



CABINET

Tuesday 4 February 2020

PUBLIC SPACE PROTECTION ORDERS

EXECUTIVE SUMMARY

1. In November 2019 the Cabinet Member for the Environment approved the commencement of consultation on three Public Space Protection Orders (PSPOs) under the Anti-Social Behaviour Crime and Policing Act 2014 at the request of a number of Town and Parish Councils to deal with dog related matters within their areas.
2. A public consultation on the draft proposals closed for comments on Friday 13 January 2020. This report provides the results of the consultation and seeks Cabinet approval for the adoption of two of the draft PSPOs attached as Appendix A and delegated authority for the Cabinet Member for the Environment to adopt the third, subject to the outcome of further consultation with the Broads National Park Authority.

Is the report Open or Exempt?	Open
Wards Affected:	Lothingland, and Carlford and Fynn Valley
Cabinet Member:	Councillor James Mallinder Cabinet Member with responsibility for The Environment
Supporting Officer:	Andrew Reynolds Environment Protection Manager 01502 523113 andrew.reynolds@eastsoffolk.gov.uk

1 INTRODUCTION

- 1.1 Public Space Protection Orders (PSPOs) were introduced by the Anti-Social Behaviour, Crime & Policing Act 2014 and are a tool for tackling anti-social behaviour in a local authority's area and are a more effective and efficient way of enforcing dog controls rather than using existing byelaws. A breach of a PSPO can be dealt with by way of a Fixed Penalty Notice rather than prosecution which can be time consuming and expensive.
- 1.2 Public Space Protection Orders can be made in respect of land to either prohibit activities or impose requirements on people using the land where it appears necessary and reasonable to do so in order to "prevent a detrimental effect on the quality of life of those residents in the area". A PSPO remains in force for a period of 3 years after which it must be reviewed and re-made or cease to have effect.

2 DRAFT PUBLIC SPACE PROTECTION ORDERS

- 2.1 Following the adoption of a number of PSPOs in November 2017, 2018 and 2019 the Council received three further requests for additional PSPOs for the control of dogs in public open spaces within their areas.
- 2.2 In response to these requests the Cabinet member for the Environment approved a public consultation on the following draft PSPOs:

Dogs on Leads on Charsfield Parish Churchyard
Dogs on Leads on Herringfleet Hills
Dogs on Leads on Lound Lakes Nature Reserve (in so far as it falls within the East Suffolk District)

- 2.3 The consultation closed on 13 January 2020 and produced mixed responses to the proposed introduction of the PSPOs. The consultation results are detailed in Appendix B and summarised below.
- 2.4 No responses were received in relation to Charsfield Parish Churchyard.
- 2.5 16 responses were received in relation to the Herringfleet Hills. Eight of these were supportive, citing:
- detailed arguments explaining the need to protect wildlife from the effects of roaming dogs and specifically, to support the landowner's structured efforts in "re-wilding" the area in support of uncommon flora and fauna
 - previous incidents of loose dogs on the highway, causing safety concerns
 - nuisance and distress caused to other site users from uncontrolled dogs
- 2.6 Six responses were opposed to the proposal, citing
- a preference for the status quo, and the preservation of the perceived historic rights of locals to exercise dogs off lead on the land;
 - the absence of any residents in the locality to suffer "detriment";
 - the absence of any flora or fauna requiring protection
 - the preferences of dog owners who they believe to be the largest group of site users
 - difficulties encountered by persons with disabilities keeping a dog on a lead
 - the status of the area as Open Access, designated under the Countryside and Rights of Way Act.

- 2.7 Enquiries with Natural England have confirmed that the Open Access status of land is not an obstacle to the imposition of a PSPO requiring dogs to be on a lead. They have however, pointed out that the “Access Authority” must be consulted. In the case of Herringfleet Hills, this Access Authority is the Broads National Park Authority, who have not been consulted in respect of this proposal, hence the recommendation that this be deferred pending the conclusion of those specific consultations.
- 2.8 15 responses were received in respect of the proposal at Lound Lakes Nature Reserve.
- 2.9 Six responses were in support of the proposal, citing:
- The need to protect livestock and wildlife on the reserve
 - A record of incidents of dogs chasing cattle, leading to damage and dogs worrying other visitors
 - A dog fouling problem on parts of the site
- 2.10 Eight respondents opposed the proposal. Of these 8, 6 respondents referred to the need for available land to exercise a dog off lead. 4 of these 6 respondents made specific reference to the existing field comprising 4.3 hectares, which the landowners/managers have, in the past, designated as an area where dogs may be exercised off lead, expressing the desire that this area should remain as such, and be excluded from the scope of the proposed PSPO.
- 2.11 Subsequent discussions with Suffolk Wildlife Trust indicate that they are happy for the proposal to be amended to achieve this, hence the recommendation seeks adoption of an amended version of the order which excludes this approximately 4.3 hectare field from its scope. Thus, a significant source of concern for 6 of the 8 respondents opposing the proposal is addressed.
- 2.12 The other two respondents opposed to the proposal expressed a simple preference for free access to dogs off lead to the site, one stating that there were no residents in the vicinity, hence it could not be ‘detrimental’ to anyone.
- 2.13 Responses to all three proposals in general terms were received from the Kennel Club and the Dogs Trust, outlining the requirements for adequate provision to be made for dogs to be exercised off leads for welfare reasons.
- 2.14 The Kennel Club response proposed that a time limited order could be made, to allow different preferences to be accommodated at different times of the day to prevent conflict between dog owners and other users; however, in the case of Lound Lakes and Herringfleet Hills, this proposal is incompatible with the objective of protecting the flora and fauna. In the case of Charsfield Churchyard, is not necessary, given the non-contentious nature of the proposed blanket restriction on dogs off lead.

3 HOW DOES THIS RELATE TO THE EAST SUFFOLK BUSINESS PLAN?

- 3.1 The effective control of dog fouling and nuisance dogs in certain locations at certain times is consistent with and, will help to support, the Council’s vision and strategy in the East Suffolk Business Plan:

Vision: Maintain and sustainably improve the quality of life for everyone growing up in, living in, working in and visiting East Suffolk

Maintain and sustainably improve the quality of life for everyone growing up in, living in, working in and visiting East Suffolk. We want our residents to be healthy and to enjoy our coast and countryside; our history, art and culture.

Three-pronged Strategy; Healthy and engaged people; People who feel included and proud of where they live; Communities looking after their land, food, water, energy, services, jobs and housing; and, Having strong links to other places and communities.

Critical Success Factor Protecting, enhancing and making sustainable use of our environment

4 FINANCIAL AND GOVERNANCE IMPLICATIONS

- 4.1 There are no financial implications from this report other than the cost of additional signage where required. The respective landowners will take responsibility for erecting and maintaining this signage and will be involved in the review and provision of new signs where necessary.

5 OTHER KEY ISSUES

- 5.1 An Equality Impact Assessment has been completed. Exemptions are included where appropriate for those who rely on an assistance dog (guide dog, hearing dog etc.)

6 CONSULTATION

- 6.1 A public consultation on the PSPOs drafted in response to requests from a number of Town and Parish Councils was undertaken and the Council's Legal Team has also been consulted. The results of the consultation and the comments received are attached in Appendix B:

7 OTHER OPTIONS CONSIDERED

- 7.1 A breach of a PSPO can be dealt with by way of a Fixed Penalty Notice rather than prosecution under existing byelaws which can be time consuming and expensive.

8 REASON FOR RECOMMENDATION

- 8.1 Subject to a minor amendment in the case of the proposal affecting Lound Lakes, the results of the consultation support the introduction of the PSPOs as detailed in Appendix A and this now requires approval by Cabinet before the Orders can be made.
- 8.2 Public Space Protection Orders are recommended to ensure effective and appropriate controls over the specified activities within the district.

RECOMMENDATIONS

1. That the draft Public Space Protection Orders in respect of Charsfield Churchyard, as proposed, be adopted.
2. That an amended version of the consultation draft for Lound Lakes which preserves an existing field comprising approximately 4 Hectares, where dogs may safely be exercised off the lead, be adopted.
3. That delegated authority be given to the Cabinet Member for The Environment to adopt the draft Public Space Protection Order for Herringfleet Hills, subject to the outcome of further consultation with the Broads National Park Authority.

APPENDICES

Appendix A	Draft PSPOs in respect of Herringfleet Hills, Lound Lakes and Charsfield Churchyard
Appendix B	Redacted Consultation Responses