



ADUR DISTRICT
COUNCIL

Adur Joint Strategic Sub-Committee
29 September 2022

Key Decision [~~Yes~~/No]

Ward(s) Affected: All
Cabinet Portfolio: Environment and Leisure

Public Space Protection Orders - Dog Control

Report by the Director for Communities

Officer Contact Details

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Executive Summary

1. Purpose

- 1.1. To report the findings of a public consultation to renew the current Dog Control Public Space Protection Order (PSPO) including some variations.
- 1.2. To approve the amendments to the PSPO and renew for a further 3 years.

2. Recommendations

- 2.1. That the Joint Strategic Adur Sub Committee considers the findings of the Public Consultation and approves the proposed amendments to the PSPO as detailed in section 4.1 through to 4.6; and
- 2.2. Resolves to refer these recommendations to the Full Council for approval.

3. Context

- 3.1. **The Anti Social Behaviour, Crime and Policing Act 2014 provides a power to local authorities to implement Public Space Protection Orders (PSPOs)** in specified locations to prevent a particular nuisance or problems in a specific area that is detrimental to the local community's quality of life.
- 3.2. A PSPO is designed to deal with a particular nuisance or problem by placing conditions on the use of the area and providing sanctions for those that do not comply. The breach of a PSPO is a criminal offence for which a fixed penalty notice can be issued and on summary conviction, a fine of up to £1,000 can be imposed. The fixed penalty can be up to £100. At the current time the fixed penalty for breach of a PSPO is £100.
- 3.3. Under the terms of the Anti Social Behaviour, Crime and Policing Act 2014, the maximum term of the orders is 3 years. The current order is Adur District Council PSPO No.1 Dogs and will expire on 18 December 2022.
- 3.4. Local Authorities are able to extend a Public Space Protection Order under Section 60 (2) of the Anti Social Behaviour, Crime and Policing Act if it believes that the order is necessary to prevent the occurrence or recurrence of the activities identified in the order or, an increase in frequency or seriousness of those activities.
- 3.5. Public consultation has taken place on the renewal of the existing PSPO's and proposed amendments.

4. Background

- 4.1. The public consultation was published on the Council's website and promoted via the council's social media channels. Comments were invited to be submitted via an online form on the Council's website, via email to Public Health & Regulation or via post.
- 4.2. The consultation took place for a period of six weeks ending on 26th August 2022. A total of 213 responses were received from the online survey. The following provides a breakdown of the responses received.

Respondent	Number
Adur Resident	108
Worthing Resident	86
Adur Visitor	5
Worthing Visitor	1
Worthing Business	2
Adur Community Group	5
Other	6
Total	213

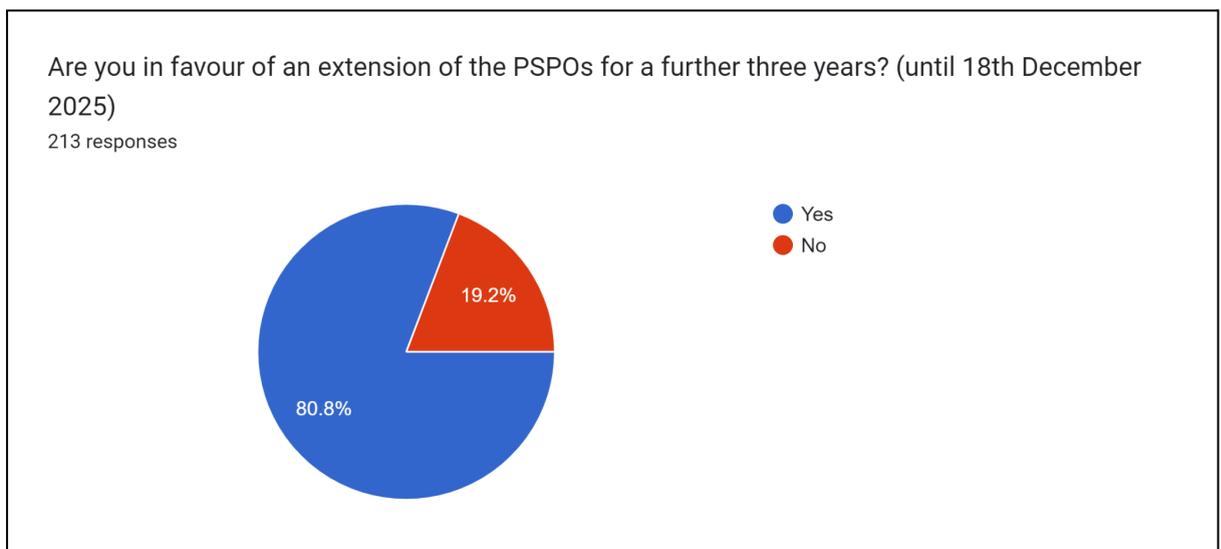
- 4.3. The Anti Social Behaviour Crime & Policing Act 2014 requires the local authority to consult the police. The Office of the Sussex Police & Crime Commissioner and Sussex Police were consulted and no responses have been received.
- 4.4. Others notified of the proposals included West Sussex County Council, Lancing Parish Council, Sompting Parish Council, local veterinary centres, local dog rescue charities, The Kennel Club and The Dogs Trust.
- 4.5. The following amendments were proposed to the PSPO:-
- 4.5.1. Make the footpath beside Adur Riverbank, off Brighton Road, Shoreham a dog's on lead area as the path is very narrow.
- 4.5.2. Make the Adur Ferry Bridge, Shoreham footpath a dogs on lead area as this is part of the National Cycle Network.
- 4.5.3. Add the play area and skate park at Lancing Beach Green as dog exclusion zones.
- 4.5.4. We also proposed to add to each PSPO a requirement for an individual to provide their personal details when being investigated for a possible PSPO offence, as follows:

“Any person approached by an authorised officer or constable in relation to any suspected breach of the terms of this Order shall provide details of that person's full legal name, date of birth, and address, when and if required to do so by any such authorised officer.”

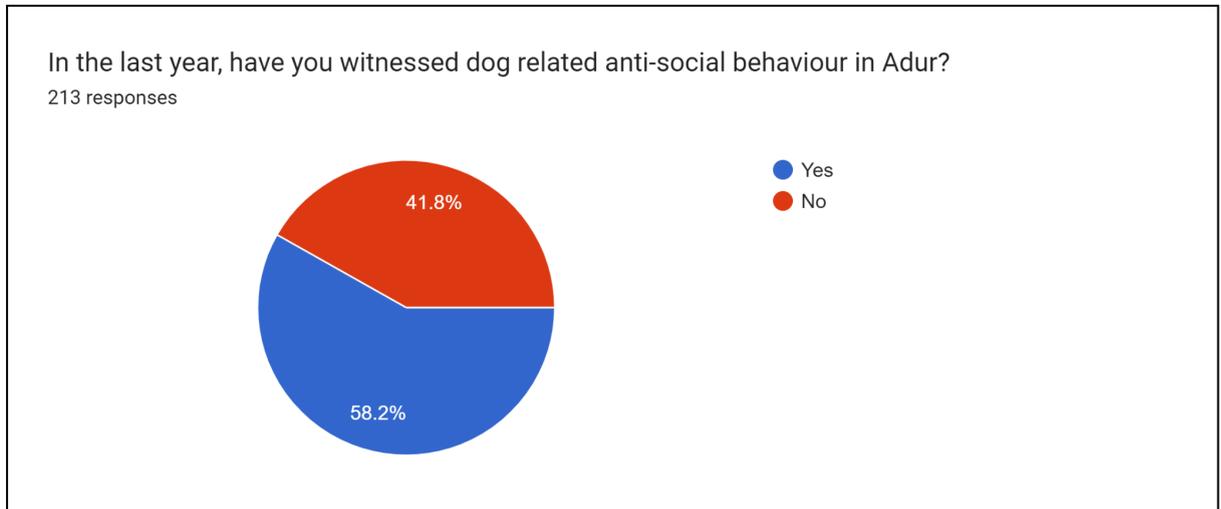
- 4.6. Consideration was given to including the Meads Recreation Ground in the PSPO as the site is leased as a children's play area to West Sussex County Council for Swiss Gardens Primary School. The site was the subject of a separate consultation in 2021 to look at the future of the enclosed grassed area. The site was not included in the consultation but significant responses were received through the consultation process.
- 4.7. Maps showing the above location amendments can be found at Appendices 1, 2 and 3.

5. Consultation Results

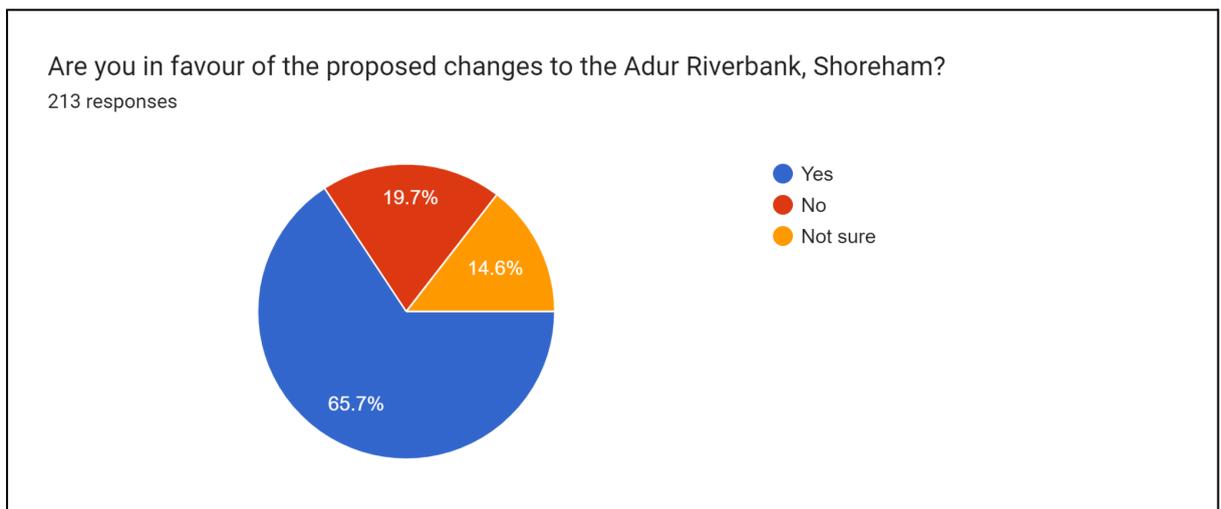
- 5.1. A simultaneous consultation for Adur and Worthing was undertaken as both PSPO's are due for renewal.
- 5.2. A total of 213 online responses and 33 separate emails were received in response to the consultation.
- 5.3. The following questions were asked in relation to the Public Space Protection Orders and provided the following results along with an overview of the comments provided.



The majority (80.8%) of responders were keen to retain the PSPO's for a further 3 years. Some of the responders wanted more areas where dogs are excluded and some wanted less. Similarly some wanted more areas for dogs on leads and some wanted less.



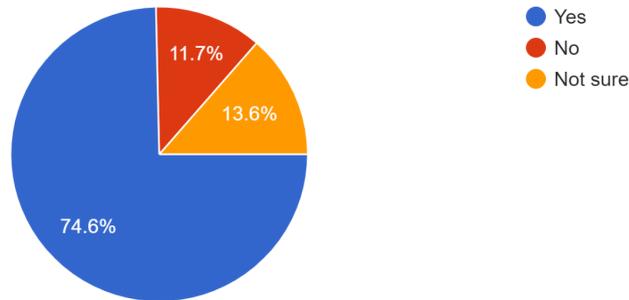
Of the 58.2% of responders who had witnessed dog related anti-social behaviour 87.2 % had witnessed dog fouling, 76.3% had witnessed dogs off lead, 39.1% had witnessed a dog in a prohibited area and 23.1% had witnessed more than 6 dogs being walked at any one time.



Less than 20% were not in favour of dogs on lead control on the Adur Riverbank. Those who weren't in favour felt that there wasn't a need for dogs to be on a lead or that cyclists were more of a concern.

Are you in favour of the proposed changes to the Adur Ferry Bridge, Shoreham?

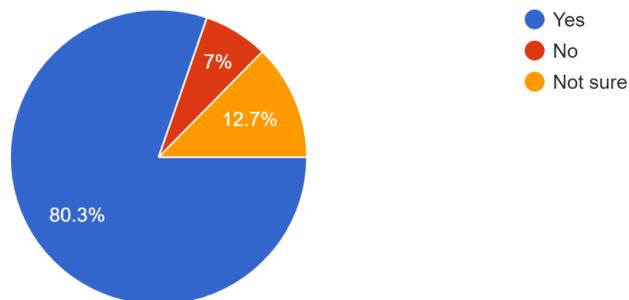
213 responses



74.6% were in support of making the Adur Ferry Bridge, Shoreham footpath a dogs on lead area as this is part of the National Cycle Network. Those who disagreed felt that cyclists should be more cautious and showed concern for their speed crossing the bridge.

Are you in favour of the proposed changes to Lancing Beach Green?

213 responses



Over 80% of responders were in favour of adding the play area and skate park at Lancing Beach Green as dog exclusion zones.

- 5.4. Of the separate emails that were received concern was raised about the restrictions and that the majority of dog walkers are responsible and that it is only a small proportion of dog owners that mean these controls are required.
- 5.5. Significant feedback was received supporting the need for a dog exclusion zone for the Meads Recreation Ground used by Swiss

Gardens Primary School. Feedback from the consultation showed concern that the fenced off grassed area used by the school should be a dog exclusion zone to prevent the risk of dogs fouling this land and therefore the risk of Toxocariasis which is caused by worms found in some dog, cat and fox faeces. Animals with these worms in their digestive system can pass out worm eggs in their faeces. You can become infected if faeces, soil or sand containing these eggs gets in your mouth.

- 5.6. No adverse comments were received with regards to requiring an individual to provide their personal details when being investigated for a possible PSPO offence. This will allow more effective enforcement as some individuals have refused to give their details in the past.
- 5.7. As part of the consultation some concerns were raised about the current lack of resources and the perceived lack of enforcement.
- 5.8. A handful of respondents were concerned about dogs not being required to be on a lead in the Adur Estuary SSSI and Widewater Local Nature Reserve. Officers were unaware of the extent of the issue and will undertake monitoring to gauge the extent of the issue so that the matter can be considered in the future.

6. Issues for consideration

- 6.1. The consultation showed overwhelming support to maintain the existing PSPO's for dog control for a further 3 years up to 2025. It is recommended that the PSPO's are renewed for a further 3 years and that consideration is given to the following proposed amendments in addition.
- 6.2. The Meads recreation ground is problematic as the fenced off grassed area is used by the school during school hours only. There was significant feedback from the consultation that this matter should be included as a dog exclusion zone due to the use by the school. Should a prohibition zone be implemented only during school hours there is concern that it would have little or no effect to prevent the risk of Toxocariasis. To be effective a dog exclusion zone would need to be permanently implemented. Members are asked to consider if a dog exclusion zone should be implemented for the fenced off grassed area of Meads Recreation Ground at this time or whether the matter should

receive further consideration outside this report. A Map of Meads Recreation ground can be found at Appendix 4.

- 6.3. Members are asked to consider including the footpath beside Adur Riverbank, off Brighton Road, Shoreham a dog's on lead area as there less than 20% not in favour of dogs on lead control on the Adur Riverbank.
- 6.4. Members are asked to consider including Adur Ferry Bridge, Shoreham footpath as a dogs on lead area as 74.6% were in favour of this addition.
- 6.5. Members are asked to consider adding the play area and skate park at Lancing Beach Green as dog exclusion zones as over 80% were in favour of it being included.
- 6.6. Members are requested to consider adding the requirement upon request from a police constable or authorised officer for the person to provide their full legal name, date of birth, and address.

7. Engagement and Communication

- 7.1. The consultation was undertaken for a period of 6 weeks and concluded on 26th August 2022. It was accessible on the Councils website and was promoted using social media. Sussex Police, Parish Councils, The Kennel Club, The Dogs Trust, WADARS and other dog related organisations as appropriate were included in the consultation.

8. Financial Implications

- 8.1. There are no unbudgeted financial implications arising from this report.

9. Legal Implications

- 9.1 Chapter 2 of the Anti-Social Behaviour Crime and Policing Act 2014, provides the power to the Council to make Public Space Protection Orders.
- 9.2 Section 111 of the Local Government Act 1972, empowers the Council to do anything that is calculated to facilitate, or which is conducive or incidental to, the discharge of any of their functions.

9.3 Section 3(1) of the Local Government Act 1999 (LGA 1999) contains a general duty on a best value authority to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

Legal Officer: Joanne Lee

Date: 21/09/2022

Background Papers

- [!\[\]\(52f8f8b98f8396d4f92059ff19d41332_img.jpg\) Adur DC Public Space Protection Order - 18th December 2019 - No 1 Dogs \(Sealed\) \(584KB\)](#)
- [!\[\]\(e5f96594470bce765690acf8b7456284_img.jpg\) Adur DC PSPO No 1 dogs - Maps - sites A to M \(15,483KB\)](#)
- [!\[\]\(ea1ce5c2068d3299b48093f9d54e8ff2_img.jpg\) Adur DC PSPO No 1 dogs - Maps - sites M to Z \(16,153KB\)](#)

Appendices

Appendix 1 - Map of proposed amendments Adur Ferry Bridge

Appendix 2 - Map of proposed amendments Adur Riverbank

Appendix 3 - Map of proposed amendments Lancing Green

Appendix 4 - Map of proposed amendments Meads Recreation Ground

Sustainability & Risk Assessment

1. Economic

- Matter considered and no issues identified

2. Social

2.1 Social Value

- PSPO's are designed to deal with a particular nuisance or a problem that is detrimental to the local community's quality of life, in a specific public area.

2.2 Equality Issues

- Dogs are used to assist owners with various disabilities by guiding and/or performing tasks. There is no data on numbers of dog owners or specifically accredited assistance dogs, but it is appreciated that their needs must be considered as part of this process. This is a legal requirement of the Equality Act 2010.

2.3 Community Safety Issues (Section 17)

- To protect public health and public safety from the adverse actions of dogs and less responsible dog owners. To protect the welfare of animals including dogs. To support the welfare of people through responsible dog ownership.

2.4 Human Rights Issues

- The Equality & Human Rights Commission (EHRC) defines an assistance dog as dogs that are trained to help people with hearing difficulties, epilepsy, diabetes, physical mobility problems and more. Assistance dogs carry out a variety of practical tasks for people as well as supporting their independence and confidence. Assistance dogs are not pets and are treated as 'auxiliary aids'. Assistance dogs are highly trained which means they: will not wander freely around the premises, will sit or lie quietly on the floor next to their owner and are unlikely to foul in a public place. Most are instantly recognisable by a harness or jacket. However, the law does not require the dog to wear a harness or jacket to identify it as an assistance dog.

3. Environmental

- There are links between the quality of the local environment and the wellbeing of those living and working in the area. A clean, well maintained local environment is crucial for thriving communities.

4. Governance

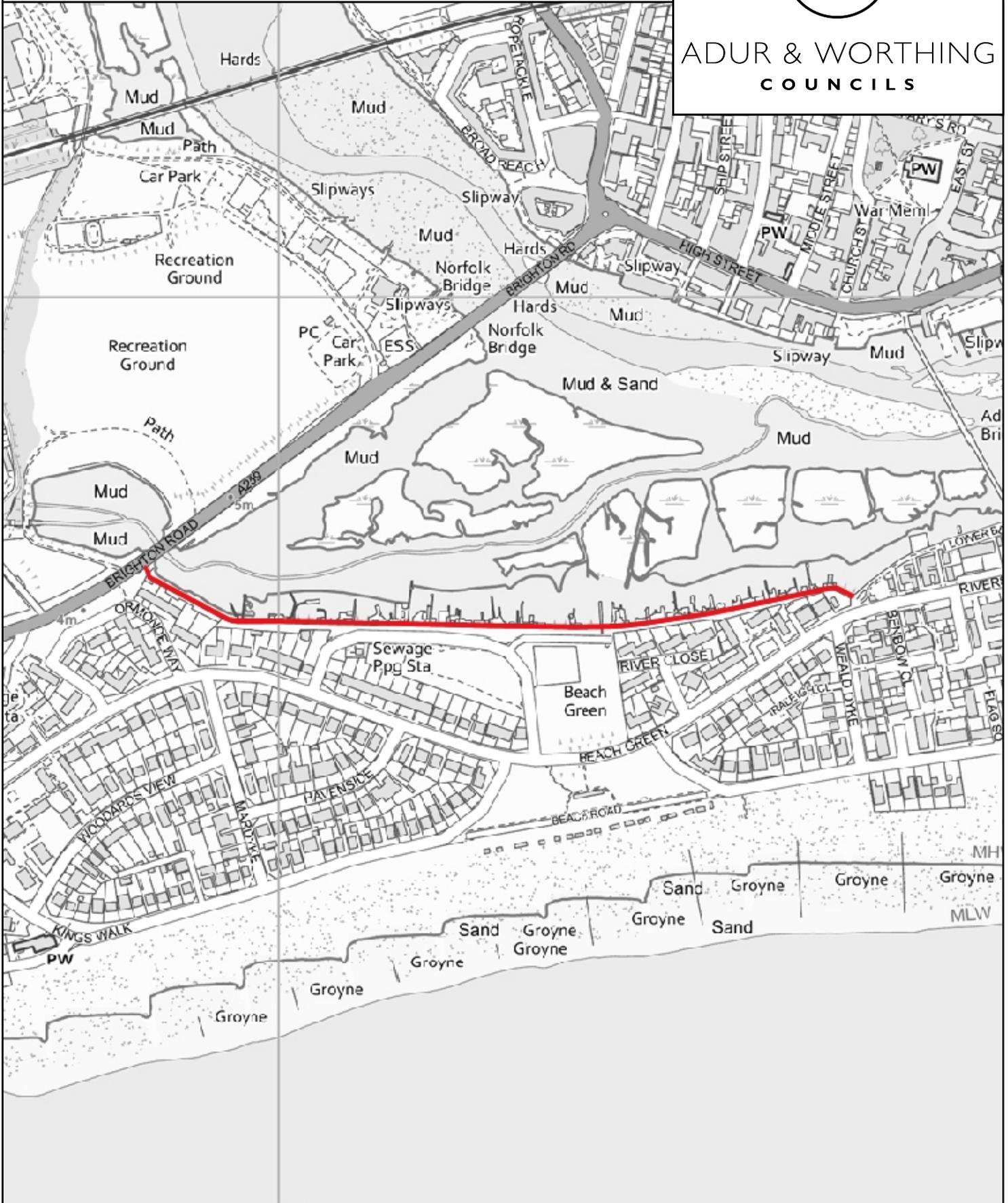
- PSPO's are specific to each authority covering different areas and as such separate PSPO's are proposed for each Council.

Site: Adur Riverbank

04 July 2022



ADUR & WORTHING COUNCILS



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Public Space Protection Order - Dog Control in Adur,
 Dogs to be on leads - within land edged red,
 Dog exclusion area – within land edged blue

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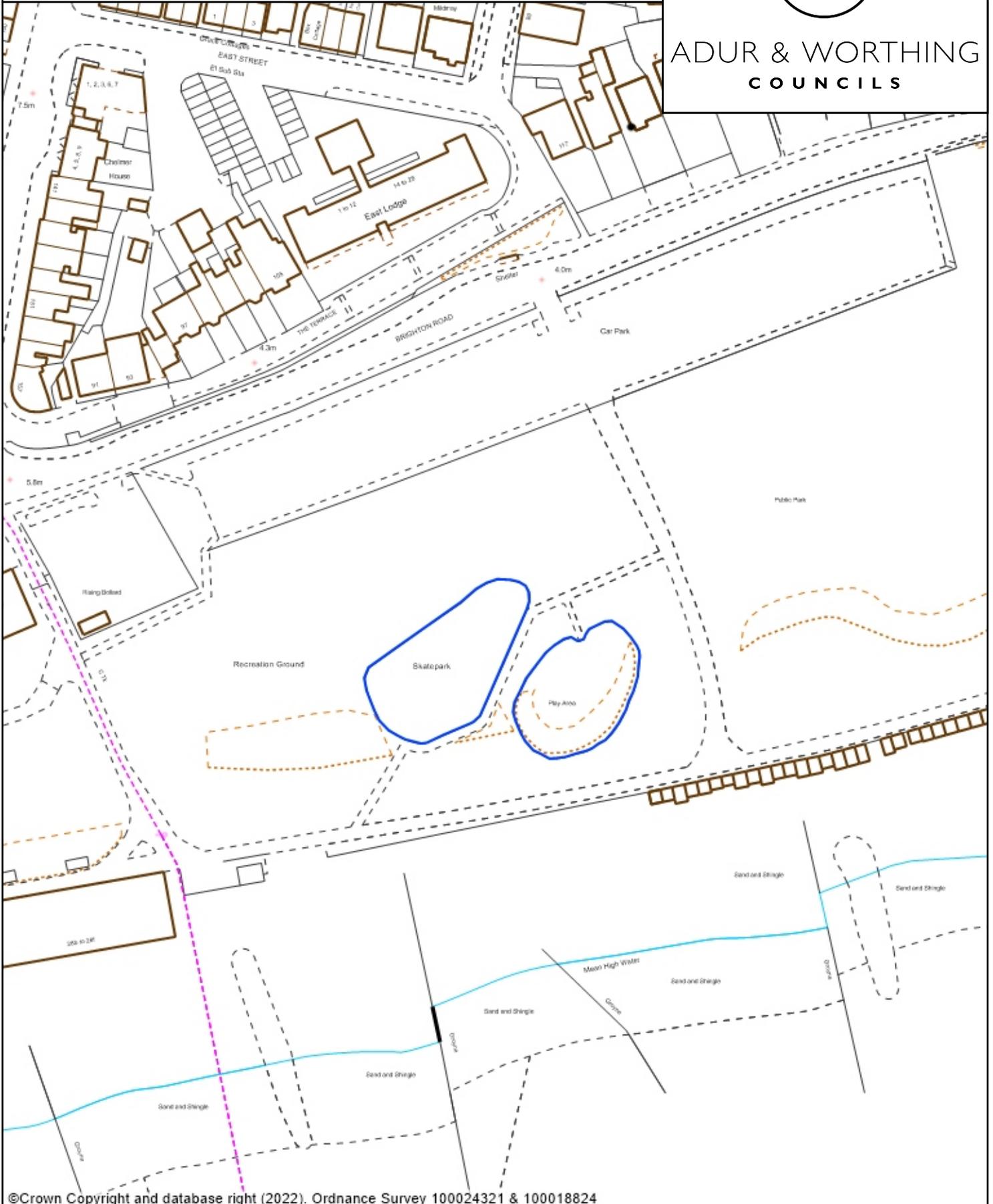
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Site: Lancing Green

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Public Space Protection Order - Dog Control in Adur,
Dogs to be on leads - within land edged red,
Dog exclusion area - within land edged blue

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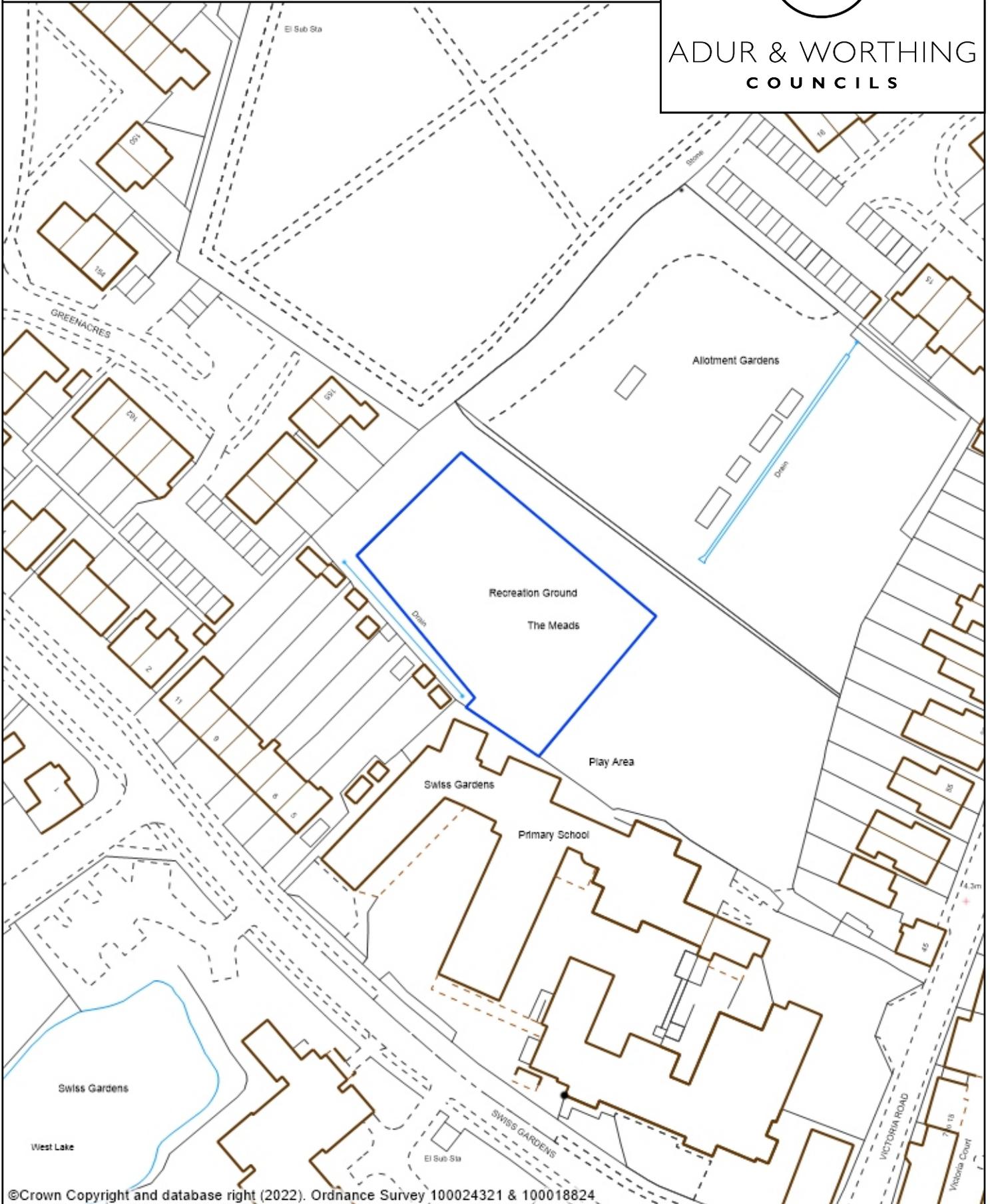
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Site: Meads Recreation Ground

05 July 2022



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Public Space Protection Order - Dog Control in Adur,
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