



**REPORT of
DIRECTOR OF CUSTOMERS AND COMMUNITY**

**to
COMMUNITY SERVICES COMMITTEE
22 MAY 2018**

PUBLIC SPACE PROTECTION ORDER - CONSULTATION

1. PURPOSE OF THE REPORT

- 1.1 To request Members approval to proceed with public consultation on the implementation of the Public Space Protection Order (PSPO) for dog control in publicly owned areas district wide.

2. RECOMENDATIONS

- 2.1 That the Council begins a 12 week public consultation on the proposal in the Public Space Protection Order from 1 June 2018.

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, communities and the environment.
- 3.2 Amongst these new tools and powers are Public Spaces Protection Orders (PSPOs). PSPOs will 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 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.
- 3.8 Any interested person can challenge the validity of a Public Space Protection Order 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. THE PROPOSAL

- 4.1 This current Public Space Protection Order allows for authorised Officers to continue enforcing against dog fouling by way of issuing Fixed Penalty Notices to those failing to ‘pick up’ after their dogs.
- 4.2 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 our current tools and powers as a response to complaints from the public we are proposing that there is an amendment of our existing order to include dogs on leads at the request of an officer, dogs leads at all times and dog exclusion areas.
 - 4.2.1 **Dogs On Leads By Direction;** It is proposed that authorised Officers 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 will equip 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.
 - 4.2.2 **Dogs On Leads (at all times);** There are specific public places within the district that are of a more sensitive nature, it is proposed that in these places dogs will be required to be on a lead at all times. These are:
 - Cemeteries - Heybridge, Burnham-on-Crouch and Maldon (**APPENDIX 1**);

- Three areas in Promenade Park, Maldon; the sports pitches, the lake and café area and the path to Byrhtnoth (**APPENDIX 2**);
- Riverside Park, Burnham-on-Crouch sports pitches and adjacent quay front (**APPENDIX 3**).

4.2.3 **Dog Exclusion Areas**; 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 including 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 be designated as dog exclusion areas. This does not apply to Assistance Dogs.

5. CONSULTATION DOCUMENT

5.1 The consultation document will be published on the Councils web site and emailed or posted to the requisite people or parties. The document consists of an explanation, maps of the proposed areas and a questionnaire to gain people's views.

6. CONCLUSIONS

6.1 The consultation on the proposed dog control amendment to the existing PSPO is a necessary part of the process to assess the appropriateness of introducing new legislation in the District. Should the consultation prove positive the Order will be brought back to this Committee for final approval.

7. IMPACT ON CORPORATE GOALS

7.1 The introduction of the dog control aspect of the PSPO will contribute towards the Councils goals of

- Strengthening communities to be safe active and healthy through reducing antisocial behaviour.

8. 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 an emphatic demonstration against the 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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