

Southend-on-Sea Borough Council

Agenda
Item No.

Report of Executive Director Adult and Communities

To

Cabinet

On

22 February 2022

Report prepared by: Scott Dolling, Director of Culture and
Tourism

Variation to Dog Control PSPO

Relevant Scrutiny Committee (Place)

Cabinet Members: Councillor Martin Terry, Councillor Carole Mulrone
Part 1

1. Purpose of Report

- 1.1. To approve the commencement of a statutory consultation relating to dog controls in respect of proposed designation of dog friendly areas between 1 May and 30 September 2022.

2. Recommendations

- 2.1 That Members agree to a consultation to vary the dog control Public Spaces Protection Order (PSPO) and trial dog friendly beaches during the 2022 bathing season.
- 2.3 A further report of next steps will be made once the consultation process has been completed. At that stage, Members may be asked to vary the PSPO statutory criteria to designate dog friendly areas. No decision or recommendation is made on that at this stage.

3. Background

3.1 Dog controls

- 3.1.1 Orders providing dog controls have been in place across all Southend Beaches since 2009. The current controls include prohibition against dogs on all the foreshore during the bathing season (1 May – 30 September). The main reasons behind these controls are to support safe and clean beaches as part of seaside award conditions and to safeguard other beach users.
- 3.1.2 The Anti-Social Behaviour, Crime and Policing Act 2014 replaced the dog control orders with PSPO's which run for a maximum of three years. At the end of the three years either, the order expires and the restrictions cease, or the Order must go back through the consultation and be reconsidered against a statutory test to be extended for up to a further three years. During the last 12 months

considerable support for introducing dog friendly areas has been publicised including high profile public campaigns.

- 3.1.3 The current Order came into place on the 1 May 2021. Prior to this, a consultation was undertaken in November 2020 requesting public input on the necessity of an Order, the proposed restrictions and the areas they affected. As part of this consultation, the participants were asked if they were in agreement with the proposal of a dog friendly beach. The results showed support for allowing dogs on beaches with 58% suggesting there should be a dedicated area.
- 3.1.4 It is proposed to consult on promoting two areas, one in the east and one in the west to focus dog friendly beaches.
- 3.1.5 The consultation will propose that Two Tree Island in the west of the Borough and a section of East Beach will also be marked and promoted as dog friendly.
- 3.1.6 The area of East Beach will be separated from the Blue Flag award section as it would otherwise compromise this award.
- 3.1.7 Foreshore staff will monitor and report back on the positive and negative impacts.
- 3.1.8 The land at East Beach has been the subject of consultation with Ward Councillors who confirmed their agreement to a trial.
- 3.1.9 There are obvious environmental issues attaching to any decision to designate a dog friendly area and hence proposals will include the provision of dog waste bins and their emptying as part of the normal collection regime and appropriate signage will also be installed.
- 3.1.10 The Council is required under the Act to carry out consultation and necessary publicity and notification before making a PSPO.
- 3.1.11 As a minimum, the Council must consult with the Chief Officer of Police, the Police Fire and Crime Commissioner, appropriate community representatives, and the owners or occupiers of land in the area to be designated (where reasonably practicable).
- 3.1.12 The proposed wording of the Order and the proposed Restricted Area as part of the consultation and this information is set out in Appendix 2.
- 3.1.13 During the consultation process the Council will seek comments on:
- Whether a PSPO is appropriate, proportionate or needed at all;
 - The proposed restrictions; and
 - The proposed area to be designated as the Restricted Area.
- 3.1.14 Consultation would be over a 4-week period, with the following stakeholders:
- Chief Officer of Police for Southend
 - The Police Fire and Crime Commissioner
 - Town Centre/Seafront Businesses
 - Ward Councillors
 - The Voluntary Sector
 - Community representatives

- Local residents/those working nearby/Visitors (via a survey).

3.1.15 Findings from the consultation will be brought back to Cabinet for it to decide whether to proceed with the PSPO and, if so, the area to be designated and the restrictions which would apply. At that point, the Cabinet would have to consider all material considerations including proportionality i.e. are the proposed restrictions proportionate to the harm/nuisance that is being caused?

3.1.16 The timeline is as follows 5th May;- 2nd June (Consultation runs), 14th June (Cabinet); 7th July (Scrutiny).

4. Other Options

4.1 The existing arrangements could be retained. However this is not recommended due to the recognised support for introducing a dog friendly area.

5. Reasons for Recommendations

5.1 The establishment of dog friendly beaches, if supported by specific consultation in a trial, will allow the Council to consider long term options.

6. Corporate Implications

6.1 Managing our Foreshore is a key element for Safe and Well and Pride and Joy.

6.1.1 **Pride and Joy** – The variety and quality of our outstanding cultural and leisure offer has increased, and we have become the first choice English coastal destination for visitors.

6.1.2 **Safe and Well** - People in all parts of the Borough feel safe and secure at all times.

6.2 Financial Implications

6.2.1 Dog waste bins will need to be added at a section of East Beach, these are minimal one-off cost. Collection will be included in existing contract.

6.3 Legal Implications

6.3.1 PSPO process requires a specific consultation on the dog friendly beaches.

6.4 People Implications

6.4.1 There are no People Implications associated with this report.

6.5 Property Implications

6.5.1 There are no Property Implications associated with this report.

6.6 Consultation

6.6.1 Whilst a consultation took place in 2020, a further specific one is required to enable the change to dog controls on beaches and allow a dog friendly beach

6.7 Equalities and Diversity Implications

6.7.1 There are no Equalities and Diversity Implications associated with this report.

6.8 Risk Assessment

6.8.1 There are no Risk Assessments associated with this report

6.9 Value for Money

6.9.1 There are no Value for Money implications associated with this report.

6.10 Community Safety Implications

6.10.1 There are no Community Safety Implications associated with this report.

6.11 Environmental Impact

6.11.1 Dog waste bins would be added for the trial beach area.

7. Background Papers

7.1 There are no background papers associated with this report.

8. Appendices

Appendix 1 - Draft Order

Appendix 2 - Map showing proposed trial beach area at East Beach.