

Consultation on proposed Public Space Protection Orders (dog control)

2016



CHESTERFIELD
BOROUGH COUNCIL



Public Space Protection Order



1. Introduction

Chesterfield Borough Council wants to know your views on the proposed changes to dog control powers, particularly on the introduction of new dog control offences.

We believe these proposed changes will benefit local communities, neighbourhoods and the local economy, as they will help in the creation and maintenance of clean, safe and healthy neighbourhoods, town centres and visitor destinations.

2. Legislation

The Public Space Protection Order (PSPO) is a new power granted under the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act). PSPOs are intended to deal with a particular nuisance or problem in a geographical area that is of concern. They are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

All local authorities can make a PSPO on any public space within its own area. The definition of a public space is wide and includes any place to which the public has access to.

A PSPO will replace the existing Dog Control Orders in October 2017. Any amendments to existing Dog Control Orders requires consultation with key stakeholders.

3. What are the existing Dog Control Orders?

Chesterfield Borough Council has adopted several Dog Control Orders (DCO).

The first DCO relates to dog fouling. It is an offence for any person in charge of a dog, which defecates on land not to remove the faeces immediately.

The second DCO relates to keeping a dog under control on a lead. It is an offence for a person in charge of a dog to not keep it on a lead in Boythorpe Cemetery, Brimington Cemetery, Spital Cemetery, Staveley Cemetery and Crematorium grounds.

The third DCO makes it an offence to not remove dog faeces from publicly accessible areas throughout the borough, except for that already covered by the cemeteries order.

From August 2013, three dog control orders came into force at Eastwood Park. One order excludes dogs from the play area; another requires dogs on leads at all times around the lodge, wildlife garden and tennis courts area and the third order requires dogs to be put on a lead in the rest of the park if asked to do so by an authorised officer.

4. Why are we proposing the changes?

We are keen to welcome dog walkers and dogs to the Borough and also want to encourage responsible dog ownership. There are increasing public concerns over irresponsible dog ownership, including complaints of dog attacks on people and their pets, dog fouling and urinating on grassed areas as well as graves, and dogs out of control.

From 1 April 2015 to 31 March 2016 we received and investigated 357 complaints about dog fouling and 302 complaints about dogs (214 of which were reported as stray dogs).

Direct exposure to dog faeces can cause toxocariasis, an infection of the roundworm *toxocara canis*, potentially leading to respiratory and vision problems. Treading in dog faeces can also potentially lead to slips, trips and falls, and subsequent injuries.

The council is already promoting messages asking people to be a responsible dog owner, pick up after your dog and report those that don't pick up after their dog. We are also investing in signs across a number of identified hot spot locations. Nevertheless, a small minority of dog walkers continue to fail to pick up.

Dog fouling is a very difficult offence to detect. Our environmental protection team, in spite of the targeted enforcement efforts made, only issued 17 fixed penalty notices between 1 April 2015 and 31 March 2016.

5. What are the proposed changes?

We are proposing to continue with the existing dog control orders, consolidating them within a new single Public Space Protection Order; and to introduce three new dog control offences for inclusion in the new PSPO, as follows:

Existing offences:

- Failure to pick up after their dog.
- Failure to keep a dog under control and on a lead Boythorpe Cemetery, Brimington Cemetery, Spital Cemetery, Staveley Cemetery and Crematorium grounds.
- Eastwood Park (One order excludes dogs from the play area; another requires dogs on leads at all times around the lodge, wildlife garden and tennis courts area and the third order requires dogs to be put on a lead in the remainder of the park if asked to do so by an authorised officer.

Proposed new offences:

- Failure to have means to pick up after a dog
- Excluding dogs from children's play areas (to be determined)
- Requiring dogs to be kept on leads in designated areas (to be determined)

6. What these proposals would mean

There are a number of existing powers which we would like to continue enforcing and we would like to introduce a set of new enforcement proposals which will enable us to strengthen our approach of dealing with dog fouling and problematic dog behaviour.

As the offences would be breaches of a PSPO, we may issue a fixed penalty notice offering the person concerned the opportunity of discharging any liability to conviction for the offence by paying a fixed penalty. This fixed penalty must not be more than £100. We intend to set the fine at £100, in order to maximise the deterrent risk for offenders. The offences are outlined in more detail here:

Failure to pick up after their dog

Our enforcement officers will continue to be able to require any one other than a registered blind person in charge of a dog to remove their dog's faeces from the land at the time of fouling. The Council's enforcement officers would be able to enforce this anywhere the public has access. We will not be able to enforce this where the landowner, occupier or other person in charge of a public space has given permission for dog walkers not to pick up faeces.

Keeping a dog on a lead (at named cemeteries and grave yards)

Our enforcement officers will require a person in charge of a dog to keep the dog on a lead at all times at Boythorpe Cemetery, Brimington Cemetery, Spital Cemetery, Staveley Cemetery and Crematorium grounds.

Eastwood Park

The existing orders will remain the same (dogs are excluded from the play area; dogs shall be on leads at all times around the lodge, wildlife garden and tennis courts area and dogs must be put on a lead in the remainder of the park if asked to do so by an authorised officer).

Failure to have means to pick up after a dog

Our enforcement officers will be able to ask dog walkers to demonstrate and produce the means by which they intend to pick up faeces (e.g. a bag). Those refusing or unable to do so will be committing an offence. An exemption will apply to those who are registered blind.

Excluding dogs from children's play areas (to be determined)

Our enforcement officers will be able to require a person in charge of a dog which has entered a children's play area to remove it from the play area.

We welcome suggestions for children's play areas where dogs should be excluded.

Requiring dogs to be kept in leads in designated areas (to be determined)

Our enforcement officers will be able to direct a person in charge of a dog to put and keep it on a lead.

We welcome suggestions for designated areas where dogs should be kept on leads.

7. When might the proposed changes happen?

Our cabinet will receive a report on the findings from this consultation exercise and be asked to consider these new and enhanced powers to tackle dog fouling and other forms of irresponsible dog ownership. This meeting is likely to take place during December 2016 or January 2017.

If approved, we will then carry out a four week formal notification including locations on or next to designated areas, about the Public Space Protection Orders starting between mid to late April 2017.

We will then publish the new Public Space Protection Order on our website, launch a publicity campaign and raise awareness of the PSPO, particularly concerning new dog control offences mid to late May or in June 2017.

Our enforcement officers will fully exercise these enhanced powers from July 2017 onwards.

8. Where can I get more information?

During the course of this consultation we will be collating all the views and comments we receive. Please contact the Environmental Protection Team via the main switchboard on 01246 345345 or send an email to pollution@chesterfield.gov.uk

9. Who are we consulting?

The consultation involves all stakeholders who may be affected, including dog walkers, the general public, Derbyshire Police, local parish and town councils, schools, veterinary surgeries, kennels and housing associations (this list is not exhaustive, a full list of consultees is available upon request). This document will also be sent to elected members and other teams within Chesterfield Borough Council.

Anyone can give their views during the consultation period which runs from Monday 26 September for six weeks until Friday 4 November.

10. How can I comment on these proposals?

We welcome your responses and suggestions about ways we could introduce the new PSPO. We want to hear any comments you may have on any aspect of these proposals. Please respond using our on-line survey: <https://www.snapsurveys.com/wh/s.asp?k=146980371568>

Paper copies will be available at:

- Customer service centre
- Queen's Park Sports Centre
- Healthy Living Centre, Staveley
- Chesterfield Town Library
- Newbold Library
- Brimington Library
- Old Whittington Library
- Staveley Library





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