

<u>HEADING</u>	Public Spaces Protection Order: Dog Control
<u>Submitted by:</u>	Head of Environmental Health Services
<u>Portfolio:</u>	Operational
<u>Ward(s) affected:</u>	All

Purpose of the Report

To obtain members approval to adopt a Public Spaces Protection Order (PSPO) in respect of dog controls, as detailed in the report.

Recommendations

Members are asked to:

- **Note the results of a public consultation, showing broad support for proposed PSPO, as per responses detailed in Appendix One**
- **Accept the a fixed penalty value previously set of £100 (reduced to £70 if paid within 10 days) should apply**
- **Note and endorse current officer authorisations to enforce controls**
- **Agree that borough wide signage e.g. in respect of fouling should cease**
- **Agree the making of a Public Spaces Protection Order, for a three year period, in respect of Dog Controls as detailed in Appendix Two**

Reasons

To ensure that appropriate dog controls remain in place across Newcastle-under-Lyme and enable appropriate enforcement.

1. Background

- 1.1. On 14th March 2017, Public Protection Committee received a report explaining that current Dog Control Orders needed to be reviewed, and updated controls adopted if they were still required.
- 1.2. Members agreed that consultation be started on a proposed Public Spaces Protection Order (PSPO) in respect of dog controls as detailed in the appendix of that report
- 1.3. A public consultation concluded on 3rd September 2017 and officers are now able to offer details of responses and seek approval to adopt a Public Spaces Protection Order in respect of dog controls.

2. Issues

- 2.1. To adopt a Public Spaces Protection Order in respect of dog controls, committee must be satisfied that: restrictions are appropriate; appropriate research and consultation has occurred; the necessary procedural stages in its drafting have been correctly completed; and that sufficient resources are available to implement it. There is an expectation that clear signage will be maintained.

Appropriate Restrictions & Penalties

- 2.2. Controls can apply to '*any place 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*'. Officers have reviewed existing Dog Control Orders and propose new

controls which meet these criteria. A notable change is that school grounds are not listed in the PSPO as, in many cases, there is no public right to access these sites.

- 2.3. Controls cannot prevent a person taking their dog along a public right of way. Whilst in certain locations it is proposed dogs are required to be on a lead, nothing in the PSPO excludes dogs from any right of way. This restriction is therefore met.
- 2.4. The Anti-social Behaviour, Crime and Policing Act 2014 (s59). limits the geographical area which may be covered by an Order. The proposals meet these criteria.
- 2.5. Dog owners have a duty under the Animal Welfare Act 2006, to provide for their animal's welfare, which includes exercising them. The authority has considered their needs when determining the area covered by restrictions. Whilst the obligation to remove fouling / have bags available is proposed to apply in all public places, dog exclusions or the requirement of dogs to be on leads apply in only a small number of sites.
- 2.6. The authority must ensure that the area which the PSPO will cover must be clearly defined. By applying fouling controls across the whole of the borough officers believe that this provides the simplest message to dog owners that they are obliged to remove their dogs fouling if it defecates in any public place. Our research has suggested that there are no public areas where our residents would accept fouling being left. Borough boundaries are clearly marked by existing highway signs at major roads.
- 2.7. Controls such as dog exclusions and where dogs must be on a lead apply in smaller areas. We have chosen areas which we believe residents will recognise – e.g. church yards and children's play areas, which are generally surrounded by a fence/ gated. We plan to promote details of these locations via our website and social media. Where practical we will also ensure that signs are displayed.
- 2.8. Where exceptions apply we will make sure that these are prominently signed – for example if dogs are allowed into a disused tennis court (where exclusion would otherwise apply) we will place an appropriate sign confirming there is an exemption to the normal rule.
- 2.9. As PSPOs are designed to address antisocial behaviour, the authority must be mindful of setting controls which could displace unacceptable behaviour elsewhere. Examples could include setting a maximum of six dogs in some country parks (which may impact on professional dog walkers) could result in those exercising seven or more dogs using other areas. Authorised Officers will retain the option to require dogs to be placed on a lead on request and will use this provision to tackle problems if walking multiple dogs causes problems elsewhere.
- 2.10. Whilst a PSPO can be limited to certain times of day / months of the year, it is considered that setting operational periods would make the controls over complex, requiring further signage and ongoing publicity with associated costs.
- 2.11. The authority is obliged to consider if the controls will impact disproportionately on any specific group, and in particular if it will adversely affect those reliant upon a dog. Exemptions are cited in the PSPO for those: registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or a deaf person with a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance; or a person who 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.

- 2.12. The authority may set a duration for the PSPO of up to three years from its adoption. It is recommended that a full three year term is set, with a further review being scheduled within its final six months.
- 2.13. The council must agree a penalty value of up to £100 in respect of fixed penalties. Members have previously agreed the maximum of £100 will be applied, but that £70 will be accepted if payment is made within 10 days. Whilst Public Protection Committee has the option to revise these figures, members are requested to receive a further briefing from officers before altering these values. Officers recommend the currently penalty values be accepted.

Research & Consultation

- 2.14. From the outset the council has reviewed its records of complaint about dogs and comments in respect of its existing controls – details have been provided in the March 2017 report. Our evidence is that current Dog Control Orders are generally accepted as correctly balancing the needs of dog owners and others who use public places. Revisions proposed directly reflect where representations / complaints have been received – for example that dogs off the lead were becoming entangled in anglers lines when being walked alongside fishing pools and that those using country parks found meeting walkers with more than six dogs intimidating.
- 2.15. The authority has widely promoted its review of dog controls, publishing its draft proposals in March 2017 and more recently detailing its plans on its website and social media. It has contacted parish council clerks, libraries and vet practices by email. Staffordshire County Council and Groundwork – who manage Apedale and Silverdale Country Parks respectively, have been contacted. We've also asked Staffordshire Police, and the Crime and Policing Commissioner to share their views. In the last few weeks we've placed 350 laminated notices – in the same way a planning application would be advertised in key dog walking areas, and handed out leaflets to the dog walkers which Dog Wardens have met.
- 2.16. We've used QR codes on notices and leaflets to encourage feedback via an on-line survey. We've published our proposal in the Sentinel on two occasions. A summary of the feedback received is attached as **Appendix One**. Members are asked to note residents' comments. Feedback confirms broad support for the planned controls.
- 2.17. Dogs Trust, The Kennel Club and RSPCA have been offered details of the proposed PSPO and their comments invited.
- 2.18. We have also been in touch with local libraries, vet practices, licenced kennels and home boarders.
- 2.19. We've looked at how other local authorities set controls, the evidence they consider and the measures they have adopted. Proposals by Newcastle-under-Lyme are broadly in line with a number of other authorities large and small, urban and rural. Examples of authorities which have either made, or are in the processes of making orders matching those proposed by this council include: Wyre Forest District Council; Ribble Valley Borough Council; Manchester City Council; Teignbridge Borough Council; Wyre Council

Procedural Stages

- 2.20. A PSPO can be made by the council if they are satisfied on reasonable grounds that the activities carried out, or likely to be carried out, in a public space: have had, or are likely to have, a detrimental effect on the quality of life of those in the locality; is, or is likely to be, persistent or continuing in nature; is, or is likely to be, unreasonable; and justifies the restrictions imposed. Officers believe that the dog related controls proposed are appropriate

- 2.21. Officers consider that sufficient time has been given for representations.
- 2.22. No response has yet been received from either Staffordshire Police or the Policing & Crime Commissioner
- 2.23. This report now gives elected members the opportunity to finally review proposals and decide whether they are supported or should be revised with further consultation undertaken.
- 2.24. If Members now wish a PSPO to be made, the council is obliged to follow The Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014. It must
 - (a) publish the order as made, extended or varied (as the case may be) on its website; and
 - (b) cause to be erected on or adjacent to the public place to which the order relates such notice (or notices) as it considers sufficient to draw the attention of any member of the public using that place to—
 - (i) the fact that the order has been made, extended or varied (as the case may be); and
 - (ii) the effect of that order being made, extended or varied (as the case may be).

Enforcement & Implementation

- 2.25. The proposed controls align directly with the council's stated priorities to deliver a clean, safe and sustainable borough and to encourage a healthy and active community
- 2.26. It is envisaged that residents will continue to report their concerns to the council enabling it to optimally target its enforcement resources.
- 2.27. The authority need not issue a warning before offering a fixed penalty, and for practical reasons proposes to issue a penalty whenever an offence is witnessed by an authorised officer, following the councils enforcement protocol and national guidance as appropriate
- 2.28. To enforce a PSPO officers need to be authorised in writing to do so. The current process to achieve this is via the council's scheme of delegation, with relevant documents being signed by the Executive Director Regeneration and Development. Committee is asked to note that officer delegations are already in place in respect of Public Space Protection Orders. The current scheme is believed to delegate the power to issue fixed penalty notices for failure to comply with an order (Anti-social Behaviour Crime & Policing Act 2014, Part 4 Chapter 2 section 68) to Environmental Health Officers, Technical Assistants and Enforcement Officers authorised in writing. This group of staff includes the council's Dog Wardens.

Signage

- 2.29. There are in the region of 3,500 dog related signs currently posted across the borough. Many of these are now in poor condition as they have been in place from more than 10 years. At current prices replacing these signs could cost more than £40,000
- 2.30. Signage falls into two categories: Signs relating to controls which apply in all public places *borough wide* – e.g. relating to fouling controls (and potentially the obligation to have a means to pick up) and; signs which relate to their *immediate area* – e.g. the requirement for dogs to be on a lead in a church yard.
- 2.31. Officers propose that 'borough wide' signage is discontinued, principally because it is currently unaffordable. This type of signage would previously have appeared on lampposts and other street signs which are Staffs County Highway assets. The County Council has indicated they will need to approve any signs planned to be added to their assets on an individual basis, and reserve the right to charge for consent. They are minded to only approve nylon tie-wrap fixings – which would substantially reduce the

likely life of any signs placed. Our experience indicates that the signs, placed as reminders, confuse residents who may mistakenly believe the control only applies in the immediate vicinity of the sign – e.g. by this lamppost. Members are requested to endorse this recommendation.

- 2.32. In respect of ‘immediate area’ signage (parks, pitches, formal gardens etc.) it is aimed to update signage as resources permit, focussing on priority areas where the authority receives complaints, and aims to target its enforcement resources. Many of these locations will already have other borough signage or notice boards (such as the notices in children’s play areas) and it is proposed to review whether it may be better value to place a new sign detailing a variety of controls which apply – e.g. litter, alcohol, dogs, to prevent sign proliferation.

3. Proposal and Reasons for Preferred Solution

- 3.1. Members are asked to agree the making of a Public Spaces Protection Order in respect of Dog Controls as details in **Appendix Two**
- 3.2. A review of current controls and comments on the planned controls suggest that the proposals are broadly supported.

4. Alternative Options Considered

- 4.1. Should Members wish to consider an alternative course of action the following options are available:
- 4.1.1. Take No Action.
- Allow the current Dog Control orders to cease in October 2017 and not be replaced. Remove all current dog restrictions and cease all dog related enforcement activity – e.g. fouling patrols, exclusions from children’s playgrounds, requirements for dogs to be on leads in cemeteries.
 - Removing controls would eliminate the need for complaint investigation and enforcement, with potential savings, however, removing the risk of enforcement may result in the standards of some public places reducing, increase conflict between dog owners and those not owning a dog, and potentially require more ‘clean-up’ resources.
- 4.1.2. Seek amendment to the proposed PSPO.
- Members may wish to change the proposed scope of the controls – for example omit specific controls such as requirement to carry bags, or limits to the number of dogs which may be walked in specific areas
 - Members may wish to consider if the types of locations where the controls apply should be amended.
 - Changes to the controls proposed would require a consultation exercise to be repeated, with associated costs and delays. Current controls would cease with redrafted controls unlikely to be available for adoption before January 2018

5. Outcomes Linked to Sustainable Community Strategy and Corporate Priorities

- 5.1. The proposed PSPO sets ‘rules’ so that all residents can see what the Council expects
- 5.2. Controls of this nature are necessary if the Authority wishes to maintain the safety and cleanliness of its public places

6. Legal and Statutory Implications

- 6.1. The Authority is not obliged to adopt a PSPO in respect of dog controls. If it chooses to do so it has full control over their scope. The Authority is obliged to consult on any proposals and needs to be able to defend its controls if challenged.
- 6.2. PSPOs can be challenged under the Act on the grounds that the local authority did not have the power either to make the Order or include particular prohibitions or requirements, or that proper processes had not been followed as prescribed by the legislation. Challenges must be made to the High Court within six weeks of the Order being made, and by an individual who lives in, regularly works in or visits the restricted area. The High Court can uphold, quash or vary the PSPO and may decide to suspend the operation of the PSPO pending the verdict.

7. Equality Impact Assessment

- 7.1. The recommendations in this report do not adversely affect any protected groups.
- 7.2. Those needing an assistance dog are defined in the Antisocial Behaviour, Crime and Policing Act 2014 and exempted from the PSPO requirements.
- 7.3. Officers have also been minded of those with reduce mobility who may have a reduced number of accessible locations to exercise their dog. It is not felt the planned controls impact disproportionately on this group, with an abundance of suitable sites remaining not subject to dog exclusions or requirements for dogs to be on leads.

8. Financial and Resource Implications

- 8.1. Costs for printing and publication of public notices have incurred a direct cost of approximately £850 to date
- 8.2. Officer time to review, draft proposals consult and report is estimated to be 120 hours
- 8.3. The Authority is obliged to publicise controls and to ensure that appropriate signs are displayed.
- 8.4. Temporary signage explaining the controls which have been made, when they take effect and are likely to end, where they apply, the penalties for breach and where further details can be obtained are likely to cost approximately £300 to produce plus staff time and travel to install.
- 8.5. The typical cost of placing an A5 sized permanent sign would cost £15-£20 (excluding installation)¹. Adding new signs purely relating to dog controls at each entrance to the key locations listed (i.e. 'immediate area' signs) for exclusions or dogs on leads controls is likely to cost £6,750 - £9,000. There is scope for this information to be contained on other signage at these locations e.g. park notice boards, and officers will look if there is a more cost effective way to promote controls at these locations.
- 8.6. There are no current plans to replace 'borough wide' fouling signs, or place signs reminding residents they are obliged to have with them appropriate bags when walking their dogs. As these controls apply across the whole of the borough such a signage programme is impractical. Refreshing 3,000 signs, removing worn and defaced signs, seeking County Council consent could potentially cost £40,000 and take a staff member in excess of one year, with associated travel costs.

¹ Price based on composite signs attached with metal clips. Price benchmarked with FOI request to similar authorities

- 8.7. There will be an on-going cost of approximately £1,000 per year for publicity of controls in year 2 (2018), with the need to restart a review / consultation exercise in year 3 (2019).
- 8.8. The annual cost of sign replacement will depend on the resilience of signs initially placed and the level of vandalism. Recent experience with different controls on Wolstanton Marsh would suggest some signs will need to be replaced several times during the year.
- 8.9. There is currently no provision within the 2017-18 Dog Warden Service budget for consultation, publicity or signage replacement.
- 8.10. There is an expectation that enhanced enforcement would follow the implementation of revised controls. The authority does not have the capacity to increase its enforcement, unless other elements of its work are discontinued, or partnerships developed.

9. Major Risks

- 9.1. There is a risk of legal challenge if the Authority does not follow the correct process to devise, consult and adopt a PSPO, with associated reputational damage.
- 9.2. Whilst the majority of residents are likely to support pragmatic and practical controls, there is a risk that some may choose to disregard controls if they feel they are unfair.

10. Key Decision Information

- 10.1. This report can be considered key in the following ways:
- It requires the Council to commit existing and additional resources for the function to which the decision relates and;
 - It impacts on communities living or working in an area comprising two or more electoral wards in the Borough.

11. Earlier Cabinet/Committee Resolutions

- 11.1. Public Protection Committee received a draft of a proposed PSPO in respect of dog controls and approved the start of a public consultation on 14th March 2017
- 11.2. Cabinet agreed amendment to the Council's scheme of delegation adding provisions in respect of the Anti-Social Behaviour, Crime & Policing Act 2014 on 15th October 2014. This decision delegated the power to make, extend, vary and discharge public space protection orders to Public Protection Committee
- 11.3. At the same meeting Cabinet set the following Fixed Penalty amounts:
- Payment of FPN within 10 days of issue £70
 - Payment of FPN between 10 and 14 days of issue £100

12. List of Appendices

- 12.1. Appendix One: Summary of feedback from public consultation / review exercise
- 12.2. Appendix Two: Proposed PSPO

13. Background Papers

- 13.1. Antisocial Behaviour Crime & Policing Act 2014
<http://www.legislation.gov.uk/ukpga/2014/12/part/4/chapter/2/enacted>

- 13.2. Guidance in respect of PSPOs
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final_2_.pdf

<https://www.local.gov.uk/public-spaces-protection-orders-guidance-councils> (June 2017)
- 13.3. Further details on proposals and frequently asked questions
www.newcastle-staffs.gov.uk/dogcontrols
- 13.4. Requirements in respect of publicising public space protection orders
http://www.legislation.gov.uk/uksi/2014/2591/pdfs/uksi_20142591_en.pdf
- 13.5. Amendment to scheme of delegation granting Public Protection Committee power to make public space protection orders. (October 2014)
<http://moderngov.newcastle-staffs.gov.uk/documents/s13554/Cabinet%20Report%20-%20ASB%20Legislative%20changes%20-%20Oct%202014%20v18%20021014.pdf>
- 13.6. Previous Public Protection Committee decision – approval to undertake public consultation (March 2017)
<http://moderngov.newcastle-staffs.gov.uk/ieListDocuments.aspx?CId=123&MId=2872>
- 13.7. Report supplied by The Kennel Club accompanying its response
https://www.thekennelclub.org.uk/media/1057526/kc_dog_report_out_of_order_the_impact_of_access_restrictions_on_dogs_and_their_owners.pdf

Public Spaces Protection Order: Dog Control

Appendix One

Public Consultation Responses

The Borough Council published its proposal within The Sentinel on two occasions. Residents were also alerted to plans via 350 laminated signs placed during August in popular dog walking locations and the council's social media. Responses to the on-line questionnaire are attached.

Proposals were discussed by readers in the newspapers letters and on-line comments sections. It is not clear if those commenting chose to respond formally to the council's survey. Newspaper coverage included: <http://www.stokesentinel.co.uk/news/plans-revealed-introduce-maximum-six-352671> (24th August 2017). The newspaper ran its own poll, but has not shared / published the results.

Separately, a number of other bodies were contacted for their views.

Police & Crime Commissioner (PCC) – No reply

The Staffordshire PCC was contacted on 21st August 2017. At time of writing no response has been received. If a reply is received prior to Members considering this item it will be presented verbally.

Staffordshire Police No reply

Chief Inspector Peter Owen, along with the force's Dog Legislation Officers were invited to comment on 7th August 2017. At time of writing no response has been received. If a reply is received prior to Members considering this item it will be presented verbally.

Staffordshire County Council - Supported

In respect of Apedale Stephen Williams, Head Ranger (North), replied "I think that the 'six dog rule' will be a welcome introduction at Apedale which as you say is well used by dog walking businesses and does occasionally cause issues for the Rangers managing the site. Other site users and dog walkers often complain of feeling intimidated by the large numbers of dogs in some groups and we often come across handlers struggling to control the numbers they have even when they are on leads so I think the addition of the rule is very appropriate."

Groundwork & The Land Trust - Supported

Andrew Hunt, Ranger Silverdale Country Park & Hassall Green Nature Reserve, advised: "We would like to see the existing controls continue please and the 2 new further controls you propose would also be most welcome."

Parish Councils - Supported

Parish Councils were contacted on 3rd August. Silverdale Parish Council confirmed their support for the proposals as drafted on 23rd August. Madeley Parish Council met on 24th August and fully supported the changes. Likewise Keele Parish Council confirmed they had no objections to the additional controls proposed on 1st September. Loggerheads and Audley parish council members have indicated support.

Dog related Charities / organisations – Mixed Response – see attached papers

The Kennel Club has submitted a detailed response, including a copy of their report entitled *Out of Order – The impact of Dog restrictions on dogs and their owners* (see background papers for link).

They raise the following points:

- More fouling bins should be provided and the use of litterbins encouraged. Responsible ownership campaigns and training events should encourage owners to pick up
- The 'Means to pick up' proposals are not supported
- Children and dogs should be able to socialise.
- Requirement for dog owners to place either dog on a lead as they approach unfenced children's play equipment is questioned
- Dogs may only need to be on a lead if being walked across sports pitches which are in use

- Clear information is required as to which footpaths have requirements for dogs to be on leads
- Reservations about dogs needing to be on leads by fishing ponds were expressed
- The authority needs to provide restriction free areas
- Dogs on leads by direction controls are welcomed
- Setting a maximum number of dogs which can be walked in certain areas is opposed.
- Council should consider an accreditation scheme for dog walkers
- Council needs to ensure that other restriction free sites are accessible for those with limited mobility
- Advice is given in respect of signage suggesting that all entrance / exit points should be clearly signed to indicate where a controls applies / ends
- Signs indicating the need to have means to pick up should be in place in any location where the control is to be enforced.

The Kennel Club also supplied a report produced by Cornwall Council to its Members <https://democracy.cornwall.gov.uk/documents/s88743/Dog%20Fouling%20motion%20Means%20to%20pick%20up-2.pdf> which suggested that council officers considered that requiring dog walkers to have a means to pick up was an unreasonable requirement.

Note: Newcastle Borough Council is not bound by Cornwall Council's decisions. Cornwall Council's minutes, published at <https://democracy.cornwall.gov.uk/mgAi.aspx?ID=58763> indicate that whilst a decision was made "That a requirement for a person in charge of a dog, in areas accessible to the public, to be able to prove they have the means to pick up dog foul after that dog has fouled is not included in any new Public Spaces Protection Order for the immediate future" members felt the proposal had merit and noted its successful implementation elsewhere, seeking a further report from officers in due course. .

The full Response from the Kennel Club is attached.

RSPCA and Dogs Trust did not respond.

Residents' Views. Results of on-line survey

Summary / headline findings

- 109 responses
- Generally high levels of support for most suggestions, in particular those regarding...
 - Requirement for people to clean up dogs' faeces in a public place (100 per cent)
 - Requirement for dogs to be kept on leads in churchyards etc (95 per cent)
- Lower levels of support for controls regarding
 - Fishing pools (56 per cent)
 - Open spaces owned by parish councils (43 per cent- the only control that got lower than 50 per cent support)
 - Bathpool Park and surrounding area (57 per cent)

Background

The survey was available for eight weeks from 7 July to 3 September 2017, and was hosted on the Have Your Say page of the council's website. Members of the council's e-panel were notified of the survey and it was advertised via social media.

Analysis

Note that, in the following tables, totals might not add up to exactly 100 per cent due to rounding.

	Agree	Don't know	Disagree
Question 1. We would like to know if you agree with the following dog fouling control.			
Continue to require a person in charge of a dog to clean	100%	0%	0%

	Agree	Don't know	Disagree
up its faeces if their dog fouls in any public place.			
Introduce a new requirement for dog owners to have the means to pick up dog fouling, such as a bag with them whenever they walk their dog.	84%	3%	13%
Question 2. Continue to require a dog to be on the lead at...			
Borough Council Crematorium, churchyards and cemeteries, and closed churchyards	95%	2%	4%
Formal gardens (such as Queens Gardens, Queen Elizabeth Park)	85%	6%	9%
Marked out sports pitches	70%	7%	23%
Unfenced children's play equipment and a portion of the surrounding area, extending 20 metres in all directions from it.	72%	7%	21%
Fenced / enclosed portions of Apedale Country Park which are designated for wildlife conservation	84%	6%	10%
Parts of Bathpool park from the car park, across the reservoir dam, and along the side of the reservoir next to the railway line [UPDATED]	57%	16%	27%
Fishing Pools managed by angling clubs as per their signs [NEW]	65%	10%	25%
Open space owned by parish and town councils as per their signs	51%	11%	38%
Question 3. Do you agree that we should.....			
Continue to require owners to place their dog(s) on a lead(s) when directed	90%	1%	9%
Question 4. Do you agree that we should continue to require dogs to be excluded from:			
Fenced or enclosed children's play areas which are designated and marked for children's play	86%	2%	13%
Fenced or enclosed games areas, such as tennis and ball courts, multisport areas, skate parks	79%	3%	19%
The grassed portion of all bowling greens	88%	3%	9%
Fenced or enclosed portions of Apedale Country Park which are designated for wildlife conservation	80%	7%	13%
Fishing Pools managed by angling clubs as per their signs [NEW]	56%	9%	35%
Open space owned by parish and town councils – as per their signs	43%	14%	43%
Question 5. Do you agree that we should introduce a new requirement that no more than six dogs can be taken by any one person, into the following locations:			
Apedale Country Park	68%	4%	28%
Bateswood Country Park	68%	6%	27%
Bathpool Park	70%	6%	25%
Clough Hall Park	69%	6%	25%
Silverdale Community Park	68%	6%	27%
Lyme Valley Parkway	69%	4%	28%
Birchenwood Country Park	66%	7%	27%

Question 6. Are there any additional controls you think are required, or any other locations where specific controls need to be set

The majority of respondents did add further comments and they are listed in full here (with only spelling mistakes corrected – everything is else included word for word).

- Is the requirement for just one dog bag enough? Surely responsible owners carry more than one.
- You should make it three dogs as opposed to six.
- Newcastle town centre
- Number of dogs walked by 1 person should be 4. you cannot possibly control 6 dogs and clean up after them when off leads. find it very intimidating.
- Number of dogs should be reduced
- Need separate areas for dogs to be exercised safely, as most areas do not allow dogs to be exercised off leads and dogs need to run and interact with others. if controls were in place for angling clubs then would boycott Bathpool park as only leaves rough ground other side of pools leading to Peacocks Hays.
- Silverdale country park has designated wildlife areas can we have controls there as well
- Control the behaviour of young people & adults in these areas first! Littering, antisocial behaviour, drinking, foul language (footballers in Clough Hall Park) urinating (Rugby players in Bathpool Park)
- Would that also affect registered dog walkers? So two dog walkers can walk 12 dogs? Could there be a specific dog park area that dogs could be let off a lead, it would have to be fenced so the dog couldn't escape, as much as I believe dogs should be on a lead in public places, it would be nice to let them off lead at times.
- London Road in Chesterton has a major problem with dog fouling, every single day there is fresh mess and it's obviously the same people. More needs to be done to catch these people. Children walk along this road to school and back.
- Caring dog toilet bags when walking on the pavement
- On Wolstanton Marsh
- Dogs should be on a lead at all times when outside their own home premises. Dogs should be licenced, chipped and collared. Dogs should be registered no matter the type. Dogs should not be allowed to roam on their own. Owners should be held personally responsible if none of the above, including those Laws already in situ, are not adhered to.
- HOPE STREET, BIGNALL END. There's a new kid on the block. Over past 3 weeks a small dog is pooping long the right hand side pavement, mess is from Ravens Lane end of Hope Street, outside number 8/10 and down . I while ago I asked for metal warning signs to be put on lamp posts (as in Bridge Close) but was told I could print off signs, cover in plastic and attach to wherever. Not good enough.
- Dogs should be banned from school grounds (or at least kept on a lead). School playing fields are for children not dogs.
- Totally disagree with allowing people to have six dogs. I have actually witnessed people with just four dogs not being able to control them or pick up any dog faeces especially at the Apedale Park and our local park the Iccy Piccy.
- There is no need to even discuss a requirement that no more than six dogs can be taken by any one person.
- You should have enclosed areas for dogs to run lose in. All dogs need good exercise,
- Feral children on motorbikes, children on scooters who charge at you on paths and obviously do not have brakes but think it's their right of way. Dog owners who think its ok to have loose dogs approaching you when you have a dog on a lead. Wardens for children who I constantly see throwing cans/bottles/chip wrappers, smashing glass on the park floor and also the same children who leave food on the floor. Let's not discriminate on whether it is animal or human!!!!!! And please don't just read this and ignore as we are being constantly challenged by rules for one and not another and also the discrimination issues. Our park is littered daily by children and make it dangerous for dogs at times especially with the broken glass. It's all too easy to pick on the dog owners isn't it? Do you think we could have these rules in place after 5pm when our dogs and children are offending the most? Let's have a litter and dog poo warden who can dish out the fines on the spot. Law abiding dog owners challenge the other ignorant owners and you get told to F*** Off at times. On a final note I have witnessed that segregation of dogs has caused problems with families with children when they want to enter play areas especially if parents are on their own so I don't think for the sake of everyone that there needs to be anymore segregation although I do agree with no dogs in fenced play areas.
- You need to have notices on all entrances to all parks. You also need to ensure officers are around at all time as I regularly walk my dog, who is blind and therefore fearful, and loads of dogs are off the

lead in all areas of Clayton. It has got that bad I now walk him very early morning and late at night which in itself has its own dangers.

- I personally am close to a fenced play area which is used only outside of school hours and in the daytime. It seems unreasonable to me that when no children are present, as a person who pays my taxes, has no children and therefore takes very little out of the system I pay into, I'm not allowed to use those facilities for my family when it's not in use by anybody else
- I do not believe there should be a need for dogs to be excluded from fenced play areas when there are not children present
- Anglers should be made more aware when casting their lines. Whilst it is understandable in part, responsible dog owners are being penalized. There are very few places available for dogs to be off lead and all responsible owners know when to let their dog off the lead and when not to, in my case Bathpool Park. More bins need to be provided. More needs to be done about cleaning up after people, especially following football matches in public places and parks. Don't know how you are going to prove whether or not a person has cleaned up after their dog when it has been disposed of in one of the rare bins. There have been rare occasions when I have not had a bag with me, but I would ask another dog owner for one if possible, it would be unfair to automatically assume a person is not trying to clear up after their dog. What about the mess horses leave and making horse riders and cyclists more aware of other users - they just expect to have right of way all the time.
- Dogs to be on a lead in town centres and when being walked on a pavement.
- All dogs should be on a lead at all times, if someone is going to take out 6 dogs they should be fully under control, it seems the only way this happens if they are on lead. Other people and other dog walkers shouldn't have to put up with being harassed by out or control dogs running loose. Off lead also seems to be a great excuse to allow your dog to foul out of sight so then owners don't clean up.
- The other obvious thing needed is someone to implement these controls. Not much use having the order at all if nothing is going to be done about problem dog owners. Another problem area - the old railway line from Hempstalls to Liverpool road and on to Silverdale; lack of bins for either litter or dog waste. Enforce use of poo bins
- Wolstanton marsh this is far more urban than some of the mentioned areas and more likely to cause issue if owners/walkers of this number of dogs is driven away from these more rural locations.
- Can one person control six dogs and clean up after them? Perhaps more information could be given out on the health hazard caused by dog fouling.
- Think it should be far less than 6. People struggle to control just two dogs, even one at times.
- Dogs should only be out walking with responsible adults
- I think it should be a maximum of 4 dogs. I have dogs and know a huge number of other responsible dog owners. My dogs go to training classes and are always put on lead where necessary whereas many people have one dog they can't control. It's always those that are responsible that are unfortunately punished as those disregarding any correct dog care will still continue to do so.
- I feel like it is still potentially a dangerous situation allowing people to walk 6 dogs at any one time. I think the size of the dog should be taken into account. One person could easily lose control of three dogs never mind 6. I personally have been in an situation at Silverdale community park where I have been circled by 4 Irish wolf hounds and the lady walking them had no control. I myself have 2 dogs and would definitely not be able to control any more, either on or off lead.
- Be sure that you target the irresponsible dog owners who have no intention of picking up their dog mess or keeping their dogs on leads. Ban extendable leads they are dangerous!!!!
- If dogs are under control I do not see the issue. Rather introducing limits on dogs, I think more should be done to enforce the current control orders we already have.
- The old high lane at Alsagers bank which is where you turn left at the top of black bank up to the country park which overlooks the void. Dog owners often have their dogs off the lead on that road where they park their cars. They just either let them out of the car without a lead on allowing them to run out of control on the road and when returning from their walk they are still off the lead running back to the car with their owner following miles behind and out of site. As a dog walker and owner I am fed up of telling people that this is unacceptable and also that their dogs should be on a lead here and that they should also have a collar on with an identity disc. There needs big signs put up stating these rules. After all this is part of the highway.
- There should be allocated dog walking areas for dogs to run free safely. There needs to be a lot more bins to put filled poo bags into and emptied regularly.
- Young people under sixteen years of age should not be in charge/control of a dog in a public place.

- The areas around Waterhays village are always full of dog mess and nothing happens to the people who do not clean up after their dogs. When i clean up after my four dogs others seem to blatantly ignore the signs, it's really annoying. Often its children walking tube dogs who are the main offenders of not cleaning up after their dogs. However, i don't see how introducing a rule of dog owners having to carry poo bags when there are not enough dog wardens to 'police' such a rule! Putting dogs on leads isn't the answer to ensuring responsible dog ownership dog owners should be challenged about where the nearest bin for disposal is located multiple dog walkers should be required to have them on 'choke' chains - otherwise they are not really under control.
- It's a shame how the few ruin things for the responsible dog owner! It should really be down to individuals when walking their dogs...I personally mainly keep my dogs on their leads at all times, but I've walked other people's dogs who are so well behaved off lead the don't require it. I understand rules have to be set as individuals being careless & not responsible dog owners have ruined this for the rest of us. We have just come back from France with our 2 dogs where we could pretty much take our dogs anywhere as members of our family it was refreshing & a welcomed change! I don't think dogs & dog owners should be alienated in Newcastle & with some of these controls its certainly getting that way!
- The dog warden needs to be more prominent in order to see the dog owners who don't pick up and issue a spot fine, instead of fining if not carrying a pick up bag as they could have already used one and disposed of it.
- Fouling is a problem in the country parks - owners seem to think this are exists purely as a dog toilet. London boroughs have introduced charges for dogs to use parks, Charges should apply to anyone taking more than two dogs into these parks.
- I personally think that 6 dogs for one person to control , particularly when they are let off their leads, is just too many and a little worrying with those of us with one or 2 dogs. The issue of dog fouling , particularly on the Heritage Park Housing Estate, and the surrounding Country Park is particularly bad at the moment on pathways, grassed areas and pavements. I think that dog fouling notices are required on the Housing Estate itself before it gets any worse.
- Perhaps bring in harsher penalties for the owners who are not keeping their dogs under control as opposed to punishing all dog owners, the majority of whom are responsible and in complete control of their animals. The idea that areas need 'protecting' from dogs is absolutely ridiculous. Is it possible to have areas that are protected from people? As I think that would help a lot more than your proposed new restrictions! Upsetting, disproportionate and offensive.
- If restricting areas where dogs can exercise on or off lead. Then the council should provide exercise areas which are only for the use of dogs. I would be very interested in this, even if there was a small charge for the rental of using the area. Please consider this, in order to help dog owners to remain responsible and accountable for their dogs. Banning all areas where dogs can safely exercise (on or off lead) without providing any alternative is irresponsible of the council.
- I think the limit should be lower at 3 dogs per person in open public space. to take 6 dogs should require minimum of 2 persons. Dogs are pack animals, and I feel 6 would be too many for 1 person to handle. I am a dog owner of 6 dogs, and would not dream of taking all 6 out together.
- If restricting areas where dogs can exercise on or off lead. Then the council should provide exercise areas which are only for the use of dogs. I would be very interested in this, even if there was a small charge for the rental of using the area. Please consider this, in order to help dog owners to remain responsible and accountable for their dogs. Banning all areas where dogs can safely exercise (on or off lead) without providing any alternative is irresponsible of the council.
- Perhaps bring in harsher penalties for the owners who are not keeping their dogs under control as opposed to punishing all dog owners, the majority of whom are responsible and in complete control of their animals. The idea that areas need 'protecting' from dogs is absolutely ridiculous. Is it possible to have areas that are protected from people? As I think that would help a lot more than your proposed new restrictions! Upsetting, disproportionate and offensive.
- Responsible dog owners already pick up after their dogs, and only let off lead when there aren't any games going on on sports pitches, and no children about. Lots of puppy/dog play off lead in good fenced off community field - good wellbeing for people and canines. Restrictions to keep dogs on leads should be kept to when a sports match or training is taking place. Faeces on the ground are from cats and foxes and dogs off lead do the cleaning up of this waste (unfortunately).
- I personally think that 6 dogs for one person to control , particularly when they are let off their leads, is just too many and a little worrying with those of us with one or 2 dogs. The issue of dog fouling, particularly on the Heritage Park Housing Estate, and the surrounding Country Park is particularly

bad at the moment on pathways, grassed areas and pavements. I think that dog fouling notices are required on the Housing Estate itself before it gets any worse.

Respondents living, working or visiting the borough

Question 7 asked respondents if they lived or worked in the borough of Newcastle-under-Lyme or visited it regularly. The vast majority of respondents said that they both lived in the borough (78 per cent) and visited it regularly (93 per cent), with a little over half (51 per cent) saying that they worked here.

	Live	Work	Regularly visit
Yes	78%	51%	93%
No	22%	49%	7%

Further analysis on the residence of respondents.

Respondents were asked to provide their postcode – 100 did submit something, with nine avoiding this question. A further eight simply put ST5 or ST7 and three put postcodes which were invalid.

However, looking at the 89 valid postcodes that were submitted shows where respondents came from – in terms of Newcastle-under-Lyme Borough ward or other areas. Something to note here is that there were some submissions from areas that may be surprising.

- One survey was completed from someone with a Newcastle-upon-Tyne postcode, so this could have been submitted by someone thinking it affected their Newcastle
- The Weymouth submission has a postcode beginning DT4 – it seemed at first that this may have been a typing error and should have been ST4, but on closer inspection this was not the case as changing it to ST4 did not match with a valid postcode. Generally speaking, this respondent agreed with the proposals in the first half of the survey and disagreed with those in the second half.
- The submission from Reading disagreed with almost all of the proposals, and was not made on behalf of any organisation
- The submission from Newton Abbot, Devon, agreed with around half of the proposals and was not made on behalf of any organisation.

The postcodes that were valid show us which ward or area respondents live in, as follows.

N-u-L BC Ward	Respondents	Non N-u-L BC area	Respondents
Audley / Bignall End	7	Stoke-on-Trent	16
Chesterton	5	Alsager	2
Halmer End	5	Biddulph / Knypersley	1
Madeley	4	Blythe Bridge	1
May Bank	4	Congleton	1
Newchapel	4	Crewe	1
Town	4	Eccleshall	1
Clayton	3	Leek	1
Cross Heath	3	Newton Abbott (Devon)	1
Kidsgrove	3	Reading (Berkshire)	1
Porthill	3	Sandbach	1
Ravenscliffe	3	Newcastle-upon-Tyne	1
Silverdale / Parksite	3	Weymouth (Dorset)	1
Bradwell	2		
Butt Lane	1		
Keele	1		
Knutton / Silverdale	1		
Seabridge	1		
Talke	1		
Thistleberry	1		
Westlands	1		

Unidentified	
Unknown ST5	5
Unknown ST7 (could be NulBC, Stoke-on-Trent or Cheshire East)	3
Invalid	3

Contact details and representation

Respondents were asked for their contact details and they have been provided separately. They were also asked if they were representing an organisation or residents group and responses were as follows:

- Madeley Parish councillor (one)
- Newcastle-under-Lyme Borough councillor (two)
- Keele Parish Councillor (one)
- Staffordshire Police (one)

Residents' Views. - Emails sent direct to the council

The following email was sent to the councils Customer Services Team:

- Objection to the proposed new dog control orders I have recently seen your public notice in relation to your proposed plans in regards to public spaces protection order in respect of dog control. I agree with the controls in place in relation to dog fouling and dogs on leads however I strongly disagree with the proposed restriction of the number of dogs that a person can walk in certain areas. I am a responsible owner of 9 dogs which I spend a great deal of time walking in your proposed restricted areas. All of my dogs are fully wormed, fleed and receive full vaccinations on a regular basis. They are also all kennel club registered and I am in fact an assured breeder with the kennel club. All of my dogs have attended dog training classes from a puppy to ensure that they are trained to a high standard. I walk 9 dogs on a regular basis mainly in the Birchenwood Country park and believe that there are a minimal amount of people with a large number of dogs which they walk all together. I therefore see that I am being penalised personally with the new rule for simply having a large number of well behaved dogs. Both myself and the dogs enjoy our walks a great deal and we cause no problems to the public. My dogs are kept on leads and I always clean up if necessary. They cause no issues with other walkers with or without dogs. I object strongly that the proposed new rules are unfair to responsible dog owners and you should concentrate your time on irresponsible dog owners who you see walking one or two dogs and have no control of them, you should be imposing fines on them and not me who is respectful to all other walkers and I have my dogs fully under control even though I walk in excess of your 6 limit. Could you please log my objection to your proposed plans and keep me updated on the progress of your proposed new ruling. Could you also please confirm that you have received this objection and that it will be taken into account when making your decision I very unhappy dog owner [Mr GM 1/9/2017, Harriseahead]

Public Spaces Protection Order: Dog Control

Appendix Two

Recommended wording to Public Spaces Protection Order in respect of Dog Controls

The Anti-Social Behaviour, Crime and Policing Act 2014

Public Spaces Protection Order (The Borough Council of Newcastle-under-Lyme) No. xx of 2017 – Dog Controls

The Borough Council of Newcastle-under-Lyme (in this order called “the Authority”) in exercise of its powers under Section 59, 64 and 72 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”) hereby makes the following Order:-

This Order comes into force on xxxxxxxxxx 2017 for a period of 3 years.

Offences

1. Fouling-failure to remove dog faeces

If within the administrative area of the Authority 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 the 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

(a) 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. Dogs on Leads by Order

A person in charge of a dog shall be guilty of an offence if, at any time, within the administrative area of the Authority he does not comply with a direction given to him by an authorised officer of the authority to put and keep the dog on a lead 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.

An authorised officer may only give a direction under this order if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or to a bird or another animal.

3. Dogs on Leads Requirements

A person in charge of a dog shall be guilty of an offence if, at any time, (during the period specified in the schedule if stated), on land detailed in **Schedule 1** below he does not keep the dog on a lead 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. Dog Exclusions

A person in charge of a dog shall be guilty of an offence if, at any time, (during the period specified in the schedule if stated), he takes the dog onto, or permits the dog to enter or to remain on, any land detailed in **Schedule 2** 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. Maximum of Six Dogs

A person in charge of a dog shall be guilty of an offence if, at any time, (during the period specified in the schedule if stated), he takes more than six dogs onto, or permits more than six dogs to enter or to 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.

6. Means to Pick Up Dog Fouling

A person in charge of a dog shall be guilty of an offence if, at any time, within the administrative area of the Authority he does not have with him an appropriate means to pick up dog faeces deposited by that dog 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.

The person shall not be guilty of an offence if after on request from an authorised officer, the person in charge of the dog produces an appropriate means to pick up dog faeces.

Exemptions & Definitions

- i) Nothing in part 1 or part 4 of 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; or
 - (c) 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.
- ii) For the purpose of this order –

- (a) 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;
- (b) Placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land;
- (c) Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces
- (d) "an authorised officer of the Authority" means an employee, partnership agency or contractor of Newcastle-under-Lyme Borough Council who is authorised in writing by Newcastle-under-Lyme Borough Council for the purposes of giving directions under the Order.
- (e) Each of the following is a "prescribed charity" -
 - Dogs for the Disabled (registered charity number 700454)
 - Support Dogs Limited (registered charity number 1088281)
 - Canine Partners for Independence (registered charity number (803680)
 - Dog A.I.D (Registered Charity Number 1124533)
 - Medical Detection Dogs (Registered Charity 1124533)

Restrictions & Penalty

- i) The Council is satisfied that the conditions set out in Sections 59, 64 and 72 of the Act have been satisfied and that it is in all the circumstances expedient to make this Order for the purposes of prohibiting the above activities. The effect or likely effect of this is, or is likely to be, of a persistent or continuing nature, such as to make this unreasonable, and justifies the restrictions imposed by this Order.
- ii) It is an offence for a person without reasonable excuse to engage in activity which is prohibited by this Order.
- iii) A person found to be in breach of this Order shall be liable on summary conviction to a maximum penalty of level 3 on the standard scale or a Fixed Penalty Notice of £100.

By resolution of The Borough Council of Newcastle-under-Lyme dated xxxxxxxx 2017

The Common Seal of the
Borough of Newcastle-under-Lyme
hereunto affixed this....day of2017
in the presence of

Councillor

Official Signatory

SCHEDULE 1

This order applies to all:

- Borough Council Crematorium, churchyards and cemeteries, and closed church yards
- Formal gardens
- Marked out sports pitches
- Unfenced children's play equipment and a portion of the surrounding area, extending 20 metres in all directions from it.
- Fenced / enclosed portions of Apedale Country Park which are designated for wildlife conservation
- The northern portion of Bathpool Park, from its entrance and car park at Boathorse Road, along the main access path which runs from the car park at Boathorse Road, adjacent to the children's play area - and rugby pitches to its junction with footpath 146 which crosses the dam wall.
- Paths which adjoin Bathpool Reservoir Main Fishing Pool and continues on along the eastern side of Bathpool reservoir.
- Public Rights of Way: Kidsgrove 130 to the reservoir embankment 144, 146 & 182
- Fishing Pools managed by angling clubs as per their signs
- Open space owned by parish and town councils as per their signs

SCHEDULE 2

This order applies to:

- Fenced or enclosed children's play areas which are designated and marked for children's play
- Fenced or enclosed games areas, such as. tennis and ball courts, multisport areas, skate parks
- The grassed portion of all bowling greens
- Fenced or enclosed portions of Apedale Country Park which are designated for wildlife conservation
- Fishing Pools managed by angling clubs as per their signs
- Open space owned by parish and town councils – as per their signs.

SCHEDULE 3

- This order applies to: Apedale Country Park, Bateswood Country Park, Bathpool Park, Clough Hall Park, Silverdale Community Park, Lyme Valley Parkway, Birchenwood Country Park

Explanatory Note

Further information in respect of this order is published at www.newcastle-staffs.gov.uk/dogcontrols