

**Report to:** Cabinet

**Date of Meeting:** 5 December 2016

**Report Title:** Petition in relation to Dog Control Orders and Public Space Protection Orders

**Report By:** Mike Hepworth, Assistant Director, Environment and Place

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### **Purpose of Report**

Inform Cabinet we have received a petition to change the times that dogs can be exercised off leads in St Leonards Gardens and to outline the process for moving from the current Dogs on Leads Orders to Public Space Protection Orders.

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### **Recommendation(s)**

#### **Cabinet;**

- 1 Acknowledge the petition;**
- 2 Recognise the council is currently working to replace Dog Control Orders with Public Space Protection Orders;**
- 3 Inform the petitioner that no immediate action will be taken before full public consultation on Public Space Protection Orders has taken place at the appropriate time in the review.**

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### **Reasons for Recommendations**

The petition has been received whilst the Council are in the process of changing from its current system of Dog Control Orders to Public Space Protection Orders.

Due process of review, including public consultation should be completed before action is taken on the request in the petition.

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## Introduction

1. The council has received a petition dated 1<sup>st</sup> August with 56 signatures, seeking to allow dogs to be exercised off leads in St Leonards Gardens throughout the day from 1<sup>st</sup> October to 1<sup>st</sup> May.
2. The Council is reviewing the way it deals with dog related offences. It is proposing to move from The Dogs on Leads (Borough of Hastings) Order 2008 and other Dog Control Orders in respect of fouling, exclusion zones and dog on lead by direction, to Public Space Protection Orders, PSPOs.
3. It should be noted that whilst the petition has been received to amend the times of the order, Officers have received alternative representations for the order at St Leonards Gardens to remain the same.
4. This paper sets out what we are doing to move to Public Space Protection Orders and proposes recommendations relating to the petition.

## Our current framework - The Dogs on Leads (Borough of Hastings) Order 2008

5. The Dogs on Leads (Borough of Hastings) Order 2008 is designed to specify in which areas and at what times dogs need to be on a lead.
6. The Order provides that dogs can be exercised off a lead in all parks and open spaces except the following areas;
  - Lower Alexandra Park between Dordrecht Way and Bethune Way. Dogs must be kept on a lead between 8am and 6pm every day.
  - St Leonards Gardens. Dogs must be kept on a lead between 9am and 6pm every day everywhere within this site.
  - Upper Rose Garden, Warrior Square Gardens. Dogs must be kept on a lead between 9am and 6pm every day.

## Public Space Protection Orders, PSPO

7. The PSPO is designed to deal with a particular nuisance or problem in an area. The behaviour must be having a detrimental effect on the quality of life of those in the community, it must be persistent or continuing and it must be unreasonable.
8. The PSPO can impose restrictions on the use of that area which apply to everyone who is carrying out that activity. The orders are designed to ensure that the law-abiding majority can enjoy public spaces, safe from anti-social behaviour.

9. The council can make a PSPO on any public space within its own area but before doing so it must consult with the local police. The council must also consult with whatever community representatives it thinks appropriate.

### **Replacing Dog Control Orders with Public Space Protection Orders**

10. The council is aiming to replace all Dog Control Orders with Public Space Protection Orders by October 2017.
11. If we did not undertake a review, the current dog control orders would automatically become PSPO's.
12. As part of the review the Council will be consulting with users, community groups and the police.

### **Petition to allow dogs to be exercised off leads in St Leonards Gardens throughout the day from 1<sup>st</sup> October to 1<sup>st</sup> May**

13. A petition has been received with 56 signatures, seeking to allow dogs to be exercised off leads in St Leonards Gardens throughout the day from 1<sup>st</sup> October to 1<sup>st</sup> May. This, the petition states, would put the order in line with the restrictions for exercising dogs on seafront beaches.
14. Prior to the petition being lodged with the Council, our Parks and Open Spaces Manager met with the chief petitioner to explain what we are doing and reassure them that they will be part of the formal consultation process at the appropriate time. Notwithstanding officers' explanation of the process, a petition has been received for Cabinet to consider.
15. It is therefore recommended that Cabinet acknowledge the petition but recognise that we are working to replace Dog Control Orders with Public Space Protection Orders by October 2017.
16. It is further recommended that no immediate action will be taken to change the times for dogs exercising off leads in any parks and open space before a full public consultation has taken place at the appropriate time of the review.

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### **Wards Affected**

All

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### **Policy Implications**

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	yes
Crime and Fear of Crime (Section 17)	yes
Risk Management	No
Environmental Issues	No
Economic/Financial Implications	No
Human Rights Act	No
Organisational Consequences	No
Local People's Views	yes
Anti-Poverty	No

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### Additional Information

Insert a list of appendices and/or additional documents. Report writers are encouraged to use links to existing information, rather than appending large documents.

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### Officer to Contact

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