

Decision under Delegated Powers

Officer Requesting Decision

Enviro Crime and Dog Control Manager

Officer Making the Decision

Head of Regulatory Services

Recommendation

That the Public Spaces Protection Order – Bradgate Park and Swithland Wood Bradgate Park and Swithland Wood be extended.

Reason

To continue with the existing Public Spaces Protection Order – Bradgate Park and Swithland Woods Dog Control (Variation 2018) by extending the term by 3 years from 20th February 2020 to 20th February 2023.

Authority for Decision

Chapter 8.3 of the Constitution (Section 25(ii) – page 8-27) gives delegated authority for the Head of Regulatory Services in consultation with the Lead Member for Regulatory Services 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.

Decision and Date

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 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.

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The introduction of the PSPO replaced the outdated bye laws. At the time of introduction it was deemed appropriate to adopt a seasonal approach to insist that dogs should be kept on leads in the yellow zone between April 1st of Good Friday (whichever is sooner) and October 31st.

The Trust noticed that there was a significant increase in the number of dog attacks when the restriction was not in place, so the variation made it a condition for dogs to be on leads throughout the whole year.

The Head of Regulatory Services 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.

The Head of Regulatory Services has also consulted the Lead Member on this extension.

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 – Extension 2020
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 – Extension 2020

DATED: 20TH FEBRUARY 2020

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 Order dated 20th February 2017 (and varied on November 2018) and the following shall be the extended Order in place from 20th February 2020:

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 member of Trust staff 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 Trust staff member 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

- (a) a person in charge of a dog on land shown in yellow with a grey hatched path on the Plan shall be guilty of an offence if, at any time he does not keep the dog on a lead between the hours of 9am and 10pm unless:
 - (b) he has reasonable excuse for failing to do so: or
 - (c) 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 as deer sanctuary 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

Parts i, ii and iii in this Order shall not apply to a person (s) 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) Is a member of assistance dogs UK:
www.assistedogs.org.uk/uk/members
- (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 –

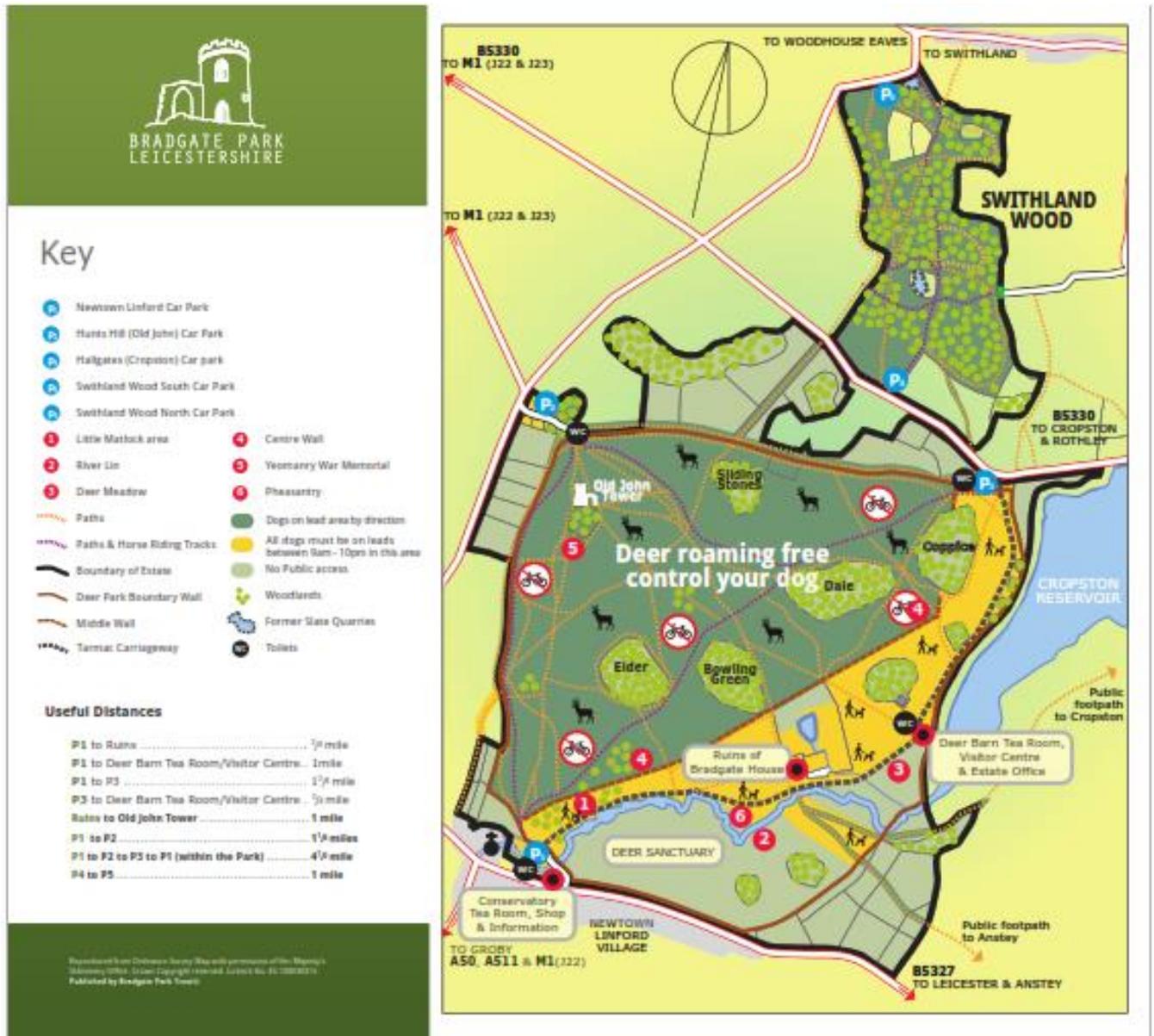
- A person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
- Placing the faeces in a receptacle on the land which is provided for the purpose, or the disposal of waste, shall be sufficient 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 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. 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.

Map of Bradgate Park and Swithland Woods



Map Version 4 – October 2018

Report of Enviro Crime and Dog Control Manager – January 2020

Extension to Public Spaces Protection Orders ('PSPOs') – Bradgate Park and Swithland Wood

1.0 Purpose of the Report

- 1.1 To update the Head of Regulatory Services and the Lead Member for Regulatory Services, Enforcement and Licensing on the proposed extension to the existing Public Spaces Protection Order for Bradgate Park and Swithland Wood for dog control.
- 1.2 To provide a summary of the consultation responses.
- 1.3 To inform Head of Regulatory Services and Lead Member of the likely future stages of implementing the Order.

2.0 Procedural Context

- 2.1 Bradgate Park and Swithland Wood was left to the people of Leicestershire by Mr Charles Bennion, a local industrialist, who purchased Bradgate Park from Mrs Grey and presented it, in trust, to be managed for the benefit of the people of Leicestershire and visitors to the county in 1928.

Since 1928, other land has either been donated to or purchased by the Trust. One important donation was Swithland Wood, which was generously given by the Rotary Club of Leicester in 1931.

Today, the Bradgate Park Estate extends to around 1,300 acres and is managed by a Registered Charity, The Bradgate Park & Swithland Wood Charity, known as the "Bradgate Park Trust". The greater part of the Estate is designated as a Site of Special Scientific Interest. The Estate, which welcomes over half a million visitors a year, was designated a Country Park by the Countryside Commission in 1970.

- 2.2 Bradgate Park and Swithland Wood have an existing PSPO which was made and sealed by Charnwood Borough Council in February 2017. This was varied on November 1st 2018.
- 2.3 The variation is in relation to dogs on leads. Originally, the dogs on leads condition was seasonal (April 1st or Good Friday whichever is sooner until 31st October). The Trust requested an extension the dogs on leads condition to be in place all year round. This was agreed and a variation to the existing PSPO was published and put in place on November 1st 2018.

2.4 Charnwood Borough Council is the local authority which makes, varies and extends Public Spaces Protection Orders for any land which is mainly within the Charnwood boundary. Bradgate Park and Swithland Wood come under the jurisdiction of Charnwood Borough Council so therefore Charnwood Borough Council can make, vary or extend the Order on their behalf.

3.0 Background

3.1 PSPOs can be extended under section 60 of the Anti-Social Behaviour Crime and Policing Act 2014.

3.2 The local authority that made the order may extend the period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent—

(a) occurrence or recurrence after that time of the activities identified in the order, or

(b) an increase in the frequency or seriousness of those activities after that time.

(3) An extension under this section—

(a) may not be for a period of more than 3 years;

(b) must be published in accordance with regulations made by the Secretary of State.

(4) A public spaces protection order may be extended under this section more than once.

3.3 Bradgate Park Estate still has a problem with dog control on the estate, so they asked Charnwood Borough Council to extend the order for a further 3 years. They have said that while the number of incidents of dogs being out of control has decreased, they are still having issues with dogs chasing deer, dog on human and dog on dog attacks.

The numbers of incidents have decreased since the PSPO was introduced but there are still issues with dogs chasing deer, dogs attacking other dogs and a dog biting a human in 2019.

A summary of the number of incidents is shown below:

Year	Total	PSPO in Place
2016	8 *	No
2017	16	Yes
2018	13	Yes
2019	9	Yes

* Data was only collected from September 2016, so this does not represent a full year

- 3.4 4 Fixed penalty notices have been issued since the introduction of the PSPO. This is a relatively low number which may be due to the relaxed policy at the estate where the Officers will advise people to put their dog on a lead and only if they refuse or take the lead off the dog after the advice would issue a fixed penalty notice. This approach works for them as they have visitors from across the UK who may not be aware of the PSPO without additional guidance.
- 3.5 PSPOs are an order created in relation to areas within the local authority's jurisdiction where activities are taking place that are or likely to be detrimental to the local community's quality of life.
- 3.6 PSPOs impose conditions or restrictions on people within that area, such as dog control or dog fouling.
- 3.7 A breach of a PSPO is an offence punishable by a fixed penalty notice and/or prosecution in a magistrate's Court.
- 3.8 PSPOs provide the local authority with a means by which to control specific activities such as dog control or dog fouling taking place within a specified area and by virtue of which anti-social behaviour has been causing a nuisance or annoyance to those living or visiting the area. The Police, Council Officers and other designated people authorised by the Local Authority have power under the legislation to enforce the PSPOs and tackle such behaviour.
- 3.9 In order to extend a PSPO, local authorities are required to consult with the public, police and community representatives (as the local authority sees fit). The consultation process as a whole is based on statutory guidance.
- 3.10 A PSPO can last for up to 3 years. The local authority which made the Order may extend the period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent:
 - a) Occurrence or reoccurrence after that time of the activities identified in the order.
 - b) An increase in the frequency or seriousness of those activities after that time.Any extension of the PSPO cannot be for a period of more than 3 years (although there is no limit on the number of times that the PSPO can be renewed).
- 3.11 Altering or removing a prohibition or requirement included in the order or adding a new one.

4.0 Enforcement

- 4.1 The PSPO is in place and is being enforced by the Bradgate Park and Swithland Wood Estate Rangers who are authorised and trained by Charnwood Borough Council. They will also enforce the variation.
- 4.2 The extension will be published on the Charnwood Borough Council web site, the Bradgate Park website and in paper format around the Estate.

5.0 Consultation

- 5.1 In order to ensure visitors and key stake holders were made aware of the proposed extension to the PSPO: a consultation exercise ran from 21st October 2019, lasting until 5pm on 22nd November 2019.
- 5.2 During the consultation; the Bradgate Park Trust worked hard to ensure awareness of proposal for the variation to the PSPO and to encourage and generate debate around the issue of dog control. Displays and information were available in the tearooms on the Estate and information was displayed at each entrance, on the noticeboards and map boards.
- 5.3 Notices about the proposal for an extension to the existing PSPO were displayed temporarily around the sites on notice boards and key entrance points.
- 5.4 The following groups were all contacted for comment during the consultation:
- relevant parish and town councils,
 - The Police and Crime Commissioner
 - The Local Policing Body
 - The Kennel Club

Responses received from these groups were indicative of support.

- 5.5 An online survey which summaries and analyses responses to the key questions in the initial consultation was hosted via Survey Monkey and generated 62 responses. The responses are summarised as:

Q1: Are you in agreement to continue with the 2018 Public Spaces Protection Order as made?

- 53 (85.48%) agreed
- 7 (11.29%) disagreed
- 2 (3.23%) were unsure

6.0 Recommendations following consultation

The recommendations following the consultation are to:

1. Extend the 2017 Order (as varied in 2018) for 3 years.

7.0 Final Stage of consultation process

The Notice of Intention was published on the Charnwood Borough Council website and in paper format across the Bradgate Park estate from 16th December 2019 to 16th January 2020.

The notice of intention offers a further formal period of consultation which will be published on the Charnwood Borough Council website.

After the closing date the comments were reviewed and if there are no major objections then the Order can be approved to extend by the Head of Regulatory Services in consultation with the Lead Member.

There was only one response at the notice of intention stage which stated that they were in agreement with the extension of the PSPO.

A delegated decision confirms 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.

8.0 Recommendations following consultation

8.1 The consultation included a copy of the existing PSPO and a request for opinion and comment on the proposed extension. The extension would need to cover the legal test which is:

- a) Activities are having or are likely to have a detrimental effect on the quality of life of those in the locality;
- b) Is persistent and continuing in nature; and
- c) Is unreasonable

8.1.1 The recommendations following the consultation are to:

1. Extend the PSPO for a further 3 years from 20th February 2020 to 20th February 2023.
- 2.

9.0 Timetable and future stages

9.1 The timetable for completing the extension to the Public Spaces Protection Order for Bradgate Park and Swithland Wood is set out in the table below:

Event	Date	Stage
Report reviewed by Head of Service and Lead Member	End of January 2020	To update the Head of Regulatory Services and the Lead Member for Regulatory Services, Enforcement and Licensing on the extension
Sign off and seal Order	February 2020	Signing of variation to PSPO and publishing on website and in paper format that order is in place.

10.0 APPENDICES

- A) Notice of Intention to make an order
- B) Copy of consultation document
- C) Summary of Notice stage consultation comments

Officer to contact: Nicky Gibson 01509 634576
nicola.gibson@charnwood.gov.uk

APPENDIX A

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

NOTICE OF INTENTION TO VARY A PUBLIC SPACES PROTECTION ORDER (‘PSPO’) DOG CONTROL – BRADGATE PARK AND SWITHLAND WOOD

Notice is hereby given that Charnwood Borough Council (‘the Council’) proposes for the purposes of reducing anti-social behaviour in relation to dog control to extend the existing PSPO under Section 60(2) of the Anti-Social Behaviour, Crime and Policing Act 2014 and of all other enabling powers.

The Council would like to seek your views to extend the existing 2018 order. This Notice outlines the details of the proposed extension to the PSPO. Any comments and/or objections should be sent in writing or by email to the correspondence address below.

Proposed extension:

To extend the PSPO (2018 variation) for up to 3 years.

At the closure of the formal consultation period, the Council will review all comments/objections and will make a decision on whether to extend the order or an alternative in part or in full.

The PSPO will continue to address anti-social behaviour issues relating to dog control across the estate of Bradgate Park and Swithland Wood. The majority of dog owners are responsible and display effective dog control but there are some occasions where additional controls are necessary for clarity to ensure all people in controls of dogs are acting responsibly.

This Order applies to the public places outlined on the plan (shown overleaf) (“the restricted area”)

More details about the Public Spaces Protection Order can be found on the Council website at: <http://www.charnwood.gov.uk/pages/currentconsultations>

Any representation or objection to the variation to the PSPO outlined in this notice must be in writing addressed to:

Public Spaces Protection Orders Consultation (BP2020), C/O Street Management

Charnwood Borough Council,
Southfield Road,
Loughborough,
Leicestershire
LE11 2TR

Stating the reference number to which they relate and the grounds for making them before 16th January 2020

Alternatively email cleaner.greener@charnwood.gov.uk quoting reference BP/2020

Bradgate Park and Swithland Wood - Plan



APPENDIX B

Bradgate Park and Swithland Woods Public Spaces Protection Order Consultation

Bradgate Park and Swithland Woods introduced a Public Spaces Protection Order (PSPO) for dog control in February 2017 to apply conditions about dog control on the estate.

Charnwood Borough Council made the order in line with legislation in the Anti-social Behaviour Crime and Policing Act 2014 . The Order included a dog on leads zone (yellow zone) on a seasonal basis which was varied to all year round in 2018. The rest of the estate is a dog on lead by direction zone (green zone) which covers 75% of the estate except for the deer sanctuary which is a dog exclusion zone (grey zone).

The Order lasts for up to three years, so in February 2020 it is proposed to continue with the PSPO for Bradgate Park and Swithland Woods in the same format as the varied order in 2018. This would comprise of:

- **Yellow zone** – dogs on leads between 9am and 10pm
- **Green zone** – dogs on lead by direction (requirement to put dog on a lead if a Ranger thinks the dog is out of control or likely to become out of control)
- **Grey Zone** – Deer sanctuary – dogs exclusion zone for safety of the deer (people are also excluded from this area)

For full details of the 2018 varied Public Spaces Protection Order – please visit: <https://www.charnwood.gov.uk/pages/dogcontrol>

We would like to hear your views on this proposal. The consultation is open from **Monday 21st October 2019 and runs until Friday 22nd November 2019 at 5pm.**

If you would like to take part in the consultation, then go to <https://www.charnwood.gov.uk/pages/currentconsultations>

Or email: cleaner.greener@charnwood.gov.uk or contact Street Management to request a paper form on 01509 634576.

APPENDIX C

There was only one response to the consultation at the notice stage which was:

Yes, they were in favour of continuing the existing PSPO for a further 3 years.