

Southend-on-Sea Borough Council

Report of Executive Director (Neighbourhoods and Environment)

to

Cabinet

On

23 February 2021

Report prepared by: Carl Robinson – Director of Public Protection

Agenda
Item No.

Dog Controls Public Spaces Protection Order

Cabinet Member: Cllr C Mulroney

1. Purpose of Report

- 1.1 To advise Cabinet of the results of the public consultation undertaken in respect of dog controls and provide recommendations in respect of controls to be included in the Dog Controls Public Spaces Protection Order.

2. Recommendations

- 2.1 That Cabinet adopts the Southend on Sea (Dog Controls) Public Spaces Protection Order contained at Appendix 3.
- 2.2 That Cabinet defers a decision on the designation of a dog friendly beach area throughout the year, pending further research on concerns raised in the consultation.

3. Background

- 3.1 The Council has had Dog Control Orders in place under the Clean Neighbourhoods and Environment Act 2005, for a number of years, which place certain requirements on dog owners to act responsibly in respect of, amongst other things: clearing dog faeces; keeping dogs on leads in designated areas; permitting dogs to enter land from which they are excluded. This also includes dogs being excluded from all beaches between the period 1 May and 30 September annually.
- 3.2 Dog Control Orders enabled the Council to issue fines to anyone who breached the provisions of the Order, however few fines have been previously issued, due to a combination of difficulties in witnessing and identifying those who breach. There has been much reliance on the public taking responsibility

and the placing of signage to remind dog owners of those responsibilities in key locations such as children's play areas, public parks and beaches.

- 3.3 Dog Control Orders have recently been superseded by the introduction of Public Spaces Protection Orders (PSPO) and before introducing the new Dog Controls PSPO, the council has undertaken a public consultation to obtain views on whether the existing controls are considered appropriate, and inviting comments in respect of any new controls that could be introduced.
- 3.4 In addition to this the council received a petition from a number of local residents that a specific beach area be designated as a dog friendly beach throughout the year, rather than having the current restrictions between 1 May and 30 September. The public consultation therefore also sought views in respect of providing a dog friendly beach throughout the year.
- 3.5 Appendix 1 contains a summary of the consultation responses, and Appendix 2 contains full details of the responses to the consultation. A total of 936 responses were received to the consultation which ran from 9 November 2020 to 7 December 2020.
- 3.6 **PSPO:** In considering whether to make a Public Spaces Protection Order, the Council must be satisfied on reasonable grounds that it is likely that the activities identified in the Order will be carried out in public places within the Council's area and that they will have a detrimental effect on the quality of life of those in the locality, and that: The likely effect of the activities, is likely to be of a persistent or continuing nature, is likely to be such as to make the activities unreasonable, and justifies the restrictions imposed by the notice.
- 3.7 The overall consensus from those responding to the consultation is that they strongly support and understand what the Council is trying to achieve and do see that a PSPO is required to cover the existing provisions for dog control, with some minor amendments in respect of clearing dog faeces.
- 3.8 The most significant issue raised by respondents was in respect of dog fouling, with approx. 70% of respondents indicating that dog fouling had a detrimental impact on quality of life in the borough. It was considered that more enforcement was required to tackle dog fouling in particular, and that more dog poo bins and clearer signage should be in place at key locations.
- 3.9 Under a PSPO, authorised officers may issue a Fixed Penalty Notice of £100 to any individual who contravenes the provisions of the Order. An appeal to the Council's Director of Public Protection will be included in the process.
- 3.10 The draft Southend on Sea (Dog Controls) PSPO is contained at Appendix 3 and is subject to final legal approval. It is considered that the results of the consultation would support the making of the Dog Controls PSPO and it is recommended that the draft PSPO is approved.
- 3.11 **Dog Friendly Beach:** In respect of providing a dog friendly beach area throughout the year, a mixture of responses were received, and while many

were in favour, there were concerns raised in respect of keeping the beach areas clean and potential health impacts on families and children in particular, there was also concern raised about the number of dogs at any one time on the beach with children playing and families sitting, eating etc.

- 3.12 There was little consensus on a particular part of the beach that could be designated as dog friendly throughout the year, with 11 different locations suggested from East Beach Shoebury across to Leigh.
- 3.13 Southend has a number of Blue Flag beaches across the whole seafront and it was evident that during the summer of 2020 more families were using the beaches across the whole of the seafront in order to maintain social distancing measures. It is considered this trend will continue given the present situation and the increase in staycationing in Southend. A specific requirement to attain a Blue Flag beach award is that no dogs are allowed on the beach.
- 3.14 There are a number of existing locations within the borough that dogs are allowed to be walked and exercised, including Two Tree Island, which has access to parking and the water, (something particularly specified as a desire of beach dog walkers), and our parks and it is considered that these locations should be promoted to ensure dog owners can take advantage of these during the summer months, as they will have done previously.
- 3.15 Enforcement of dog controls are a significant challenge, and providing a dog friendly beach area during the summer months would require dedicated marshalling and monitoring not only of the designated area, but areas of the beach outside the designated area, to ensure relevant provisions were being adhered to.
- 3.16 Whilst the majority of dog owners are responsible, we know from complaints both to the Council and as witnessed on social media platforms that there are some who are not and this causes anxiety and annoyance to other residents. The majority of residents, including responsible dog owners, agree that enforcement is the key. However, with enforcement comes the need for additional resources to provision a dog friendly beach area which are estimated in the region of £80k per annum including:

Considerable additional officer resource to monitor / marshal the area, including any follow up enforcement both on the beach itself for fouling and in respect of areas outside the designated area where necessary (dogs once off a lead cannot be guaranteed to keep to the boundaries of any beach area). The estimated costs between 0.5 and 1 FTE is approx. £20k- £40k p.a.)

Additional signage and dog bins (approx. £3k)

Additional regular beach cleansing, including use of beach comber (or other specialist cleaning equipment which may have to be bought for the specific work) and some manual cleaning to supplement where necessary, plus regular emptying and cleaning of additional dog bins and associated waste disposal costs (approx. £35k for a 6 month period 1 May to 31 September).

- 3.17 There are other issues in relation to health and wellbeing which need to be taken into consideration.
- 3.18 The positioning of any such beach would need to be thoroughly investigated in terms of traffic generation and parking.

Considering the potential health impacts, the additional costs and resources that would be required, the practical difficulties in enforcement of any provisions, as well as there being many existing alternative locations in the borough where dogs can be exercised, it is strongly recommended that further research is undertaken to advise and inform a decision on whether a dog friendly beach throughout the year should be designated, including consultation with other authorities to learn from their experiences.

4. Other Options

- 4.1 **PSPO** – not to adopt the PSPO and have no dog controls in place in the borough. This would leave the whole borough without any dog controls in place.

Dog Friendly Beach – designate an area of beach in a specific location to trial a dog friendly beach area from 1 May 2021 to 30 September 2021, to monitor, review and make further recommendations. Given the investigative work required this is not a feasible option in the timeframe.

Dog Friendly Beach – designate a specific dog friendly beach area that can be used throughout the year. Given the investigative work required this is not a feasible option and further investigation into suggested beaches is also required.

5. Reasons for Recommendations

- 5.1 **To adopt the Dog Controls PSPO.** This will enable continued necessary control of relevant matters relating to dogs and the ability for officers to issue Fixed Penalty Notices where breaches of the Order are witnessed and those responsible are identified.
- 5.2 **To defer a decision on whether to designate a dog friendly beach area throughout the year.** The full length of beaches in Southend are increasingly becoming very heavily used throughout the summer months by families and this is set to increase with staycationing and warmer summers. There are concerns about the potential health risks for families, and children in particular and issues surrounding control of dogs and resources required. There are also a number of alternative locations across the borough that dogs are allowed to be walked and exercised throughout the year.

6. Corporate Implications

6.1. Pride and Joy. Safe and Well.

- 6.1.1. The quality of our beaches is a key offer for our residents and visitors and we have become the region's first choice coastal tourism destination.
- 6.1.2. We have invested in improving our beaches, with many beaches having attained Blue Flag status, which continue to be a draw for residents, their families and for visiting families.
- 6.1.3. Our streets and public spaces, including our beaches, are valued and support the mental and physical wellbeing of residents and visitors.

7. Financial Implications

- 7.1. **PSPO** – To adopt the Dog Controls PSPO and to ensure sufficient monitoring and enforcement is undertaken will require an increase in current enforcement resource of 0.5 FTE, approx. £15k - £20k
- 7.2. **PSPO** – Fixed Penalty Notices of £100 may be issued to any person who contravenes the provisions of the PSPO.
- 7.3. **Dog Friendly Beach:** The introduction, maintenance and monitoring of a designated beach area for dogs to use throughout the year will incur an estimated £80k per annum:

Considerable additional officer resource would be required to monitor / marshal the area, including any follow up enforcement in respect of areas outside the designated area where necessary (between 0.5 and 1 FTE estimated at approx. £20k - £40k p.a.).

Additional signage and dog bins (approx. £3k)

Additional regular beach cleansing, including use of beach comber and potential other specialised equipment and some manual cleaning to supplement where necessary, plus regular emptying and cleaning of additional dog bins and associated waste disposal costs (approx. £35k for a 6 month period 1 May to 31 September).

8. Legal Implications

- 8.1. **PSPO** – To adopt the Dog Controls PSPO will create a formal Order which designated officers can enforce against, including the issuing of Fixed Penalty Notices. The PSPO is formally made under the Anti-Social Behaviour Crime and Policing Act 2014.
- 8.2. **Dog Friendly Beach:** The introduction of a designated beach area for dogs to use throughout the year would require any controls to be included in the Southend on Sea (Dog Controls) PSPO.

9. People Implications

- 8.1 **PSPO** - To adopt the Dog Controls PSPO will create a formal Order which will require dog owners to abide by the requirements.
- 8.2 **Dog Friendly Beach:** The introduction of a designated beach area for dogs to use throughout the year would require dog owners to abide by any relevant requirements included in the Dog Controls PSPO.

10. Property Implications

- 10.1. None identified at this time.

11. Consultation

- 11.1. A four week public consultation was undertaken between 9 November 2020 and 7 December 2020, during which period 936 responses were received and recorded.

12. Equalities and Diversity Implications

- 12.1. **PSPO** - An equalities impact assessment is attached at Appendix 4.
- 12.2. **Dog Friendly Beach** - An equalities impact assessment would be required if a dog friendly beach area was designated for use throughout the year.

13. Risk Assessment

Risk	Mitigation
Complaints from residents who have indicated they would like to see a designated dog friendly beach area	To promote the existing alternative locations for walking / exercising dogs within the borough.
Dog owners use the beach areas through the period from 1 May to 30 September	Marshalling and monitoring of the beaches to ensure the provisions of the Dog Control PSPO are being upheld.

14. Value for Money

- 14.1 **PSPO** – To adopt the Dog Controls PSPO and to ensure sufficient monitoring and enforcement is undertaken will require an increase in current enforcement resource of 0.5 FTE, approx. £15k - £20k.

15. Community Safety Implications

15.1 Adopting the Dog Control PSPO will ensure that control provisions are in place to support safe and responsible dog ownership in the borough.

16. Environmental Impact

16.1. Adopting the Dog Control PSPO will ensure that control provisions are in place to reduce the impact of issues such as dog fouling, which consultation respondents feel causes a detrimental effect on the quality of life in the borough.

16.2. Environmental impacts of a dog friendly beach include pollution, faeces, health risks and the impact of additional resources to clean and dispose of waste.

16.3. Impact on traffic and parking in the vicinity of a dog friendly beach.

17. Background Papers

None

18. Appendices

Appendix 1 – Dog Controls Consultation: Response Summary

Appendix 2 – Dog Controls Consultation: Consultation Responses

Appendix 3 - Draft Southend on Sea (Dog Controls) Public Spaces Protection Order

Appendix 4 – Southend on Sea (Dog Control) Public Spaces Protection Order - Equalities Impact Assessment