

PUBLIC SPACE PROTECTION ORDERS FOR DOG CONTROL: Antisocial Behaviour Crime and Policing Act 2014

1.0 Purpose of the Report

To report on the results of the public consultation carried out as part of the review of the effectiveness of the existing restrictions imposed under the existing Dog Control Orders, previously adopted in 2007 and seek approval from the Council to introduce a revised scheme of Public Space Protection Orders for Dog Control under the provisions of the Antisocial Behaviour Crime and Policing Act 2014.

2.0 Background

2.1 Previously the Clean Neighbourhoods and Environment Act 2005 granted powers to Local Authorities to declare a Dog Control Order for up to five kinds of Offense. They were:

- Dog Fouling on Land Order (Fouling of land by dogs and the failure of the person in control of the dog to remove dog faeces)
- Dogs on Leads by Direction (Not putting or keeping a dog on a lead when directed to do so by an authorised officer)
- Dogs on leads Order (Failure to keep a dog on a lead where it is a requirement to do so)
- Dog Exclusion Orders (Permitting a dog to enter land from which dogs are excluded)
- Dogs (Specified Maximum) Orders (Being in control of more than the specified maximum number of dog when exercising them in a public open space)

2.2 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 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 1 October 2017, but guidance also required that the Dog Control Orders should be reviewed at this point too.

3.0 Introduction

3.1 Following a series of initial informal consultations, on the 14 November 2017, this committee approved the proposal to carry out a full public consultation on the introduction of five Public Space Protection Orders, as shown in **Appendix 1**. This included the creation of a new offence of:

- Allowing a dog to be out of control when being exercised.

3.2 The proposed controls and associated offences, as shown in **Appendix 1**, which will be punishable by a Fixed Penalty Notice of £75 reduced to £40 if paid within 14 days, or a fine not exceeding level three on the standard scale, are created by the following Public Space Protection Orders :

- **The Fouling of Land by Dogs (Newark and Sherwood District) (Schedule 1)**
Failing to immediately remove dog feces from land.
- **The Dogs on Leads by Direction (Newark and Sherwood District) (Schedule 2)**
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.
- **The Dogs on Leads (Newark and Sherwood District) (Schedule 3)**
Exercising a dog off the lead in certain areas (Churchyards, cemeteries, Newark Castle Grounds and other areas in need of special consideration)
- **The Dogs Exclusion (Newark and Sherwood District) (Schedule 4)**
Permitting a dog to enter land from which dogs are excluded (Children's playgrounds)
- **Allowing a dog to be out of control when exercised (Schedule 5)**
Being unable to control a dog that is exercising off the lead by recalling it

4.0 Consultation Responses.

4.1 The guidance requires that all proposals for PSPOs are widely consulted on before they are adopted. The following consultations exercises have been carried out:

- Consultation with the Kennel Club
- Consultation with Parish Council's to review the effectiveness of the previous scheme of Dog Control provided by dog control orders that have been in operation since 2007 and also seeking their views on retaining these controls through powers granted under Public Space Protection Orders.
- An officer working group, attended by the police, NASH and NSDC staff from Community Safety, Environmental Health and the Park Rangers.
- A meeting with Clipstone Disability Action Group
- Face to Face interviews with park users
- An online survey with over 200 responses.

4.2 There have been a number of responses to the scheme of PSPO's approved by this committee that are now summarised.

- **Consultation with the Kennel Club.** Regard has been given to the guidance document published by the KC. We have also spoken with the Kennel Club who agree that our approach is proportionate, and agree that the operation of an exemption scheme, although not common practice is in their opinion best practice.
- **Consultation with Parish Council's.** The overriding theme is that the Parish Councils value the use of the restrictions and controls introduced previously under the scheme of Dog Control Orders. Following discussion minor changes were requested as shown in Appendix 4 The key change being a more consistent approach to the use of Dogs on Leads. These amendments were discussed and agreed by committee on 14 November 2017

- **Officer working group**, as attended by the police, NASH and NSDC staff from Community Safety, Environmental Health and the Park Rangers. The key recommendation was to support the introduction of the new control, of making it an offence to allow a dog to be so out of control that it cannot be recalled, in multi-use park land and open spaces. It was proposed to introduce this by way of trial in Vicar Water Country Park and Sconce Park.
- **Meeting with Clipstone Disability Action Group**. The group assisted in the Equality Impact Assessment and gave advice on dog waste bin design and access.
- **Face to face interviews** with park users 18. **Appendix 2**
- **Online survey** with over 200 responses. See **Appendix 3**

5.0 Proposals

- 5.1. The consultation exercise has shown support for the controls proposed by the introduction of the five types of Public Space Protection Orders previously agreed by this committee.
- 5.2. It is therefore proposed that Members consider the introduction of the same scheme of Public Space Protection Orders as previously agreed and consulted on and set out in **Appendix 4**. Including the introduction of the Public Space Protection Order of **Not allowing a dog to be so out of control that it cannot be recalled** on Sconce Park and Vicar Waters Country Park
- 5.3. That an exemption scheme is introduced. The introduction of a voluntary exemption scheme where a person with a disability or vulnerability could apply for a specific exemption. This would also apply to the owner of a dog that needed special care and attention. For example the owner of a blind dog might request that it stays with them on a lead in a play area, so that they can supervise it closely. Application for an exemption will be by completing a form to evidence that without an exemption a person would suffer an inequality of access to a place covered by a PSPO. Decisions will be made jointly by the equalities officer and the Environmental Health and Licensing Business Manager.
- 5.4. Upon declaration of the Public Space Protection Orders, a 4 week campaign will commence to inform residents and visitors of the changes. This will include messages on Social Media, NSDC website, and email contact with the Parish Councils. With regards to the new offence of failing to keep a dog under control at Vicar Water and Sconce Park, new signage will be erected and rangers will give a warning in the first instance.

6.0 Equalities Considerations and Proposed Exemptions

- 6.1 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.
- 6.2 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).
- 6.3 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.

- 6.4 There are certain legal exemptions for those with disabilities who use assistance dogs, this includes a person who is registered blind.
- 6.5 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.
- 6.6 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. 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.
- 6.7 Income from fixed-penalty fines are retained by the authority, although this does not generate any significant income.

7.0 Comments of Director - Resources

All costs will be maintained within the existing dog control budget and there will be no impact on the overall budget.

8.0 RECOMMENDATIONS that:

- a) **the appropriate Public Space Protection Orders to the areas listed in Appendix 1 to the report, be recommended to Council;**
- b) **an exemption scheme is introduced as set out in paragraph 5.3 above; and**
- c) **the fixed Penalty Notice amount remains the same that is £75.00 with a reduction to £40 if paid within 14 days.**

Reason for Recommendations

To improve the level of control and enforcement of dog-related problems within the District.

For further information please contact Alan Batty, Business Manager – Environmental Health & Licensing on Ext: 5467.

Karen White
Director - Safety

NEWARK AND SHERWOOD DISTRICT COUNCIL (“the Council”)

PUBLIC SPACE PROTECTION ORDERS

The Anti-Social Behaviour Crime and Disorder Act 2014

On (date to be inserted) the Council made the following Dog Control Orders within the administrative District of Newark and Sherwood under section 47 of the Anti-social Behavior Crime and Policing Act 2007. The orders affect the land listed in the corresponding Schedules below and apply to land to which the public are entitled or permitted to have access (with or without payment);

- 1. The Fouling of Land by Dogs (Newark and Sherwood District) (Schedule 1)**
- 2. The Dogs on Leads by Direction (Newark and Sherwood District) (Schedule 2)**
- 3. The Dogs on Leads (Newark and Sherwood District) (Schedule 3)**
- 4. The Dogs Exclusion (Newark and Sherwood District) (Schedule 4)**
- 5. Allowing a dog to be out of control when exercised (Schedule 5)**

The following offences, punishable by a fine not exceeding level three on the standard scale are created by the orders;

- 1. Failing to immediately remove dog feces from land.**
- 2. 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.**
- 3. Exercising a dog off the lead in certain areas (Churchyards, cemeteries, Newark Castle Grounds and other areas in need of special consideration)**
- 4. Permitting a dog to enter land from which dogs are excluded (Children’s playgrounds)**
- 5. Being unable to control a dog that is exercising off the lead by recalling it**

The orders and accompanying maps are available for inspection free of charge between 8.45 and 16.45 weekdays, at Newark and Sherwood District Council, Castle House, Great North Road, Newark NG24 1BY

The orders may also be viewed online at www.newark-sherwooddc.gov.uk

The Fouling of Land by Dogs (Newark and Sherwood District) (Schedule 1)

All land within the administrative district of Newark and Sherwood

The Dogs on Leads by Direction (Newark and Sherwood District) (Schedule 2)

All land within the administrative district of Newark and Sherwood.

The Dogs on Leads (Newark and Sherwood District) (Schedule 3)

Mount Road Cemetery, Balderton

Lakeside, Balderton

Playground to the rear of 90 to 96 Henton Road, Edwinstowe

Village Green, Main Street, Fiskerton cum Morton

Riverside Footpath, Fiskerton cum Morton

Halam Churchyard, Church Lane, Halam

London Road Cemetery, Newark

Village Hall, Staythorpe Road, Rolleston

Playing Field behind ex Minster School, Church Street, Southwell

Newark Castle Grounds

The Dogs Exclusion (Newark and Sherwood District) (Schedule 4)

Grove Street Play Area, Balderton

Mead Way Play Area, Balderton

Southfields Play Area, Balderton

Worthington Road Play Area, Balderton

Play Area, Coronation Street Playing Field, Balderton

Brewery Playing Field, Kirklington Road, Bilsthorpe

Crompton Road Playing Field, Bilsthorpe

Children's Play Area adjacent to Crompton Road Playing Field, Bilsthorpe

Play Area, Blidworth Community Centre, Mansfield Road, Blidworth

Marriott Lane Playing Field, Blidworth

Sherwood Avenue (Fenced Skateboard Park & Football/Basketball Court), Blidworth

Greenwood Crescent Play Area, Boughton

Bracken Avenue Play Areas, Boughton

Ferndale Close Play Area, Boughton

Dodsley Way Play Area Clipstone

Hilcote Drive Play Area, Clipstone

Vicar Water Country Park (enclosed play area), Clipstone

Thorpe Close Playing Field (enclosed play area), Coddington

Thorpe Oaks Playing Field, (enclosed play area), Coddington

Swinderby Road Playing Field, Collingham

Playground to the rear of 38 to 48 Henton Road, Edwinstowe

Fourth Avenue Play Area, Edwinstowe

Sherwood Fields, Sixth Avenue, Edwinstowe

Village Playing Field, Epperstone

Children's Playground, Marsh Lane, Farndon

Parfitt Drive Play Area, Farnsfield

Wilson's Field, Station Lane, Farnsfield

Station Lane Playground, Farnsfield

Morton Recreation Ground, Fiskerton cum Morton

School Playing Field, Halam

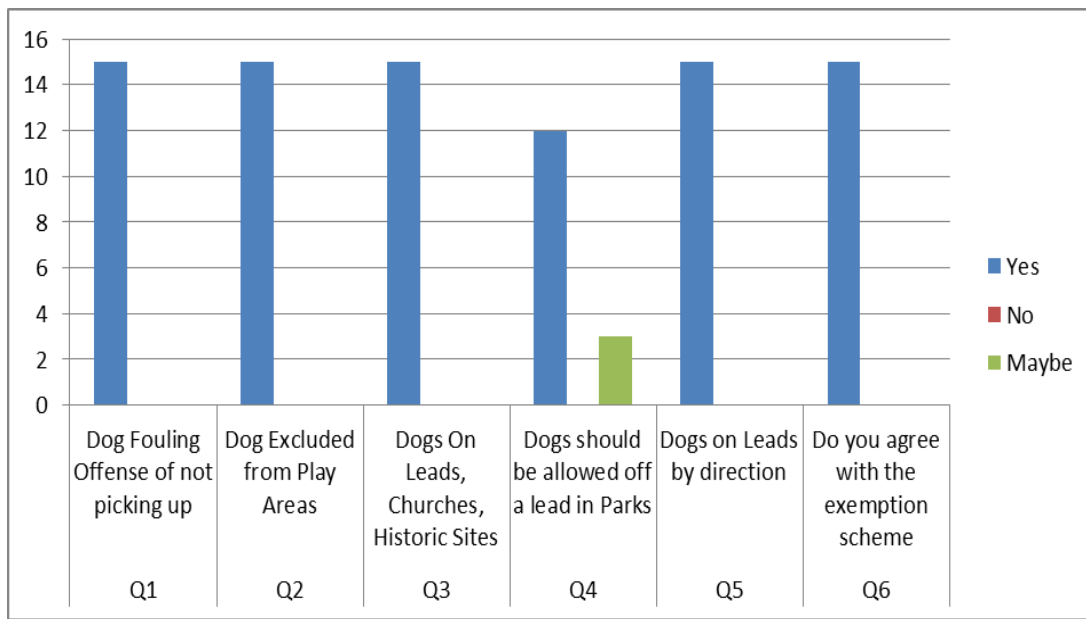
Playing Field, Kneeton View, Hoveringham

St Michael's Churchyard and Cemetery, Gonalston Lane, Hoveringham
Playing Field, Main Street, Kirton
Village Green, Kneesall
Car Park /Play Area, Kneesall
Sports Ground and Play Area, The Bar, Laxton
Beckett's Field, Bathley Lane, Little Carlton
Southwell Road Sports Ground, Lowdham
Playing Field at the rear of Village Hall, Main Street, Lowdham
Old Tannery Drive (enclosed play area), Lowdham
Enclosed Children's Play Area, Main Street, Lowdham
Tolney Lane Playground, Newark
Beaumont Gardens (enclosed Bowling Green), Newark
Sherwood Avenue Bowling Green and Tennis Courts, Newark
Sherwood Avenue (enclosed sunken games area and children's playground), Newark
Sconce Hills and Devon Park Children's Playground, Boundary Road, Newark
Riverside Park (enclosed play area), Tolney Lane, Newark
Cleveland Square Playing Field (enclosed play area), Newark
Lawrence Street Play Area, Newark
Cherry Holt Playing Field (enclosed play area), Newark
Fleming Drive Playing Field (enclosed play area), Newark
Bridge Community Centre Playing Field (enclosed play area), Newark
Linseed Avenue Play Area, Newark
Edgehill Drive Play Area, Newark
Newbury Road Play Area, Newark
Syerston Way (enclosed play area), Newark
Children's Play Area, Stepnall Heights, New Ollerton
Children's Play Area, Central Park, Sherwood Energy Village, New Ollerton
Children's Play Area, rear of 2 to 16 Poplar Street, New Ollerton
Playing Field, Caunton Road, Norwell
Play Park School Lane Norwell
The War Memorial, Main Street, Ollerton Village
Yew Tree Road Play Area, Ollerton.
Children's Play Area, Main Street, Oxton
2 Acre Playing Field, rear of Village Hall, Staythorpe Road, Rolleston
Jubilee Garden, Rolleston
Norwood Gardens Play Area, Southwell
Enclosed Toddler's Play Area, Memorial Park, Southwell
Centenary Playing Fields, Southwell
Playground, Church Lane, South Scarle
Forge Park South Muskam
Recreation Ground, Grassthorpe Road, Sutton on Trent
Walesby Village Hall Grounds, Walesby
Play Area and Football Pitch Walesby
Potter Lane Play Area, Wellow
Dog Exclusion unless being exercised by visitors or residents of,
Chatham Court, Clifton House, Haslam House, Jenison House, Noble House, Smith House, Wilson
House, Gill House, Grange House, Standish House, Grange Road Newark on Trent.

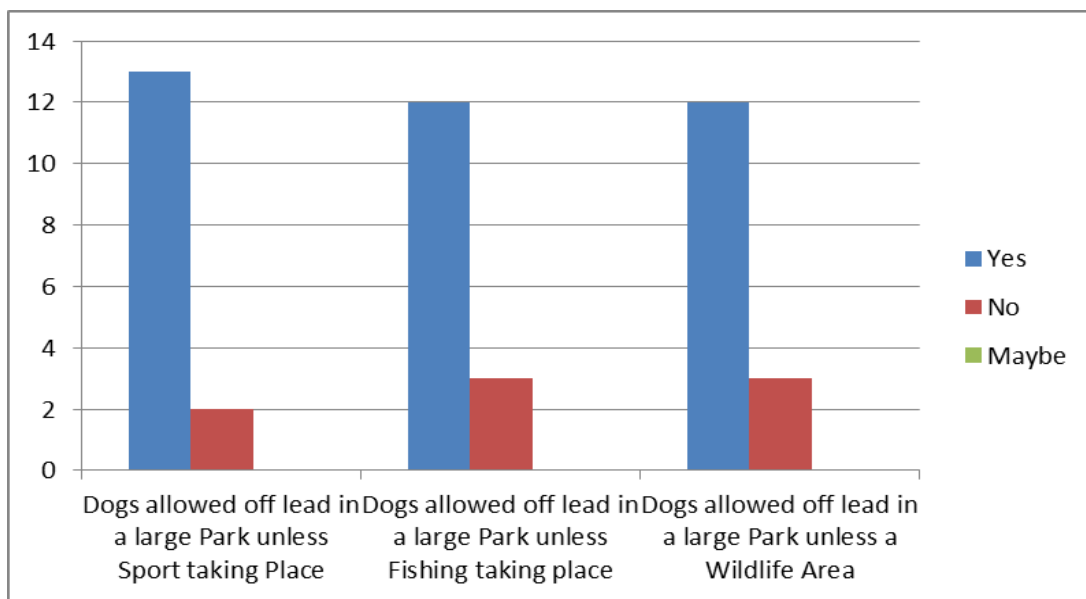
Allowing a dog to be out of control when exercised (Schedule 5)

Sconce Park, Sconce Road, Newark, Nottinghamshire
Vicar Waters Country Park, Clipstone, Nottinghamshire

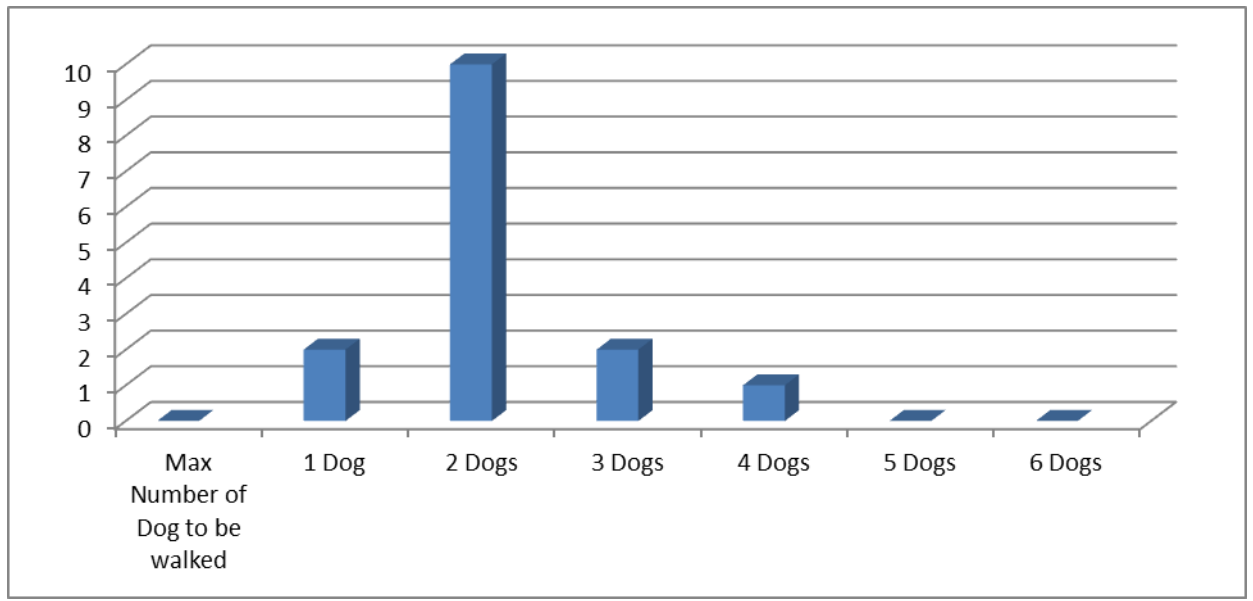
Consultation responses to the introduction of different types of Public Space Protection Orders. Face to Face Interviews



Consultation Responses to the use of Dogs on Leads by Direction

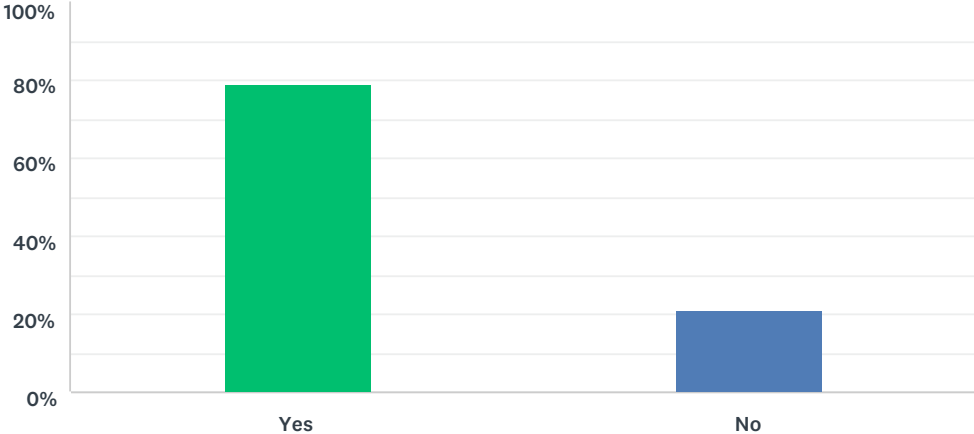


Consultation Responses to public opinion on the number of dogs that can be exercised responsibly by 1 person



Q1 Are you a dog owner?

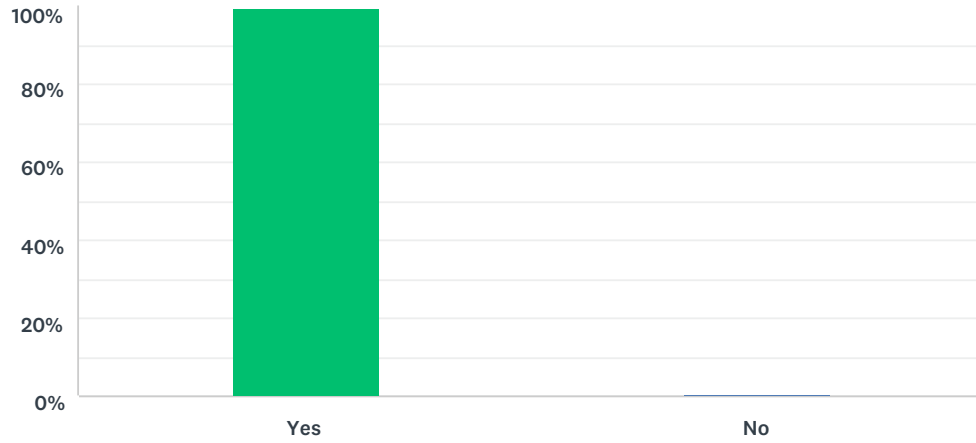
Answered: 182 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	79.12%	144
No	20.88%	38
TOTAL		182

Q2 Do you agree with Dog Fouling Fines?

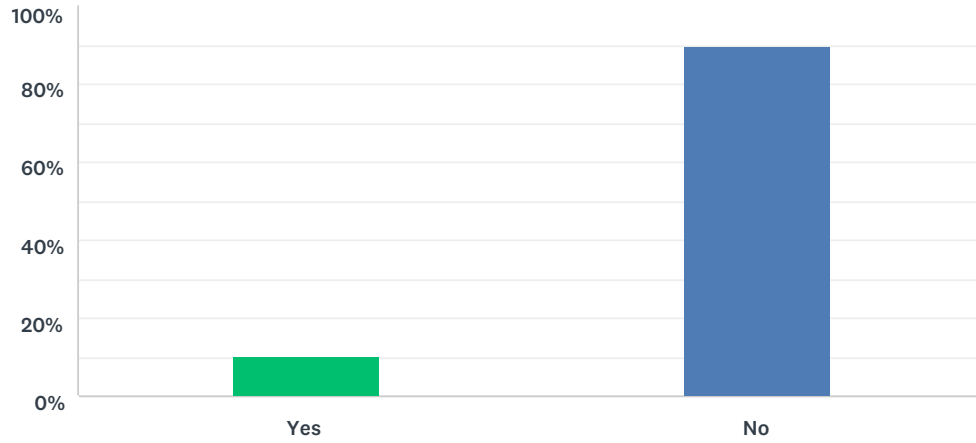
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ANSWER CHOICES	RESPONSES	
Yes	99.45%	181
No	0.55%	1
TOTAL		182

Q3 Should dogs be allowed inside a fenced children's play area?

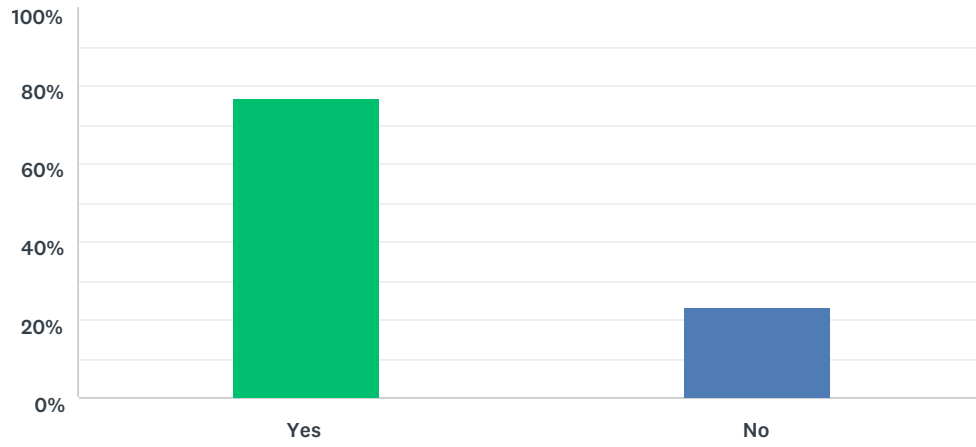
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ANSWER CHOICES	RESPONSES	
Yes	10.44%	19
No	89.56%	163
TOTAL		182

Q4 Do you think that dogs should be allowed to run off the lead in open parkland?

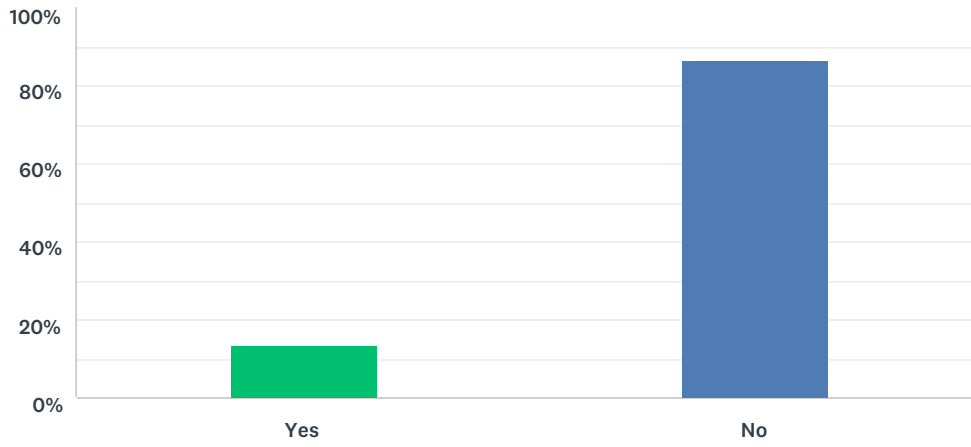
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ANSWER CHOICES	RESPONSES	
Yes	76.80%	139
No	23.20%	42
TOTAL		181

Q5 Do you think that dogs should be allowed to run off the lead in parkland with sports fields during events?

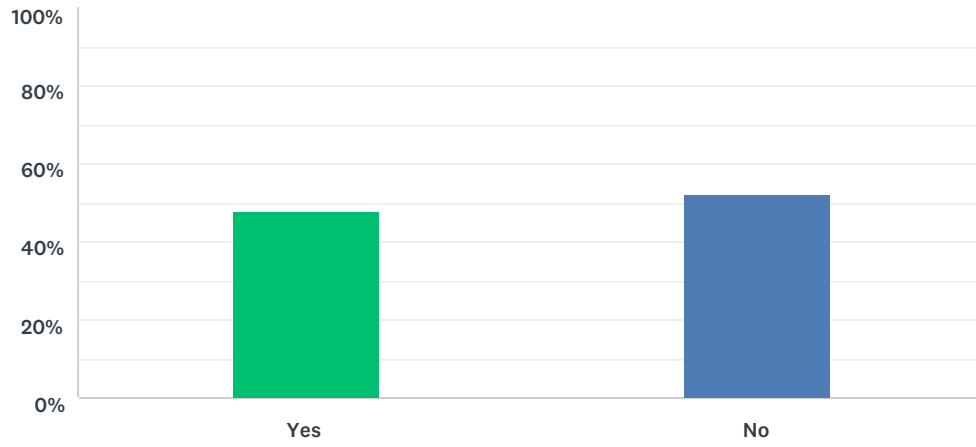
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ANSWER CHOICES	RESPONSES	
Yes	13.33%	24
No	86.67%	156
TOTAL		180

Q6 Do you think that dogs should be allowed to run off the lead in parkland with Wildlife Areas of Country Parks?

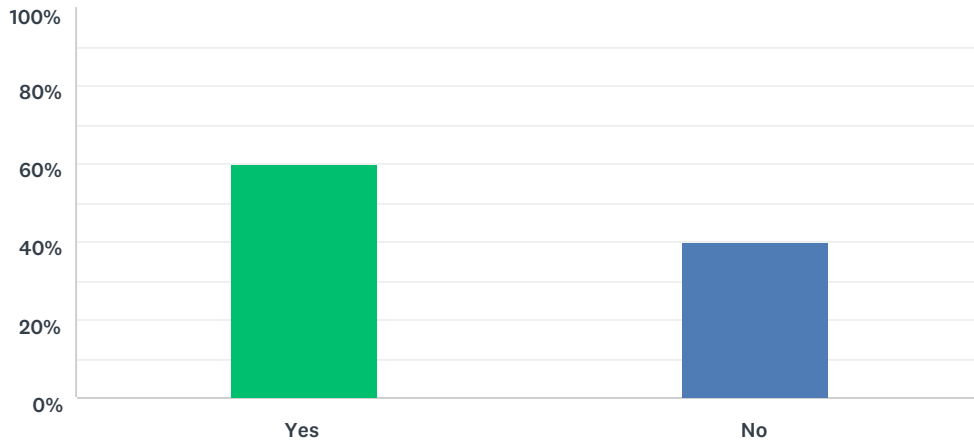
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ANSWER CHOICES	RESPONSES	
Yes	47.80%	87
No	52.20%	95
TOTAL		182

Q7 Do you think that dogs should be allowed to run off the lead in parkland with fishing ponds used by fisherman?

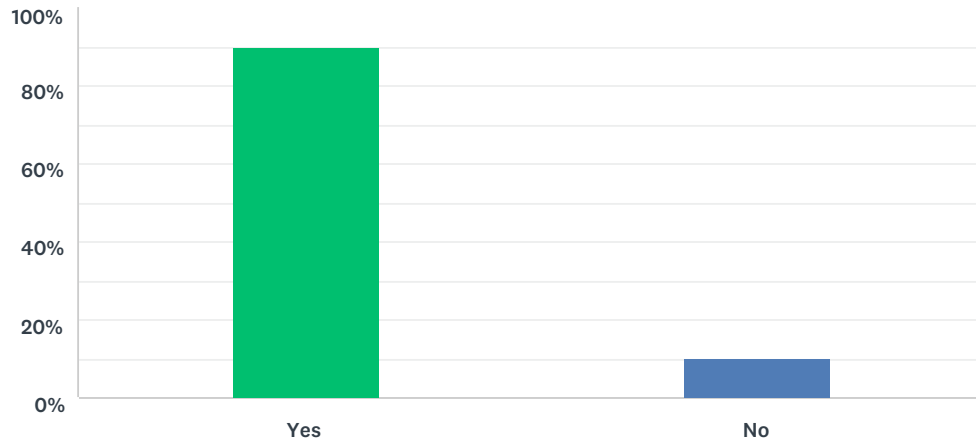
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ANSWER CHOICES	RESPONSES	
Yes	59.89%	109
No	40.11%	73
TOTAL		182

Q8 Do you agree that dogs should be kept on a lead in church grounds and cemeteries and sites of special historic value?

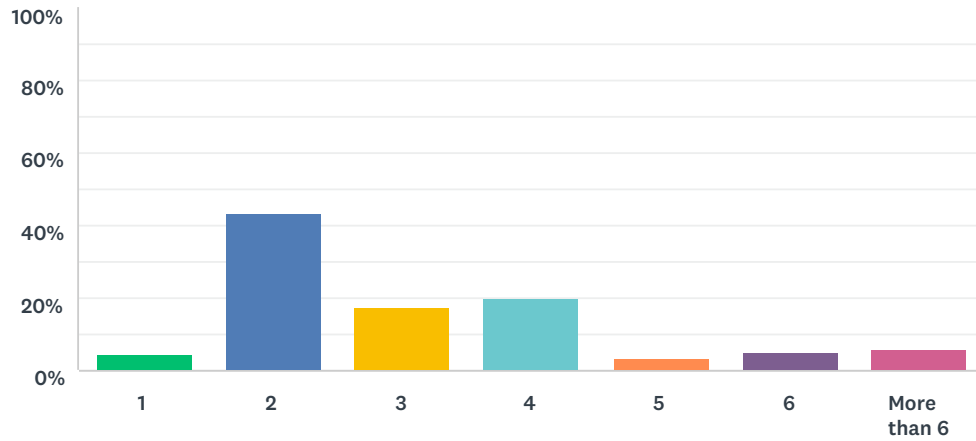
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ANSWER CHOICES	RESPONSES	
Yes	89.56%	163
No	10.44%	19
TOTAL		182

Q9 In your opinion, what is the maximum number of dogs that one person can walk responsibly?

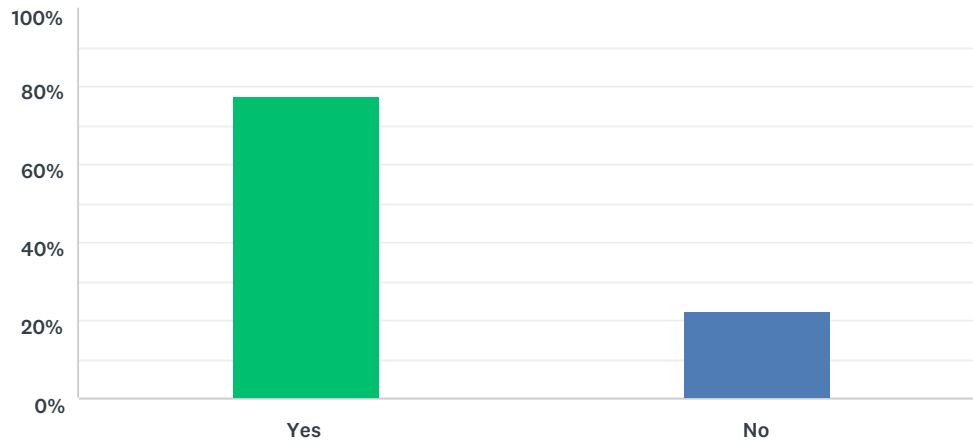
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ANSWER CHOICES	RESPONSES	
1	4.42%	8
2	43.65%	79
3	17.68%	32
4	19.89%	36
5	3.31%	6
6	4.97%	9
More than 6	6.08%	11
TOTAL		181

Q10 Is it reasonable for a dog walker to be instructed to put their dog on a lead if it is over energetic or boisterous in a park and be fined if they don't?

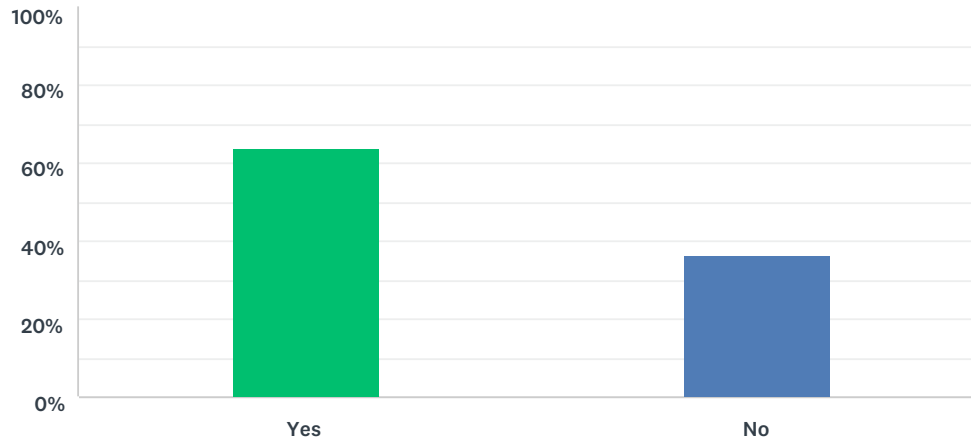
Answered: 182 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	77.47%	141
No	22.53%	41
TOTAL		182

Q11 The council is considering the introduction of a Dog Control Exemption Scheme for disabled owners of dogs, or for people who walk all types of assistance dogs or who own an injured dog. Do you think this is a good idea?

Answered: 180 Skipped: 2



ANSWER CHOICES	RESPONSES	
Yes	63.89%	115
No	36.11%	65
TOTAL		180

APPENDIX 4

Parishes who have responded to PSPO Questionnaire

Parish	Reply received	Changes required?	Details of changes
Averham	21-09-17	no	
Balderton	01-09-17	yes	Dogs on leads by direction Coronation Street Playing Field, Balderton
Bilsthorpe	11-09-17	no	
Bleasby	05-09-17	yes	Something at Jubilee Ponds. AW to discuss workability.
Bulcote	05-09-17	no	
Carlton On Trent	05-09-17	no	
Caunton	05-09-17	no	
Caythorpe	04-10-17	no	
Clipstone	01-09-17		
Collingham	07-08-17	Yes in future	New area being bought by PC but not yet finalised
Cromwell	Reissued Qnaire 05-09-17		
Edingley	Reissued Qnaire 05-09-17	no	
Edwinstowe	Reissued Qnaire 05-09-17		
Egmanton	05-09-17	no	
Farndon	30-07-17	no	
Farnsfield	Reissued 101017		
Fernwood	Reissued Qnaire 06-09-17		
Fiskerton Cum Morton	27-09-17	no	
Grassthorpe	06-09-17	no	
Harby	Reissued Qnaire 07-09-17		
Hoveringham	07-09-17	no	
Kirklington	29-09-17	no	
Maplebeck	05-09-17	no	
Newark TC	13-09-17	yes	Dogs on leads. New cemetery extension adjacent to Cavendish Avenue. Beaumont Gardens Market Place St Mary's Church Gardens (NSDC site see Phil Beard) Newark Castle Grounds (NSDC site see Phil Beard) Dog Exclusion. College Close Play area Wheatsheaf Avenue play Area St Mary's Church War Memorial Gardens (this is owned by NSDC see Phil Beard)
North Muskham	Reissued Qnaire 05-09-17		
Norwell	05-09-17	no	
Oxton	07-08-17	yes	Recreation field to ban dogs
Ollerton	01-09-17	yes	Allotments, Off Tuxford Road, Boughton Play area, Off Ferndale Close, Boughton

			Play area, Bracken Avenue, Boughton Play area, Yew Tree Road, Ollerton
Ossington	08-09-17	no	
Rainworth	01-09-17	yes	Play Area Skate Park and Petanque Pitch, Old Pit Lane, Old Pit Lane, Rainworth Play Area 1, The Hayfields Off Kirklington Road, Rainworth Play area 2, The Hayfields Off Kirklington Road, Rainworth
South Muskham	07-08-17	no	
Southwell	19-07-17	yes	Remove FROGATTS FIELD from 'Dogs on Leads' Include BURGAGE onto 'Dogs on Leads'
South Scarle	18-09-17	no	
Sutton-on-Trent	06-09-17	no	
Syerston	06-09-17	no	
Walesby	Reissued Qnaire 07-09-17		
Wellow	07-08-17	yes	Possibly church yard and cemetery but not stated what PSPO. AW to follow up.
Weston	05-09-17	no	
Wigsley	05-09-17	no	
NOTTS COUNTY COUNCIL COUNTRYSIDE	29-09-17	yes	Dogs on lead at Rufford County Park