

# PUBLIC SPACES PROTECTION ORDER – CONTROL OF DOGS 2023

Office of the Director of Public Health



## 1.0 Executive Summary

The existing Public Spaces Protection Order (PSPO) – Control of Dogs 2020 expires on the 19 October 2023. A PSPO needs to be reviewed every 3 years. A consultation process has been undertaken to explore residents' views on restrictions and dog control measures in specific locations in Plymouth. The consultation also sought views on some new and amended proposals (see Appendix I for consultation questions).

Summary of respondents:

- 1,948 responses were received in total
- 73% of respondents said that they owned dog/s
- 76% of respondents said that they walk a dog/s in Plymouth
- 29% of respondents indicated that they play sports on a pitch where currently dogs must be kept on a lead
- 31% respondents indicated that they visit Efford and/or Weston Mill Cemeteries regularly

A summary of the results of the consultation can be found in section 7, below. Further details can be found in Appendix 2.

It is intended that a new PSPO – Control of Dogs 2023 will come into effect on the 20 October 2023 to reflect the outcomes of both the internal review and those of the public consultation.

## 2.0 Background to Public Spaces Protection Orders

Public Spaces Protection Orders (PSPOs) were introduced in the Anti-social Behaviour, Crime and Policing Act 2014. The primary purpose of the PSPO is to empower local authorities to deal with anti-social behaviour that adversely affects other people using the same public space.

A PSPO may only prohibit or impose requirements that are reasonable to prevent or reduce the detrimental effect from continuing, occurring or recurring. Under Section 59, a local authority may make a PSPO if they are satisfied that the following 2 conditions are met:

1. 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 place within that area and they will have such an effect
2. The effect or likely effect of the activity:
  - Is or is likely to be of a persistent or continuing nature
  - Is or is likely to be such as to make the activities unreasonable, and
  - Justifies the restrictions imposed by the notice

Local authorities should consider that the requirements and prohibitions are reasonable. When drafting an Order placing restrictions on dogs, Councils should consider the need for owners to

exercise their dogs. 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. (LGA Public Spaces Protection Order Guidance for Councils)

A person will commit an offence if they do something that is prohibited or fails to comply with a PSPO. Anyone who has breached a PSPO can be issued with a Fixed Penalty Notice of £100 giving the person 14 days to pay the fine.

A PSPO can be put in place for up to 3 years. Then the PSPO must be reviewed to ensure it is still necessary. Before extending or varying the PSPO, local authorities must consult with the local chief of police, the police and crime commissioner, owners or occupiers of land within any affected area and appropriate community representatives. The new PSPO will remain in force for a further 3 years.

In accordance with the Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014, the local authority must publish the order as made, extended or varied on its website and erect appropriate notices on or adjacent to the public place to which the order relates.

### **3.0 Current Public Spaces Protection Order – Control of Dogs 2020**

The current dog control measures in Plymouth can be found in the Public Spaces Protection Order – Control of Dogs 2020. Most of the restrictions have been in place since 2008 previously enacted within the Dog Control Orders 2008.

The PSPO – Control of Dogs 2020 specifies five offences:

1. Failing to remove dog poo straight away
2. Not putting a dog on a lead when ordered to do so by an authorised officer
3. Allowing a dog to enter land from which they are excluded
4. Not keeping a dog on a lead where this is required
5. Not carrying something to pick up dog poo

The land to which these restrictions apply are detailed in the Order. The published 2020 Order can be found on the Council's website: [Dog control | PLYMOUTH.GOV.UK](https://www.plymouth.gov.uk/dog-control)

### **4.0 Internal review of the PSPO – Control of Dogs 2020**

An internal review was undertaken with relevant Plymouth City Council department, Ward Councillors and Cabinet members. The outcome of this review resulted in a consensus that the existing offences relating to dog fouling and the control of dogs in the specified locations in Plymouth should remain in place in a new PSPO and that the Council should consult on the following new/amended proposals:

1. To change the restriction at Efford and Weston Mill cemeteries to dogs being required to be on a lead, in line with the new crematorium site.
2. To consider what the dog control restriction should be on sports facilities when they are marked up in the sports season.
3. To restrict the number of dogs in the control of one person to six.

## 5.0 Reasons for the proposed changes to the PSPO – Control of Dogs 2020

1. To change the restriction at Efford and Weston Mill Cemeteries to dogs being required to be on a lead.

Currently dogs are excluded from Efford and Weston Mill Cemeteries. However, the Council considered that this restriction should be changed to allowing dogs that were kept on a lead into these areas. This would be consistent with the restriction at the new crematorium site, Plymouth Crematorium at The Park, Haye Road, Plymouth.

The Council decided to consult with the public to gather views about the proposed change to the restrictions. The consultation asked whether dogs should remain excluded from Efford and Weston Mill cemeteries or allowed on leads in these area.

2. To consider what the dog control restriction should be on sports facilities when they are marked up in the sports season.

Currently dogs must be kept on a lead on a marked sports pitch. Sports pitches are only marked up during the playing season for that specific sport. This requirement has been in place in Plymouth since the 2008 Dog Control Order.

Despite the restrictions being in place for 15 years, the Council regularly receives enquiries about the restriction of dogs on sports pitches, including when and where the restrictions apply. There has also been a recent campaign on social media lobbying for no restrictions on sports pitches.

The internal review with relevant Councillors and departments indicated that it was the Council's view that some restrictions should continue to apply to dogs being walked on a sports pitch, to safeguard the health of all sports pitch users.

Therefore, it was agreed that the Council should consult with the public to gather views on the proposed restrictions. The consultation asked whether dogs should be excluded from a marked sports pitch or allowed on leads within a marked sports pitch.

3. To restrict the number of dogs in the control of one person to six.

A person who holds an Animal Activities Licence to care for other people's dogs during the day or overnight is only allowed to walk up to six dogs at a time. However, this restriction does not currently apply to those running a dog walking business or individual members of the public walking their own dogs or other people's dogs when not in a business arrangement.

The Council considered that the restricting the number of dogs in the control of one person to six should apply across the city to everyone, irrespective of whether they hold a Licence, run a business or walk dogs as a personal pastime.

It was agreed the Council should consult with the public to gather views on this proposal. The consultation asked whether someone should be in charge of no more than six dogs at any time in a public place or any number of dogs.

## 6.0 Public consultation for extending and/or varying the PSPO – Control of Dogs 2020

The public consultation has been carried out in accordance with the LGA Public Spaces Protection Order Guidance for Councils. Any proposed extension or variation of the existing PSPO requires consultation with statutory consultees and the public.

Consultation details were sent to statutory consultees and interested stakeholders, including the Devon and Cornwall Police and Crime Commissioner, the Chief Officer of Police, the Kennel Club and Gables Farm Dogs and Cats Home.

Details were sent to all Councillors and relevant internal departments, including the Anti-Social Behaviour Team, Street Services Department, Natural Infrastructure Team, Sports Development Unit and Plymouth City Council's Legal Department.

The details of the consultation were put on the Council's website and promoted through local media and social media. Links were sent to local community groups.

## 7.0 Results of Consultation

Summary of respondents:

- 1,948 responses were received in total
- 73% of respondents said that they owned dog/s
- 76% of respondents said that they walk a dog/s in Plymouth
- 29% of respondents indicated that they play sports on a pitch where currently dogs must be kept on a lead
- 31% respondents indicated that they visit Efford and/or Weston Mill Cemeteries regularly

### 7.1 Dog control at Efford and Weston Mill Cemeteries

Table I

Question	Result	Recommendation
Dogs should remain excluded from Efford and Weston Mill Cemeteries	25%	That the new PSPO is amended such that dogs must be kept on a lead in Efford and Weston Mill Cemeteries
Dogs should be allowed on leads in Efford and Weston Mill Cemeteries	75%	

Table I shows that a significant majority (75%) of respondents selected the option for allowing dogs on leads in Efford and Weston Mill Cemeteries.

## 7.2 Dog control on sports pitches

Table 2

Question	Result	Recommendation
Dogs should be excluded from a marked sports pitch	46%	That the new PSPO retains the current restrictions requiring dogs to be on a lead within a marked sports pitch
Dogs should be allowed on leads within a marked sports pitch	54%	

Table 2 shows that the majority of respondents (54%) indicated that the current restriction requiring dogs to be on a lead within a marked sports pitch should be retained.

## 7.3 Number of dogs in control of one person

Table 3

Question	Result	Recommendation
Someone should be in charge of no more than six dogs at any time in a public place	89%	That the new PSPO contains a new restriction, such that a person should be in charge of no more than six dogs at any time in a public place
Someone can be in charge of any number of dogs in a public place (unless Licenced to six)	11%	

Table 3 shows that there was significant support (89%) for introducing a new restriction relating to the number of dogs being controlled by one person.

## 8.0 Conclusions

The Council has undertaken the required consultation process to extend and vary the existing PSPO – Control of Dogs 2020.

The views of the respondents have been taken into account. The recommendations have been accepted and will be reflected in the PSPO – Control of Dogs 2023.

The PSPO – Control of Dogs 2023 will be published on the Council's website. Signage will be installed in appropriate places to highlight the new restrictions.