

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 (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 4th July 2019 approved the Public Spaces Protection Order as drafted after the expiry of the 28 day 'notice period'. (minute 14 2019/20 refers).

Delegated Authority was granted to the Head of Regulatory Services to amend and make Public Spaces Protection Orders if there are only minor alterations required (Cabinet minute 52 2016/17 refers).

Decision and Date

I confirm that I have reviewed the consultation responses received following the service of the notice of intention with the Councillor Margaret Smidowicz, Cabinet Lead Member for Regulatory Services, Enforcement and Licensing.

I am satisfied that there are no substantial changes required or major objections and the original decision made by Cabinet on 4th July 2019 to extend and vary the PSPO can be undertaken.

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 2017 and will expire on 6th January 2020. 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 July 4th 2019 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 issued in paper form at the proposed new locations on the schedule and was posted on the Charnwood Borough Council website. The period for objections/comments was between July 9th 2019 and September 17th 2019. It was revised on 16th August 2019, so the consultation period was extended to cover 28 days from the final revisions.

There were no major objections but there were some slight amendments to the schedule of locations where enforcement would take place.

These amendments do not constitute a major change to the PSPO, so authority is sought for the Head of Regulatory Services to vary and extend the Order. The amendments to the schedule have been added and are shown in the appended background papers in red.

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:

Public Spaces Protection Order 2020
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 2020

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:

The extension will be for a period of up to 3 years from January 2020 and the variations can be seen in red ink on the schedule.

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 Direction

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)
 - Assistance Dogs UK (Registered charity no: 1119538)

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)

Dogs on Lead by Direction

Map No.	Location	Geographical Area	Ward/Parish/Town
1.	Charnwood Water	Loughborough	Hastings
1.	Shelthorpe Pitch and Putt	Loughborough	Shelthorpe
1.	Dishley Poole	Loughborough	Dishley and Hathern
1.	Stonebow Washlands	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 Rempstone Road	Hoton
11.	Cemetery – Groby Lane	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
18.	Cemetery - Charnwood Road	Shepshed	Shepshed
18.	Closed Churchyard – St Botolphs	Shepshed	Shepshed
19.	Cemetery – Barkby Road	Syston	Syston
19.	Cemetery – off Millstone Lane	Syston	Syston
20.	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

Schedule Three - Dogs Exclusion – Parish and Town Councils

Map No.	Location	Geographical Area	Ward/Parish/Town
6.	Children's Play Area,	Stadon Road	Anstey
6.	Children's play area	Hollow Road	Anstey
7.	Toddler Play Area	Wycliffe Avenue	Barrow Upon Soar
8.	Children's Play Area	Meadow Lane Harrowgate Drive School Lane Playing Fields Hallam Fields Tithe Close	Birstall
9.	Children's Play Area	Towles Fields Hubbard Road	Burton on the Wolds
11.	Children's Play Area	Jubilee Playing Fields, Long Furrow	East Goscote
10.	Children's Play Area	Old Parsonage Lane	Hoton
16.	Children's Play Area	Caves Field	Quorn
12.	Children's Play Area	King George V Playing Fields, Coppice Lane	Queniborough
16.	Children's Play Area	Stafford Orchard, Station Road	Quorn
15.	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.	Children's Play Area	Central Park	Syston
19.	Children's Play Area	DeVile Park	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	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.	Children's Play Area	Daisy Bank	Hathern

Schedule Three (continued) - 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 Drive/Lace Avenue • Highland Drive 	Loughborough

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

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

DATED 9TH JULY 2019 AND REVISED 16TH AUGUST 2019

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 text on page 2. The extension will be from 6th January 2020 for up to 3 years. Any comments and/or objections should be sent in writing or by email to the correspondence address below.

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

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 in cemeteries/graveyards
- Dogs in dog exclusion zones where small children are playing
- Dogs not being kept under control on a lead near wildfowl and other animals causing distress and sometimes fatalities
- 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 Variation to apply from 6th January 2020: Peace Garden, Leicester Road, Mountsorrel Cemetery – Off Millstone Lane, Syston
Dogs on lead by order Fixed penalty notice £100	Booth Wood Shelthorpe Pitch and Putt Charnwood Water Kelcey Lake (Quorn) Variation to apply from 6th January 2020: Dishley Pool, Loughborough Stonebow Washlands, Loughborough Remove: Shelthorpe Pitch and Putt, Loughborough Kelcey Lake, Quorn
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 6th January 2020: Lilac Way, East Goscote Weavers Wynd, East Goscote Highland Drive, Loughborough Bobbin Drive/Lace Avenue, Loughborough Caves Field, Quorn Central Park, Syston DeVilles Park, Syston Daisy Bank, Hathern
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
Dogs on leads at all times Fixed penalty notice £100	Birstall Parks: 1.School Lane Playing Fields, Birstall 2. Meadow Lane Playing Fields/Worcester Avenue fields, Birstall 3.Harrowgate Drive Playing Fields, Birstall

A draft of the proposed Order is available for inspection on the Council's website (Reference: CBC/08/19).

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

Any representation or objection to the proposed Public Spaces Protection Order must be in writing addressed to:
Head of Regulatory Services, Charnwood Borough Council, Southfield Road,
Loughborough,
Leicestershire
LE11 2TR

Stating the reference number to which they relate and the grounds for making them before 17th August 2019. Alternatively, you can email cleaner.greener@charnwood.gov.uk quoting reference CBC/08/19.

Responses from consultation at notice stage PSPO 2020

Source	Detail of contact
Cllr Tom Barkley	Addition of new cemetery on Millstone Lane, Syston to Schedule 2 – Agreed
East Goscote Parish Council	Addition of 2 new areas for schedule 3 in East Goscote - Lilac Way and Weavers Wynd – Agreed
Residents - Mr and Mrs Esders	Comment about dogs on leads at Stonebow Washlands – In agreement with additional controls
Residents - Mr and Mrs Zanker	Comment about additional controls at Dishley Poole and Stonebow Washlands - Agreement
Resident - Mr Lodey	Question and comment about dogs on leads at Stonebow Washlands – Clarification on control being dogs on leads by direction and explanation of what that means for people using the facility.
Queniborough Parish Council	Request to add additional areas for dogs on leads - rejected no evidence
Resident - Hallam Fields estate	Question about Hallam Fields Open Space - unadopted at present so will review once adopted. Advice given and told to get in touch at a later date if there are dog control issues in the future.
Resident - Tracy Allen	Comment about Borough wide enforcement - in agreement of PSPO
Resident - Twitter - Kaz Setchell	Question about Who will undertake enforcement
Syston Town Council	Request for 2 additional areas in Syston for dogs exclusion zones in fenced children's play areas- Central Park and Deville Park
Cllr Gill Bolton	Addition of 2 new areas for dogs exclusion zones - Highland Drive and Bobbin Drive Loughborough – Agreed
Cllr Jane Hunt	Request for Caves Field Quorn to be included in schedule 3 – agreed
Cllr Roy Dan - Hathern Parish Council	Request for Daisy Bank to be added in schedule 3 – agreed