

Meeting: Cabinet
Date: 4th March 2024
Classification: Part 1 / Part 2 (Confidential)
Key Decision: Yes / No
Title of Report: Renewal of Southend-on-Sea City Council (Dog Control)
Public Space Protection Order 2021

Executive Director:
Alan Richards

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Executive Councillor:
Cllr James Courtenay

1. Executive Summary

- 1.1. To invite Members to approve the renewal of the Southend-on-Sea City Council (Dog Control) Public Spaces Protection Order of 2021, following public consultation.

2. Recommendations

2.1 It is recommended that Cabinet:

Approve the renewal of the Southend-on-Sea City Council (Dog Control) Public Spaces Protection Order of 2021 (“the 2021 PSPO”).

3. Background

- 3.1. Local Authorities have a key role to play in helping to make local areas safe places to live, work and visit. Tackling behaviour which has a detrimental impact on the quality of life of those in the locality is a key element of this role. These behaviours are sometimes called anti-social behaviour (‘ASB’); it is noted that behaviour which has a detrimental impact can be broader than that which has traditionally been described as ASB.
- 3.2. Under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the 2014 Act”).

3.3 Local Authorities can use PSPO's to prohibit specified activities, and/or require certain things to be done by people engaged in particular activities, within a defined public area. PSPOs differ from other tools introduced under the Act as they are council-led, and rather than targeting specific individuals or properties, they focus on the identified problem behaviour in a specific location.

3.4 Currently the 2021 PSPO prohibits within the restricted area:

- If a dog defecates at any time within the Restricted Area described in schedule 1 and a Person in charge of the dog at that time fails to remove the faeces from the land forthwith or dispose of the faeces from the Restricted Area forthwith, that person shall be guilty of an offence.
- Placing the faeces in a receptacle in the Restricted Area which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land.
- Being unaware of the defecation whether by reason of not being in the vicinity or otherwise, or not having a device for or other suitable means of removing the faeces shall not be an excuse for failing to remove the faeces.
- A Person in charge of a dog shall be guilty of an offence if at any time within the Restricted Area described in Schedule 1 they are in charge of more than the four dogs.
- A Person in charge of a dog shall be guilty of an offence if at any time within the Restricted Area described in Schedule 2 they do not keep the dog on the lead.
- A Person in charge of a dog shall be guilty of an offence, if at any time, in the Restricted Area described in Schedule 1, they do not comply with a direction given by an Authorised Officer to put and keep the dog on the lead.
- An Authorised Officer may only give a direction under this paragraph 5(d) to put and keep a dog on the lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any other person or the worrying or disturbance of any animal or bird.
- A Person in charge of a dog shall be guilty of an offence, if, at any time they take a dog onto, or permit a dog to enter or remain on, the Restricted Area as defined in Schedule 3.

3.5 The full order is included at appendix A.

4. Reasons for Decisions

4.1 The 2021 PSPO was implemented due to the behaviours listed being carried out in public places within the Council's area and that they were having a detrimental effect on the quality of life of those in the locality.

4.2 The Council acknowledges and appreciates that most dog owners are responsible, properly control their dogs and clear up any dog fouling. However, it is important to identify and address the problems caused by irresponsible dog owners, and a PSPO is a potential way to address this.

4.3 Renewal 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. Other Options

5.1 The Council could choose not to renew the 2021 PSPO. This would result in the current PSPO expiring at midnight on the 30th April 2024, and this enforcement power would no longer be available to Essex Police and the Council's authorised officers for tackling dog related ASB in the restricted area.

6. Financial Implications

6.1 None specific to this renewal.

7. Legal Implications

7.1 The introduction of a PSPO must be undertaken in accordance with the 2014 Act and the Statutory Guidance. Failure to do so could result in a legal challenge.

7.2 Section 72 of the 2014 Act provides that the Council must carry out necessary consultation before making a PSPO, the results of the consultation are below.

7.3 Before making a PSPO the Council must consider comments and representations received.

7.4 Enforcing against dog owners who are disabled must be approached with consideration, as per Equality Act 2010, acknowledging that their disability may impede their capacity to adhere to prohibition requirements, particularly in cases involving guide or assistance dogs.

8. Policy Context

8.1 Contribution to the Southend-on-Sea City Council Corporate Plan

8.2 Safe and Well agenda and activity plan (keeping people safe).

8.3 [Public spaces protection orders: guidance for councils \(local.gov.uk\)](https://www.local.gov.uk/public-spaces-protection-orders-guidance-for-councils)

9. Carbon Impact

9.1 None specific to this renewal.

10. Equalities

10.1 None specific to this renewal. Please refer to the Equality Analysis report attached with these documents (and 7.4 regarding enforcement)

11. Consultation

11.1 The overall consensus from those responding is that they strongly support and understand what the Council is trying to achieve and do see that a PSPO is required to be renewed to cover existing provisions for dog control.

Dog Fouling was the biggest issue throughout the City with over 84% stating they have come across it, with a high percentage stating it had a detrimental impact on the quality of life around the town.

Some of the individual comments received identified the challenge on how it is to be enforced and monitored once the PSPO is adopted (being the whole City coverage etc). This also reflects the ever increasing enforcement demand (including backroom administrative work), being placed on the Council's Community Safety Unit, who remain the only Council team enforcing against all current PSPO's across the City. (A team of six)

12. Appendices

12.1 **Appendix 1: The Public Space Protection Order (Dog Control) of 2021 with maps.**

12.2 **Appendix 2: Public Consultation results.**

12.3 **Appendix 3: SCC Equality Analysis Dog Control PSPO.**

13. Report Authorisation

This report has been approved for publication by:		
	Name:	Date:
S151 Officer	Joe Chesterton	2/1/24
Monitoring Officer	Kim Sawyer	2/1/24
Executive Director(s)	Alan Richards	23/12/23
Relevant Cabinet Member(s)	James Courtenay	23/12/23