

Report to: Overview Committee



Date of Meeting 30 Sept 2025

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East Devon Public Spaces Protection Orders Approval Review

Report summary:

A Public Space Protection Order (PSPO) is a tool under the Anti-Social Behaviour, Crime and Policing Act 2014 which is intended to deal with a particular nuisance or problem affecting a specified area that is detrimental to the local community's way of life. PSPOs remain in place for maximum of three years after which they expire unless they are extended to prevent occurrence or recurrence of the activities covered.

The Council currently has three PSPOs in place covering dog control, seashores and promenades and anti-social behaviour dating back to 2023. The Council has carried out a review of these PSPOs to ensure that the three-year review period is met and to assess if the controls are still required and if so whether they need to be amended. This included public consultation. It is recommended that the evidence supports the ongoing use of PSPOs but changes to existing controls require three new orders.

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Recommendation:

1. To recommend to Cabinet that the evidence supports the ongoing need for public space protection orders in relation to the control of dogs, seashores and promenades and anti-social behaviour and consumption of intoxicating substances.
2. To recommend that Cabinet discharge the three Public Spaces Protection Orders from 2023.
3. To recommend that Cabinet approves three new East Devon Public Spaces Protection Orders for 2026 as attached to this report.

Reason for recommendation:

To ensure that the issues and controls covered in the 2023 Public Space Protection Orders are reasonable and effective and to ensure that the public protection that they provide continues beyond March 2026.

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Portfolio(s) (check which apply):

- ☐ Assets and Economy
☐ Communications and Democracy

- ☐ Council, Corporate and External Engagement
- ☐ Culture, Leisure, Sport and Tourism
- ☐ Environment - Nature and Climate
- ☒ Environment - Operational
- ☐ Finance
- ☐ Place, Infrastructure and Strategic Planning
- ☐ Sustainable Homes and Communities

Equalities impact Low Impact

The consultation is a requirement of the Act and is necessary in order to create the required orders. Failure to complete this process will mean that previously held powers will be removed when the current PSPOs reach three years. There is a risk that any decisions made can be formally challenged so the decision making process must be robust and based on sound evidence. Dog control PSPOs can impact on service dogs but these have been exempted from the relevant controls.

Climate change Low Impact

Risk: Medium Risk; The consultation is a requirement of the Act and is necessary in order to create the required orders. Failure to complete this process and agree new PSPOs will mean that previously held powers will be removed when the current PSPOs reach three years in May 2026. There is a risk that any decisions made can be formally challenged.

Links to background information Anti-Social Behaviour Crime and Policing Act 2014

<http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted/data.htm> Home Office Statutory Guidance on the Act July 2014

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final_2_.pdf

Link to [Council Plan](#)

Priorities (check which apply)

- ☒ A supported and engaged community
- ☐ Carbon neutrality and ecological recovery
- ☒ Resilient economy that supports local business
- ☒ Financially secure and improving quality of services

Report in full

1. A Public Space Protection Order (PSPO) is a tool under the Anti-Social Behaviour, Crime and Policing Act 2014 which is intended to deal with a particular nuisance or problem affecting a specified area that is detrimental to the local community's way of life. They could be used for a wide range of problems. The area may be as small as a play park or as large as the district of the local authority.
2. A PSPO can be made by the council if it is satisfied on reasonable grounds that the activities carried out, or likely to be carried out, in a public space:
 - Have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;

And that the effect or likely effect of the activities:

- Is or is likely to be persistent or continuing in nature;
- Is or is likely to be unreasonable and

- Justifies the restrictions imposed.
3. A Public Space Protection Order is in place for maximum of three years. After the three-year period, the Order expires, or it can be extended to prevent occurrence or recurrence of the activities. The Order can also be varied by increasing or reducing the restricted area, or by altering or removing prohibitions or requirements, or adding a new requirement.
 4. East Devon District Council currently has three PSPOs. The [current PSPOs](#) cover:
 - Control of Dogs Varied Order 2024 – a requirement to clear up dog faeces, requirement for dogs to be kept on a lead less than 1 metre in length when on a public road or pavement adjacent to roads, requirement for dogs to be kept on a lead when asked by an authorised officer, requirement to walk no more than six dogs at any one time and a requirement for dogs on leads or dog exclusion in specified places.
 - Control on Seashores and Promenades Order 2023 – seasonal dog exclusions on East Devon town beaches, requirement for dog on leads in specified places including promenades and prohibition of feeding of seagulls on town beaches and promenades.
 - The Control of Anti-Social Behaviour and the Consumption of Intoxicating Substances (Exmouth) Order 2023 – a requirement to surrender alcohol when requested by an authorised officer, urination or defecation in a public place, aggressive requests for money, and intimidation, harassment or distress.
 5. PSPOs are time limited to three years. The Control of Dogs Varied Order 2024 is due to expire in December 2027 and the Control on Seashores and Promenades Order and the Control of Anti-Social Behaviour and the Consumption of Intoxicating Substances Order is due to expire in March 2026.
 6. A person observed not to be complying with the PSPO is liable to receive a fixed penalty notice of £100. This can be issued by an authorised Council officer or police officer.
 7. Any proposed changes to each Order require a full public consultation. Existing requirements also went through the public consultation process.
 - In July 2024, Town and Parish Councils were contacted and invited to put forward requests to change the current PSPOs. Requests were received as a result of particular area issues, or as a result of newly built recreational areas in new residential developments e.g. Tithebarn.
 - In July, August and September 2024 members of the public could also put forward requests to change the current PSPOs via the Council website.
 - In August 2024 there was internal consultation with Officers from different departments across the Council including StreetScene, Dog Enforcement Officer and Julie Owen from Devon Loves Dogs.
 - The public consultation took place over an eight-week period from 3 March to 28 April 2025. The consultation took place on the Council's online community engagement hub, 'Commonplace' and paper copies were provided to members of the public upon request.
 - Respondents could provide their views on the existing controls stated in all three Orders and on proposed changes to the Orders.
 - The public consultation was advertised on the Council's social media forums and resident's newsletters, and there was also a press release. Statutory consultees were notified in writing to make them aware of the consultation. Statutory consultees included Town and Parish Councils, Devon County Council, Chief Officer of Police, Local Policing body, Police and Crime Commissioner, and affected landowners and community representatives.
 - A total of 1646 responses were received during the consultation period.

8. Based on the consultation responses a number of changes to the existing PSPOs are proposed. Tables of proposed changes with their justification are included in Appendices 1, 2 & 3. A brief summary is given below.

9. The Control of Dogs Order.

- a) The Council are proposing to make changes to the groups of people exempt from being guilty of an offence under the Order. This includes people who rely upon a dog trained by any prescribed charity such as Dogs for the Disabled, police or fire dogs, Law Enforcement, Search and Rescue, HM Armed Forces and agricultural activities.
- b) The Council received requests from Broadclyst Parish Council and Cranbrook Town Council for new dog controls on children's play areas and recreational spaces, such as allotments in newly built residential areas in Cranbrook, Westclyst and Tithebarn.
- c) The Council's Dog Enforcement Officer has received complaints about dog fouling at Donkey Field and the Maer in Exmouth. New dog on lead requirements within these areas were consulted on.
- d) The current Dog Control PSPO includes dog on lead requirements at twenty footpaths across Honiton. Other towns across East Devon do not have these types of restrictions. Removal of these dog on lead requirements were consulted on.
- e) The current Dog Control PSPO was formally varied in December 2024 following a public consultation for the inclusion of dog on lead requirements at Kilmington Recreation Ground. This was supported by Kilmington Parish Council, Kilmington Cricket Club, Kilmington Primary School, Playing Fields Committee of the Arthur Hitchcock Charity due to concerns about dog fouling and dogs approaching children. Some dog owners raised concern about lack of alternative dog walking facilities in the locality. Kilmington Dog Walkers Association proposed that the dog on lead requirement should be removed and a new dog exclusion requirement between 10am and 6pm from 1 May to 30 September is applied. This proposal was therefore consulted on.
- f) The Council's Dog Enforcement Officer has received complaints about nuisance dogs at the Byes in Sidmouth, for example, incidents where people have been knocked over by dogs. There have been concerns about dogs colliding with other path users including cyclists. The Council has also received complaints about dogs fouling and running over graves at Sidmouth Cemetery, Temple Street. New dog on lead requirements within these areas were consulted on.
- g) During the consultation period, Clyst Honiton Parish Clerk requested that dog exclusion requirement for Clyst Honiton play park is extended to whole field. The play park equipment is no longer enclosed within a barrier inside the field and the existing signage is on the entrance to the whole field.

10. The Control on Seashores and Promenades Order.

- a) During the summer of 2024, the Council received several requests to change the seasonal dog exclusion area at Exmouth beach which would enable dog walkers to exercise their dogs across the whole beach during the early morning and later evening when the beaches are quieter.

Time limits apply on beaches within Cornwall. Feedback from Cornwall Council has indicated that they received fewer complaints concerning dog nuisance and fouling on the beaches and dogs being on the beach during the banned times. They also commented that they were able to target their limited resources in hot spot areas based on local intelligence and this enabled more successful enforcement. The timed exclusion is not considered likely to have a negative impact on the Blue Flag status as the time dogs will be accessing the beach has been reduced, enforcement will be more targeted and effective and we are aware of Cornwall Council's beaches with timed dog control not being adversely affected in their Blue Flag applications.

Applying the seasonal dog exclusion area between 10.00 and 18.00 at Exmouth beach was therefore consulted on.

- b) The Council has received a request [from Councillor John Heath] to include a new seasonal dog on lead requirement on the eastern section of the beach whilst maintaining the seasonal dog exclusion requirement on the western section of the beach.

11. The Control of Anti-Social Behaviour and Consumption of Intoxicating Substances in Exmouth Order.

- a) The Order covers a number of designated streets and public open spaces in Exmouth. The renewal of the Order will enable measures to control and restrict certain activities, in particular the consumption of psychoactive substances, consumption of alcohol in public (other than in licensed premises), anti-social behaviour of groups or by an individual, aggressive begging, and urination (other than in public toilets). The Council continues to receive reports of ASB within the town and this is supported with the Police data and the rationale for securing funding from the OPCC for the ASB Hotspot patrolling. By having the PSPO in place we are able to effectively tackle ASB which can have a detrimental impact on the community and improve the quality of those areas affected.
- b) We will consider the impact on rough sleepers and ensure a proportionate and graduated approach to enforcement.

12. Timetable for decision:

03/03/25 – 28/04/25	Public Consultation period
28/04/25 – 13/05/2025	Review of Public Consultation responses
	Legal Services instructed to review drafts and amend as necessary
12/08/2025	Report to Democratic Services for inclusion into Cabinet meeting on 03/09/2025
30/09/2025	Overview Committee meeting to review and recommend approach to Cabinet. Cabinet meeting to ratify and sign off final PSPO's Legal Services instructed to seal and sign PSPOs
03/2026	Discharge of 2023/24 PSPOs. Implementation of 2026 PSPOs

Regulatory Impacts

- 13. The proposed 2026 PSPOs do not add significant regulatory burdens compared to the 2023 PSPOs. If the proposed move to time limited access to Exmouth beach (rather than area based) is approved this should make enforcement easier. However, it should be considered that by continuing to deliver PSPOs there is an expectation that they are enforced appropriately. The recently approved Animal Enforcement Policy supports the enforcement of the dog and seashore PSPOs.

Conclusion

14. The evidence collected supports the Council in continuing with the controls provided by Public Space Protection Orders covering:
- a. Dog control
 - b. Seashores and Promenades
 - c. Anti-social behaviour and the Consumption of Intoxicating Substances in Exmouth.
15. Evidence has been provided to support changes to existing controls in the 2023 PSPOs which have been reflected in the recommendations for the new 2026 PSPOs.
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Financial implications:

The are no financial implications within the report

Legal implications:

The legal issues are dealt with in the body of the report.