

Rother District Council

Report to: Cabinet

Date: 6 February 2023

Title: Public Spaces Protection Order (No 1A) - Dog Control

Report of: Richard Parker-Harding – Head of Environmental Services, Licensing and Community Safety

Cabinet Member: Councillor Field

Ward(s): All

Purpose of Report: To seek authority to consult about renewing the Dog Control Order

Decision Type: Key

Officer

Recommendation(s): It be **RESOLVED:** That:

- 1) officers be authorised to consult with the Public, Police, Police and Crime Commissioner, East Sussex County Council and Parish and Town Councils on renewing the Public Spaces Protection Order (No 1A) 2021; and
- 2) delegated authority be granted to the Deputy Chief Executive and Head of Environmental Services, Licensing and Community Safety to authorise prosecutions for offences under the Anti-social Behaviour, Crime and Policing Act 2014.

Reasons for

Recommendations: The current Order expires in January 2024 and delegations require updating.

Introduction

1. In 2020, the Council approved making a Public Spaces Protection Order (No 1A) to control dogs. The Order expires in January 2024 and if Members want the Order to remain in force, it must be amended or renewed without amendment.

Dog Control

2. The current Order was substantially first adopted in June 2008 following extensive consultation with Parish and Town Councils and the public. Several iterations to the Order were considered prior to adoption, whereby it was felt a reasonable compromise had been achieved between the requirements of the public and the needs of dog owners. The Order can be viewed at [THE PUBLIC SPACES PROTECTION ORDER \(No.1A\) ROTHER DISTRICT COUNCIL 2020 \(windows.net\)](#).

Background

3. The current Public Spaces Protection Order (PSPO) controlling dogs expires in January 2024. PSPOs are made under the Anti-social Behaviour, Crime and Policing Act 2014.
4. This report seeks Cabinet approval to consult with the Public, Police, Police and Crime Commissioner (PCC), East Sussex County Council (ESCC) and Parish and Town Councils (P&TCs) on renewing the Order, over the next six months.
5. PSPOs are intended to deal with a nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are designed to ensure the law-abiding majority can enjoy public spaces, safe from anti-social behaviour.
6. A PSPO can be made by the Council if they are satisfied on reasonable grounds that the activity/activities carried out, or are likely to be carried out, in a public space:
 - have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
 - is, or is likely to be, persistent or continuing in nature;
 - is, or is likely to be, unreasonable; and
 - justifies the restrictions imposed.
7. The restrictions specified in a PSPO can be set by the Council; these can be blanket restrictions or requirements or can be targeted against certain behaviours by certain groups at certain times. They can restrict access to public rights of way where that route is being used to commit anti-social behaviour.
8. PSPOs have a maximum duration of three years but they can last for shorter periods of time where appropriate. Short-term PSPOs could be used where it is not certain that restrictions will have the desired effect, for instance, when closing a public right of way, councils may wish to make an initial PSPO for 12 months and then review the decision at that point. At any point before expiry, the Council can extend a PSPO by up to three years if they consider that it is necessary to prevent the original behaviour from occurring or recurring.
9. Failure to comply with a PSPO is a criminal offence, a maximum fine of £2,500 can be imposed. As an alternative to prosecution enforcement officers can issue a Fixed Penalty Notice (FPN) of £100
10. PSPOs can be enforced by authorised officers of the Council and police constables.
11. Since the concessionary agreement with NES Ltd to carry out environmental offences enforcement, started at the end of August 2022, a few FPNs for dog control offences have been issued each month.
12. Members should not equate the level of enforcement with the effectiveness of the PSPO in controlling anti-social behaviour. It can be argued that if there were no controls and signage then more people would act in an anti-social way.

13. A delegation is required to the Deputy Chief Executive and Head of Environmental Services, Licensing and Community Safety to authorise prosecutions for the offence of not complying with offences under the Anti-social Behaviour Crime and Policing Act 2014.

Options

14. The Council can take no action and allow the existing PSPO to expire in January 2024 or consult about renewing the PSPO.

Conclusion

15. The PSPO (No 1A) Dog Control expires in January 2024. There is the opportunity to amend the Order. The Public, Police, PCC, ESCC, P&TCs must be consulted about renewing the Order.

Risk Management

16. Failure to replace the PSPOs controlling dogs by January 2024 will mean the Council will not have any enforcement powers in relation to dog fouling, dogs on leads and dogs in prohibited places.

Environmental

17. Dog fouling is very detrimental to the urban environment.

Crime and Disorder

18. Dogs that are not under control can lead to crimes and increase the fear of crime.

Consultation

19. Consultation will occur in two parts. Initially, statutory authorities will be asked for proposals or modifications to the PSPO then the public will be consulted on these proposals.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	Yes	Consultation	Yes
Environmental	Yes	Access to Information	No
Risk Management	Yes	Exempt from publication	No

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Appendices:	None
Relevant Previous Minutes:	CB20/53 CB17/31
Background Papers:	https://www.gov.uk/government/publications/anti-social-behaviour-crime-and-policing-bill-anti-social-behaviour
Reference Documents:	None