

Member Briefing

Number: 1135

Title: Proposed Public Space Protection Order consultation relating to the control of dogs across the borough

Summary: Public consultation on the proposed provisions of a Public Space Protection Order to apply various dog control measures across the borough will take place for 12 weeks between 1 February and 28 April 2018.

Background to consultation

In October 2014 the Anti-Social Behaviour, Crime and Policing Act 2014 introduced new powers to tackle Anti-Social Behaviour. In addition this Act made changes to existing legislation and the Council was required to review existing Orders that were made under previous legislation and replace them with Public Space Protection Orders (PSPOs). PSPOs can be used to regulate activities in particular public places that can have a detrimental effect on the local community. They can help by giving local councils and local police additional powers to tackle anti-social behaviour in specific locations.

In October 2017, following a short consultation, the Council transferred the borough-wide Dog Fouling Order into a PSPO that will remain in force for a maximum of three years before it expires in October 2020 when it must be reviewed again.

At the same time, the borough's other Dog Control Orders were transferred into PSPOs for a period of 12 months, during which time a wide-ranging consultation and review must be carried out. Consequently, the Chester City Dog Control Orders were transferred into PSPOs for a period of 12 months. The former Vale Royal Council and Ellesmere Port and Neston Council areas are still covered by byelaws which were not affected by the change in legislation detailed above, but it is appropriate that the Council carries out a review of all dog control measures at the same time. It should be noted that some of the byelaws are unenforceable as the original legislation is missing.

There have been many changes and improvements to our greenspaces since the original Chester City Council Dog Control Orders and the Vale Royal and Ellesmere Port and Neston byelaws were introduced. There are now a number of new parks and play areas and many examples where the landscape of an area has changed and the old legislation is no longer practically enforceable.

The Council recognises that the vast majority of dog owners are responsible and keep their dogs under control while they are out and, for animal welfare reasons, it is beneficial for dog owners to be able to exercise their dogs off lead in open spaces.

However, if they are not properly supervised and kept under control, dogs that are allowed off a lead in public areas can cause nuisance or even injury to members of the public, or other animals, and may cause road traffic accidents.

The proposals aim to strike a balance, recognising that most people are responsible dog owners, while making provision for controls where they may be necessary.

The consultation will ask for views on a range of suggested control methods in relation to responsible dog ownership which could become subject to enforcement by Fixed Penalty Notice (FPN). These include the following.

- Dogs to be excluded from fully-enclosed children's play areas that contain play equipment.
- Dogs to be excluded from marked and maintained sports areas.
- Dogs on leads at the request of an authorised officer – all public spaces except forestry commission land.
- Dogs on leads in cemeteries and the crematorium grounds.
- Restrictions on the number of dogs that dog walkers can walk at any one time.
- Dog walkers to carry sufficient means to pick up their dog foul.

It is also planned to ask for opinions on the possible use of DNA registration as an alternative to FPN issue and extending the number of authorised officers able to issue an FPN by the delegation of powers to Town and Parish Councils in relation to land which they own or manage.

These measures, if agreed, would act alongside the current legislation requiring people to clean up their dog foul and encourage responsible ownership.

A public consultation will begin on 1 February 2018 and last for 12 weeks.

How to share your views

The consultation period closes on 28 April 2018.

The survey can be complete online (see link below) or by printing off the questionnaire and returning it by post. If you would like a paper questionnaire sending to you then please contact us.

Engagement events for members, town and parish councils and other interested parties and will be held across the borough during the consultation period. Dates and venues will be confirmed shortly.

Parish and town councils will be invited to submit their views and an officer will be available to attend meetings during the consultation period.

Other ways to take part

Online: cheshirewestandchester.gov.uk/DogControlOrderReview

Email: dogorders@cheshirewestandchester.gov.uk

Telephone: 0300 123 8 123

Write to: Research and Intelligence team, Cheshire West and Chester Council, 4 Civic Way, Ellesmere Port, CH65 0BE

The outcome of the public consultation will be considered by Cabinet in autumn 2018.

For further information contact: Nicki Rose

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Responsible Committee, Cabinet Member: Councillor Karen Shore

Date: 1 February 2018