in the district.
- (ii) **Impact on Equalities** – The consultation document will be made available to as many user groups as possible.
- (iii) **Impact on Risk** – The consultation results in emphatic demonstration against introduction of greater dog control.
- (iv) **Impact on Resources (financial)** – The costs will be minimal, consideration will be given to the cost for new signage. There is also the cost of advertising the Order.
- (v) **Impact on Resources (human)** – There will be some resource requirement in promoting the consultation document.
- (vi) **Impact on the Environment** –

Background Papers:

Anti-social Behaviour and Policing Act 2014
Home Office Statutory Guidance 2017

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