

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 – Dog Control Bradgate Park and Swithland Wood 2023 be extended.

Reason

To extend the existing Public Spaces Protection Order for up to 3 years from 20th February 2023 to 20th February 2026.

Authority for Decision

Chapter 8.3 of the Constitution (Section 42 (ii)) gives delegated authority for the Head of Regulatory and Community Safety in consultation with the Lead Member to make revisions and amendments to the Public Space Protection Order (Bradgate Park and Swithland Wood) in response to future requests for additional dog controls at Bradgate Park Estate.

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.

Bradgate Park and Swithland Woods initially introduced a PSPO in February 2017 to control dogs on the estate to protect the people using the park and the deer that live in the park. This was varied on 1st November 2018 to make the yellow zone a dogs on leads at all times throughout the year and then extended in February 2020.

For ease of understanding for the public and effective enforcement by the Rangers the park was divided into zones where different dog controls are in place. The map can be seen in the background papers showing the zones.

The yellow zone includes the road/path through the whole of Bradgate Park which runs from the Newtown Linford entrance to the Cropston entrance. This is the most heavily used and congested area of the park so effective dog control is essential to protect the people and animals using the park.

The Head of Regulatory and Community Safety along with the Lead Member for Business Support has reviewed the consultation responses received following the service of the Notice of Intention and is satisfied that there are no substantial changes required or major objections so the extension to the PSPO can be undertaken.

Signed:

Dated:

Financial Implications

No financial implications

Risk Management

No specific risks have been identified with this report.

Key Decision: No

Background Papers: Public Spaces Protection Order
(Bradgate Park and Swithland Wood)
Control of Dogs 2023
Report to Head of Service and Lead
Member – Extension of PSPO

The Anti-Social Behaviour, Crime and Policing Act 2014
The Public Spaces Protection Order ('PSPO') –
(Bradgate Park and Swithland Wood) Control of Dogs 2023

DATED

Charnwood Borough Council ("the Council") in exercise of its power under section 60 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 of the Act have been met hereby extends the following Order:

- Part i: Dog Fouling - If a dog defecates at any time on land to which this Order applies across the entire Estate a person who is in charge of the dog at the time must 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.
- Part ii: Leads by Order - A person in charge of a dog on land to which this order applies must comply with a direction given to him by an authorised officer of the Trust to put and keep a dog on a lead across the entire Estate 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.
- NB: An authorised Officer shall only give a direction under this order if such restraint is reasonably necessary to prevent a nuisance or disturbance to any other person, or to a bird or another animal.
- Part iii: Leads required at all times - A person in charge of a dog on land detailed in yellow on the Plan shall be guilty of an offence if, at any time he does not keep the dog on a lead 9am and 10pm 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.
- Part iv: 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 the Protected Deer Sanctuary areas and Wildlife Protection Zones shown in grey on the Plan 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.

1. 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; or
- c. 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 Authority” 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)

2. 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.

A person may be offered a fixed penalty notice of £100 by way of discharging liability for the offence. If the fixed penalty notice is paid within 10 days the discounted rate of £50 applies, if paid within 14 days the full amount of £100 is required.

**Bradgate Park & Swithland Wood
Country Park, Leicestershire**

Key

P. Newtown Linford Car Park	4 Centre Wall
P. Hunts Hill (Old John) Car Park	5 Yeomanry War Memorial
P. Hallgates (Cropston) Car Park	6 Pheasantry
P. Swithland Wood South Car Park	Dogs on lead area by direction
P. Swithland Wood North Car Park	All dogs should be on leads at all times in this area
1 Little Matlock area	No Public access
2 River Lin	Woodlands
3 Deer Meadow	Former Slate Quarries
Paths	Toilets
Paths & Horse Riding Tracks	
Boundary of Estate	
Deer Park Boundary Wall	
Middle Wall	
Tarmac Carriageway	

Useful Distances

P1 to Ruins	¾ mile
P1 to Deer Barn Tea Room/Visitor Centre	1 mile
P1 to P3	1¼ miles
P3 to Deer Barn Tea Room/Visitor Centre	¾ mile
Ruins to Old John Tower	1 mile
P1 to P2	1¼ miles
P1 to P2 to P3 to P1 (within the Park)	4½ miles
P4 to P5	1 mile

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Authorised Signatory

Report on Findings of Consultation for Public Spaces Protection Orders (PSPOs)

January 2023

1.0 Introduction

Bradgate Park has a PSPO which has been in place since 2017. This was varied in 2018 and extended in 2020. The extended Order of 2020 can last for up to 3 years so it will need to be replaced in February 2023.

The first part of making any changes to orders involves a consultation across the Borough. The consultation ran from 14th June 2022 to 29th July 2022.

The legislation to make, vary and extend PSPOs is the Anti- Social Behaviour Crime and Policing Act 2014. This Act broadens the powers available to deal with anti-social behaviour including dog control. In line with this Act, it is proposed to extend the 2020 PSPO for up to a further 3 years to last from February 2023 to February 2026.

2.0 Proposals

After discussion with the Bradgate Park Trust a decision was made to extend the Order for up to 3 years. It was decided that there was no need to make any variations at this time.

The Proposals are to:

- Continue to enforce dog owners not clearing away dog foul across the whole estate.
- Continue to enforce dog exclusion zones in the deer sanctuary.
- Continue to enforce dogs on lead by direction in the green zone.
- Continue to enforce dogs on leads in the yellow zone (all year round)

3.0 Consultation Method

The consultation was published on the Charnwood Borough Council website and in paper format at the Bradgate Park estate.

This consultation was opened on 14th June 2022 and closed on 29th July 2022

4.0 Additional Information gathering visit from Officer

An Officer at Charnwood Borough Council also visited Bradgate Park to review dog related issues to see if additional controls may be useful to put forward for the proposal. There were none identified for this 3-year period.

5.0 Results from the consultation – Stage One

4 people responded to the consultation.

The results from the consultation were:

Q1: Are you in agreement to continue with the 2020 Public Spaces Protection Order as made?

- 4 (100%) agreed

6.0 Recommendations following consultation

The recommendations following the consultation are to:

1. Extend the 2020 Order for up to 3 years.

7.0 Final Stage of consultation process – Notice Stage

The Notice of Intention was published on the Charnwood Borough Council website and in paper format across the Bradgate Park estate for a period of no less than 28 days. The notice of intention offers a further formal period of consultation putting forward the proposals so the public can comment on them.

The Notice of Intention consultation stage ran from 27th October 2022 to 29th November 2022.

There was only 1 comment received at this stage which disagreed with the proposal but did not offer any evidence or further reasoning about why the Order should not be extended. The comment was reviewed and there are no major objections to the Order so the Order can be approved by the Head of Regulatory and Community Safety in consultation with the Lead Member for Business Support.

A delegated decision will confirm the decision which will be published. The final stage is to seal the Order and display on the website and on the Bradgate Park estate.

Contact

For further information about the consultation or Public Spaces Protection Orders please contact:

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