



GREAT YARMOUTH
BOROUGH COUNCIL

OVERVIEW OF PUBLIC SPACE PROTECTION ORDERS

WHAT ARE PUBLIC SPACE PROTECTION ORDERS?

Public Space Protection Orders (PSPO's) have been introduced as part of the reforms made under the Anti-social Behaviour, Crime and Policing Act 2014. They are designed to replace and streamline a range of powers such as byelaws and Orders which have historically been available to local authorities to deal with anti-social behaviour.

PSPO's are designed to target a range of anti-social behaviour that adversely affects other people using the same public space including dog control. Historically Byelaws and more recently Dog Control Orders were made to cover a number of offences including dog fouling, banning dogs from sites and requiring dogs to be kept leashed.

In 2005 The Clean Neighbourhoods Act was enacted which included Dog Control Orders and as a result no new Byelaws relating to these offences could be made – although any existing Byelaws could still be enforced.

Unlike a Byelaw which had to be confirmed by the Secretary of State, Public Space Protection Orders can be made locally but consultation must be carried out with the Chief Officer of Police and appropriate community representation. Unlike Dog Control Orders which could also be implemented by secondary authorities PSPO's can only be implemented by primary authorities. PSPO's last for duration of three years at which time they must be reviewed and renewed if they are still required.

WHY ARE WE CHANGING?

The Borough Council began a review of its dog control measures in 2013. At this time legislation for dog control came under The Clean Neighbourhoods Act 2005 through powers called Dog Control Orders. It was during this review that the Government announced that these Dog Control Orders were to be repealed and

replaced with the Public Space Protection Orders. As a result of this the Borough Council halted the review until the implementation of the new legislation.

Prior to this the last review of dog law within the Borough took place in 1996 and most Byelaws pre-date this. Many of the Byelaws still in place were made over a period of many years and as a result there is inconsistency between them, for example the maximum penalty taking a dog onto a site covered by a dog ban ranges from £50 through to £500 dependent on the location and when the Byelaw covering the site was made. As a review has not taken place for a number of years, many sites requiring some form of dog control on it are not covered and other sites have control measures no longer appropriate or needed.

PUBLIC SPACE PROTECTION ORDER TYPES AND OFFENCES

Public Space Protection Orders are designed to address a range of anti-social behaviour that affect people whilst in the public domain. The test for the local authority to make a PSPO is that it must be satisfied on reasonable grounds that two conditions are met-

1. Activities carried out in the public place are having, have had or will have a detrimental effect on the quality of life of those in the locality

and

2. Activities are or are likely to be persistent, unreasonable and justify the restrictions imposed by the order

PSPO's can only apply to public place i.e any place to which the public, with or without payment, have access to as of right or by permission.

Specifically relating to dog control individual measures available to Local Authorities under PSPO's are the similar restrictions as what could previously be made as Dog Control Orders.

These are:-

- Failing to Remove Dog Faeces – Similar to the designation order made under The Dogs (Fouling of Land Act) 1996 which currently covers the Great Yarmouth Borough. An offence is committed where the person responsible for a dog fails to clear up forthwith after a dog has fouled on most public land and private land to which the public have access and is open to the air. Land types

previously exempt from being designated can now be covered – including agricultural land, woodland, marshland, moorland, common and heath land and roads with a speed limit of 50mph or above.

- Dogs on Lead Requirement – Makes it a requirement that when using a location with such an order on that all dogs must be kept leashed.
- Dogs on Lead Request – Enables authorised officers, on land which such an Order covers, to require that a dog is leashed and kept leashed. This is designed to be used where a dog is causing a nuisance or a hazard to itself or other users.
- Dog Bans – Bans dogs from entering a site covered by such an Order. This is most likely to be used in connection with children's playgrounds.
- Specifying Maximum Number of Dogs – Puts a limit on how many dogs can be walked by one person on land covered by the Order. This was mainly introduced for inner city parks where professional dog walkers are more prevalent. DEFRA suggest that when considering such an Order expert advice is that the maximum number of dogs that a person can control is six.

Additionally, as PSPO's are more flexible than the previous Dog Control Orders a PSPO can also be used:-

- To put in place other restrictions or requirements to prevent any other activity that is considered to have a detrimental effect on the quality of life of those in the area or locality, or is likely to have such an effect.

This does mean that other dog control restrictions can be introduced which are outside of the usual prescribed measures such as bans or leash requirements. However, any other restrictions which are introduced must be reasonable and not arbitrary.

There are exemptions that should be considered when making a PSPO such as those people with disabilities who make use of trained assistance dogs. Guidance would suggest that anyone using any type of assistance dog is not subject to a Banning Order in respect of their assistance dog, and anyone other than a registered deaf person (whose disability will not prevent him or her from being aware of and removing dog foul) is exempt from any Dog Fouling Control Order. Additionally PSPO's should not restrict the normal activities of working dogs.

Penalties for a breach of a PSPO is a fine of up to £1,000 upon prosecution or, as an option, a Fixed Penalty Notice can be offered – for Great Yarmouth this is currently set as £80 or reduced to £60 if paid within ten days.

BOROUGH COUNCIL PROPOSALS

It is intended to have an overarching Borough-wide 'Dog Fouling PSPO' which will cover all land that can be designated. Additionally, a Borough-wide 'Dog on Lead Request PSPO' has been proposed allowing officers to deal with accompanied dogs causing nuisance across the borough – this is an expansion on current Byelaws which only allows officers to do this on specific sites. The Borough Council then has more site specific proposals for Orders relating to dog bans or lead requirements to be placed on fenced play areas, the main tourist beaches and adjoining promenade and cemeteries. There are no current proposals by the Borough Council to implement an Order relating to the maximum number of dogs that can be walked on a specific site. The Borough Council's proposals are listed in Appendix 1.

PARISH AND PRIVATE LAND PROPOSALS

Consultation on dog control was sent out to Parish Councils in 2015 and provided them the opportunity to propose dog control measures they feel would be appropriate on land they own or on publically accessible privately owned land within their area, where they have received the landowners consent to make the proposal. Parishes were given the option to propose Orders relating to a 'Dogs on Lead Requirement', a 'Dog Ban', 'Specifying the Maximum Number of Dogs' or proposing another form of dog control measure which is considered reasonable. The proposals received from the Parishes are listed in Appendix 2. At the very early stages of the review we also received a request to implement a dogs on lead requirement from English Heritage on the Caister Roman Fort site also listed in Appendix 2.

OTHER PROPOSALS

Since the Parish Consultation took place we have received a number of other suggestions and proposals from members of the public and private land owners. These proposals will be fed into comments and information obtained during the other consultations we are undertaking and any which are considered viable will be put forward with our own proposals for consideration.

THE PROPOSAL PROCESS

To implement a Public Space Protection Order consideration must first be given to balance the needs of dog owners against the interests of those affected by the activities of dogs, and that the Order is necessary and proportionate. Failure to do this can leave the Order vulnerable to challenge in the Courts. For example, introducing a banning order on the only local open public space may not be appropriate if this is the only area available for dog walkers to exercise their pets. Consideration must also be given to how the Order will be enforced – whilst the Borough Council will take action where evidence is provided of an offence, it does not have the resources to provide regular patrols of sites identified for Orders by Parish Councils. Parishes needed to show that they are able to carry out their own monitoring of sites whether through a community or parish warden or another appropriate person. The design of the site must also need to be considered as to how easy an Order will be enforced – fenced or enclosed land makes enforcing dog bans a lot easier and sites with natural or gated entrances can easily be signposted with the requirements of the Order.

Now that the Borough Council's main proposals have been collated the next step is the internal consultation to seek Departmental and Councillor views on any orders that may be felt additionally required. Once these have been collated a final 'draft' list of proposals will be presented to Environmental Committee along with a proposed Public Consultation that will be required to be carried out. If agreed by the Committee we will then carry out the Public Consultation. Once this consultation has taken place and consideration given to anything which comes out of it the list of proposals will be finalised and presented for a decision as to whether the Authority wishes to proceed with the Orders. Those measures that are deemed appropriate will also need to be considered and agreed by the Police.

The timetable for implementing PSPO's is as follows-

MONTH	ACTION
June/July	Member and Department Consultation
August	Draft PSPO and Public Consultation taken to Environmental Committee
September/October	Public Consultation
November	Final PSPO taken to Environmental Committee
December	Final PSPO taken to Council

April 2017	PSPO introduced
------------	-----------------



GREAT YARMOUTH
BOROUGH COUNCIL

APPENDIX 1

GREAT YARMOUTH BOROUGH COUNCIL PSPO PROPOSALS

Dog FOULING

LOCATION	COMMENTARY
Boroughwide	Requirement to pick up after a dog has fouled

DOGS ON LEAD REQUEST

LOCATION	COMMENTARY
Boroughwide	Requirement upon request to leash a dog which is causing a nuisance

Dog BAN

LOCATION	COMMENTARY
GYBC owned or managed fenced Playsites, fenced Skateparks and Multi Use Games Area (MUGA)	Excludes a small number which are sited in communal areas which provide access to rear of properties. These sites will be covered by a dog on lead requirement
Runham Play Area	Whilst not fenced site is contained
Great Yarmouth Central Beach (between two piers)	Ban to be in place from 1 st April to 30 th September
Gorleston Beach (from breakwater to ravine)	Ban to be in place from 1 st April to 30 th September
Gorleston New Cemetery, Oriel Avenue	
Gorleston Old Cemetery, Magdalen Way	

DOGS ON LEAD REQUIREMENT

LOCATION	COMMENTARY
Elder Green Play Area	Sited in communal areas which provides a rear access to properties so ban would not be appropriate
Herford Way Play Area	Sited in communal areas which provides a rear access to properties so ban would not be appropriate
Pine Green Play Area	Sited in communal areas which provides a rear access to properties so ban would not be appropriate
Clarendon Close North Play Area	Sited in communal areas which provides a rear access to properties so ban would not be appropriate
Clarendon Close South Play Area	Sited in communal areas which provides a rear access to properties so ban would not be appropriate
Dorset Close Play Area	Sited in communal areas which provides a rear access to properties so ban would not be appropriate
Howard Street South Play Area	Sited in communal areas which provides a rear access to properties so ban would not be appropriate
King Street Multi Use Games Area (MUGA)	Sited in communal areas which provides a rear access to properties so ban would not be appropriate
Sidney Close Play Area	Sited in communal areas which provides a rear access to properties so ban would not be appropriate
Promenade adjacent to Great Yarmouth Central Beach (between two piers)	Leash requirement to be in place from 1 st April to 30 th September
Promenade adjacent to Gorleston Beach (from breakwater to ravine)	Leash requirement to be in place from 1 st April to 30 th September
Great Yarmouth Cemetery Old	
Great Yarmouth Cemetery New	



APPENDIX 2

PARISH PSPO PROPOSALS

PARISH	PROPOSAL
Belton with Browston	Dog Ban - Bland Corner
	Dog Ban - New Road Playing Field
Bradwell	Dogs on Lead Requirement - Green Lane
	Dogs on Lead Requirement - Generation Wood
Burgh Castle	Dogs on Lead Requirement - Roman Fort
	Maximum Number of Dogs being Walked - Roman Fort
	Dogs on Lead Requirement- Porters Loke
	Dogs Ban - Church Lane Playing Field
Hemsby	Dog Ban - Waters Lane Playing Field
	Dog Ban - Hemsby Burial Ground
	Dog Ban - Amenity Area Pit Road
Hopton	Dog Ban - St Margarets Ruins
Martham	Dog Ban - Martham Playing Field
Ormesby St Margaret	Dog Ban - Edgar Playing Field
	Dogs on Lead Requirement - Burial Ground
Repps with Bastwick	Dog Ban - Repps Playing Field
	Dog Ban - Allotment Garden
Thurne	Dog Ban - St Edmund Church Parish Graveyard
	Dog Ban - Thurne Playing Field
Winterton	Dogs on Lead Requirement - Allotments Black Street
	Dogs on Lead Requirement – Land next to Village Hall
	Dogs on Lead Requirement - Somerton Road Playing Field

PRIVATE LAND OWNER PSPO PROPOSALS

LANDOWNER	PROPOSAL
English Heritage	Dogs on Lead Requirement – Caister Roman Fort