

## DECISION ITEM

| REPORT OF   | MEETING                          | DATE             | ITEM NO |
|---|----------------------------------|------------------|---------|
| RESOURCES DIRECTORATE   | OPERATIONAL MANAGEMENT COMMITTEE | 10 NOVEMBER 2020 | 4       |
| <b>PUBLIC SPACES PROTECTION ORDERS FOR ENFORCEMENT OF DOG CONTROL</b> |                                  |                  |         |

### PUBLIC ITEM

This item is for consideration in the public part of the meeting.

### SUMMARY

Public spaces protection orders (PSPOs) are in place across the borough for the enforcement of dog control under the Anti-Social Behaviour Crime and Policing Act 2014.

The orders were scheduled to lapse during October 2020.

At a meeting of the Operational Management Committee in September 2020, Members agreed to delegate authority to the Director of Resources to carry out the necessary consultation process required to extend the orders. A total of 427 consultation responses were received from the public, together with responses from stakeholders, including the Kennel Club and Police, 62.3% of consultation responses were in favour of dogs on leads in amenity areas and 45.7% supported the existing PSPOs being extended for a further 3-year period.

Stakeholder responses were favourable with the police giving full support and the Kennel Club supportive of 'proportionate' dogs control orders. The consultation included a 'further comments' section which received 351 responses. Feedback varied with most concern around the amenity beach exclusion zone.

The Director of Resources considered the feedback in reaching a decision to extend the existing orders for 3 months to allow officers additional time to explore options around the amenity beach. The report asks members to consider these options in reaching a final decision on the extension of the PSPOs until January 2024.

### RECOMMENDATIONS

1. Committee is asked to discuss and debate the various options around the beach exclusion zone and agree the preferred option for a replacement order
2. Committee considers whether to extend the public spaces protection orders beyond January 2021, for a further three years, including any changes to the beach exclusion order agreed in (1) above.

### SUMMARY OF PREVIOUS DECISIONS

Operational Management Committee – May 2017: The committee unanimously RESOLVED to approve the recommendations to implement public spaces protection orders across the borough for the enforcement of dog control under the Anti-Social Behaviour Crime and Policing Act 2014.

Operational Management Committee – September 2020: The committee unanimously RESOLVED:

1. To extend all of the public space protection orders for a further three years,
2. To delegate authority to the Director of Resources to carry out the necessary consultation, publicity and notification and then to extend the order, unless the director considers that the order should not be extended until a response to the consultation or publicity has been considered by the committee at a special meeting.

| CORPORATE PRIORITIES                                     |   |
|--|---|
| Economy – To create a vibrant and healthy economy        | ✓ |
| Environment – To deliver services customers expect       | ✓ |
| Efficiency – By spending money in the most efficient way | ✓ |
| Tourism – To create a great place to live and visit      | ✓ |

## REPORT

1. The borough wide PSPOs for dog control require that; dogs are kept on leads in certain locations or excluded from certain locations; and the immediate removal of dog faeces; failure to comply with a PSPO is an offence which can be dealt with by a fixed penalty notice of £100.
2. Members of the OM Committee agreed to delegate authority to the Director of Resources to carry out the necessary consultation process to extend the orders beyond October 2020, unless the director considered the consultation feedback required consideration by the OM committee.
3. The “necessary consultation” means consulting with the police, the Police and Crime Commissioner, any community representatives that the council considers appropriate to consult and (unless it is not reasonably practicable to do so) the owner of the affected land. The “necessary publicity” means publicising the proposal. The “necessary notification” means notifying the county council and any relevant parish council.
4. As part of the process a public consultation was carried out through the council’s website and on social media; it was also promoted in the local press. Correspondence was sent to a number of stakeholders to obtain views on the extension of the existing PSPOs; stakeholders included local, town and parish councilors; Lancashire County Council, the Police and Police and Crime Commissioner, The Kennel Club and Dogs Trust, Lytham Trust and Park View 4U.
5. 427 consultation responses were received through the website in addition to stakeholder feedback and several respondents emailed council officers directly with their views.
6. The consultation sought views on dog fouling, anti-social behavior, dogs on leads, exclusion areas and the renewal of the existing orders; the consultation included the opportunity for ‘further comment’ requesting additional comment on the proposal to extend the orders for a further 3 years.
7. Headline outcomes from the consultation include:
  - 67% of consultation responses were from dog owners;
  - 82% local to Fylde;
  - 37% identified uncollected dog waste as a problem in the area with public footpaths, grass verges and residential pavements were identified as the main problem areas for uncollected dog waste;
  - 27% indicated that they had been directly affected by anti-social behavior related to dogs in the past 12 months; play areas, sports fields and the beach were identified as the main areas that would benefit from a dog exclusion order;
  - 62% were supportive of the dogs on lead by direction order;
  - 31% supporting a dog on lead at all times approach; and
  - 46% were supportive of the proposal to extend the existing orders by a further 3 years
8. The ‘further comment’ section received 351 responses. Feedback was varied including comments for and against the existing measures, views on enforcement and signage, queries/concerns associated with the amenity beach exclusion zone, views on other forms of anti-social behaviour, commentary on dog/litter bins and fouling and feedback on the consultation itself.
9. Favourable feedback was received from the majority of stakeholders with the Dogs Trust, Keep Britain Tidy, Kennel Club, Police, Park View, Lytham Trust, Freckleton PC, Wesham TC and St Annes TC all responding in support of extending the existing dog control PSPOs for a further 3 years.

10. The Police commented that: 'Dog fouling/irresponsible dog owners consistently score high across the Fylde so this course of action would have my/our full support, as that is what the communities tell us matters and the PSPO would help the CSP to address'.
11. The Kennel Club and Dogs Trust provided extensive feedback and suggestion across the range of orders, with full support for dog fouling and dogs on leads by direction orders; they recognised the need for dogs to be excluded or kept on leads in certain areas such as children's play areas and on the public highway, and also provided advice with regards to alternative enforcement which is 'necessary and proportionate', with education to encourage responsible dog control and balance the interests of dog owners and other users.
12. The bulk of the feedback received from consultation responses and stakeholders, both for and against the extension of the PSPOs, centred around the amenity beach seasonal dog exclusion order, signage and enforcement. The Council welcomes constructive suggestion that will be used to assist with ongoing service delivery and improvements, including exploring alternative enforcement options and incorporating dog control information on the coastal signage initiative.
13. A range of historical bylaws were established across the borough of Fylde between 1981 and 2000, including measures covering dog control issues such as dogs on leads. One of these bylaws allowed for a seasonal dog exclusion zone on the St Annes amenity beach between 1<sup>st</sup> May – 30 September each year.
14. This bylaw applied to the beach and sand dunes at Lytham St Annes between the slipway to St Annes Lifeboat Station and the northern end of North Promenade car park, extending seaward to the mean low water mark\*  
  
\* Dogs can be freely exercised off lead year-round outside the restricted area of the beach stretching towards Squires Gate one way and Lytham Quays in the opposite direction.
15. In October 2017 a PSPO was established under the Anti-Social Behaviour, Crime and Policing Act 2014 to remove the bylaw; the exclusion area was consistent with the original bylaw however, the annual commencement date was brought forward to Good Friday to include the busy Easter holiday period.
16. The government beach cleansing guidance recommends that amenity beaches should be kept clear of all litter and refuse during the summer season, which includes keeping beaches free from dog fouling.
17. Keep Britain Tidy rate facilities and the overall environment at beaches around the UK for the Seaside Award, which identifies beaches that are clean, safe, attractive and well managed. Sea water at a bathing beach is tested throughout the season. The results of which are used towards the quality rating of the beach.
18. Dog fouling is a problem on bathing beaches not only because it is undesirable but because it pollutes the sea water. It is therefore important to take steps to ensure the area is free from fouling which can include a dog ban during the main bathing season.
19. The criteria for the seaside awards stipulate that at resort style beaches (toilets, car parks, cafes etc) such as St Annes, dogs must be excluded from the award area of the beach during the bathing season; this could be limited to certain times of the day to allow more flexibility for users i.e. a timed restriction to permit dogs on the amenity early in the morning and later in the evening for daily exercise, while enforcing against dogs during the busiest part of the day when it is popular as a recreational attraction.
20. Keep Britain Tidy have confirmed that the dog exclusion zone must extend from the promenade wall to the water and include the testing point; this is consistent with the area covered by the current exclusion zone. The Director of Resources was aware of the feedback in reaching a decision to extend the existing orders for 3 months to allow officers additional time to explore options around the amenity beach.
21. Members are asked to discuss and debate the following options around the beach exclusion zone and agree the preferred choice for a replacement order:
  - Maintaining the exclusion zone area, with education and enforcement
  - As above, but include a timed restriction to permit dogs on the amenity beach early in the morning and later in the evening for daily exercise, while restricting dogs during the busiest part of the day when it is popular as a recreational attraction i.e. dogs excluded between 9am and 7pm (or other time period as agreed)
  - Remove the beach exclusion zone completely – this will impact on eligibility for the seaside award

22. Members are asked to discuss and debate the various options around the beach exclusion zone and provide officers with their decision; and to approve a 3-year extension of the full range of PSPOs for dog control, to include any amendment to the amenity beach dog exclusion zone.

| IMPLICATIONS                            |   |
|---|---|
| Finance                                 | There are no financial implications arising directly from this report                             |
| Legal                                   | There are no legal implications arising directly from this report                                 |
| Community Safety                        | There are no community safety implications arising directly from this report                      |
| Human Rights and Equalities             | There are no human rights and equalities implications arising directly from this report           |
| Sustainability and Environmental Impact | There are no sustainability and environmental implications arising directly from this report      |
| Health & Safety and Risk Management     | There are no health and safety and risk management implications arising directly from this report |

| LEAD AUTHOR      | CONTACT DETAILS   | DATE                          |
|------------------|---|-------------------------------|
| Kathy Winstanley | <a href="mailto:Kathy.winstanley@fylde.gov.uk">Kathy.winstanley@fylde.gov.uk</a> Tel 01253 658634 | 28 <sup>th</sup> October 2020 |

| BACKGROUND PAPERS |      |                                |
|-------------------|------|--------------------------------|
| Name of document  | Date | Where available for inspection |
| N/A               |      |                                |