

**Decision Report - Executive Decision**  
Forward Plan Reference: FP/23/09/04  
Decision Date – 8 May 2024  
Key Decision – Yes  
Confidential Information – No



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## **Dog Control Public Space Protection Orders (Somerset North & Somerset West)**

Executive Member(s): Lead Member for Communities, Housing and Culture  
Local Member(s) and Division: All  
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### **Summary**

1. This report seeks approval from the Executive to implement Public Spaces Protection Orders for Dog Control in Somerset North and Somerset West. This includes areas where dogs are to be kept on leads, where dogs are to be put on leads by order, where dogs are to be prohibited and dog fouling.
2. The report presents the review of the consultation process responses for Somerset North's and Somerset West's Public Spaces Protection Orders (PSPO) for dogs and details the recommended approach following the consultation process.
3. The PSPO's for dogs in the Somerset North were due for renewal in December 2023 and the PSPO's in Somerset West elapsed in 2019, currently all are unenforceable until they are reintroduced.

### **Recommendations**

4. The Executive agrees:
  - a. The adoption and implementation of the 'Public Space Protection Order (Dog Control – North Somerset) 2024' for dog fouling relating to the Somerset North area for dog fouling, dogs on lead by order, dogs on leads and exclusion of dogs relating to the Somerset North area. Appendix A
  - b. The adoption and implementation of the 'Public Space Protection Order (Dog Control – West Somerset) 2024' for dog fouling, dogs on lead by order, dogs on leads and exclusion of dogs relating to the Somerset West area. Appendix B

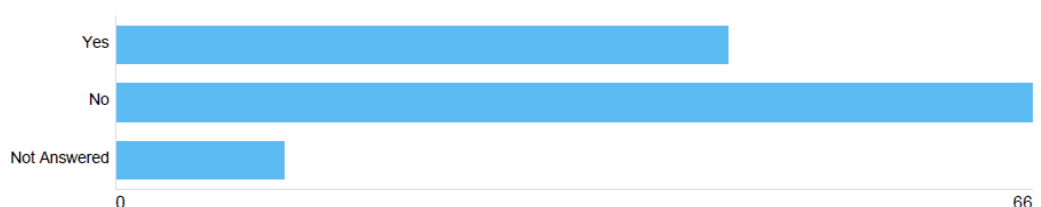
### **Reasons for recommendations**

5. Public Spaces Protection Orders (PSPOs) were introduced in 2014 and sit amongst a broad range of powers and tools to help tackle anti-social behaviour locally. PSPOs are aimed at ensuring public spaces can be enjoyed free from anti-social behaviour. They provide councils with an instrument to help deal with persistent issues that are damaging their communities.
6. The reasons for the recommendations in this report are to allow the Somerset Council to continue to deal with, reducing and enforcing where necessary anti-social behaviour of dog owners for the benefit of residents and visitors to the area.

## 7. Somerset North

- 7.1 There were 122 responses to the consultation for the reintroduction of PSPO's in Somerset North and the area attracting the greatest number of replies and comments was the proposals at Burnham Beach. Appendix C & D is a summary report of the consultation responses from Somerset North and some of the written responses.
- 7.2 The recommendation is to implement all proposed dog exclusion areas except those proposed at Burnham Beaches 1-3 because the majority (54.10%) of the public from the consultation do not agree with the proposed changes.
- 7.3 The proposal was to remove the ban all year round on beach area 1 (between the Jetty and Pavilion) and only implement during holiday seasons (1<sup>st</sup> April – 30<sup>th</sup> September). This will remain as an all-year ban.
- 7.4 On beach area 2 (between the Jetty and the Yacht club) and beach area 3 (between the Pavilion and Maddocks Slade, north end of the sea wall) the proposal was to remove the ban from the 1<sup>st</sup> May – 30<sup>th</sup> September and therefore have not ban at any time of the year, however they will remain unchanged in response to the public.

### Do you agree with the proposed changes to the existing dog ban orders on the beaches at Burnham on Sea?



Out of the 122 responses to the public consultation the results were:  
 Yes: 44 responses (36%)  
 No: 66 responses (54%)  
 Not answered: 12 (10%)

- 7.5 Critically with the above, out of the majority of responders saying they were not in favour with the proposed changes to the existing dog ban orders on the beaches which relaxes the bans, a later question showed that if no restrictions for dogs were in place the majority 40% said they would visit the beaches a lot less often, 15% it would make no difference and only 23% responded saying they would visit a lot more often.
- 7.6 Other dog exclusion changes following the public consultation includes the removal of the existing PSPO at the children's play area at the rear of Bristol Road because the play area has been removed. In North Petherton there are two new areas: The children's area at Parkers Field and at Memorial Park. The last new PSPO will be introduced at the children's play area off Lynham Close, Woolavington.
- 7.7 To implement all proposed dogs to be kept on leads areas including two new areas at Woolavington recreational ground and at Hannah More Park, Cheddar. Dogs to be kept on leads areas also cover the Esplanade in Burnham Sea and several other public parks. These areas are proposed as they are generally quite busy and where members of the public may wish to sit/spend time in good weather where closer control of dogs is felt beneficial to reduce incidents.
- 7.8 To implement the public space protection order for Dog Fouling - Requiring every person in charge of a dog to pick up dog faeces after their dog fouls, and properly dispose of it – this applies to all public places to which the public have access (including all public parks, pavements, footpaths etc).

## **8. Somerset West**

- 8.1 The PSPO's for dogs in the Somerset West area lapsed in 2019 and are currently unenforceable.
- 8.2 In August 2023 Somerset Council undertook a 10 week consultation with the public on updating the lapsed PSPO's and changes to the seasonal dog restrictions at Minehead Beach and dog ban in Blenheim Gardens, Minehead.
- 8.3 There were 533 responses to the consultation for the reintroduction of PSPO's in Somerset West, with the two areas attracting the greatest number of replies and comments being the proposals at Blenheim Gardens and the beach at Minehead.
- 8.4 All other proposed dog exclusion areas (children's play areas), dogs on lead areas and/or dog fouling orders were not controversial in the feedback from most responders voted 'agreeing strongly' for the PSPO's.

8.5 We propose to implement the PSPO for dog fouling in public places requiring every person in charge of a dog to pick up dog faeces after their dog fouls, and properly dispose of it.

8.6 We propose to implement all proposed dogs to be kept on lead and dogs to be put on leads by order PSPO's.

### **8.7 Minehead Beach**

8.8 The consultation asked a number of questions regarding Minehead beach to ensure the correct balance between the beach being able to be used for families and visitors to the area alongside dog owners and dogs.

8.9 The question was asked: If no restrictions for dogs were in place, would you visit the beach more or less often? 57% of responders said that they would visit the beach a lot less often or a bit less often if no restrictions were in place. Whereas 32% said they would visit more often.

8.10 Responders were also asked to comment on the previous restrictions, seasonal dog ban on Minehead beach between Minehead Golf Club Groyne and Harbour or new amended proposals which would allow dogs access to the beach between the Jubilee Café and harbour throughout the year. 66% of responders said they would be favour of keeping the previous restrictions of a complete ban against 60% who favoured allowing dogs access the harbour area.

8.11 Responders were also able to submit written responses to the above questions and a number of alternative proposals were put forward, some of these examples can be found in appendix E.

8.12 The response to the consultation has shown the residents and visitors to Minehead wish for the dog ban on the beach be reinstated. While it initially appear the preference would be to maintain the previous restrictions we are proposing to implement the alternative restrictions to allow dogs access to the between Jubilee Café and the Harbour area of the beach as there was a strong response requesting some access to the beach for dogs to enjoy. This is considered the best option.

### **8.13 Blenheim Gardens**

8.14 The proposal was to reinstate the dog exclusion area for Blenheim Gardens which was overwhelmingly supported by the responses to the consultation 71% agreeing either strongly or somewhat with the proposals. Therefore our recommendation will be to reinstate the exclusion area. The consultation responses for Blenheim Gardens can be found in appendices E.

## Other options considered

9 The options considered are below:

- 9.1 Keep the current requirements** – The PSPO’s for Somerset North and West have lapsed and therefore required public consultation ahead of any amendments or implementation of a new PSPO.

A PSPO can only prohibit or impose requirements that are reasonable to prevent or reduce the detrimental effect on the quality of life of those in the locality. Therefore, the responses to the consultations must be taken into consideration and the PSPOs amended as appropriate.

Where the consultation responses have demonstrated little or no evidence that changes are needed, the Council receive a low number of complaints or witnessed offences regarding dog control issues then no amendments have been proposed to the PSPO’s.

- 9.2 Increase restrictions** – In order to increase restrictions a public consultation exercise must be undertaken as outlined above and any amendments evidence based. There would also be a financial/resource impact on any additional restrictions in relation to patrols and enforcement.

Fixed Penalty Notices are difficult to serve due to issues with witnessing the offence by an authorised officer or a member of the public providing a witness statement. Therefore, increasing the restrictions would not result in a significant increase in fines received.

- 9.3 Reduce restrictions** - In order to decrease restrictions a public consultation exercise must be undertaken as outlined above and any amendments evidence based. It is proposed to reduce the restrictions on Minehead beach and remove the dog ban. This could see an increase in the number of request for service and corporate complaints received regarding dog fouling and poor dog behaviour.

- 9.4 Do nothing, leave the PSPO’s lapsed** - This would mean that Somerset Council would be unable to tackle anti-social behaviour of dog owners and this would have a detrimental impact on the Somerset North and Somerset West resident and area.

It would also likely see an increase in the number of request for service and corporate complaints received regarding dog fouling and poor dog behaviour. The currently high levels of compliance could reduce if restrictions are not reinstated.

10. All other options have been considered as part of the consultation process and discussed above in section 7.

**Links to Council Plan and Medium-Term Financial Plan**

11. The decision recommended in this report would have no bearing on the medium-term financial plan.

### **Financial and Risk Implications**

12. There are no additional financial implications from renewing the existing PSPO's as the consultation for both Somerset North and Somerset West have been undertaken. There will however be a small cost associated with updating signs where there have been amendments to existing order or orders have been removed.
13. There will also be additional financial implications with regards to the enforcement of the new PSPO in the Somerset West area as limited enforcement has been undertaken over the last few years and there is currently no resource allocated to dog warden activities. This impact could be mitigated by redeploying existing staffing resources in Somerset North to also cover the Somerset West area.
14. There are no key risks to the Council from renewing the existing PSPO's and the additional new areas to be covered by dogs on lead and exclusion orders. Any risks are associated with not renewing the PSPO's and the council being unable to tackle antisocial behaviour caused by irresponsible dog owners.

### **Legal Implications**

15. Without renewing these PSPO's and implementing the newly recommended ones the Council will not be able to carry out any enforcement or service of fixed penalty notices (FPN's) in relation to dog fouling and dog control issues

### **HR Implications**

16. There are no HR implications associated with this issue.

### **Other Implications:**

#### **Equalities Implications**

17. Somerset Councils Equalities and Risk Manager has confirmed there are no equality implications associated with this report.

#### **Community Safety Implications**

18. The PSPO's should reduce anti-social behaviour caused by irresponsible dog owners by ensuring certain areas are free from dogs, dogs kept on leads or authorised officers can request dogs are put on leads where necessary.
19. In addition it requires dog owners to pick up dog mess and dispose of it responsibly which should have a positive benefit to the overall quality of life and wellbeing of everyone.
20. The proposal to renew the existing PSPO's for a further 3 years and implement PSPO's in new areas should have a positive effect on the public's perception of crime and disorder and anti-social behaviour rates being reduced and enforced in their neighbourhood in Somerset.

### **Climate Change and Sustainability Implications**

21. This Decision will not have any potential impact (positive or negative) on climate change and sustainability implications.

### **Health and Safety Implications**

22. Undertaking enforcement work does carry risks in relation to Health and Safety for example when issuing fixed penalty notices. The council has experienced enforcement officers who are trained to undertake enforcement work. In addition, there are Risk Assessments in place to control risk to health and safety. Therefore, the risks associated with these activities have the necessary control measures in place.

### **Health and Wellbeing Implications**

23. The implementation of Public Spaces Protection Orders for Dog Control should have positive implications on health and wellbeing priorities by ensuring dogs are controlled in public spaces and dog fouling is reduced. There are no perceived negative implications associated with this issue.

### **Social Value**

24. Not applicable

### **Scrutiny comments / recommendations:**

25. The proposed decision has not been considered by a Scrutiny Committee.

### **Background**

26. What is a Public Spaces Protection Order (PSPO)?

- 26.1 A PSPO is an order that is enforceable under the Anti-social Behaviour, Crime and Policing Act 2014. They are used to protect the public from behaviour that is having, or is likely to have, a detrimental effect on the quality of life of those in the locality and is, or is likely to be, persistent and unreasonable.
- 26.2 A local authority may make a PSPO if they are satisfied that the following 2 conditions are met:
- Activities carried out in a public place within the authority's area, are having or have had a detrimental effect on the quality of life of those in the locality, or it is likely that the activities will be carried out in a public space within that area and they will have such an effect.
  - The effect or likely effect of the activity:
    - a. Is or is likely to be of a persistent or continuing nature
    - b. Is or is likely to be such as to make the activities unreasonable, and
    - c. Justifies the restrictions imposed by the notice
- 26.3 A PSPO can be put in place for up to 3 years. Following the 3 years, the PSPO must be reviewed to ensure it is still necessary. The PSPO can be extended for a further 3 years. There is no limit to how many times a PSPO can be reviewed or extended.
- 26.4 Local authorities should consider that the requirements and prohibitions are reasonable, such as they do not have an adverse effect on the welfare of the dog. If a PSPO restricts access to land used to exercise dogs, it would be reasonable that there is sufficient other land available for exercise without restrictions.
27. What was the Purpose of the Consultation?
- 27.1 The purpose of the consultation was to seek any views regarding a proposal to extend the existing orders and the addition of several new orders, for the dog fouling and dog control provisions for Somerset North and West.
- 27.2 The views of the public were invited to review and comment on the Councils proposals as to whether the provisions ought to be extended, additional restrictions applied or restrictions lifted/amended for 3 years (the maximum permitted) timeframe.
28. What does the PSPO require or restrict?
- 28.1 In broad terms, the effect of the PSPO's is to:
- Dog Fouling - Requires every person in charge of a dog to pick up dog faeces after their dog fouls, and properly dispose of it – this applies to all public places to which the public have access (including all public parks, pavements, footpaths etc). This is felt necessary to ensure there is an



adequate remedy to deal with dog fouling which is both an antisocial behaviour and public health issue.

- Dog Exclusion Areas prohibit any person from taking their dog in to any enclosed children's play area and certain playing fields and multi-use games areas. These areas are proposed as dog banning areas to ensure that young children have set aside areas where dogs are not permitted and also areas where sports are played. This is to reduce the risk of dog fouling in these areas and alarm that can be caused to some young children by large or uncontrolled dogs in play areas.
- Dogs to be Kept on Leads – Require a person to have their dog on lead. These cover the Esplanade in Burnham Sea and a number of public parks. These areas are proposed as they are generally quite busy and where members of the public may wish to sit/spend time in good weather where closer control of dogs is felt beneficial to reduce incidents.

28.2 These provisions are subject to some exemptions, for example applicable to people with certain disabilities and in respect of assistance dogs. There are also general defences of having 'reasonable excuse' and/or having the permission of the owner / occupier of the land where applicable.

## **Background Papers**

29. None

## **Appendices**

- Appendix A – Proposed Public Space Protection Order (Dog Control – North Somerset) 2024
- Appendix B – Proposed Public Space Protection Order (Dog Control – West Somerset) 2024
- Appendix C - Graphical data from the Public Spaces Protection Order Consultation Somerset North: Summary report.
- Appendix D - Some examples of written responses to Somerset North's consultation.
- Appendix E - Graphical data from the Public Spaces Protection Order Consultation Somerset West: Summary report.
- Appendix F – Summary of consultation responses (Somerset West) for Blenheim Gardens and Minehead beach.

## Assurance checklist

	<b>Officer Name</b>	<b>Date Completed</b>
Legal & Governance Implications	David Clark	22/04/2024
Communications	Peter Elliott	22/04/2024
Finance & Procurement	Nicola Hix	22/04/2024
Workforce	Dawn Bettridge	Sent 29/04/2024
Asset Management	Oliver Woodhams	N/A
Executive Director / Senior Manager	Chris Hall/Sarah Dowden	22/04/2024
Strategy & Performance	Alyn Jones	18/04/2024
Executive Lead Member	Cllr Federica Smith-Roberts	18/04/2024
<b>Consulted:</b>	Councillor Name	
Local Division Members		
Opposition Spokesperson	Cllr Andrew Dingwall	Sent 18/04/2024
Scrutiny Chair	Cllr Gwil Wren	Sent 18/04/2024
Council Member (Minehead)	Cllr Mandy Chilcott	24/04/2024
Council Member (Minehead)	Cllr Andy Hadley	24/04/2024