



CABINET

Tuesday, 05 December 2023

Subject	Renewal of Dog Related Public Spaces Protection Orders
Cabinet Member	Councillor Rachel Smith-Lyte Cabinet Member with responsibility for The Environment
Report Author(s)	Ben Hunter Senior Environmental Protection Officer ben.hunter@eastsoffolk.gov.uk 07771 722709
Head of Service	Fiona Quinn Head of Environmental Services and Port Health Fiona.Quinn@eastsoffolk.gov.uk 07385 948900
Director	Nick Khan Strategic Director Nick.khan@eastsoffolk.gov.uk 07748 012901

Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	Not applicable
Wards Affected:	All Wards

Purpose and high-level overview

Purpose of Report:

To renew or amend the three Dog Control Public Spaces Protection Orders (PSPOs) due for renewal

Options:

- 1 To renew all three of the Dog Control PSPOs unamended
- 2 To renew the Exclusion of Dogs from Aldeburgh Beach and Dogs on Leads General PSPOs and amend Landguard Nature Reserve PSPO to extend to remove the items that are not related to anti-social behaviour.
- 3 To adopt a 'do nothing approach' and allow the PSPOs to expire

Recommendation/s:

1. That the renewal of both the Exclusion of Dogs from Aldeburgh Beach and Dogs on Leads General Public Space Protection Orders as detailed in Appendices E and G to the report be approved.
2. That the proposed amendments and renewal of the Landguard Nature Reserve Public Space Protection Order as detailed in Appendix F to the report be approved.

Corporate Impact Assessment

Governance:

As required under the Anti-Social Behaviour, Crime and Policing Act 2014, if Cabinet agrees to the implementation of a new PSPO, it will have to be publicised for a period of 20 days before it comes into force.

ESC policies and strategies that directly apply to the proposal:

Not applicable

Environmental:

These controls will have a positive environmental impact by ensuring our streets, green spaces and beaches are clean and safe.

Equalities and Diversity:

EQIA assessment has been being undertaken

Financial:

No financial implications as signage will be covered from existing budget

Human Resources:

No impact identified

ICT:

No impact identified

Legal:

The power to issue PSPOs is contained in the Anti-social Behaviour, Crime and Policing Act 2014 (the Act). The Act requires consultation with parties likely to be affected by the new PSPO. The Act includes the Chief Constable and the Police and Crime Commissioner as statutory consultees.

If a new PSPO is enacted, it will remain in place for a period of up to three years, after which time it will lapse unless renewed. There is no limit to the number of times a PSPO can be renewed. Each renewal will require consultation and formal approval.

If a new PSPO is not enacted it will lapse if not formally renewed at that time.

Risk:

In the absence of these PSPOs the proportionate control of dogs will be extremely problematic.

External Consultees:	Included in appendices A - D of the report
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Strategic Plan Priorities

Select the priorities of the Strategic Plan which are supported by this proposal: <i>(Select only one primary and as many secondary as appropriate)</i>		Primary priority	Secondary priorities
T01	Growing our Economy		
P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T02	Enabling our Communities		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input type="checkbox"/>	<input type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input type="checkbox"/>	<input type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input checked="" type="checkbox"/>
T03	Maintaining Financial Sustainability		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
T04	Delivering Digital Transformation		
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input type="checkbox"/>

P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T05	Caring for our Environment		
P20	Lead by example	<input type="checkbox"/>	<input type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education and influence	<input checked="" type="checkbox"/>	<input type="checkbox"/>
XXX	Governance		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input type="checkbox"/>
How does this proposal support the priorities selected?			
Placing effective controls on dogs and irresponsible dog owners links to the strategic priorities by using our regulatory functions and appropriate enforcement to protect our environment.			

Background and Justification for Recommendation

1 Background facts	
1.1	The Anti-social Behaviour, Crime and Policing Act 2014 introduced Public Spaces Protection Orders (PSPOs) to be used by district councils and their partners to address anti-social behaviour (ASB) in their local areas, replacing Dog Control Orders.
1.2	A PSPO is an Order that identifies the space to which it applies and can make requirements, or prohibitions, within that area where it is believed that they are reasonable in order to prevent or reduce detrimental impact
1.3	<p>Orders can be introduced in a specific public area where the local authority is satisfied on reasonable grounds that certain conditions have been met.</p> <p>The necessary test are –</p> <ul style="list-style-type: none"> • activities that have taken place have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will take place and that they will have a detrimental effect. • the effect or likely effect of these activities: <ul style="list-style-type: none"> ○ is, or is likely to be, persistent or continuing in nature ° ○ is, or is likely to be, unreasonable ○ justifies the restrictions being imposed <p>The Home Office statutory guidance, reissued in December 2017, states that proposed restrictions should focus on specific behaviours and be proportionate to the detrimental effect that the behaviour is causing or can cause, and are necessary to prevent it from continuing, occurring or recurring.</p> <p>A single PSPO can be used to target a range of different ASB issues. Orders allow councils to introduce reasonable prohibitions and/or requirements regarding certain behaviours within the specified public area, and may also include prescribed exemptions.</p> <p>As a minimum, each PSPO must set out:</p>

	<ul style="list-style-type: none"> • what the detrimental activities are • what is being prohibited and/or required, including any exemptions • the area covered • the consequences for breach • the period for which it has effect.
1.4	A PSPO can last for a maximum of three years, after which time a process of review and consultation must be undertaken to assess the need for the order to be extended by up to a further three years. There is no limit on the number of times that a PSPO may be extended.
1.5	Non-compliance with a PSPO represents an offence under section 67 of the Anti-social Behaviour, Crime and Policing Act 2014. On conviction, the maximum fine is set at level 3 (£1000). An authorised officer may issue a Fixed Penalty Notice for offences which. If accepted as an alternative to prosecution, will discharge any liability for the offence. The Fixed Penalty Charge is presently £80, reduced to £60 if paid within 10 days and it is proposed to retain that level of penalty as it is believed to be both proportionate and reasonable.

2 Current position

2.1	East Suffolk Council has presently 21 PSPOs for the Control of Dogs across the district, three now require review.
2.2	<p>In order to extend a PSPO, a local authority must be satisfied on reasonable grounds that doing so is necessary to prevent:</p> <ul style="list-style-type: none"> • The occurrence or recurrence after that time of the activities in the order; or • An increase in the frequency or seriousness of those activities after that time. <p>3 Public Space Protection Orders (PSPOs) were adopted in January 2021</p> <ul style="list-style-type: none"> • Dogs on Aldeburgh Beach • Controls and restrictions on Dogs (and other activities) at Landguard Point • Dogs on Leads (General) <p>Details in Appendix E.</p>
2.3	<p>The PSPOs up for review fall into three categories</p> <ol style="list-style-type: none"> 1. Dog exclusion <ul style="list-style-type: none"> • from Aldeburgh Beach 2. Dogs On Leads <ul style="list-style-type: none"> • Landguard Nature Reserve • The pedestrianised areas in the centre of Lowestoft, Beccles and Halesworth • The Green at The Street adjacent to Blacksmith's Loke, Lound • All sports grounds, fields and pitches at the western part of Beccles Common adjacent to the North side of Common Lane, adjacent to

	<p>the East side of the railway line and adjacent to the Northern and Southern sides of The Avenue for its entire length.</p> <ul style="list-style-type: none"> • All cemeteries, churchyards, and burial grounds <p>3. Other activities</p> <ul style="list-style-type: none"> • Landguard Nature Reserve
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3 How to address current situation	
3.1	Prior to extending or amending a PSPO, the council is obliged to undertake consultation with Parish and Town Councils, the relevant Landowners, District Councillors, the Chief Constable, the Police and Crime Commissioner and the County Council
3.2	A consultation exercise for the three due for review took place starting 25 th September through to 13 th November 2023. In addition, we placed the consultation on our web site and issued a press release. Consultees included all District Councillors, Town and Parish councils, the Police, County Council, the Kennel Club, the Dogs Trust, the RSPCA and the St Edmundsbury and Ipswich Diocese. An email was sent out on the 25 September 2023 asking for the recipients to complete a questionnaire.
3.3	In total 101 comments were received from members of the public, the police, councillors, Parish and Town Councillors, Landowners and Managers, Dog and the Kennel club. They have been summarised in Appendix C and detailed in Appendix D.
3.4	There was overwhelming support for the renewal of the PSPOs, with 82% of the responses being in favour.
3.5	There are no proposed amendments to the: <ul style="list-style-type: none"> ○ Dogs on Aldeburgh PSPO or ○ Dogs on Leads (General) PSPO other than providing clearer maps for identification of the relevant areas.
3.6	<p>Landguard Point Nature Reserve PSPO</p> <p>The Landguard Trust who manages the Landguard Nature Reserve have asked by way of letter (Appendix B) if the dogs on lead section of the PSPO covering the southern part of the area be changed to dog exclusion.</p> <p>However, in further discussions with the officers at the Trust accepted that the evidence did not currently support this approach and they will look at other options available to them to manage this.</p>
3.7	The present Landguard Point Nature Reserve PSPO will be renamed the Landguard Nature Reserve PSPO to reflect the correct title of the reserve.

3.8	<p>The present Landguard Point Nature Reserve PSPO has a number of controls that have little relevance to anti-social behaviour and are covered by other legislation. The Landguard Trust have provided reasons for the inclusion of these items in the PSPO these can be seen in Appendix A.</p> <p>However, the Nature Reserve is a designated Site of Special Scientific Interest (SSSI) and a scheduled Monument (SM) and as such benefits from controls emanating from legislation that protects such designated land. The Nature Reserve has its own management plan relating to how it manages the site which also includes some controls.</p> <p>This report proposes revisions to the present PSPO to make it more relevant to anti-social behaviour, bringing it more in line with the other dog control PSPOs in East Suffolk, avoiding duplication of legislation and making it more enforceable by East Suffolk Council.</p> <p>In discussions with the The Landguard Trust they have asked us to keep in the PSPO the main recurring antisocial issues. These being:</p> <ul style="list-style-type: none"> • loose dogs, • Fires (specifically disposable BBQs), • flying of kites and aircraft such as drones, • Driving on the nature reserve, • Camping • Abuse of Landguard Trust staff or their agents. <p>This approach is supported and the recommended revised PSPO can be seen in Appendix F.</p>
3.9	<p>Other comments included in the consultation included a number asking more effective enforcement and better signage. We will examine how to address the enforcement issue and we will be rolling out new signage for all our PSPOs over the coming year.</p>
3.10	<p>Comments were also received from the Kennel Club and Dogs Trust and can be seen in Appendix H.</p>

1 Reason/s for recommendation

4.1	<p>Without these orders in place the council has no authority to legally enforce in these areas. All the areas specified in this report are fundamental to the protection and enjoyment of the district's public spaces.</p>
4.2	<p>The changes to the Landguard Nature Reserve PSPO bring it more in line with the other dog control PSPOs within East Suffolk and in line with the original intentions behind Public Spaces Protection Orders.</p>

Appendices

Appendices:	
Appendix A	Comments received from the Landguard Trust – as a Result of 2023 Consultation
Appendix B	Letter Received from the Landmark Trust January 2023
Appendix C	Summary Of Responses
Appendix D	All Responses
Appendix E	PSPO – 2023/01 – Exclusion of Dogs from Aldeburgh Beach
Appendix F	PSPO – 2023/02 – Landguard Nature Reserve
Appendix G	PSPO – 2023/03 – Dogs on Leads (General)
Appendix H	Responses received from the Kennel Club and The Dogs Trust

Background reference papers:		
Date	Type	Available From
June 2022	Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers Statutory guidance for frontline professionals	Home Office

Appendix A

Comments received from the Landguard Trust – as a Result of 2023 Consultation

1. the Suffolk Wildlife Trust - This should be removed as SWT have not managed the reserve for a great many years.

Prohibitions in for the area mapped in Schedule B

2. Dogs on Leads - Unfortunately owners still allow their dogs off lead in the restricted areas and very often use leads exceeding 2m which reduce control of the animal around sensitive areas.
3. Fishing - This is sometimes necessary when birds nest close to favoured fishing spots. Fishing away from the cordons is preferable as the bait used can attract predators like gulls who then predate on young plover chicks

Prohibitions in for the area mapped in Schedule B

4. *Allowing dogs to disturb* - We regularly have issues with dog owners allowing their dogs to deliberately chase and catch rabbits and allowing them to chase / disturb feeding and nesting birds
5. *Removing any soil* - Related to preventing harm to SSSI and SM and avoiding unexploded ordinance
6. *Metal Detecting* - Related to preventing harm to SSSI and SM and avoiding unexploded ordinance
7. *Taking, disturbing, injuring or destroying any living creature* - Rabbiting using lamps, snares and guns is known to occur occasionally
8. *Removing, cutting or damaging any plant* - All plants are protected from uprooting by the WCA 1981. Additionally no plants can be cut, picked, uprooted or deliberately damaged on a SSSI without permission. Plant collection can be an issue during the growing season and is something we regularly talk to visitors about
9. *Flying any kite, hang-glider, rocket, model aircraft, drone* - Kite flying is prohibited for 2 reasons. 1 it is disturbing to ground nesting birds. 2 due to unpredictable coastal winds, kites and pose a risk of injury to visitors
10. *Playing any game likely to cause a disturbance to wildlife* - Group sports such as football, rugby and golf can be damaging to the SSSI. Ground and plants can be disturbed and damaged and noise can disturb wildlife such as ground nesting birds, seals etc Additionally crowd games and loud music is disturbing to visitors and wildlife

11. *Lighting any fire, stove, heater* - The habitats at Landguard are very dry by nature and fires and BBQS pose a wildfire risk. Additionally hot coals and embers are often left behind which pose a risk of injury to both visitors and wildlife

12. *Vehicles* - Only vehicles operated by the Landguard Trust staff, contractors, emergency services, people using mobility scooters and volunteers are allowed to access Landguard. Electric bikes, mopeds, quads, and remote control vehicles are restricted for safety reasons and to protect the SSSI and SM

13. *Camping* - Camping or caravanning is prohibited at Landguard to protect the SSSI and SM. Often when this occurs, those doing so collect brash and or light fires which are not permitted either

Maps in Schedule B and C

14. The boundaries on the maps do not fully reflect the nature reserve and needs to be amended to cover the beach area where birds feed on the shoreline and seals rest

Appendix B

Letter Received from the Landmark Trust January 2023

Landguard & Felixstowe Conservation Trust
HHBC Bungalow
Landguard Nature Reserve
Viewpoint Road
Felixstowe
Suffolk
IP11 7PA

Monday January 2nd, 2023

Dear Environmental Protection Team,

Consultation on proposed renewal of Public Space Protection Orders – Felixstowe Beach

I am writing on behalf of the Landguard & Felixstowe Conservation Trust who oversee the management of Landguard Nature Reserve and are in the process of acquiring a lease for this area from East Suffolk Council.

As part of the review and public consultation of PSPO's due for renewal in 2023, including the 'Exclusion of dogs from Felixstowe beach' dog control order, which prohibits dogs in restricted areas from May 1st to September 30th, we would like you to consider extending the Felixstowe beach area to include the southern section of Landguard Nature Reserve SSSI, to the renewed order (see attached map highlighting area in red).

Landguard's own PSPO, which does not ban dogs from beaches, is not due to expire until 2024, however for the reasons outlined below we would like to trial a dog ban in 2023 with a view to assess whether to change the Landguard PSPO in 2024 when it is renewed.

The prohibited period coincides with the peak ground nesting bird period, during which time we believe the current Felixstowe Beach exclusion, combined with an increase in residential development and growing population, pushes more dog walkers further along the coast to the most ecologically sensitive areas of the Nature Reserve and that extending the exclusion zone to include the south section of the Nature Reserve would greatly support our efforts to increase bird breeding success, reduce wildlife disturbance and minimise habitat degradation of the SSSI.

One of the sites most sensitive birds is the Ringed plover. Ringed plover breed at Landguard and choose their nesting sites on the ground amongst the rare, vegetated shingle habitat. They are protected by the Wildlife & Countryside Act 1981 and are a red list species, due to their declining population and are therefore a conservation priority.

Ringed plover unlike tree nesting birds, do not collect material to construct their nests in the branches of trees, but instead scrape shallow depressions in the shingle and lay their eggs directly on to the ground. Their eggs are very small and perfectly blend into the shingle environment making them very difficult to see, and so each year volunteers erect temporary

post and rope cordons to create a barrier around potential nest sites, to help protect the birds and their delicate nests. This helps to reduce the possibility of nests being accidentally trampled and allows vegetation to recover in the absence of foot pressure.

Like many breeding birds, the Ringed plover are hypervigilant. Constantly looking for predators and danger and dogs are perceived as a huge threat.

Adult birds, nests and chicks are incredibly sensitive to recreational pressure including disturbance from people and dogs. During the nesting period, the presence of dogs can cause the bird to leave the nest unattended, resulting in prolonged periods of cooling that can leave eggs unviable or increase the period of incubation. If regularly disturbed the adult can sometimes abandon the nest containing eggs/and or chicks, therefore increasing predation opportunities.

Additionally, the Ringed plover is a wading bird that feeds on invertebrates, marine worms, crustaceans, and molluscs and as such need to feed on the beach and strandline. When disturbed, as well as the above-mentioned consequences, the adult bird will continuously alarm call to encourage any young to hide. This behaviour prevents them from feeding and can result in the loss of young. Alarm calling can also attract predators.

The post and rope cordons erected each season help reduce the likelihood of nests being trampled but do not prevent disturbance from dog walkers.

Ringed plover is an iconic species here at Landguard, and we hope that they continue to successfully breed here for many years to come, however their breeding success is very much dependent on being able to reduce disturbance.

We believe it would be helpful for the Felixstowe Beach PSPO to include the southern section of Landguard Nature Reserve, as it would hopefully be seen by the public as an extension of an existing rule rather than a new rule being imposed. Alongside the extended exclusion zone, we would continue to encourage visitors to walk their dogs on fixed leads across the remainder of the southern section as is which is managed in our existing PSPO by patrols, signage, and social media.

Sincerely,

Leonie Washington – Landguard Nature Reserve Ranger
(On behalf of the Landguard & Felixstowe Conservation Trust)

