

CREATING A NEW PUBLIC SPACES PROTECTION ORDER – CONTROL OF DOGS 2020

ODPH



1.0 Executive Summary

The existing Public Spaces Protection Order – Control of Dogs 2017 expires on the 19th October 2020. A PSPO needs to be reviewed every 3 years in order to renew or vary it. A consultation process has been undertaken to explore the support for dog fouling and dog control measures in specific area in Plymouth. The consultation also sought to seek views on some new and amended proposals (see Appendix I for consultation questions).

1454 responses were received

81.3% of responders were from dog owners/walkers

80.7% of responders walk dogs in Plymouth

A summary of the results of the consultation can be found in section 7, below. Further details can be found in Appendix 5.

The Council propose to amend the current PSPO to reflect the views of the majority of those who responded. It is intended that a new Public Spaces Protection Order – Control of Dogs 2020 will come into effect on the 20th October.

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. 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 2017

The current dog control measures in Plymouth can be found in the Public Spaces Protection Order – Control of Dogs 2017, which took over the controls found within the previously enacted Dog Control Orders 2008.

The PSPO – Control of Dogs 2017 specifies four 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

The land to which these restrictions apply are detailed in the Order. The published 2017 Order can be found on the Council's website: <https://www.plymouth.gov.uk/animalsandpests/dogcontrol>

4.0 Internal review of the PSPO – Control of Dogs 2017

Meetings were held with a number of relevant internal departments and Portfolio Holders.

It was considered that the existing offences relating to dog fouling and the control of dogs in the specified areas in Plymouth should remain in place in a new PSPO.

It was considered that the Council should consult on the following new/amended proposals:

1. To require a dog owner/walker to have the means to pick up their dog's faeces.
2. To require dogs to be kept on a lead within two areas of Central Park that would be an extension of the current restricted area
3. To require dog control restrictions all year round on all sports facilities
4. To consider what the dog control restriction should be on sports facilities
5. To require dogs to be kept on a lead within the site of the new crematorium at Haye Road, Plymouth, when it is opened.
6. To change the wording when dogs are required to be put on a lead by an Authorised Officer.

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

1. To require a dog owner/walker to have the means to pick up their dog's faeces.

The Council received the following number of dog fouling complaints across the city:

2017/18 – 545

2018/19 – 434

2019/20 – 522

2020/21 – 152 (part year)

(see Appendix 4 for a map showing the location of dog fouling complaints Feb 19 to Aug 20)

The majority of dog owners/walkers carry dog poo bags to pick up and dispose of their dogs faeces. The introduction of this requirement is aimed at encouraging dog owners/walkers to consider how they will pick up their dog faeces which will help to reduce the incidence of dog fouling which is affecting the residents in Plymouth.

Carrying a means to pick up faeces is not considered unreasonable as this can be done with specific dog poo bags which are small, lightweight and can be carried in a pocket or small container attached to a dog's lead.

2. To require dogs to be kept on a lead within an area of Central Park that is an extension of the current restricted area.

Central Park has recently undergone an extensive improvement programme as part of the Council's Central Park Masterplan. The aim was to build a premier park for the people of Plymouth and outstanding venue of regional and national significance for active recreation and formal sport, culture, art and the natural environment. In 2017, it was agreed that dogs must be kept on a lead in the area that was being developed for family play, skating and around the specific sports facilities of bowling and tennis.

Internal discussions suggested that the current restricted area could be extended to provide a larger area within Central Park where dogs must be on a lead, as these were areas of mixed use.

2 areas were proposed which would extend the restrictions to the north and/or the south of the area where current restrictions apply. (see map in Appendix 2)

Area A – north of the existing restricted area, including the field outside the Life Centre, the adjacent field which contains a sports pitch, the pedestrian area outside the Life Centre and the carpark. This is an area of high footfall and mixed use and is the first area of the Central Park that people enter from the carpark. It is also the access route for vehicles to the Events field, catering establishments in Central Park and the main route for maintenance vehicles.

Area B – south of the existing restricted area, including the Sports Hub and fields containing a range of sports facilities, including golf, football, baseball and lacrosse pitches. This is an area of mixed use, where currently only the marked sports pitches require dogs to be on a lead.

It was considered appropriate to consult on introducing restrictions in these areas.

3. To require dog control restrictions all year round on all sports facilities

The requirement for dogs to be on a lead on sports pitches has been a control measure since 2008, introduced to assist with tackling dog fouling in areas which are specifically designated for a sporting activity. These areas are used for formal matches within a league structure and by people making use of these sporting facilities informally at other times. Therefore, it is essential that these areas are clear from dog fouling to minimise the risk to health at all times. (see Appendix 4 for map showing where Fixed Penalty Notices have been served for dog fouling and dogs not on a lead when required)

Consideration was given to the maintenance of the pitches and grass cutting operations in these areas and the ground marking that were required for the sports. For example, within a large playing field there can be several individual sports pitches and the exact location of a marked pitch can be moved in order to maintain the appropriate playing surface. In addition, the pitches are only marked up when required for the relevant sport, e.g. in the football/rugby season.

Complaints are received by the Council in relation to dog fouling on sports pitches across the city. As dog fouling can be an issue on sports pitches throughout the year, it was considered appropriate to consult on introducing restrictions on sports facilities throughout the year.

4. To consider what the dog control restriction should be on sports facilities

Further to the internal discussions detailed above, consideration was also given as to whether the existing restriction in relation to sports facilities should remain, in that dogs are kept on a lead on sports pitches. Alternatively, dogs could be excluded from these areas or the restrictions could be removed.

It was considered appropriate to seek views on what restriction, if any, should be in place on sports facilities.

5. To require dogs to be kept on a lead within the site of the new crematorium at Haye Road, Plymouth, when it is opened.

Internal discussions were held with the Bereavement Service regarding the new crematorium site at Haye Road. (see Appendix 3 for map of the new crematorium site) This is due to be opening before the new PSPO would expire. It was considered reasonable that dogs should be kept on a lead at this site, to prevent disturbance to non-dog owners whilst on site and to minimise the risk of dog fouling not being picked up by dog owners.

Therefore, it was considered appropriate to consult at this time on the proposed restrictions in order that could be put in place in time for the opening of this facility.

6. To change the wording when dogs are required to be put on a lead by an Authorised Officer.

Under the current PSPO, if a dog's behaviour is causing a nuisance, annoyance or disturbance to any person, animal or bird and it needs to be on a lead to prevent this, the owner/walker may be asked to put it on a lead.

Internal discussions were held with Legal Services on the wording of the existing offence to put a dog on a lead when directed by an Authorised Officer. It was considered that the wording should be

amended and updated in line with the requirements of the Anti-Social Behaviour, Crime and Policing Act 2014 under which the PSPOs are made.

It is proposed that the wording is amended, such that a dog owner/walker will be required to put their dog on a lead if such restraint is reasonably necessary to prevent a nuisance or if its behaviour is likely to cause alarm, distress or disturbance to any other person or animal or bird.

It was considered appropriate to consult on the changes to this wording for the new PSPO.

6.0 External consultation for renewing and varying the PSPO – Control of Dogs

The external 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.

The details of the consultation were put on the Council's website, social media Facebook and Twitter accounts and in the Herald. Notices were put up in the areas of Central Park that could be directly affected by the introduction of restrictions in an extended area.

Consultation details were sent to the Devon and Cornwall Police and Crime Commissioner, the Chief Officer of Police, the local Police inspector for Peverell and Hartley, the Kennel Club, Gables Farm Dogs and Cats Home and local veterinary practices.

Details were sent to all Friends of Parks organisations across the city, the Meadow Café, the Life Centre and local sports clubs, including the Central Park golf club, football, rugby and cricket organisations and Plymouth University and Marjons College that use the Council's sports facilities.

Details were sent to all Members and relevant internal departments, including Anti-Social Behaviour, Street Services, Natural Infrastructure, Sports Development and the Legal Department.

7.0 Results of Consultation

1454 responses were received. This level of response (over 1100) makes this consultation statistically robust.

81.3% of responders were from dog owners/walkers.

80.7% of responders walked dogs in Plymouth

The questions asked responders whether they supported retaining the existing dog fouling offence and dog control measures. They were also to seek views on some proposed new or amended dog control measures.

7.1 Existing dog fouling and dog control measures

Question	Result	Recommendation
Do you agree that dog owners/walkers should pick up their dog's poo?	Yes – 99.8% No – 0.2%	Retain the existing offence in the new PSPO

Do you agree that dogs should be excluded from the existing exclusion areas?	Yes – 86.9% No – 13.1%	Retain the existing control measure in the new PSPO
Do you agree that dogs should be excluded from Efford and Weston Mill Cemeteries?	Yes – 63.5% No – 36.5%	Retain the existing control measure in the new PSPO
Do you agree that dogs should be on a lead within the existing controlled parks?	Yes – 69.8% No – 30.2%	Retain the existing control measure in the new PSPO

Table I

Table I shows there was significant support for retaining the existing dog controls in Plymouth. Therefore, a new Public Spaces Protection Order – Control of Dogs will need to be enacted when the current PSPO expires on the 19th October 2020.

7.2 Proposed new / amended dog control measures

Question	Result	Recommendation
Do you agree that dog owners/walkers should carry something to pick up their dog's poo, e.g. poo bags?	Yes – 95.1% No – 4.9%	Include a new offence in the new PSPO
Do you agree that dogs should be kept on a lead in Area A in Central Park?	Yes – 55.3% No – 44.7%	Include this area in the new PSPO as one where dogs must be kept on a lead
Do you agree that dogs should be kept on a lead in Area B in Central Park?	Yes – 23.8% No – 76.2%	Do not include this area in the new PSPO
Do you think the current restriction should be in place all year round on all sports facilities?	Yes – 41.7% No – 58.3%	Retain the existing control measure in the new PSPO
Do you think dogs should be on a lead or excluded from sports facilities?	On a lead – 47.5% Excluded – 20.2% Neither – 32.3%	Retain the existing control measure in the new PSPO
Do you think that dogs should be kept on a lead on the new crematorium site in Plymouth?	Yes – 88.5% No – 11.5%	Include this area in the new PSPO as one where dogs must be kept on a lead
Do you agree with the proposed wording for when a dog should be put on a lead if requested to do so by an Authorised Officer in such circumstances?	Yes – 87.1% No – 12.9%	Replace the existing offence with the updated wording in the new PSPO

--	--	--

Table 2

Table 2 shows there were mixed responses to the proposals which would introduce new or amended control measures. From an analysis of the responses it is clear which ones are supported and which ones are not supported.

8.0 Recommendations

The Council have undertaken the required consultation process to extend and vary the existing Public Spaces Protection Order – Control of Dogs 2017.

The views of the responders have been taken into account and are reflected in the new draft PSPO.

It is recommended that the proposals which have been supported are included in the new Public Spaces Protection Order – Control of Dogs 2020.

The new Order will be published on the Council’s website. Signage will be installed in appropriate places to highlight the new restrictions.