



Key Decision [~~Yes~~/No]

Ward(s) Affected: All  
Cabinet Portfolio: Environment

## 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 Worthing Sub Committee considers the findings of the Public Consultation and approves the proposed amendments to the PSPO as detailed in section 6.1 through to 6.6; 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 Worthing Borough Council PSPO No.4 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.

<b>Respondent</b>	<b>Number</b>
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, 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. In Beach House Park remove the northern bowling green from the dog exclusion area and change to dogs on leads.

4.5.2. Remove the north east corner of West Park Recreation Ground, Worthing Leisure Centre from being part of the dog excluded area.

4.5.3. Amend the northern boundary of the current exclusion area at Goring Beach to remove the beach huts from the exclusion area.

4.5.4. Change the status at Heene Terrace from dogs excluded to dogs on lead.

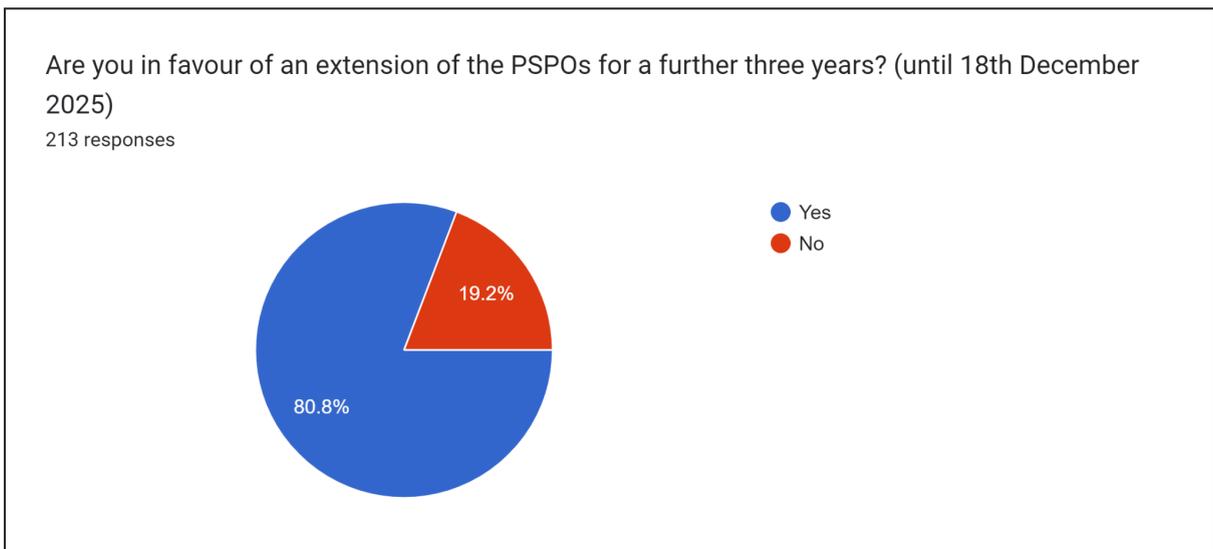
4.5.5. We also proposed to add to each PSPO a requirement for an individual to provide their personal details when being investigated for a possible PSPO offence, as follows:  
*“Any person approached by an authorised officer or constable in relation to any suspected breach of the terms of this Order 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. Maps showing the above location amendments can be found at Appendices 1, 2, 3 and 4.

## 5. Consultation Results

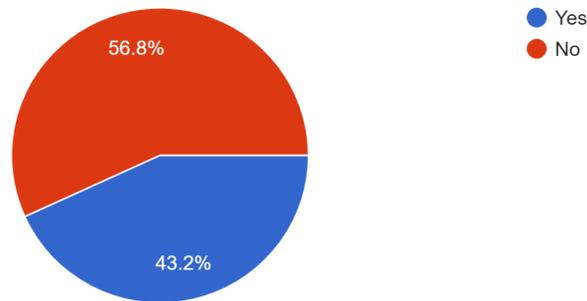
- 5.1. A simultaneous consultation for Adur and Worthing was undertaken as both PSPO's are due for renewal.
- 5.2. A total of 213 online responses and 33 separate emails were received in response to the consultation.
- 5.3. The following questions were asked in relation to the Public Space Protection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



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.

In the last year, have you witnessed dog related anti-social behaviour in Worthing?

213 responses

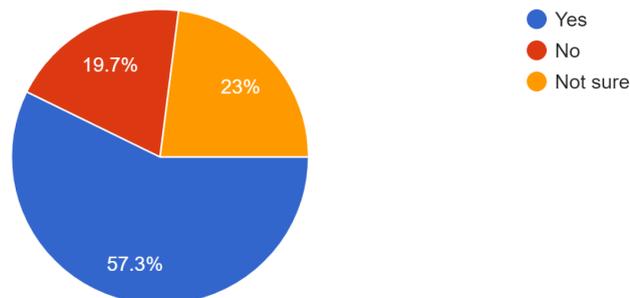


Of the responders who had witnessed dog related anti-social behaviour 87.2 % had witnessed dog fouling, 76.3% had witnessed dogs off lead, 39.1% had witnessed a dog in a prohibited area and 23.1% had witnessed more than 6 dogs being walked at any one time. (Note this breakdown is for both Adur and Worthing).

**Beach House Park:**

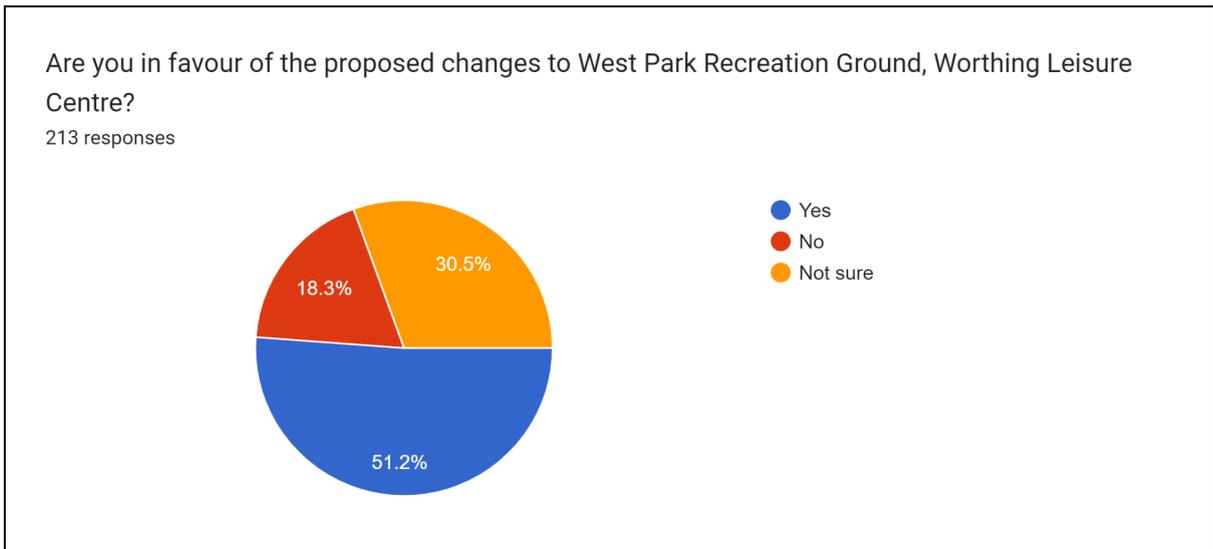
Are you in favour of the proposed changes to Beach House Park, Brighton Road, Worthing?

213 responses



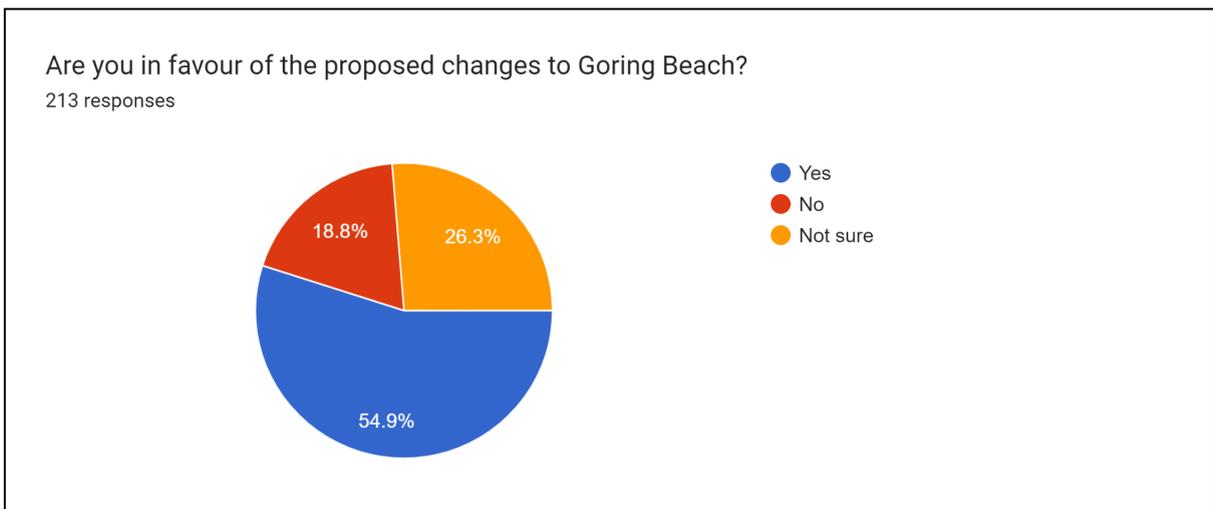
About 20% were not in favour of the changes proposed. The most common reasons given were that it should be made an off-lead space as this is what it is currently used for (unofficially), there are plenty of other places for dogs so it should remain a restricted area and suggestions that it will lead to more fouling.

### West Park Recreation Ground:



51% were in favour of removing the north east corner of West Park Recreation Ground at Worthing Leisure Centre from being part of the dog exclusion area. 18% objected to these changes with 30% unsure. Reasons given for not implementing the changes were that the current dog restrictions should remain, children should be permitted access to dog free spaces, fouling concerns and that there is plenty of other space for dogs.

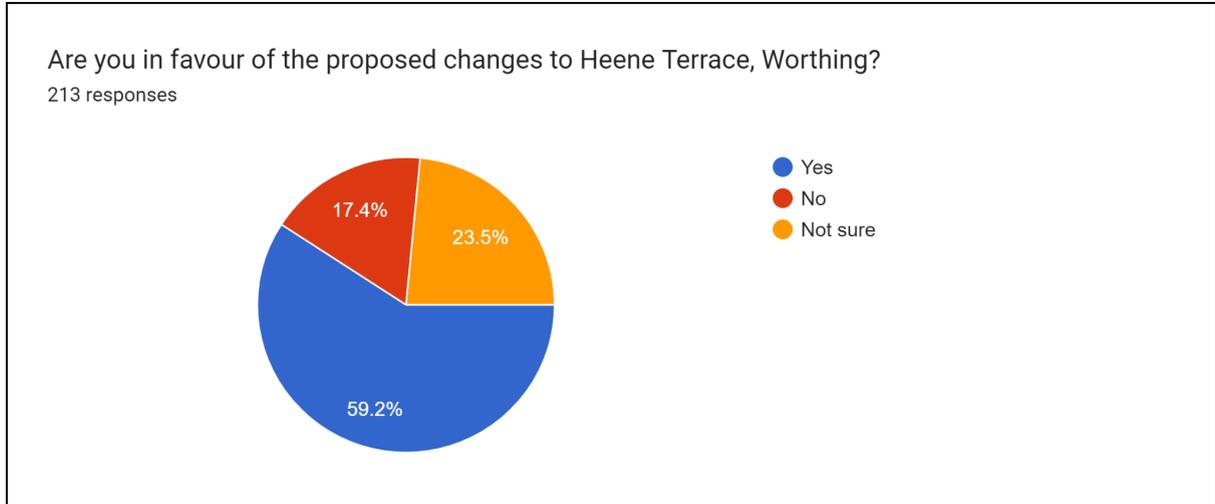
### Goring Beach:



55% of respondents were in favour of removing the beach huts from the Goring Beach exclusion area. Of the 18% who objected, the main reasons given were issues with fouling, out of control dogs affecting pedestrians and cyclists, the protection of wildlife, more dog free space is needed not less,

allow dogs in the evening, clearer signage and beach hut owners don't want dogs here.

### **Heene Terrace:**



Almost 60% were in favour of changing the Heene Terrace green space from dogs excluded to dogs on lead. Of the 17% who objected, the most common concern was that it would lead to more fouling with some questioning if it would make any difference to the current use by dog owners.

- 5.4. Of the separate emails that were received concern was raised about the restrictions, claiming 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. 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.
- 5.6. As part of the consultation some concerns were raised about the current lack of resources and the perceived lack of enforcement.

## **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. When we launched the public consultation the Parks Section were still determining their proposals for the bowling green at Beach House Park. The green is currently used informally as a dog exercise area with dogs off leads (although the current PSPO technically prohibits this). We suggested this area be changed to a dogs on lead zone and then the feedback received would feed into Parks' final decision. A week before consultation ended Parks advised us they had determined the area should become a dogs off lead area. We have no issues with this and in fact many respondents suggested it should be a dogs off lead area as it is currently used in this way.

Members are therefore asked to consider making this part of Beach House Park a dogs off lead area as less than 20% were not in favour of the original changes proposed.

- 6.3. Members are asked to consider removing the north east corner of West Park Recreation Ground from being part of the dog exclusion area as less than 20% objected to these changes.
- 6.4. Members are asked to consider changing the northern boundary of the Goring Beach exclusion area in order to remove the beach huts as only 19% were against this.
- 6.5. Members are asked to consider changing the Heene Terrace green space from dogs excluded to dogs on lead as almost 60% were in favour.
- 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.

## **Background Papers**

- [Worthing BC Public Space Protection Order - 18th December 2019 - No 4 Dogs](#)
- [Worthing BC PSPO No 4 dogs - Maps - sites A to H](#)
- [Worthing BC PSPO No 4 dogs - Maps - sites H to Z](#)

## **Appendices**

**Appendix 1** - Map of proposed amendments Beach House Park

**Appendix 2** - Map of proposed amendments West Park Recreation Ground

**Appendix 3** - Map of proposed amendments Goring Beach

**Appendix 4** - Map of proposed amendments Heene Terrace

## **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**

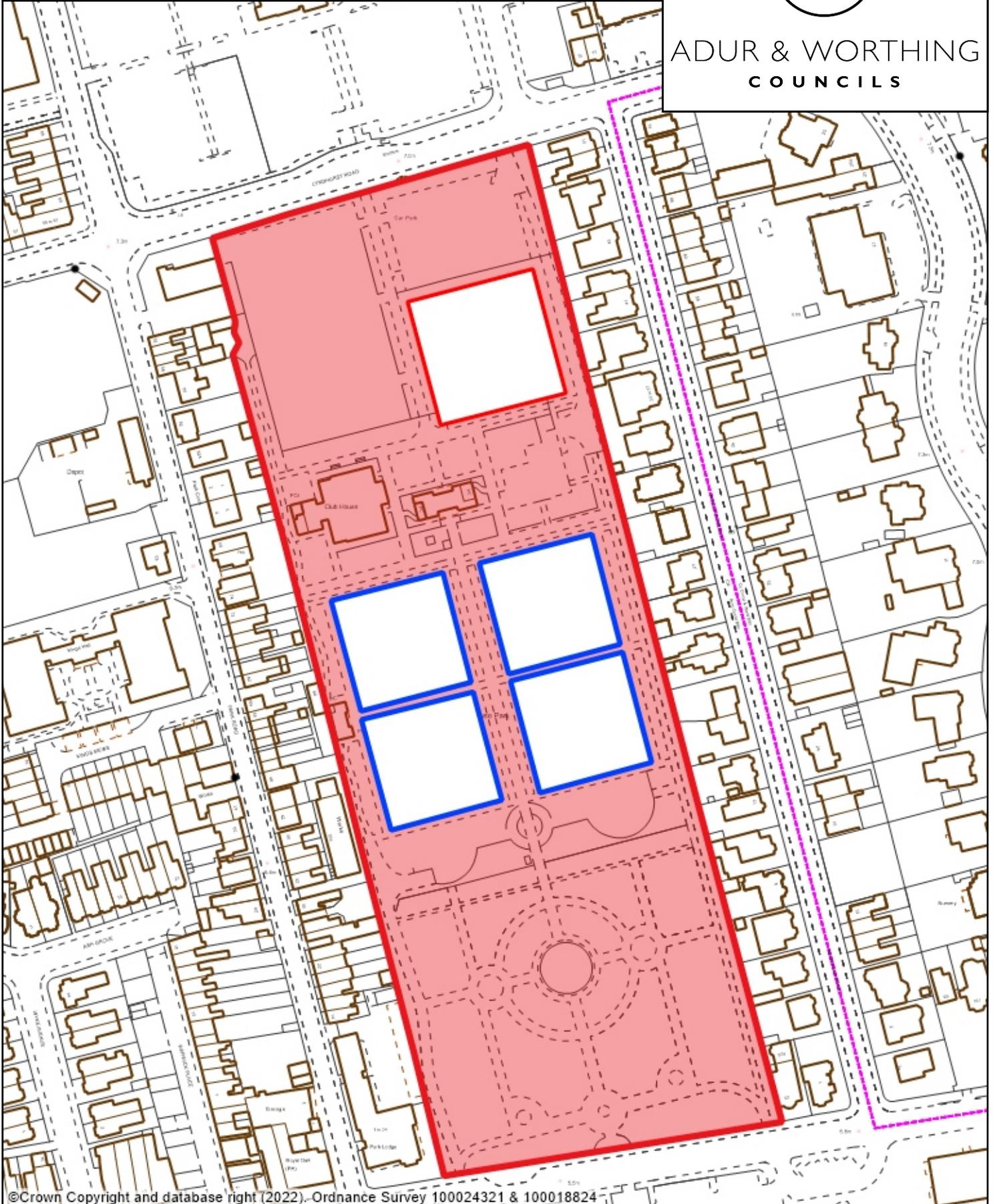
- PSPO's are specific to each authority covering different areas and as such separate PSPO's are proposed for each Council.

Site: Beach House Park

06 July 2022



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

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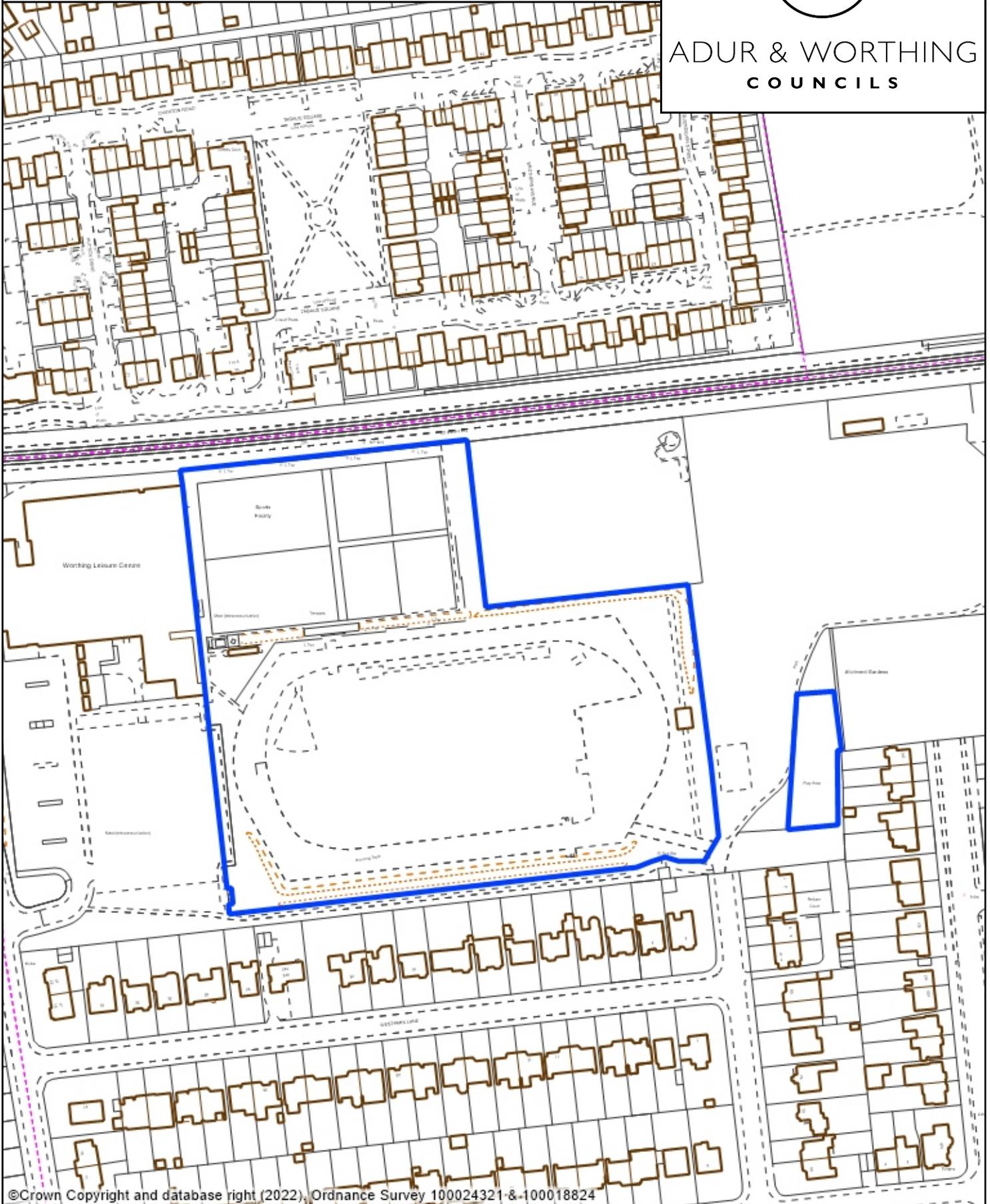
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Site: West Park Recreation Ground

05 July 2022



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Public Space Protection Order - Dog Control in Worthing,

Dogs to be on leads - within land edged red,  
Dog exclusion area - within land edged blue

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Site: Goring Beach

04 July 2022



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Site: Heene Terrace

04 July 2022



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