

LEISURE AND ENVIRONMENT COMMITTEE

25 JANUARY 2022

REVIEW OF PUBLIC SPACE PROTECTION ORDERS AND THE CONTROL OF DOGS

1.0 Purpose of Report

For Committee to consider the three year review of Public Space Protection Orders as they relate to the control of dogs across Newark and Sherwood.

2.0 Background Information

2.1 In 2014 the Antisocial Behaviour Crime and Policing Act 2014 introduced a new power, enabling Local Authorities to declare Public Space Protection Orders to promote responsible behaviour and restrict behaviour that is Anti Social in our parks and other open spaces. Any behaviour can be restricted on any land, which is publically accessible with or without payment. There is no longer prescribed wording allowing a more flexible approach to their declaration which must be proportionate and aimed at addressing a specific problem behaviour in a geographically defined area. The Act also provided for all existing Dog Control Orders to automatically convert to Public Space Protection Orders on the 1st October 2017, but guidance also required that the Dog Control Orders should be reviewed at this point too.

2.2 In 2018 the Leisure and Environment Committee agreed a number of Public Space Protection Orders which have now been in place for three years and therefore are required to be reviewed. The PSPOs agreed were:

1. The Fouling of Land by Dogs – District Wide
2. The Dogs on Leads by Direction - District Wide
3. The Dogs on Leads - specified areas
4. The Dogs Exclusion Areas – specified areas
5. Allowing a dog to be out of control when exercised – specified areas

2.3 All Parish and Town Councils have been consulted on the current controls and asked to consider if they are still relevant and appropriate. The councils have also been asked to propose any new areas for control.

2.4 The overriding theme is that the Parish and Town Councils value the use of the restrictions and controls already in place. A small number of council's have proposed amendments of additions to the current controls.

3.0 Requests for new Controls

3.1 Collingham

The parish council have requested the following addition to dog exclusion areas.

Add the Pitomy Play area add a dog exclusion zone

3.2 Southwell

The town council have requested the following changes relating to dogs on leads controls.

Remove the area known as Froggats Field

Add the area around Potwell Dyke

Add the area known as Higgins Field

Add the area around the Skate Park

Keep the area around the war memorial

Keep the area of the old Minster school field

3.3 The town council have provided little evidence in support of these changes and this does now result in a large areas of open land where dogs will be required to be on a lead. There is no evidence to show that users of these areas of land have been made aware of the proposals or have had an opportunity to comment.

3.4 Blidworth

The parish council have requested the following addition relating to dogs on leads controls.

Add the Sherwood Avenue playing field

3.5 The parish council are concerned about the level of dog fouling on this field and believe that this is exacerbated by owners allowing their dogs to run free. There is no evidence to show that users of these areas of land have been made aware of the proposals or have had an opportunity to comment.

3.6 Dogs on leads orders are not an additional tool to control irresponsible dog owners who do not pick up after their dog.

3.7 Lowdham

The parish council have requested the following addition relating to dogs on leads controls.

Add Lowdham Cemetery

3.8 Epperstone

The parish council have requested dogs on leads order for a small area of land around the perimeter of a larger open space know as the village playing field. This currently has a dog exclusion zone so allowing dogs to walk in this area on a lead would improve the availability of exercise area for dog walkers.

3.9 Farnsfield

The parish council have requested the following amendment relating to dogs on leads controls/dog exclusion controls

Change the current dog exclusion area on Wilson's Field to a dogs on lead area

- 3.10 The parish council have requested this to allow access across this land to a larger area of open land that dog walkers are regularly using.
- 3.11 It is considered appropriate that where the town or parishes are seeking a significant change to the current orders that they are asked to provide evidence of local consultation that supports the request.
- 3.12 The council does have a PSPO operational within Sconce and Devon Park and Vicar Water Country Park that requires an owner to be able to control a dog that is exercising off the lead by recalling it. This control has not been well used and is considered somewhat of a duplication with the Order that requires dogs to be put on a lead when directed to do so.

4.0 Proposals

- 4.1 As can be seen from the section above there are only a small number of changes being proposed but some of these require additional consultation with the users of those areas in order for the council to be satisfied that the controls are proportionate and appropriate
- 4.2 It is proposed that the following Orders be approved.

Dog Control PSPO 1 The Fouling of Land by Dogs - District Wide

Failing to immediately remove dog faeces from land.

Dog Control PSPO 2 The Dogs on Leads by Direction - District Wide

Not putting, and keeping, a dog on a lead when directed to do so by an authorized officer, by way of verbal instruction or written request displayed upon the land.

Dog Control PSPO 3 The Dogs on Leads - Specified areas of land identified in Schedule 3

Exercising a dog off the lead in certain areas (Churchyards, cemeteries, Newark Castle Grounds and other areas in need of special consideration)

Dog Control PSPO 4 Dog Exclusion - Specified areas of land identified in Schedule 4

Permitting a dog to enter land from which dogs are excluded (Children's playgrounds and other areas in need of special consideration)

- 4.3 It is proposed that the current PSPO of 'Allowing a dog to be out of control when exercised' is not renewed.
- 4.4 In consideration of the new requests set out above it is proposed that:

Collingham - Add the Pitomy Play area to Dog Control PSPO 4 Dog Exclusion - Specified areas of land identified in Schedule 4

Southwell – the Town Council are requested provide additional evidence to support the additional areas of green spaces being designated as areas requiring dogs to be kept on leads.

Blidworth – The Parish Council are requested provide additional evidence to support the addition of Sherwood Avenue as an area requiring dogs to be kept on leads.

Lowdham - Add Lowdham Cemetery to Dog Control PSPO 3 Dogs on leads - Specified areas of land identified in Schedule 3

Epperstone Add land identified around the perimeter of the village playing field to Dog Control PSPO 3 Dogs on leads - Specified areas of land identified in Schedule 3 and amend the current dog exclusion area for the same area of land.

Farnsfield – Remove the dog exclusion area for Wilson’s Field and add Wilson Field to Dog Control PSPO 3 Dogs on leads - Specified areas of land identified in Schedule 3

5.0 Equalities Implications

- 5.1 An Equalities Impact Assessment has been carried out and no inequalities have been identified, because the following exemptions and mitigating factors are to be included as part of the scheme.
- 5.2 Having a reasonable excuse for non-compliance. This would include the sudden onset of a disabling medical condition. It would also include unforeseen emergencies and matters of public interest (Police dogs investigating crime would be a defence but not having a scoop/bag would not).
- 5.3 Acting with the consent of the owner or occupier of the land, or of any other person or authority, which has control of the land, e.g. a working dog.
- 5.4 There are certain legal exemptions for those with disabilities who use assistance dogs, this includes a person who is registered blind.
- 5.5 The introduction of a voluntary exemption scheme where a person with a disability or vulnerability could apply for a specific exemption also removes the barrier for a person living with a disability or limited mobility.

6.0 Digital Implications

- 6.1 None from this report

7.0 Financial Implications

- 7.1 The legislation requires that wherever practicable there shall be signs erected to warn the public of the existence of a PSPO. It should also be published on the Internet and widely publicised. The communications team have helped with publicity and our Community Protection Officers have carried out school visits and community events. It is proposed to continue publicising the review of the PSPO’s as part of our responsible dog ownership

program of work. Parish/Town Councils and other landowners which have asked for specific PSPO's have been advised that they are expected to provide their own signage

7.2 PSPOs can be enforced by the use of fixed penalty notices. It is not anticipated that any significant income will be generated by this activity.

8.0 Community Plan – Alignment to Objectives

8.1 The objectives that this report is relevant to, they are:

Reduce crime and anti-social behaviour and increase feelings of safety in our communities

Continue to maintain the high standard of cleanliness and appearance of the local environment

8.2 The creation and enforcement of the PSPOs as proposed will assist in the delivery of these element of the Community Plan.

9.0 RECOMMENDATION that:

- (a) the 8 February 2022 Council, be recommended to make the appropriate Public Space Protection Orders to the areas listed in Appendix 1 to this report;**
- (b) Southwell Town Council and Blidworth Parish Council are asked to provide additional evidence in support of the additional controls requested; and**
- (c) an exemption scheme is introduced as set out in paragraph 5.5.**

Reason for Recommendation

To put appropriate dog controls in place that balances the needs of dog owners and other users of land within Newark and Sherwood.

Background Papers

Anti-Social Behaviour, Crime and Policing Act 2014.

Public Spaces Protection Orders - Guidance for councils

LGA 2020

For further information, please contact Alan Batty ext. 5467.

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