



**REPORT of
ASSISTANT DIRECTOR - CUSTOMERS AND OPERATIONS**

**to
COUNCIL
3 APRIL 2025**

PUBLIC SPACE PROTECTION ORDER REVIEW CONSULTATION

1. PURPOSE OF THE REPORT

- 1.1 To request the approval to proceed with public consultation to review the existing Public Space Protection Order (PSPO) for dog control in publicly owned areas district wide which is due to expire on 18 July 2025.

2. RECOMMENDATION

That the Council begins a six-week public consultation starting on 7 April 2025 on the proposal to extend the PSPO for dog control in publicly owned areas district wide.

3. SUMMARY OF KEY ISSUES

- 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.
- 3.2 Amongst these tools and powers are PSPO's, which provide Councils with a flexible power to implement local restrictions to address a range of anti-social behaviour issues in public places in order to prevent future problems.
- 3.3 When considering implementing a PSPO local authorities must have particular regard to the rights of freedom of expression and the rights of assembly before making an order. In terms of any consultation, local authorities must consult with the Chief Officer of Police, the Police and Crime Commissioner, whichever community representatives the local authority deems appropriate and, as far as is practicable, with the owner or occupier of the land in question.
- 3.4 The local authority must also inform the County Council and any Parish or Community Council before making any Order. The Order must identify the public space as a 'restricted area' and must prohibit specified activities being carried out in the restricted area (prohibitions) or require specified things to be done by persons carrying out specific activities in that area (requirements), or both. Any prohibition or requirement must be reasonable in order to prevent the detrimental effect from occurring or reoccurring or must reduce the detrimental effect or reduce the risk of its occurrence, reoccurrence or continuance.
- 3.5 PSPOs can be made for a maximum of three years. The legislation provides they can be extended at the end of the period, but only for a further period of up to three

years. However, orders can be extended more than once. Local authorities can increase or reduce the restricted area of an existing order, amend or remove a prohibition or requirement, or add a new prohibition or requirement. They can also discharge an order, but further consultation must take place for varying or discharging orders.

- 3.6 The orders can be enforced by Police Officers, authorised Policy Community Support Officers (PCSOs), Council Officers and other designated groups, including officers under the Community Safety Accreditation Scheme.
- 3.7 Before making the order, the local authority must notify potentially affected people of the proposed order, inform those persons of how they can see a copy of the proposed order, notify them of how long they have to make representation, and consider any representations made. Any interested person can challenge the validity of a PSPO in the High Court, but the challenge must be made within six weeks. An 'interested person' means an individual who lives in the restricted area or who regularly works or visits that area.

4. PSPO FOR DOG CONTROL

- 4.1 It is proposed that the Council goes out to consultation to extend its PSPO for Dog Control by a further three years. The order allows for authorised Officers to enforce against dog fouling by way of issuing Fixed Penalty Notices (FPN) 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 the Council's 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.
- 4.2 As a Local Authority the Council wants 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 complaints received and use of the tools and powers over the last three years it is deemed necessary to seek to continue the following controls:

4.3 Dogs On Leads By Direction

- 4.3.1 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.

4.4 Dogs On Leads at all times

- 4.4.1 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 in Heybridge, Burnham-on-Crouch and Maldon (as detailed in **APPENDIX 1** – Maps 1, 2 and 3).

4.5 **Dogs on Leads at all times (seasonally 01 April – 30 September)**

4.5.1 In addition to those areas identified in section 4.4 above, it is proposed that in the following places dogs will continue to be required to be on a lead from 1 April to 30 September:

- Promenade Park, Maldon; the lake and café area and the path to Brythnoth (**APPENDIX 1 – Map 4**)
- Riverside Park, Burnham-on-Crouch sports pitches and adjacent quay front (**APPENDIX 1 – Map 5**)

4.6 **Dog Exclusion Areas**

4.6.1 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 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 PSPO. 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.

4.7 **Evaluation of existing PSPO**

4.7.1 The current PSPO has proven to be an invaluable tool for educating and provided the much needed powers for enforcing against dog nuisance since it was adopted back in February 2019. The table below gives a snapshot summary of how the Order has been utilised by authorised Officer across the District.

4.7.2 The current PSPO has proven to be an invaluable tool for educating and provided the much needed powers for enforcing against dog nuisance since it was adopted back in February 2019. The table below gives a snapshot summary of how the Order has been utilised by the Council’s authorised Officer across the District.

	2019 - 2020	2020 - 2021	2021 – 2022	2022 – Current Date
Complaints of nuisance dogs	14	15	9	5
Complaints of dog Fouling	64	67	60	104
FPNs issued for dog fouling	8	3	0	0
Reports of dog attacks	35	39	18	26
Complaints of dogs off lead in PSPO area	0	3	4	2

4.7.3 The figures above demonstrate how the order supports a mix of education and enforcement by equipping Officers with both tools and powers to address the nuisance using the most appropriate method.

4.8 Consultation Document

- 4.8.1 The consultation document (**APPENDIX 2**) will be published on the Council's website and emailed or posted to the requisite people or parties. The document consists of an explanation of the review consultation, maps of the proposed areas and a questionnaire to gain people's views.

5. CONCLUSION

- 5.1 The consultation for the review of the existing PSPO for Dog Control is a necessary part of the process to assess the appropriateness of extending the current conditions in the district. Should the consultation prove positive the Order will be brought back to the Council for final approval.

6. IMPACT ON PRIORITIES AS SET OUT IN THE CORPORATE PLAN 2025 - 2028

6.1 Supporting our communities

- 6.1.1 Promote community safety initiatives that are delivered through our Community Safety Partnership programme.

6.2 Protecting our environment

- 6.2.1 Taking action to preserve and enhance the environment.

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 (including Fraud implications)** – 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 Devolution / Local Government Reform** – None.

Background Papers:

Anti-social Behaviour and Policing Act 2014

Home Office Statutory Guidance 2017

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