



Council Offices, Kiln Road,
Thundersley, Benfleet,
Essex SS7 1TF.
Tel. No: 01268 882200
Fax No: 01268 882455



David Marchant LLB (Hons) BSc (Hons) CEng FICE FCMI
Chief Executive

AGENDA

Policy and Scrutiny Committee:

ENVIRONMENT

Date and Time: Wednesday 25th September 2019 at 7.00p.m.

Venue: Council Chamber

Membership: Councillors Ms Drogman (Chairman), Anderson, Cross, E. Egan, Mrs Haunts, Palmer, Mrs Payne, Skipp, Thomas and Walter

Cabinet Member attending : Councillor Hart – Streets Scene, Waste, Floods and Water Management
Councillor Varker - Environment & Leisure

Officers attending: Mrs Trudie Bragg - Head of Environment
Miss Ann Horgan - Scrutiny Officer
Mr Ryan Lynch – Operational Services Manager
Mr Stuart Jarvis - Contracts Manager

Enquiries: Loretta Hill – Ext. 2427

PART I

(Business to be taken in public)

1. Apologies and Members' Interests

2. Consultation on Dogs on Leads on Canvey Beaches

The Committee will be asked to consider and make recommendations to Cabinet on the outcome of the consultation undertaken over the summer on the proposal to require dogs to be kept on leads on Canvey beaches during the summer months. A report is attached.

AGENDA ITEM NO. 2

Environment Policy and Scrutiny Committee

25th September 2019

**Subject: Public Spaces Protection Order - Dogs on Leads
Consultation – Response**

1. Purpose of Report

- 1.1 To advise the Environment Policy and Scrutiny Committee (the Committee) of the results of the public consultation and the responses from the statutory consultees and relevant bodies in respect of a proposal to make a Public Spaces Protection Order (PSPO) which would require dogs to be kept on a lead at Canvey seafront from 1 April to 20 September each year.
- 1.2 To help inform the Committee's recommendations to Cabinet.

2. Links to Council's priorities and objectives

- 2.1 This proposal supports the Council's Environment objective.

3. Recommendations

3.1.1 It is recommended that:

- 3.1.1 The Committee considers the results of the statutory public consultation and reports back to Cabinet on whether it supports the making of a PSPO which would require all dogs to be kept on a lead at Canvey seafront between 1 April and 30 September each year; and that
 - 3.1.2 Should the Cabinet be mindful to recommend that the PSPO be made, that the Committee also make recommendations to Cabinet in respect of the enforcing of the PSPO.
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4. Background

- 4.1 In 2017 the Council, under the Anti – Social Behaviour Crime and Policing Act 2014 ("the Act"), introduced a Public Spaces Protection Order (PSPO) making it an offence for persons not to pick up faeces after their dog has fouled on any open land to which the public are entitled or permitted to have access (with or without payment) within the Castle Point Borough boundary.

- 4.1.2 A report was put before Cabinet on the 21st November 2018 providing feedback on an informal public consultation exercise which sought views on the possible banning of dogs from Canvey seafront and to determine how best to proceed in light of the public response.
- 4.1.3 The public consultation which lasted from the 20th July to the 7th September 2018 received a total of 731 responses which were made up of 486 from dog owners, 230 from non-dog owners and 15 from respondents who did not state whether they owned a dog or not.
- 4.1.4 The public consultation responses showed that, with regards to dog mess, the most significant problem was perceived to be on the walkway seaward side, with the beach area having the least significant problem. With regards to dogs being kept on leads, the beach area was marginally perceived to be more of a problem than on the walkways.
- 4.1.5 When asked what action should be taken to resolve the problem of dog's mess and dogs off leads in all three areas, i.e. beach, walkway seaward side and walkway landward side, of the six options, the option to not introduce any further restrictions secured the most support for all three areas.
- 4.1.6 Rather than ban dogs completely from the beach area, Cabinet having considered the results of the public consultation resolved that "investigation be undertaken and a report be made to Cabinet on a dog control scheme to operate between April and September requiring dogs to be kept on a lead on beaches on Canvey".
- 4.1.7 The requirement to require dogs to be kept on a lead would necessitate the making of a PSPO.
- 4.1.8 Prior to the making of a PSPO there is a statutory requirement to consult with relevant bodies and the public.
- 4.1.9 It has subsequently been agreed that the results of the statutory consultation should be referred to this Committee for consideration before the outcome of the consultation exercise is reported back to Cabinet.
- 4.1.10 The statutory consultation ran from 1st July to the 31st August 2019 using an on – line consultation for the public via the Council's website. The statutory consultees and other relevant bodies were written to advising of the proposed PSPO. A plan showing the area the proposed PSPO would cover can be seen in appendix A.
- 4.1.11 In respect of the consultation with statutory consultees and other relevant bodies the Council wrote to the following: -
- Chief Executive, Essex County Council
 - Canvey Island Town Council
 - Chief Inspector, District Commander Castle Point and Rochford
 - Dogs Trust
 - Kennel Club
 - Police and Crime Commissioner for Essex
- 4.1.12 A detailed response was received from the Dogs Trust (Appendix B) and Canvey Island Town Council acknowledged the consultation.

4.1.13 With regards to the public on – line consultation, the public were asked to provide a Yes / No answer to the following question;

“Do you agree that dogs should be required to be kept on a lead whilst on Canvey Island beaches and seaward walkways between the 1st April and 30th September inclusive”

4.1.14 A total of 285 responses were received, and the results were as follows: -

Yes - 153

No - 132

5. Enforcing the Public Spaces Protection Order

5.1.1 A report was put before Cabinet in April 2019 in relation to Private Enforcement Companies issuing Fixed Penalty Notices for offences such as littering, dog fouling, etc, this followed a report to the Environment, Policy and Scrutiny Committee.

5.1.2 In the report to Cabinet the Environment, Policy and Scrutiny Committee stated that having looked in depth at how private enforcement companies operate and the experience of other local authorities in their use, it concluded that the use of additional in-house staff was preferable to the employment of a Private Enforcement Company given the nature of the borough and the type of issues that are encountered. It felt that the additional in-house enforcement resource should complement the current provision and should concentrate solely on education and the enforcement of enviro – crime offences.

5.1.3 In order to satisfy health and safety requirements the Committee was of the opinion that the additional resource should include the provision of one full time post working 37 hours spread across a seven day week, plus a part time post working 22.5 hours per week supporting the full time post outside of normal working hours. It was felt that the working times would need to be flexible to ensure the service can interact with the public at the times when education and enforcement are going to be most effective.

5.1.4 The committee favoured more education and promotion going hand in hand with additional enforcement. In particular, it felt that:

- The provision of a visible deterrent, particularly where operatives wear uniforms, would assist in educating would-be offenders and lead to behavioural change; and that
- The younger generation need to be educated about disposing of waste properly to reduce the amount of littering.

5.1.5 The Committee acknowledged that the issue of an increased number of Fixed Penalty Notices (FPNs), irrespective of whether they were served by in-house staff or by a private enforcement company, could potentially have resource implications for the legal team in terms of instigation of legal proceedings where fines are not paid within the required 14 days.

- 5.1.6 The report recommended that Cabinet determines whether it wishes to endorse the appointment of additional in-house staff to enforce a broad range of environmental crime legislation as set out in the report, and if so, requests that the Head of Paid Service gives this matter due consideration.
- 5.1.7 Cabinet resolved to endorse the appointment of additional in-house staff to enforce a broad range of environmental crime legislation as set out in this report and request the Head of Paid Service to give this matter due consideration.
- 5.1.8 The Head of Paid Service determined that it would be appropriate to consider the appointment of additional in-house staff once the dogs on leads PSPO consultation had been concluded, and in any case, a growth bid would need to be submitted as no budget provision had been made for an additional enforcement resource be it provided in-house or out-sourced.
- 5.1.9 Should the Dogs on Lead PSPO be introduced it will need to be enforced particularly initially, to ensure the restriction is adhered to. There is limited capacity of existing staff to enforce the Order so if the Order is to be effectively enforced additional resourcing will be required.

6. Corporate Implications

6.1 Financial implications

- 6.1.1 The in-house cost of employing one full time and one part time enforcement officer (plus associated costs) would be in the region of £41,000 per annum with set up costs in the region of £15,000. This cost would be offset to an extent by the number of Fixed Penalty Notices (FPN) served.
- 6.1.2 Given the nature of the borough, it is highly unlikely that additional enforcement by in-house staff or an external provider would be self-financing and it will therefore come at an extra cost to the Council. No budget provision has been made for the additional enforcement resource, therefore a growth bid would be required.

6.2 Legal implications

- 6.2.1 A PSOP can remain in place for a maximum three years but can be extended for a further three years where certain criteria are met. The proposed length should reflect the need for an appropriate and proportionate response to the problem issue.
- 6.2.2 Payment of the £100 FPN fine within the requisite period discharges the criminal offence. Where fines are unpaid it is essential that unless the notice is cancelled because it has been inappropriately served, that prosecution is pursued. If convicted the culprit will have a criminal record and will most likely receive a fine greater than the value of the original FPN.

6.3 Human resources and equality implications

- 6.3.1 Any increase in the number of fines which are unpaid and need to be taken forward for prosecution, will increase the workload of the Council's Legal Department.

- 6.3.2 Potentially the Legal department may need to buy in additional support to keep on top of its workload.

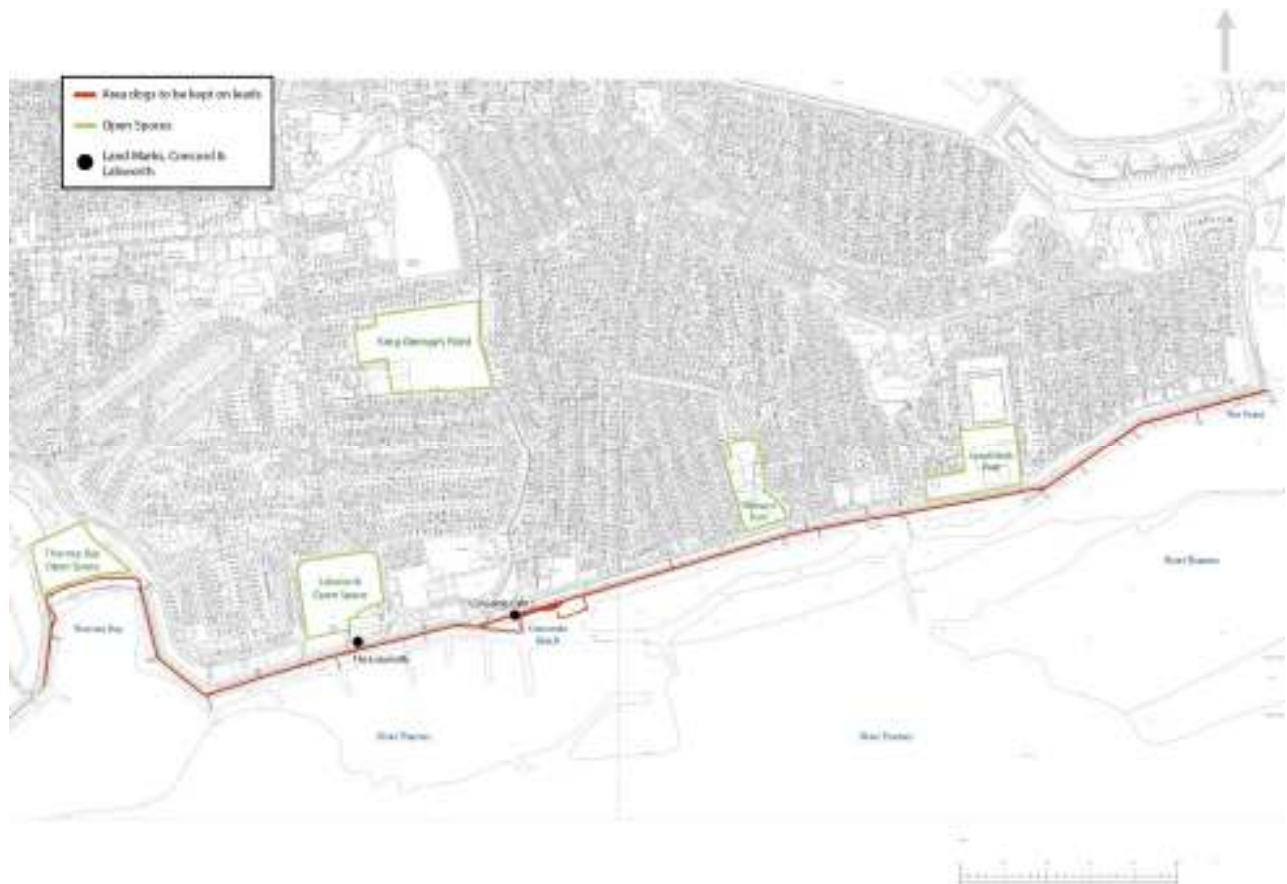
6.4 Timescale for implementation and risk factors

- 6.1 Should the Dogs on Leads PSPO be put in place the Council will be required to advertise the Order by Public Notice, this Notice needs to be in place for a minimum of one month prior to the start of the Order. It is proposed that if the Order is made, it takes effect from 1 April 2020.

7. Background Papers:

Report Author: Stuart Jarvis, Street Scene & Contracts Manager

Appendix A



Dogs will be required to be kept on leads on the beaches and seaward walkways where the red line is shown on the map above.

Appendix B

Hi Stuart,

Thank you for your letter informing us that Castle Point Borough Council is planning to introduce a series of Public Space Protection Orders. As the UK's largest dog welfare charity, we would like to make some comments for consideration.

Dogs Trust's Comments

1. Re; Fouling of Land by Dogs Order:

- Dogs Trust consider 'scooping the poop' to be an integral element of responsible dog ownership and would fully support a well-implemented order on fouling. We urge the Council to enforce any such order rigorously. In order to maximise compliance we urge the Council to consider whether an adequate number of disposal points have been provided for responsible owners to use, to consider providing free disposal bags and to ensure that there is sufficient signage in place.

2. Re; Dog Exclusion Order:

- Dogs Trust accepts that there are some areas where it is desirable that dogs should be excluded, such as children's play areas, however we would recommend that exclusion areas are kept to a minimum and that, for enforcement reasons, they are restricted to enclosed areas. We would consider it more difficult to enforce an exclusion order in areas that lack clear boundaries.
- Dogs Trust would highlight the need to provide plenty of signage to direct owners to alternative areas nearby in which to exercise dogs.

3. Re; Dog Exclusion Order and beaches:

- With phone calls often being made to the RSPCA and Police alerting to dogs being left in hot cars in coastal areas, we would urge you to consider the danger animals may be put in, and the difficult decisions owners have to make, by not being allowed to take their dogs onto the beach.
- If the Council does choose to implement this order, Dogs Trust would encourage looking into a compromise between beach goers and dog owners, e.g. allowing dogs onto the beach in the evenings or early mornings, or having dog friendly sections on the beaches.
- Strict dog exclusion restrictions can also lead to a decrease in dog friendly tourism for businesses along the coast, which in turn could have a negative impact on the local economy.

4. Re; Dogs on Leads Order:

- Dogs Trust accept that there are some areas where it is desirable that dogs should be kept on a lead.
- Dogs Trust would urge the Council to consider the Animal Welfare Act 2006 section 9 requirements (the 'duty of care') that include the dog's need to exhibit normal behaviour patterns – this includes the need for sufficient exercise including the need to run off lead in appropriate areas. Dog Control Orders should not restrict the ability of dog keepers to comply with the requirements of this Act.
- The Council should ensure that there is an adequate number, and a variety of, well sign-posted areas locally for owners to exercise their dog off-lead.

5. Re; Dogs on Lead by Direction Order:

- Dogs Trust enthusiastically support Dogs on Leads by Direction orders (for dogs that are considered to be out of control or causing alarm or distress to members

of the public to be put on and kept on a lead when directed to do so by an authorised official).

- We consider that this order is by far the most useful, other than the fouling order, because it allows enforcement officers to target the owners of dogs that are allowing them to cause a nuisance without restricting the responsible owner and their dog. As none of the other orders, less fouling, are likely to be effective without proper enforcement we would be content if the others were dropped in favour of this order.

The PDSA's '[Paw Report 2018](#)' found that 89% of veterinary professionals believe that the welfare of dogs will suffer if owners are banned from walking their dogs in public spaces such as parks and beaches, or if dogs are required to be kept on leads in these spaces. Their report also states that 78% of owners rely on these types of spaces to walk their dog.

I would also like to bring your attention to the similar recommendations stated in the Government's '[Anti-social behaviour powers -Statutory guidance for frontline professionals](#)' document, pages 52/53.

We believe that the vast majority of dog owners are responsible, and that the majority of dogs are well behaved. In recognition of this, we would encourage local authorities to exercise its power to issue Community Protection Notices, targeting irresponsible owners and proactively addressing anti-social behaviours.

Dogs Trust works with local authorities across the UK to help promote responsible dog ownership. If you are interested, I can send you a copy of our Services Guide, a document listing the ways in which we may be able to help with promoting responsible dog ownership in your community. Please do not hesitate to contact should you wish to discuss this matter.

We would be very grateful if you could inform us of the consultation outcome and subsequent decisions made in relation to the Public Space Protection Order.

Yours faithfully,

Jess Hutton
Campaigns Assistant



Dogs Trust - A Dog Is For Life

Visit our website at <http://www.dogstrust.org.uk>

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