

Decision under Delegated Powers

Officer Requesting Decision

Enviro Crime and Dog Control Manager

Officer Making the Decision

Head of Regulatory and Community Safety

Recommendation

That the Public Spaces Protection Order (PSPO) – Dog Control Charnwood Borough Council be made and issued.

Reason

To comply with a requirement in the Anti-Social Behaviour Crime and Policing Act 2014 to extend and vary the existing Public Spaces Protection Order to be able to enforce dog control in the Borough of Charnwood.

Authority for Decision

The Cabinet on 13th October 2022 approved the Public Spaces Protection Order as drafted after the expiry of the 28 day 'notice period' (minute 30 (1,2) 2022/23 refers).

Delegated Authority was granted to the Head of Regulatory and Community Safety to amend and make Public Spaces Protection Orders if there are only minor alterations required (Cabinet minute 30 (3) 2022/23 refers).

Decision and Date

I confirm that I have reviewed the consultation responses received following the service of the notice of intention with the Lead Member for Business Support – Councillor Shona Rattray.

I am satisfied that there are no substantial changes required or major objections and the original decision made by Cabinet on 13th October 2022 to extend and vary the PSPO can be undertaken.

Signed:

Dated:

Background

The Anti-social Behaviour Crime and Policing Act 2014 brought in Public Spaces Protection Orders (PSPOs) for the control of a range of ASB issues, including problems relating to dog control.

The existing PSPO was introduced on 7th January 2020 and will expire on 6th January 2023. There are four main areas within the order:

- Dog Fouling - this covers dog fouling offences on areas of land within the Borough which are open to the air and to which the public have access whether by payment or not.
- Dogs on lead – Dogs should be on lead at all times within specified areas.
- Dogs on Leads by Direction – this applies to specific areas of land where it makes it an offence not to put a dog on a lead if directed by an Authorised Officer.
- Dogs Exclusion - this applies to fenced children's play areas where there is a sign in place where it makes it an offence to allow your dog into these areas.

To comply with the legislation an extension and variation needs to be made to continue enforcing the PSPO.

A report was taken to Cabinet on October 13th 2022 to gain approval of the Notice so that it can be issued to give 28 days for people to make any comment or objection.

The Notice was published on the Charnwood Borough Council website and in paper form at proposed new locations on the schedule. The period for objections/comments was between October 27th 2022 and November 25th 2022.

There were no major objections received during this period. All responses were collected on the smart survey linked to the consultation except one which was authorised prior to closing due to a request to have additional space for their comment.

The comments received on the smart survey and the additional disclosure received by email were reviewed but the evidence and information did not meet the legal threshold to extend the restriction, so authority is sought for the

Head of Regulatory and Community Safety to vary and extend the Order. The variations to the schedule have been added and are shown in the appended background papers in red. All comments are also appended in the background papers.

The whole PSPO will have ongoing monitoring and relevant incidents and issues recorded so that a review can take place if and when necessary.

Financial Implications

The financial implications of the PSPO will involve the updating of signs across the Borough. This is estimated to be £950 for new signage and replacements.

These costs will be met within existing budgets.

Risk Management

No specific risks have been identified with this report.

Key Decision:

No

Background Papers:

Draft - Public Spaces Protection Order 2023
Notice of Intention
Summary of Comments – Notice stage

The Anti-Social Behaviour, Crime and Policing Act 2014

DATED

The Public Spaces Protection Order – Dog Control Charnwood Borough Council 2023

Charnwood Borough Council (“the Council”) in exercise of its power under section 60 and 61 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) and of all other enabling powers being satisfied that that the conditions set out in section 60 and 61 of the Act have been met extends and varies the existing Public Spaces Protection Order – Dog Control Charnwood Borough Council 2020:

1. Fouling

If within the administrative area of the Council a dog defecates at any time on land to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission and a person who is in charge of the dog at that time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless:

- (a) he has reasonable excuse for failing to do so: or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

2. Leads by Order

A person in charge of a dog shall be guilty of an offence if, at any time, on land detailed in Schedule 1 does not comply with a direction given to him by an officer authorised by the Council to put and keep the dog on a lead (no more than 1.5 metres in length) unless:

- (a) he has reasonable excuse for failing to do so: or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

3. Leads

A person in charge of a dog shall be guilty of an offence if, at any time, on land detailed in Schedule 2 below he does not keep the dog on a lead no more than 1.5 metres in length unless:

- (a) he has reasonable excuse for failing to do so: or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

4. Exclusion

A person in charge of a dog shall be guilty of an offence if, at any time, he takes the dog onto, or permits the dog to enter or remain on, any land detailed in Schedule 3 below unless:

- (a) he has reasonable excuse for failing to do so: or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

5. Exemptions

Nothing in this Order shall apply to a person who –

- (a) Is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- (b) Is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance.
- (c) Is a member of Assistance Dogs UK; or
- (d) Has a disability which affects his mobility, manual dexterity, physical coordination, or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.

For the purpose of this Order –

- A person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.
- Placing the faeces in a receptacle on the land which is provided for the purpose, or the disposal of waste, shall be sufficient removal from the land.
- Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces.
- “An authorised officer of the Council” means an employee, partnership agency or contractor of Charnwood Borough Council who is authorised in writing by Charnwood Borough Council for the purposes of giving directions under the Order.
- Each of the following is a “prescribed charity” –
 - Dogs for the Disabled (registered charity number 700454)
 - Support Dogs Limited (registered charity 1088281)
 - Canine Partners for Independence (registered charity number 803680)

6. Penalty

A person who is guilty of an offence under this Order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

A person may be offered a Fixed Penalty Notice of £100 by way of discharging liability for the offence. The Fixed Penalty Notice is reduced to £50 if paid within 10 days of issue.

Schedule One

Variations to the existing PSPO are shown in red (bold)

* Areas to be included in borough wide order from variation (May 2022)

Option 1 – to maintain the existing restriction on the yellow zone at Stonebow Washlands, Loughborough

Dogs on Lead by Direction

Map No.	Location	Geographical Area	Ward/Parish/Town
1.	Charnwood Water	Loughborough	Hastings
1.	Booth Wood	Loughborough	Garendon
1.	Shelthorpe Pitch and Putt	Loughborough	Shelthorpe
1.	Option 1: Stonebow Washlands (yellow zone)	Loughborough	Garendon

Schedule Two - The Keeping of Dogs on Leads

Map No.	Location	Geographical Area	Ward/Parish/Town
1.	Cemetery – Leicester Road	Loughborough	Shelthorpe
6.	Cemetery – Groby Lane	Anstey	Anstey
7.	Cemetery – Cotes Road	Barrow Upon Soar	Barrow Upon Soar
8.	Cemetery – Greengate Lane	Birstall	Birstall
8.	School Lane Playing Fields Meadow Lane Playing Fields Harrowgate Fields - Playing Fields	Birstall	Birstall
9.	Cemetery – Melton Road	Burton on the Wolds	Burton on the Wolds, Cotes and Prestwold
10.	Cemetery – Wymeswold Lane	Corner of Wymeswold Lane and	Hoton

		Rempstone Road	
26.	Cemetery – Groby Lane Closed Churchyard, All Saints' Church, Bradgate Road, Newtown Linford	Newtown Linford	Newtown Linford
12.	Cemetery – South Croxton Road	Queniborough	Queniborough
14.	Cemetery – Church Lane	Off the High Street and Station Road	Quorn
14.	Closed Churchyard – St Bartholomew's Church	Church Lane	Quorn
15.	Cemetery – Mountsorrel Lane	Rothley	Rothley
16.	Cemetery - Charnwood Road	Shepshed	Shepshed
16.	Closed Churchyard – St Botolphs	Shepshed	Shepshed
18.	Cemetery – Barkby Road	Syston	Syston
19.	Cemetery – Leicester Road, Cropston	Cropston	Thurcaston and Cropston
21.	Cemetery – Rempstone Road	Wymeswold	Wymeswold
22.	Cemetery – Cemetery Road	Sileby	Sileby
23.	Cemetery – Green Hill Rise	Hathern	Hathern
23.	Cemetery – Church Street	Hathern	Hathern
23.	Closed Cemetery – St Peter and Paul Church	Church Street	Hathern
24.	Cemetery – off A607	Thurmaston	Thurmaston
25.	Cemetery – Loughborough Road	Mountsorrel	Mountsorrel
25.	Peace Garden – Leicester Road	Mountsorrel	Mountsorrel
1.	Dishley Pool	Loughborough	Hathern and Dishley
1.	Stonebow Washlands (blue zone)	Loughborough	Garendon

Schedule Three - Dogs Exclusion

Map No.	Location	Geographical Area	Ward/Parish/Town
6.	Children's Play Area,	Stadon Road Millfield Play Area Long Close Fairhaven Farm Estate	Anstey
7.	Children's play area	Hollow Road	Anstey
8.	Toddler Play Area	Wycliffe Avenue	Barrow Upon Soar
9.	Children's Play Area	Meadow Lane Harrowgate Drive School Lane Playing Fields Hallam Fields Tithe Close	Birstall
10.	Children's Play Area	Towles Fields Hubbard Road	Burton on the Wolds
11.	Children's Play Area	Jubilee Playing Fields, Long Furrow	East Goscote
12.	Children's Play Area	Old Parsonage Lane	Hoton
15.	Children's Play Area	King George V Playing Fields, Coppice Lane	Queniborough
16.	Children's Play Area	Stafford Orchard, Station Road	Quorn
17.	Children's Play Area	Town Green Street Play Area	Rothley
18.	Children's Play Area	Oakley Road, Glenmore Park	Shepshed
18.	Children's Play Area	King George V Playing Field	South Croxton
19.	Skate Park, Central Park	Melton Road	Syston
20.	Children's Play Area	Jubilee Park, Latimer Road, Cropston	Thurcaston and Cropston
21.	Toddler Play Area	Memorial Hall Playground, Clay Street	Wymeswold
22.	Children's Play Area, Memorial Park	Seagrave Road Butler Way Play area Harlequin Drive	Sileby
23.	Children's Play Area Hathern Park	Pasture Lane	Hathern
24.	Children's Play Area	Garden Street Recreation Ground and Elizabeth Park	Thurmaston
25.	Children's Play Area	Loughborough Road Play Area and Leicester Road Playing Fields	Mountsorrel
11.	Children's Play Area	Weaver's Wynd	East Goscote
11.	Children's Play Area	Lilac Way	East Goscote
26.	Bob Brown Memorial Field Play Park,	Grey Crescent	Newtown Linford

Dogs Exclusion – Loughborough

Map No.	Location	Geographical Area
1.	<p>Children's Play Area:</p> <ul style="list-style-type: none">• Braddon Road• Brush Drive• Cumberland Road• Garendon Road• Great Central Road• Hartington Street• Holt Drive• Jubilee Park (children and toddlers play areas)• Kirkstone Drive• Moat Road• Newstead way• Queens Park• Radmoor Road• Rendell Street• Shortcliff Park• Sidings Park• Epinal Court• Farnham Road• Matthew Arnold Court• Meadow Avenue• Warwick Court• Bobbin Way	Loughborough

**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
CHARNWOOD BOROUGH COUNCIL**

27TH OCTOBER 2022

**NOTICE OF INTENTION TO MAKE A PUBLIC SPACES PROTECTION
ORDER
DOG CONTROL – CHARNWOOD BOROUGH COUNCIL**

Notice is hereby given that Charnwood Borough Council ('the Council') proposes for the purposes of reducing antisocial behaviour in relation to dog control to extend and vary a Public Spaces Protection Order under Section 60 and 61 of the Anti-Social Behaviour, Crime and Policing Act 2014 and of all other enabling powers.

The Council would like to seek your views on the proposed Notice of Intention to extend and vary an order. This Notice outlines the details of the proposed variations to the Order in red ink in the schedules on page 2 and 3. Any comments should be completed using the smart survey on the link below or using the QR Code below.

At the closure of the formal consultation period, Charnwood Borough Council will review all comments and will decide on whether to extend and vary the order or an alternative in part or in full.

The variation from May 2022 at Stonebow Washlands, Loughborough and Dishley Pool, Loughborough will also be added into the main order so that there is one order in place for ease of understanding. The Order outlined in the Notice of Intention will supersede the May 2022 variation, as detailed on the schedule of the Order.

The Public Spaces Protection Order will seek to address anti-social behaviour issues relating to dog control across the Borough of Charnwood. The majority of dog owners are responsible and display effective dog control but there are some occasions where additional controls are necessary to ensure all people in control of dogs are acting responsibly.

The Council takes the health and well-being of the residents very seriously, and seeks to promote a healthy, safe environment for all residents, protecting them from anti-social behaviour in the form of dog control issues. These issues include:

- Owners allowing dogs to foul and not clearing away afterwards
- Dogs defecating on graves at cemeteries/graveyards
- Dogs in dog exclusion zones where small children are playing
- Dogs out of control in public areas

The effect of the Order will be to apply conditions to dog owners by:

- Insisting they clear up after their dogs if they foul forthwith
- Insisting all dogs are kept on leads in cemeteries which are owned/managed by Charnwood Borough Council or the Parish/town Councils
- Insisting dogs are not to be taken into fenced children's' play areas
- Insisting dogs are put on lead if directed by an authorised officer in areas outlined in schedule below.

This Order applies to the public places described in the Schedule to this Order ("the restricted area")

SCHEDULE

Condition	Location
Dogs on leads at all times Fixed penalty notice £100	All cemeteries within Charnwood Borough Council which are owned/managed by the Borough Council or the parish or Town Council Birstall Parks: 1. School Lane Playing Fields, Birstall 2. Meadow Lane Playing Fields/Worcester Avenue fields, Birstall 3. Harrowgate Drive Playing Fields, Birstall Closed Churchyard, All Saints' Church, Bradgate Road, Newtown Linford Existing variation of May 2022 to be included in this order and effective from 6th January 2023. Dishley Pool, Loughborough (from May 2022 variation) Stonebow Washlands, Loughborough – Blue zone around the pools (from May 2022 variation)
Dogs on lead by direction Fixed penalty notice £100	Booth Wood Shelthorpe Pitch and Putt Charnwood Water Existing variation to be included in this order and effective from January 2023. Option 1 - Maintain the existing restriction

	Stonebow Washlands, Loughborough – Yellow zone playing fields (from May 2022 variation and 2020 Order)
Dog exclusion zones Fixed penalty notice £100	All fenced children’s play areas which display a sign stating “dog exclusion zone) whether the sign uses those particular words or words and/or symbols having like effect) Variation to apply from January 2023: <ul style="list-style-type: none"> • Butler Way Play area, Sileby • Harlequin Drive play area, Sileby • Millfield Play area, Anstey • Fairhaven Farm Estate Playing Fields, Anstey • Bob Brown Memorial Field Play Park, Greys Crescent, Newtown Linford
Clearance of dog faeces Fixed penalty notice £100	Borough wide on any land which is open to the air and has access to the public whether by payment of not

A draft of the proposed Order is available for inspection on the Council’s website on the current consultations page. More details about the Proposed PSPO can be found on the Charnwood Borough Council website at:
<http://www.charnwood.gov.uk/pages/currentconsultations>

Any comments on the proposed Public Spaces Protection Order should be outlined in the smart survey which can be accessed on the link below or found on the current consultations page.

https://www.smartsurvey.co.uk/s/PSPO_NOI/

You can also access the smart survey by scanning the QR code below.

Public Spaces Protection Order (PSPO) Consultation - Notice of Intention for Charnwood

Response 1

Respondent Details

Information	
Respondent Number: 1	Respondent ID: 201387948
Date Started: 13/10/2022 17:08:55	Date Ended: 13/10/2022 17:09:24
Time Taken: 28 seconds	Translation: English
IP Address: 2a02:c7d:5b97:f200:7534:8bc4:6cc5:560b	Country: United Kingdom

Q1. Would you like to comment on the published Notice of Intention for Charnwood Borough Council (whole borough)?

No, I am in agreement with the Notice of Intention and do not wish to add a comment.

Response 2

Respondent Details

Information	
Respondent Number: 2	Respondent ID: 202515283
Date Started: 28/10/2022 10:24:02	Date Ended: 28/10/2022 10:24:18
Time Taken: 15 seconds	Translation: English
IP Address: 2a02:c7e:4632:900:88cb:2631:6fc0:1949	Country: United Kingdom

Q1. Would you like to comment on the published Notice of Intention for Charnwood Borough Council (whole borough)?

No, I am in agreement with the Notice of Intention and do not wish to add a comment.

Response 3

Respondent Details

Information

Respondent Number: 3 **Respondent ID:** 203632622
Date Started: 10/11/2022 20:54:33 **Date Ended:** 10/11/2022 20:58:19
Time Taken: 3 minutes 46 seconds **Translation:** English
IP Address: 85.255.237.49 **Country:** United Kingdom

Q1. Would you like to comment on the published Notice of Intention for Charnwood Borough Council (whole borough)?

Yes, I would like to comment.

If yes, please add your comment here:

Allowing dogs off their lead on the field directly adjacent to the ponds, and on a field used by the pond birds (ducks, Morgan, swans) will not stop the dogs attacking and chasing wildlife. All dogs should be on short leads at all times when they are on any part of Stonebow Washlands. Will it take a child to be attacked before something sensible is done?.

Response 4

Respondent Details

Information

Respondent Number: 4 **Respondent ID:** 203647322
Date Started: 11/11/2022 08:41:17 **Date Ended:** 11/11/2022 08:43:20
Time Taken: 2 minutes 2 seconds **Translation:** English
IP Address: 95.144.143.34 **Country:** United Kingdom

Q1. Would you like to comment on the published Notice of Intention for Charnwood Borough Council (whole borough)?

Yes, I would like to comment.

If yes, please add your comment here:

For the safety and protection of wildlife and other dogs, I feel that all dogs should be on leads on Stonebow washlands, including the playing fields.

Response 5

Respondent Details

Information

Respondent Number: 5 **Respondent ID:** 203734139
Date Started: 11/11/2022 19:53:55 **Date Ended:** 11/11/2022 19:55:25
Time Taken: 1 minute 29 seconds **Translation:** English
IP Address: 95.144.143.34 **Country:** United Kingdom

Q1. Would you like to comment on the published Notice of Intention for Charnwood Borough Council (whole borough)?

Yes, I would like to comment.

If yes, please add your comment here:

I believe dogs should remain on a lead in and around the area of Stonebow Washland including the playing fields.

Response 6

Respondent Details

Information

Respondent Number: 6 **Respondent ID:** 203750947
Date Started: 12/11/2022 00:52:17 **Date Ended:** 12/11/2022 00:53:26
Time Taken: 1 minute 8 seconds **Translation:** English
IP Address: 64.227.33.165 **Country:** United Kingdom

Q1. Would you like to comment on the published Notice of Intention for Charnwood Borough Council (whole borough)?

Yes, I would like to comment.

If yes, please add your comment here:

All dogs should be on short, fixed leads at all times when they are on any part of Stonebow Washlands, INCLUDING THE PLAYING FIELD

Response 7

Respondent Details

Information	
Respondent Number: 7	Respondent ID: 203769911
Date Started: 12/11/2022 10:29:18	Date Ended: 12/11/2022 10:30:14
Time Taken: 55 seconds	Translation: English
IP Address: 2a02:c7e:4691:1500:60fd:880f:7a7:465a	Country: United Kingdom

Q1. Would you like to comment on the published Notice of Intention for Charnwood Borough Council (whole borough)?

Yes, I would like to comment.

If yes, please add your comment here:

All dogs should be on a lead all round this nature reserve .

A CITIZEN'S RESPONSE TO THE 27TH OCTOBER 2022 CHARNWOOD BOROUGH COUNCIL (CBC) NOTICE OF INTENTION TO VARY A DOG CONTROL PSPO ON STONEBOW WASHLANDS, LOUGHBOROUGH

CREDENTIALS

The following is derived from twelve years and over fifteen thousand hours of observation on the Stonebow Washlands (and Dishley Pool) sites.

OBJECTION TO THE NOTICE OF INTENTION

* I strongly object to the 27th October 2022 CBC Notice of Intention to operate 'Dogs on leads by direction' on the Stonebow Washlands playing field (yellow zone), for reasons explained herein, in the first stage of this consultation (reponses to questions 4, 5 and 6), in a 16th October 2022 report entitled 'Resolving Dangerous and Illegal Loose Dog Behaviour at Stonebow Washlands and Dishley Pool, Loughborough' and in a May 2022 report entitled 'Why all dogs must be on leads at all times on the entire Stonebow Washlands site'. All has been previously provided to CBC. The last two reports were also submitted to the subsequently invalidated, May 2022, consultation.

EVIDENCE OF THE SPECIFIC ILLEGALITIES OF WITNESSED LOOSE DOG ATTACKS ON THE STONEBOW WASHLANDS PLAYING FIELD

The Report of the CBC Scrutiny Commission, Meeting Discussion, item (ii) stated (quote, with my emphasis): *'There had been **only one report**, which met the threshold of anti-social behaviour, at Stonebow Washlands within the yellow zone highlighted on the map included within the report.'*

Based upon my observations alone, it becomes immediately clear that 'only one' instance of anti-social loose dog behaviour is incorrect. As an example, I reported seventeen loose dog attacks on the Stonebow playing field during the August 2022 first stage of this consultation. A purpose of this submission is to provide newly derived evidence that **all** of those attacks inarguably involved anti-social and/or dangerously out of control loose dog behaviour.

For ease of reference, relevant published legislation may be summarised as follows:

[1] - The Anti-social Behaviour, Crime and Policing Act 2014 defines anti-social behaviour as 'conduct that has caused, or is likely to cause, harassment, alarm or distress to any person'. Note that 'proportionate' and 'reasonable' application of this Act is stipulated. Given that there is nothing 'proportionate' or 'reasonable' about dogs being allowed to be off a lead in exchange for witnessed and reported harassment, alarm and distress to human adults and their children, it is clear that this Act is relevant to loose dog induced incidents on the Stonebow playing field.

[2] - The Dangerous Dogs Act 1991 states that it is illegal to allow any dog to be dangerously out of control in a public place. Most obviously, a dog is dangerously out of control if injures a person. A court could also decide that a dog is dangerously out of control if it attacks another dog, or if that other dog's owner thinks that they too could be injured if they attempted to stop that dog attacking their dog. Perhaps less obviously, but no less correctly, a dog is also deemed to be dangerously out of control if it causes fear or apprehension to a person that it might injure them. A dog does not, therefore, need to attack, bite, injure or kill a person or another dog to be deemed dangerously out of control.

[3] - The Wildlife and Countryside Act 1981 is intended to protect wild animals in the UK. Of particular relevance to the resident species on Stonebow Washlands, it is illegal under that Act to injure or kill any wild bird or interfere with nesting birds regardless of location. Mute swans, their nests and their eggs are specifically protected. It is illegal to kill, harm **or even disturb** Mute swans **in any way**. Other English councils accept a 'Duty of Care' to enforce this Act. CBC is apparently not of the same mind.

IDENTIFIED ILEGALITIES

Loose dog attack incident numbers in the following list match those of my incident reports, which are available within a PDF document entitled 'CAB 13 Oct. 2022 Item 09 Background Papers' within the minutes of the 13th October 2022 CBC Cabinet meeting. See reference number 26 - 15/08/2022 11:38 AM - I D: 197575291. Four days ago, CBC instructed me that I must not reproduce any information herein that I submitted prior to 19th August 2022. With apologies, ease of reference has thereby

been reduced and the necessary restructuring of this submission in such a short timescale has unavoidably reduced its quality.

The following will now identify which of the above Acts apply to each of the seventeen loose dog attack incidents and will explain the reasoning.

Loose dog attack incident 1

Illegal under The Anti-social Behaviour, Crime and Policing Act - caused alarm to a person (by virtue of witnessing a severe loose dog attack upon a wild animal).
Illegal under The Wildlife and Countryside Act - disturbing, attacking and harming a legally protected Mute swan.

Loose dog attack incident 2

Illegal under The Anti-social Behaviour, Crime and Policing Act - caused alarm to a person (i.e. myself, throughout the entire attack, most especially when I intervened).
Illegal under The Dangerous Dogs Act - caused apprehension to a person (i.e. myself, when I intervened) that the dog might injure them.
Illegal under The Wildlife and Countryside Act - disturbing and attacking legally protected Mute swans.

Three significant points arise:

[i] - In this and other identical or similar instances within this list of seventeen incidents, my interventions would not have been necessary if the attacking dog had been on a short, fixed length lead, thereby preventing its attack in the first place. Exposing myself to a potential attack by a loose dog in order to prevent or halt its attack upon someone or something else does not invalidate the illegality of any attack by that dog upon me or the illegality of a dog's behaviour inducing alarm, distress, fear and/or apprehension in my mind.

[ii] - Legislation does not require injury to be sustained by a person for illegality to have occurred.

[iii] - Unsurprisingly, all of my interventions recorded within this listing most certainly *did* create some or all of alarm, distress, fear and/or apprehension in my mind that the attacking dog might injure me, thereby rendering all of those loose dog attacks illegal.

Loose dog attack incident 3

Illegal under The Anti-social Behaviour, Crime and Policing Act - caused alarm and distress to a person (i.e. the attacked dog's owner).
Illegal under The Anti-social Behaviour, Crime and Policing Act - caused harassment, alarm and distress during to the subsequent loud exchange with the attacking dog's owner.
Illegal under The Dangerous Dogs Act, subject to a court ruling - a dog attacking another dog.

Loose dog attack incident 4

Illegal under The Anti-social Behaviour, Crime and Policing Act - caused alarm to a person (i.e. myself, throughout the entire attack and when I intervened).
Illegal under The Dangerous Dogs Act - caused apprehension to a person (i.e.

myself, when I intervened) that the dog might injure them.
Twice illegal under The Wildlife and Countryside Act – disturbing and attacking a legally protected Mute swan and disturbing its mate.

Loose dog attack incident 5

Illegal under The Anti-social Behaviour, Crime and Policing Act - caused alarm to a person (i.e. myself, throughout the entire attack and when I intervened).
Illegal under The Anti-social Behaviour, Crime and Policing Act - caused harassment to a person (i.e. myself, when the dog owner directed foul language towards me).
Illegal under The Dangerous Dogs Act - caused apprehension to a person (i.e. myself, when I intervened) that the dog might injure them.
Illegal under The Wildlife and Countryside Act – disturbing and attacking a legally protected Mute swan.

Loose dog attack incident 6

Illegal under The Anti-social Behaviour, Crime and Policing Act – one of two dogs caused harassment and alarm to a person (i.e. the attacked dog owner, throughout the entire attack upon his dog).
Illegal under The Anti-social Behaviour, Crime and Policing Act – one of two dogs caused alarm to a person (i.e. the attacked dog owner, throughout the entire attack upon the swan cygnets).
Illegal under The Dangerous Dogs Act – one of two dogs caused apprehension to a person (i.e. the attacked dog owner) that the dog might injure them.
Illegal under The Dangerous Dogs Act, subject to a court ruling - one of two dogs attacking another dog.
Illegal under The Wildlife and Countryside Act – one of two dogs disturbing and attacking legally protected Mute swans.

Loose dog attack incidents 7 to 13

Illegal seven times under The Anti-social Behaviour, Crime and Policing Act - one or both dogs caused harassment and alarm to seven people/couples.
Illegal seven times under The Dangerous Dogs Act - caused apprehension to seven people/couples that one or both dogs might injure them or their own dogs.

Loose dog attack incident 14

Illegal under The Anti-social Behaviour, Crime and Policing Act – one or both dogs caused harassment and alarm to two people.
Illegal under The Dangerous Dogs Act - caused apprehension to two people that one or both dogs might injure them.

Loose dog attack incident 15

Illegal under The Anti-social Behaviour, Crime and Policing Act - caused harassment and alarm to a person.
Illegal under The Dangerous Dogs Act - caused fear to a person that it might injure them.
Illegal under The Dangerous Dogs Act - caused injury to a person.

Loose dog attack incident 16

Illegal under The Anti-social Behaviour, Crime and Policing Act - caused harassment

and (extreme) alarm to a person (i.e. the attacked dog owner).
Illegal under The Anti-social Behaviour, Crime and Policing Act - caused harassment and alarm to a second person (i.e. myself, when I intervened).
Illegal under The Dangerous Dogs Act - caused fear to a person that it might injure them (i.e. myself, when I intervened).
Illegal under The Dangerous Dogs Act, subject to a court ruling - a dog attacking another dog, on this occasion causing physical injuries.

Loose dog attack incident 17

Illegal under The Anti-social Behaviour, Crime and Policing Act - caused harassment and alarm to a person (i.e. the attacked dog's owner).
Illegal under The Dangerous Dogs Act - caused fear to a person (i.e. the attacked dog's owner) that it might injure them if they tried to defend their own dog.
Illegal under The Dangerous Dogs Act, subject to a court ruling - a dog attacking another dog.
Illegal under ? - two men fighting.
Illegal under The Wildlife and Countryside Act – a dog disturbing a legally protected Mute swan.

Loose dog attack incident 'NOTE'

Illegal under The Anti-social Behaviour, Crime and Policing Act - causing harassment and alarm to numerous(?) people.
Illegal under The Dangerous Dogs Act, subject to a court ruling - a dog attacking numerous(?) other dogs
Illegal under The Dangerous Dogs Act - a dog causing physical injury to numerous(?) other dogs.

SUMMARY

Twenty one instances of violating The Anti-social Behaviour, Crime and Policing Act.

Twenty two instances of violating The Dangerous Dogs Act.

Seven instances of violating The Wildlife and Countryside Act.

CONCLUSION

The above SUMMARY is *significantly* at odds with the CBC claim of 'only one report'.

With all due respect, therefore, something must be very seriously amiss if CBC claim 'only one report'. One explanation (amongst many others known to me) is provided immediately below.

ANALYSIS OF CBC CABINET SUPPORT OF AN OFFICER'S OPINION

The minutes of the 13th October 2022 CBC Cabinet meeting link to a 'Report of the Head of Regulatory and Community Safety'.

Part B, item 13. states (my emphasis):

'In the Officer's opinion the majority of the listed incidents could be classed as a 'near miss' or typical animal behaviour where dogs have approached wildlife, but no injuries were caused.'

AN OPINION VERSUS WITNESSED INCIDENTS

Considerable CBC credence and support has been granted to the CBC Officer's opinion, despite all of his/her claimed occurrences being unwitnessed. In stark contrast, CBC has overlooked or misinterpreted a citizen's written witness reports of seventeen loose dog attack incidents.

With all due respect to the CBC Officer, the following must, therefore, analyse his/her opinion in essential detail in an effort to redress the currently damaging and unfair imbalance. Witnessed facts cannot, surely, be overlooked in favour of unfounded opinion.

INJURY IS NOT A REQUIREMENT OF ILLEGALITY

Why has the CBC Officer declared that 'no injuries' were sustained, despite clear witness reports of injuries occurring?

Regardless of the above, loose dog incidents are illegal under The Anti-social Behaviour, Crime and Policing Act 2014 if they involve dog conduct that is likely to cause harassment, alarm or distress to any person. Note that injuries are not a requirement of illegality.

Under The Dangerous dogs Act 1991, a dog is deemed to be illegally out of control if it causes fear or apprehension to a person that it might injure them. Again note that injuries are not a requirement of illegality.

Under The Wildlife and Countryside Act 1981 it is illegal for loose dogs to interfere with nesting birds, whilst Mute swans, their nests and their eggs are specifically protected and it is even illegal to *disturb* them in any way. Yet again note that injuries are not a requirement of illegality.

NEAR MISSES ARE ILLEGAL

I have never reported a 'near miss', which are claimed by the CBC Officer. I have consistently reported witnessed loose dog *attacks*. To be clear, the Britannica Dictionary correctly and very appropriately defines the word 'attack' as follows: 'To act violently against (someone or something): to try to hurt, injure, or destroy'.

How is the CBC Officer able to claim near misses when he/she witnessed absolutely nothing?

In addition to the above, 'near misses' would be illegal under The Anti-social Behaviour, Crime and Policing Act 2014 because they undoubtedly involve loose dog conduct that has caused or is likely to cause, harassment, alarm or distress to a person.

Near misses targeting a person are also illegal under The Dangerous Dogs Act 1991 because they will inevitably cause fear or apprehension to that person (if of a normal disposition or weaker) that a dog might injure them.

Under The Wildlife and Countryside Act 1981 it is illegal to disturb Mute swans in any way. Any 'near miss' is, at the very least, a disturbance.

Bear in mind that a 'near miss' can only possibly exist if preceded by an attack. The illegality of a dog attack upon a person or (if a court so rules) their dog is beyond doubt.

DOG ATTACKS ARE NOT TYPICAL ANIMAL BEHAVIOUR

How did the Officer conclude that the majority of my reports of witnessed loose dog attacks were 'typical animal behaviour' on the basis of him/her witnessing absolutely nothing?

It is obvious, known and proven fact that attacks by legally permitted breeds of domesticated dogs in the UK are most certainly not 'typical animal behaviour'. Attacking dogs are in a (albeit significant) minority. How, therefore, did the Officer conclude that the majority of my reports of witnessed loose dog attacks were 'typical animal behaviour' when such an opinion is contrary to obvious, known and proven fact?

APPROACHING?

How did the Officer conclude that the majority of my reports of witnessed loose dog attacks were dogs 'approaching' wildlife on the basis of him/her witnessing absolutely nothing?

This claim is also revealingly incompatible with the Officer's claim of near misses. How is any loose dog imagined to 'approach' a person, innocent dog or wildlife and then 'near miss' them? Also recall an earlier conclusion that a near miss cannot occur unless preceded by an attack.

WILDLIFE IS NOT THE 'MAJORITY' TARGET ON THE PLAYING FIELD

Why did the Officer declare that the majority of my reports of witnessed loose dog attacks involved wildlife, when sixteen of my seventeen reports of witnessed loose dog attack incidents on the Stonebow playing field clearly recorded that people and/or their innocent dogs were exclusive or additional victims?

CONCLUSION AND A QUESTION

As was the objective, the above analysis demonstrates that the 'Officer's opinion' is unfounded, incorrect and misleading.

Why did CBC Cabinet not reach the same conclusion during their 13th October 2022 meeting?

CITIZENS' VOTES AND COMMENTS

Despite a significant majority of 56.84% of citizens rejecting 'Dogs on leads by direction' on the Stonebow playing field in the second (August 2022) consultation, CBC supported a minority 34.74% by approving that totally ineffective (as proven by the above reports*) scheme in the Notice of Intention. Also apparently overlooked are citizens' frequent and insightful comments rejecting 'Dogs on leads by direction' on the Stonebow playing field.

A comment from the minutes of the 13th October Cabinet meeting was that there is nowhere but the Stonebow playing field for local residents to exercise their dogs off a lead. That comment overlooks my 15th August 2022 submission to Question 6 of the August 2022 survey, reference number 84, 15/08/2022 11:38 AM I D: 197575291.

FINAL CONCLUSIONS

It is clear from all of the above that 'Dogs on leads by direction', "in operation" on the Stonebow playing field for almost three years, has failed to detect, let alone prevent, a sample seventeen loose dog attack incidents committing multiple illegalities in my experience alone. I spend most of my time on the ponds area, not the playing field, so how many more incidents have occurred when I wasn't on or within sight of that field?

There is only one effective (and very straightforward) solution: Replace 'Dogs on leads by direction' with 'All dogs on short, fixed length leads at all times'. Dog control on the entire Stonebow Washlands site would thereby be effective (if correctly operated), unified and simplified, which in turn would render it more easily understood and likely to be complied with by visitors with dogs.