

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM'S
REPORT TO LICENSING & PUBLIC PROTECTION**

12 October 2020

REPORT TITLE Dog Controls PSPO Renewal
Submitted by: Head of Environmental Health Services
Portfolios: Environment & Recycling
Ward(s) affected: ALL

Purpose of the Report

To request Members approval to extend current Dog Control Public Spaces Protection Order for a period of a further three years, commencing 21st October 2020

Recommendation

Members are recommended to agree the extension of current controls by the making of a further Public Spaces Protection Order as drafted at Appendix Two

Reasons

Responses to public consultation, together with feedback from staff directly involved with their enforcement, indicates continued high level of support for the present controls. The controls remain necessary. Should Members wish to look again at the 'Maximum Six Dogs' rule, further consultation can be undertaken and a variation process followed at a future date.

1. **Background**

1.1 Dog Control Orders set the 'rules' which dog owners must follow, when walking their dogs in public places. The current rules have been in force for approaching three years. At a meeting of Public Protection Committee on 4th August 2020 Members agreed to seek residents' views, before considering if the rules should be extended for a further period.

1.2 Dogs are the most popular pet in the UK with 23% of households owning one or more dogs. Within Newcastle-under-Lyme there are an estimated 17,000 dogs.

1.3 Between 5th August and 16th September 2020 comments were sought from dog owners who either live in, or regularly visit, the borough through an online survey. This was promoted with 300 posters placed across the borough at entrances to parks, cemeteries, and areas well used by dog walkers. A council officer also spent time each day in larger parks and gave out almost 500 leaflets to dog walkers advising of the review and seeking feedback. In total 64 online responses were received.

1.4 The Sentinel (14th August) included almost a full page in its 'The Big Issue' feature, asking readers "*What rules should there be for walking dogs in public spaces*" and encouraged them to have their say. The newspaper received five comments on its website.

2. **Issues**

2.1 Dog Control Orders can only have a maximum term of three years. The order currently in force expires on 21st October 2020. There is a prescribed process to extend or vary an Order, and a requirement that they be published and promoted so that those who are affected by them are aware of their obligations.

2.2 To extend an Order the council must be satisfied that the Order remains necessary, and that without it there is likely to be an occurrence or recurrence of the activities the Order seeks to address, or an increase in the frequency or seriousness of those activities.

2.3 . There are currently six controls in force

- a. Dog Fouling: This control requires dog walkers to remove fouling if their dog defecates whilst in a public place. The control applies across all of the borough.
- b. Means to Pick-up: This control requires dog walkers to ensure they always have a bag with them, so that they have a 'means to pick-up' if their dog fouls.
- c. Dogs on Leads: We require dogs to be on leads in a number of locations either to ensure the safety of the dog, others in that area, or to protect wildlife.
- d. Dogs on Lead by Direction: An authorised council officer can require or 'direct' a dog owner to place and keep their dog on a lead, whilst in other areas, if they have safety concerns. The officer will explain what is required and why.
- e. Dog Exclusions: Owners are not permitted to take their dogs into a small number of places. Exclusions apply where a dog could cause damage, disrupt the use of the area by others, injure wildlife, or become injured themselves.
- f. Maximum six dogs: First introduced in 2017 the control limits the number of dogs any one person can exercise to a maximum of six. The control applies in most of our larger parks.

2.4 Responses to the survey showed strong support for all the current controls to continue for a further term. Additionally, 35 comments were made through the survey, five online in response to a newspaper feature, and two direct to Environmental Health. These can be summarised as follows (in order of most commented):

- Max number should be reduced (23 responses) [generally 3-4 was thought to be the maximum]
- Greater enforcement (6)
- Littering from incorrect disposal of bagged dogs waste (4)
- Requirements for dogs to be on leads should apply more widely (3)
- Improved signage where restrictions apply (3)
- Request for a designated 'dogs park' (2)
- Allow dogs to be exercised, off the lead when no one else present, in more areas
- More fouling bins needed

2.5 Responses were received from a number of Parish Councils, but not from Staffordshire Police or Staffordshire County Council.

2.6 Full analysis of survey responses, and comments received are detailed in **Appendix One**

2.7 Whilst a significant number of respondents indicated that they would wish to see the maximum number of dogs any one person can walk in a number of locations reduced, current guidance from DEFRA remains that where a maximum number is set it should be six. DEFRA recognises that a lower number could be set, but guides that this would only generally be justified where children frequently use the area, or if the park is heavily populated. The majority of our parks are not intensively used, and other controls already apply to protect children using fenced play areas. Given that a reduction from six would be a significant change, and that over the last three years there have been very few complaints that this number needs review, it is not recommended to alter this number at this time. Should Members wish to see this number lowered it would be best practice to undertake further public consultation and vary this element of the controls in the future.

2.8 Officers are aware that residents welcome enforcement of dog controls. The cleanliness of open spaces is a priority and targeted patrols will continue to be undertaken where there is evidence that dog owners are failing to act responsibly and follow the rules.

2.9 Littering from inappropriately placed dog bags and availability of fouling bins is a regularly reported concern. The current controls required that fouling is collected and removed, accordingly the authority can issue penalties where bags not responsibly disposed of. The number and location of fouling bins is constantly reviewed to match the needs of residents with the resources of the council.

2.10 Whilst there are no current plans to extend the areas where all dogs need to be on a lead, the council reserves the power through the 'On Leads by Direction' control to require individuals to place and keep their dog on a lead in specific areas, if there are either multiple complaints that their dog is posing problems, or officers consider this to be appropriate the dogs safety. Officers ensure that this extra restriction is used proportionately and consistently, to ensure that residents are both protected and treated fairly.

2.11 The council has no current plans to install a considerable number of new signs, but will continue to ensure that dog control requirements feature on park signage when it is refreshed, and that clear information about the controls and where they apply remains available on its website.

2.12 Officers regularly review how best use can be made of public places, and the option to provide dog only spaces will be considered further.

3. **Proposal**

3.1 Members are recommended to agree the extension of current controls by the making of a further Public Spaces Protection Order as drafted at **Appendix Two**

4. **Reasons for Proposed Solution**

4.1 The results of public consultation (Appendix One) show that the currently controls remain widely supported.

4.2 Officers consider that the controls are relatively straight forward, understood and respected by most dog owners. They remain necessary to fairly balance the needs of dog owners and those of others using public places across the borough. They provide a tool to address antisocial behaviour.

4.3 Members can approve further specific consultation to establish if the 'Maximum Six Dogs'

control should be reduced in number, or the areas where it applies extended, through a variation process, as a separate process if they feel this worthy of further investigation.

5. **Options Considered**

There are three potential options:

- a) Do not renew Dog Controls when the Order lapses on 20th October 2020
- b) Make a further Order to renew current controls as proposed
- c) Undertake additional consultation to establish if changes, indicated in residents responses, are required and would be supported

6. **Legal and Statutory Implications**

6.1 Public Spaces Protection Orders must be made, extended, varied or discharged in accordance with the Anti-social Behaviour, Crime and Policing Act 2014

6.2 Details a PSPO that is made, extended, varied or discharged must be published in accordance with The Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014. The Act sets lighter touch consultation requirements to save costs (for example, there is no duty to advertise in local newspapers).

6.3 An appeal to the High Court can be made by someone who lives in the area or regularly visits the area and must be made within six weeks of the order or variation of the order being applied for. However, this does not preclude others (such as national bodies) from seeking judicial review.

7. **Equality Impact Assessment**

Not applicable

8. **Financial and Resource Implications**

The continuing of current controls creates no additional resource demands or savings

9. **Major Risks**

Not applicable

10. **Sustainability and Climate Change Implications**

Not Applicable

11. **Key Decision Information**

Not Applicable

12. **Earlier Cabinet/Committee Resolutions**

- Members agreed the current controls on 21st September 2017
- Cleaner Greener Safer Overview and Scrutiny Committee reviewed Dog Controls and associated matters on 28th February 2018
- Approval to undertake a review of Dog Control was given by Public Protection on 4th August 2020

13. **List of Appendices**

Appendix One: Survey Responses / Residents' Feedback
Appendix Two: DRAFT Order

14. **Background Papers**

None

Appendix One: Survey Responses / Residents' Feedback

Online Consultation on Dog Control Orders, August to September 2020

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
Q1) Dog Fouling Controls: Should we...			
Continue to require a person in charge of a dog to clean up its faeces if their dog fouls in any public place.	97%	3%	0%
Continue to require dog owners to have the means to pick up dog fouling, such as a bag with them whenever they walk their dog.	97%	3%	0%

	Agree	Don't know	Disagree
Q2) Should we continue to require a dog to be on the lead at...			
Borough Council Crematorium, churchyards and cemeteries, and closed churchyards	98%	2%	0%
Formal gardens (such as Queens Gardens, Queen Elizabeth Park)	95%	2%	3%
Marked out sports pitches	89%	3%	8%
Unfenced children's play equipment and a portion of the surrounding area, extending 20 metres in all directions from it.	87%	5%	8%
Fenced / enclosed portions of Apedale Country Park which are designated for wildlife conservation	95%	2%	3%
Parts of Bathpool park from the car park, across the reservoir dam, and along the side of the reservoir next to the railway line	73%	16%	11%
Fishing Pools managed by angling clubs as per their signs [NEW]	89%	3%	8%
Open space owned by parish and town councils as per their signs	74%	10%	16%

	Agree	Don't know	Disagree
Q3) Dogs on leads, when directed. Do you agree that we should.....			
Continue to require owners to place their dog(s) on a lead(s) when directed	95%	3%	2%

	Agree	Don't know	Disagree
Q4) Dog Exclusions: 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	95%	2%	3%
Fenced or enclosed games areas, such as tennis and ball courts, multisport areas, skate parks	94%	3%	3%
The grassed portion of all bowling greens	94%	3%	3%
Fenced or enclosed portions of Apedale Country Park which are designated for wildlife conservation	94%	3%	3%
Fishing Pools managed by angling clubs as per their signs [NEW]	86%	5%	10%
Open space owned by parish and town councils – as per their signs	75%	8%	16%

	Agree	Don't know	Disagree
Q5) Maximum six dogs. Do you agree that we should continue to set a maximum that no more than six dogs can be taken by any one person, into the following locations:			
Apedale Country Park	76%	8%	16%
Bateswood Country Park	76%	8%	16%
Bathpool Park	78%	8%	14%
Clough Hall Park	78%	8%	14%
Silverdale Country Park	77%	7%	16%
Lyme Valley Parkway	78%	8%	14%
Birchenwood Country Park	75%	8%	16%

Are there any additional controls you think are required, or any other locations where specific controls need to be set - if so please tell us here....(note that these comments have been included exactly as they were submitted)

- To require owners to correctly dispose of their waste bags as they are often thrown over hedges or just dropped I would like to see controls requiring dogs to be on leads on Wolstanton Marsh. this area has marked football pitches and is used a lot by children and young families Would it be possible to have designated 'dog parks' where people can take their dogs and let them run off lead etc?
- Rules requiring 'a person in charge of a dog to clean up its faeces if their dog fouls in any public place and to have the means to pick up dog fouling, such as a bag with them whenever they walk their dog' need extending to include 'and dispose of it in a designated bin or take it home'. So many country areas, for some inexplicable reason, have 'dog bags' hanging in the trees. Strictly, under the current wording, the owners have complied - they have cleaned up from the pavement, verge etc and put it in a bag! It shouldn't really need explaining, and I can't understand the mentality of those who do it, but I would love to stop this disgusting habit. Please can we make it an offence to leave the bag behind anywhere but in a proper bin.

- Depending on the area (for example enclosed tennis courts) if you and the dog are the only one's there, then there is no requirement to have the dog on a lead AS LONG AS and faeces are cleaned up. At the end of the day, sensible owners will comply.
- More than 3 dogs is excessive. As an average man I would struggle to control even 3 determined dogs. My black lab could pull pretty hard if he wanted to, more than 3 would be impossible. More enforcement is required for dogs not wearing collars, lots of people use leads that don't clip to a collar. Specific offence of not disposing of used poo bags e.g. thrown in hedges. More dog poo bins/bins that accept dog waste required. Maybe this would meet people half way and encourage them to either pick up, or not litter by throwing used bags in hedges etc.
- I think six dogs held by one person at ANY TIME is too many. The maximum number should be reduced to FOUR..it is very difficult to pick and bag poop and control six dogs..It might be possible that six small dogs can be a possibility but for the sake of clarity the number should be set at SIX maximum
- look to license dog licensing businesses - not just hope they're abiding by the 6-dog limit. be more active.
- Dogs on leads in fenced area adjacent to Maybank Infants School. Clear Signage required as "dog owners believe it is an area for dogs to be allowed off lead"! It is not, and I have been the victim of a dog attack (Off lead) from this specific area, I was advised by a councillor that signage was on order, but as this was almost 12 months ago and still there is no clear signage in place,
- I have disagreed with the above because I think it should be a maximum of three per person. As a dog owner myself, I believe 3 is the largest number to have total control over. 6 is very generous and dangerous!
- I live opposite QE park and it isn't the dog owners who cause issues it the intravenous drug takers and alcoholics the amount of broken glass and mess that is left behind is far more upsetting than dogs - there is very little dog mess so clearly its not the dig owners that you need to sort out - what is the point of the exclusion zones for drinking etc
- Dogs should also be kept on a lead on Alsagers Bank road where the dog walkers park cars before going into Silverdale country park off High Lane, Alsagers Bank. Many People park and just let their dogs out of the car to run up and down the fairly quiet road out of control. They should be on a lead until they walk onto the park and vice versa they should be back on the lead before leaving the park to go back to their car instead of just allowing them to run back unsupervised back onto the road! (This is the road passed the 5 cottages on the old blackbank road leading to the country park) It's a nightmare sometimes with out of control dogs running about off the lead and extremely inconsiderate! I hope this can be included in the rules and enforced. Thank you
- I think the maximum number of dogs for one person to be in control of is four dogs. In my view (as a professional behavioural dog trainer) six dogs for the majority of the population is FAR too many for one person to be adequately in control of. Given the number of unwanted incidents where one dog or more runs over to another dog or owner or overt acts of aggression, I think there should be an order brought in at all the areas above that unless consent is given by both parties that when passing another dog that all dogs should be kept under close control. During the lockdown period where control of dogs was MUCH more widely accepted and adopted it was a much more pleasant experience walking my dogs knowing that the other parties would call their dogs back and pop them on the lead as we passed each other.

- Feel bags should be at least 3 required Feel 6 maximum of dogs is too generous - should be less
Would like to see spot checks on dog walkers
- Six dogs being walked is TOO MANY.. in all these areas there many types of "users" and other dog walkers.. there is a danger that the six dogs could be provoked into unmanageable reactions. If they were bigger than terrier size.. this is even more likely Additionally I have serious doubts that picking up and bagging dog poo is unfeasible with six on leads Please reduce the number allowed to FOUR on a lead sat any one time
- I think one person should only be allowed a maximum of 4 dogs at a time.
- I think 6 dogs to one person is 2 to many
- There should be more signs in Lyme Valley about Dogs on Leads, people do not keep them on leads throughout the Valley and some run at you and jump up and you end up falling out with their owners dogs should be on leads
- Should be no more than 2 or 3 dogs. 6 cannot be under control.
- 1 person cannot possibly walk 6 dogs AND pick up their mess! Needs reducing to 3 and even this isn't too many dogs for one person to manage properly
- Muzzles to be worn by certain breeds of dogs
- These are not controls but rules. If you fail to actively enforce the rules then you're not controlling the situation. You can have as many rules as you want but if you don't enact / enforce them then they are purely anecdotal. Whilst existing rules are in place and regularly flouted I see very little evidence of anyone being prosecuted. The Council lacks the funds to resource enforcement so it's really all smoke, mirrors and rhetoric. It probably cost the taxpayer more to officiate these new 'controls' that is spent on subsequent enforcement.
- Bunny Hill area. Seabridge walkways. Three Parks Westlands.
- Dogs should be on a leash at all times when off the owners own property. No more than two dogs at any one time should be walked per adult over 21 years old.
- Children should be accompanied by an adult if walking with a dog.
- Six dogs are too many. I have seen Dog Walkers unable to control FOUR dogs comfortably, especially when other dogs are nearby. Thus SIX dogs are an accident waiting to happen. SUGGEST FOUR DOGS, SETTLE FOR FIVE.
- As a long time dog owner, retired dog breeder and trainer I consider six dogs being exercised by one person as far too many to control in ANY area. It would be a hopeless situation if the dog handler had problems with other dogs, dog fights etc. I also feel that any person in control of two or more dogs should not let them off leash where there are other dog walkers who for whatever reason keep their dogs leashed. "The Lines" Bignall End is used by many walkers, cyclists, children. Most of the dog owners are very responsible but a good few do not pick up after their dogs, have no understanding about keeping their dogs under control and a nightmare to meet up with.
- This number should be reduced to a maximum of three, Due to the ever increasing number of dog walking businesses operating in and around the Apedale country park who have a large number of dogs off lead. I feel intimidated by these businesses and question whether they operate in a public space with or without public liability insurance. They also block the space close to the disabled access gate along with other drivers close to the Loomer road entrance and make it difficult to walk around this area. Within the Apedale country park there is no signage to enforce these rules or to ensure social distancing is carried out. There is little or no challenge to

poor dog owners from the ranger services or as far as I have seen no enforcement of any Covid regulations. Dog owners with off lead dogs have regularly encroached into my 2 meter social distance space. I feel that the Apedale country park is left to manage itself and at times is totally out of control. People park wherever that want causing ever increasing issues without challenge.

- The above sound sensible. Some seemed geared to deter the least responsible dog owners re controlling their dogs. There seems to be a current practice whereby dog owners are picking up after their dogs, placing the faeces in a black polythene bag then throwing the bag down rather than putting it in a bin. This seems to be worse than just leaving the faeces on the ground. Perhaps this phenomenon can be addressed somehow?
- Needs enforcement in Newcastle Cemetery as dogs are running about off their leads. Although this survey is regarding dog controls there are cyclists riding through Newcastle cemetery also. As a regular visitor to the cemetery I find it totally disrespectful that notices are not adhered to.
- I am a dog owner of more than one dog, i know from personal experience how challenging it is to effectively pick up dog matter and not be able to see the other dogs also defecating at the same time, i also know that even as an owner myself how intimidating a group of dogs can be as they come towards me, often the idea of having so many dogs at one time is to let them have a good run, however i personally would feel the max amount of dogs with one owner should be 3 or 4, in order for proper and safe control to be maintained, and to respect others who love the open places but feel insecure to go there with their children.
- Relating to q2 - dogs should be on a lead on all public pavements. Could the council please provide an area for dogs to be exercised in Clough Hall Park, there is much space (the bowling greens not currently used. Two tennis courts, one used occasionally. The old skate board area). The Trees in the area behind the pavilion are used as toilets, which is disgusting. It's an open space to let dogs exercise but It is intimidating if you are alone with the dog. Many dog walkers use the Park. Thank you.
- Six dogs is far too many, the handlers can't effectively control this many dogs. I suggest reducing this to a maximum of four dogs.
- 6 dogs for one person is too many, especially as i have witnessed up to 5 dogs in one group running off leads in Bathpool Park on more than one occasion. I believe the law states that ,Dogs should be on a lead at all times in public spaces. With regard to Bathpool Park in particular as a regular walker there,, I think Dogs should be on a lead at all times. I speak as a dog lover.
- The maximum number of dogs for one person should be 3 - more than this is dangerous Bateswood is not a Country Park it is a designated Local Nature Reserve. Dog walkers are of course welcome but during the breeding season (late Feb/ March until July) need to be on leads and dogs should be banned from going into the lake. This summer I witnessed many people allowing their dogs to swim in the lake and encouraging them to chase wildfowl. For the first time ever no young ducks, moorhens, coot etc have survived and very few were born on the lake - even a pair of swans (absent for several years after many years of breeding) which attempted to stay on the lake left after large dogs chased them whilst the owners laughed. Several owners had their dogs swimming in the area most protected where angling is forbidden. Council notices reminding owners to keep dogs on leads have been obliterated or destroyed. Tighter controls are essential to maintain the biodiversity of this valuable nature reserve. I know that talking to responsible dog owners that they would fully agree.

- Are there any additional controls you think are required, or any other locations where specific controls need to be set and why - if so please tell us here in the box provided. (Further controls) I and my family cycle regularly along the cycle/walking path through Newcastle onto Silverdale community park. We are forever being obstructed on our rides along the Greenway by dogs not on a lead and fully controlled by their owners. we have been confronted by as many as 4 dogs off the lead being supervised by one person. Ridiculous and anti-social. my son was bitten by a dog off a lead as he rode along the path and was greeted by foul language and the threat of violence by its owners when he suggested the dog should be on a lead if it was not trained to obey commands. We should have informed the police but did not. We will in future and take photographs. this is a designated cycle path and we should be able to ride it in safety without hindrance from dog owners who think they have sole rights of ownership of the path. We feel that all dogs should be on a lead along this cycle route.

Respondents living, working or visiting the borough

Respondents were then asked 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	97%	58%	77%
No	3%	43%	24%

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:

- Keele Conservation Group *2
- Brian whitehead
- Dawn Dobson
- Betley Parish Council
- Whitmore Parish Council
- Chair of Thistleberry Residents Association
- Loggerheads Parish Council *2
- Linda Bronowski

Responses to feature published by The Sentinel, 14th August 2020

- Laws like this are meaningless if there is no one to enforce them. It's just a box ticking exercise.

- It depends on the size of the dogs. No one should be walking six Rottweilers but six miniature Dachshunds are less likely to cause harm.
- How can anyone have six dogs? They need protecting from themselves.
- This is more likely to apply to professional dog walkers.
- Seems perfectly reasonable.

Comments about Dog Controls sent direct to Environmental Health 11th August – 16th September 2020

- When visiting relative's graves there are dogs not on leads freely running across graves whilst their owners amble along the pathway. Totally disrespectful! If these dogs foul graves or gravestones, their owners are not near them to clean up their mess. The sign on the gates clearly states that ALL dogs must be on a lead. Also on Werburgh Drive there has been an increase in people walking dogs not on leads too. Visible dog wardens please!
- The Grange Park in Porthill. The majority of dog owners ignore the signage informing them to keep their dogs on a lead in the park and some of the dogs attack and injure the ducks (one has already been killed) More signage required and a warden patrols the park

Appendix Two: DRAFT Public Spaces Protection Order

The Anti-Social Behaviour, Crime and Policing Act 2014
Public Spaces Protection Order (The Borough Council of Newcastle-under-Lyme) 2020 – 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 21st October 2020 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

(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

2. Dogs on Leads by Direction

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

(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.

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 another animal (including pets or wildlife).

3. Dogs on Leads Requirements

A person in charge of a dog shall be guilty of an offence if, at any time, 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, 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, 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 doing 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, 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, partner 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) No person shall:
- a. obstruct any authorised officer in the proper execution of their duties;
 - b. obstruct any other person carrying out an act which is necessary to the proper execution of any contract associated with this order;
- iv) 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

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

Councillor

Authorised Signatory

SCHEDULE 1 (Dogs on Leads)

This order applies to all:

- Borough Council Crematorium, churchyards and cemeteries, and closed church yards
- Formal gardens
- Gated / enclosed public parks with wildlife pool
- 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 (Dog Exclusions)

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 (Maximum Six Dogs)

- This order applies to: Apedale Country Park, Bateswood Country Park, Bathpool Park, Clough Hall Park, Silverdale Country 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