

Tackling Anti-Social Behaviour relating to dogs: Updating our enforcement tools

Report by the Director for Communities

1.0 Summary

- 1.1 This report outlines the results of the public consultation that took place regarding the conversion of the existing Dog Control Orders (DCO's) presently in place for Adur & Worthing into Public Space Protection Orders (PSPO's).

Adur District Council

PSPO 02: Dog Control

Worthing Borough Council

PSPO 04: Dog Control

- 1.2 A consultation process with the public ran from 25th July 2016 until 5th September 2016. The findings from this are summarised later in the report.

2.0 Background

- 2.1 A report was brought to the Joint Strategic Committee in July 2016 to request approval to proceed with a public consultation exercise which would gauge the public's opinion on the proposed conversion of the existing DCO's presently in place for both Adur & Worthing into PSPO's.
- 2.2 The conversion from DCO's to PSPO's is required under the Crime and Disorder Act 2014 and must be in place by October 2017.
- 2.3 The proposal is to convert the existing DCO's in place into PSPO's for the District and Borough; there are no proposed changes to any of the classifications, boundaries, restrictions etc already in place, with the exception of Fishergate Recreation Ground (Adur) and Manor Sports Ground (Worthing), where the proposed variations are explained below.
- 2.4 The proposed amendment at Fishergate Recreation Ground in Fishergate is to take into account that the play area where dogs are excluded has changed location on site following refurbishment.

2.5 The proposed amendment at Manor Sports Ground in Worthing, takes into account the proposal to install a fence to provide some separation between the formal sports facilities (cricket squares, athletics and football pitches) and the more informal areas of the Sports Ground. This is subject to a separate report being submitted to Worthing's Executive Member for the Environment being approved.

2.6 The Consultation

2.6.1 The public consultation exercise was conducted using a variety of methods. These included an online public consultation via the Adur & Worthing Council website, with paper versions of the proposed orders, maps and classifications available during opening hours at Portland House, Shoreham Centre and Lancing Parish Council offices.

2.6.2 The statutory consultation required under the Anti Social Behaviour, Crime and Policing Act 2014 was also carried out, which requires specific public bodies and groups to be notified of the Councils' intention to introduce a PSPO.

2.6.3 Details of the consultation were also included in an online article in the Worthing Herald on 10th August 2016. Details were also publicised via Adur & Worthing Council's Facebook and Twitter accounts viewed by approximately 1,100 people.

2.6.4 Notices were also placed during the consultation exercise at key entrances to the Parks, Open Spaces and Foreshore included in the proposed PSPO's.

2.7 Results of the Consultation Exercise

2.7.1 The table below outlines the numbers of responses received in agreement or disagreement for both of the PSPO's .

Number of online responses received: 134. Number of paper responses received: 11

| Proposed Order | Agree | Disagree |
|-----------------------------------------------------------|--------------|-----------------|
| PSPO 2 - Adur Specific Sites (Average over all sites) | 86% | 14% |
| PSPO 4 - Worthing Specific Sites (Average over all sites) | 75.8% | 24.2% |

2.7.2 The response rate and the responses received show that there is no objection from the general public to the continuation of the current controls and that there is a degree of support for implementing new controls at Fishersgate Recreation Ground and Manor Sports Ground.

2.7.3 The one site where the results were closer was Manor Sports Ground in Worthing where 56% were in favour and 44% were not in favour.

- 2.7.4 The 44% mainly objected to the introduction of the proposed fenceline and what was felt to be a reduction in the areas available for dog walking when the site is in use for sporting activities.
- 2.7.5 As indicated earlier in the report, the decision on whether to install the fenceline is subject to a separate report to the Executive Member - Environment. If approval is not granted, the PSPO will mirror the existing DCO in that dogs on leads are allowed on the Recreation Ground, with the exception of the cricket tables where they would continue to be excluded.
- 2.7.6 There were no comments received at all regarding the amendment proposed for Fishergate Recreation Ground.
- 2.7.7 There was comments received about the maximum number of dogs to be handled by one person permitted which is presently 6. This was considered to be many to be adequately controlled for certain breeds, however there was no common agreement on the number to be permitted.
- 2.7.8 It is proposed that both Councils continue to adopt 6 as its maximum number permitted per handler, however that Officers monitor the effectiveness of this and to report back if this is deemed to not be working.
- 2.7.9 With regards to the Dog Control measures in place for Worthing Promenade which was raised at the previous JSC meeting in July, the comments received were all in favour of retaining the same Dog Control Orders as presently in place.
- 2.7.10 There were also 8 comments regarding Widewater Lagoon Nature Reserve - Lancing which were all broadly in favour the Dog Control measures in place due to its Nature Conservation status. There was comments raised over why the adjacent footpath had been excluded from the area covered in the Order, however this has been not being included because it is a public footpath and not part of the Nature Reserve.

3.0 Proposals

- 3.1 Following consideration of the public and statutory consultation responses, it is proposed:
- i) To convert the existing DCO's into PSPO's
 - ii) To amend the PSPO's for Fishergate Recreation Ground - Fishergate and Manor Sports Ground - Worthing to take into account the changes highlighted in the report.

4.0 Legal

- 4.1 Should there be a desire to retain the current Dog Control Orders there is a requirement that these must be converted to Public Space Protection Orders (PSPO) by October 2017 otherwise they will cease to exist. The powers to create PSPO's in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014

(the Act) replaces the creation of dog control orders found in the Clean Neighbourhoods and Environment Act 2005 (see section 75(2) of the Act that repeals the previous legislation).

In accordance with section 59 of the Act local authorities may make a PSPO if they are satisfied that;

1. Activities carried on in a public place within the authority's area have a detrimental effect on the quality of life of those in the locality; and
2. Those activities are likely to be continuing or persisting in nature, or is such that the activities are unreasonable thereby justifying the imposition of the order.

An PSPO made may not have effect for a period of more than 3 years, unless an extension is approved in accordance with the provisions of the Act.

In order for a PSPO to be granted the authority is required to consult with the relevant bodies, including the police, community representatives and the owner or occupiers of land within the area to be restricted. As set out in the report consultation has been undertaken, with the necessary publicity being undertaken in accordance with Anti-Social Behaviour, Crime and Policing Act 2014 (Public Space Protection Order) Regulations 2014. These regulations require the intended order to be published on the authority's website, and to be erected on or adjacent to the public place to which the order relates. Confirmation of the making of the order will similarly have to be publicised.

5.0 Financial implications

- 5.1 If approved, there will be costs incurred in updating and replacing existing signs at the locations covered by the PSPO's. Cost estimate to be confirmed, however costs are estimated to be approximately £2,500 - 3,000.

6.0 Recommendations

Joint Strategic Committee is asked to :

- 6.1 Consider and note the purpose of the proposals and reasons for seeking these powers.
- 6.2 Consider and note the results of the consultation exercise.
- 6.3 Recommend the PSPO's relating to Adur District to the next Full Council Meeting (Monday 24th October 2016) for adoption.
- 6.4 Recommend the PSPO's relating to Worthing Borough to the next Full Council Meeting (Tuesday 25th October 2016) for adoption.

Local Government Act 1972
Background Papers:

Anti-Social, Crime and Policing Act 2014

Anti-Social, Crime and Policing Act 2014 : Statutory Guidance for front line professionals

Joint Strategic Committee : 13th July 2016 : Tackling Anti-Social Behaviour relating to Dogs : Updating our enforcement tools

Dog Control Orders (presently in place) - Adur- effective from 9th November 2009

Dog Control Orders (presently in place) - Worthing- effective from 23rd January 2012

Contact Officer:

Andy Edwards
Head of Environment
Commerce Way
01273 263137

andy.edwards@adur-worthing.gov.uk

Schedule of Other Matters

1.0 Council Priority

1.1 Surf's Up : Cultivating Enterprising Communities.

2.0 Specific Action Plans

2.1 There are no specific Action Plans associated with this report.

3.0 Sustainability Issues

3.1 The proposals contained in the report are aimed to contribute to supporting more sustainable communities.

4.0 Equality Issues

4.1 A Equality Impact Assessment has been undertaken.

5.0 Community Safety Issues (Section 17)

5.1 The consultation is a statutory requirement for implementation of a Public Space Protection Order.

6.0 Human Rights Issues

6.1 Considered within the Equality Impact Assessment.

7.0 Reputation

7.1 It is not anticipated that the proposals contained within this report represent a risk to either Councils' reputations.

8.0 Consultations

8.1 Public consultation took place online through the Councils' website and through hard copies placed at Portland House, Shoreham Centre and Lancing Parish Council offices.

8.2 The public consultation was also publicised through the Councils' Twitter and Facebook accounts.

8.3 The statutory consultation required under the Anti Social Behaviour, Crime and Policing Act 2014 was also carried out, which requires specific public bodies and groups to be notified of the Councils' intention to introduce a PSPO.

8.4 Notices publicising the consultation was also displayed at key entrances to the Parks, Open Spaces and foreshore locations included in the PSPO's.

9.0 Risk Assessment

9.1 To be assessed in line with other procedures and processes.

10.0 Health & Safety Issues

10.1 Matter considered and no issues identified.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 We shall continue to work closely with local and national dog charities, trusts and local veterinary practices to promote responsible dog ownership across Adur & Worthing.