

Cabinet Member for Finance and Communities

Supplementary Agenda

Date: Monday 16th October 2017
Time: 1.00 pm
Venue: Committee Suite 1 & 2, Westfields, Middlewich Road,
Sandbach CW11 1HZ

5. **Public Space Protection Order - Dog Fouling** (Pages 3 - 10)

Updated Appendix 3 – Public Consultation Outcomes

This page is intentionally left blank

Dog Fouling and Dog Control Public Space Protection Order Consultation

Additional summary:

- A further 187 responses have been received since the summary submitted for Finance and Communities PH meeting on 16th October
- This has not changed the pattern that the majority completing the consultation either “strongly agree” or “agree” all the suggested prohibitions on the order.
- There remains high Majority completing the consultation that agree further prohibitions around requesting that a dog owner has on their persons means to clear up after their dog and a potential ban on dogs in enclosed children’s play areas should be considered.
- There were many that completed the consultation who also made overall open ended comments around the order (774). Although all of these have not been reviewed as yet, snapshots and summaries of some of the repeated comments are below, but not reflective of all comments:
 - The order should be widely publicised with a period of “grace” before enforcement
 - Clear signage should be put up in the relevant areas
 - Who will be patrolling an order covering such a wide area given staff shortages in the public sector nationally?
 - Parks should not allow dogs off the lead anywhere where there are families and children nearby
 - Consideration should also be given to those “bagging” their waste but then leaving the bags behind/hanging them on trees etc.
 - There should be more bins/poo bag disposal systems in main parks
 - Concern expressed that CE is using the “back door” in order to ultimately put an order in place that forces all dogs across the Borough to be kept on leads
 - The Council already have powers to deal with dog fouling, there are already signs asking dogs to be kept on leads, and police have the power to deal with dangerous dogs
 - Please make sure that the order does not “alienate” the majority of responsible dog owners living in and visiting the borough but putting too many restrictions on such an order
 - Would like a promotion of clear boundaries/areas whereby a responsible dog owner could exercise their dog off the lead without fear of prosecution
 - No dogs should be allowed into a public area unless it has been chipped, there is already a law in place for this, is anyone looking at this?

Town/Parish Council Comments:

“On behalf of Crewe Town Council, I would like to make the following response to the proposed introduction to the Public Space Protection Order (PSPO) regarding dog fouling and dog control. - - Crewe Town Council strongly supports the proposed PSPO regarding dog fouling and dog control and requests that the following be taken into consideration:- - - • Reassurance that enforcement activities will happen - • That Enforcement Officers work flexibly to reflect the habits and activities of dog owners and walkers i.e. not just Monday to Friday 9am – 5pm but in the evenings, weekends and early mornings - • Enforcement Officers are given a wide number of powers of enforcement and not just powers relating to dog fouling and dog control - • More timely and appropriate responses are made to complaints from members of the public - • A stronger emphasis is made on dog control enforcement than has previously occurred - • That appropriate fines are issued and prosecutions take place for breaches of the PSPO - - We would also welcome that the

Public Space Protection Order is extended to cover other areas of anti-social behaviour such as vandalism, graffiti, littering, fly tipping, parking, loitering, drinking, etc. –“

From: clerk@pickmereparishcouncil.com [<mailto:clerk@pickmereparishcouncil.com>]

Sent: 10 October 2017 15:34

To: Communities (East)

Subject: Dog fouling and control Public Spaces Protection Order

Further to your consultation in respect of the above, the draft Order was discussed by Pickmere Parish Council on 3rd October 2017.

The Council wondered why this additional measure was required in view of the content of existing legislation. The Council considered that the provisions of the draft order were unclear, that its preparation represented a unjustifiably costly exercise, and in practical terms the Council was not clear on who and how the Order, if confirmed, would be enforced, in view of the lack of resources in your own Council and also the Police.

I trust that these comments will be taken into account.

Regards,

Jack Steel
Clerk – Pickmere Parish Council
01565 734618

“Poynton Town Council strongly agrees that dog fouling is abhorrent. We would be interested to know how enforcement will be carried out. The Town Council is also concerned by the anti-social practice where some persons collect their dog waste, but then dump the bag nearby and do not dispose of it safely. The order should ensure that such persons are fully liable to fixed penalty notices and fines. More bins are also required on the upper Inclines.”

“Alsager Town Council wish to ensure Cheshire East Council ensure enough training is given to those who will enforce as to issues with hunting dog issues. - An audit of bins should be carried out in the town to ensure adequate coverage.”

Dog Fouling and Dog Control Public Space Protection Order Consultation

Dog Fouling and Dog Control Public Space Protection Order Consultation

Part one – PSPO Dog Fouling

1. How strongly do you agree or disagree with the following statements :-						
	Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree	Response Total
If a dog fouls at any time on public land and it is not removed, then the person shall be guilty of an offence unless they can show that: a) They have a 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 them failing to do so.	78.2% (1088)	15.9% (222)	1.8% (25)	2.0% (28)	2.1% (29)	1392
The Public Space Protection Order (PSPO) for dog fouling will apply in all public places which is any place to which the public has access within the Cheshire East borough.	76.0% (1054)	13.9% (192)	2.4% (33)	2.7% (38)	5.0% (69)	1386
Placing the dog mess (faeces) in a bin on the land (either a dog waste bin or general waste bin) will be considered sufficient removal of the dog mess from the land.	72.9% (1013)	22.1% (307)	1.9% (27)	1.4% (20)	1.7% (23)	1390
Being unaware of the dog mess (defecation) or not having a bag or other suitable means of removing the dog mess, shall not be a reasonable excuse for failing to remove the dog mess.	65.4% (910)	19.6% (273)	5.8% (81)	5.4% (75)	3.7% (52)	1391
					answered	1393
					skipped	35

1.1. If a dog fouls at any time on public land and it is not removed, then the person shall be guilty of an offence unless they can show that: a) They have a 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 them failing to do so.						Response Percent	Response Total
1	Strongly agree					78.2%	1088
2	Agree					15.9%	222
3	Neither agree or disagree					1.8%	25
4	Disagree					2.0%	28
5	Strongly disagree					2.1%	29
Analysis	Mean:	1.34	Std. Deviation:	0.79	Satisfaction Rate:	8.48	answered
	Variance:	0.63	Std. Error:	0.02			

1.2. The Public Space Protection Order (PSPO) for dog fouling will apply in all public places which is any place to which the public has access within the Cheshire East borough.						Response Percent	Response Total
1	Strongly agree					76.0%	1054
2	Agree					13.9%	192
3	Neither agree or disagree					2.4%	33
4	Disagree					2.7%	38
5	Strongly disagree					5.0%	69
Analysis	Mean:	1.47	Std. Deviation:	1.03	Satisfaction Rate:	11.69	answered
	Variance:	1.06	Std. Error:	0.03			

1.3. Placing the dog mess (faeces) in a bin on the land (either a dog waste bin or general waste bin) will be considered sufficient removal of the dog mess from the land.						Response Percent	Response Total
1	Strongly agree					72.9%	1013
2	Agree					22.1%	307
3	Neither agree or disagree					1.9%	27
4	Disagree					1.4%	20
5	Strongly disagree					1.7%	23
Analysis	Mean:	1.37	Std. Deviation:	0.75	Satisfaction Rate:	9.23	answered
	Variance:	0.56	Std. Error:	0.02			

1.4. Being unaware of the dog mess (defecation) or not having a bag or other suitable means of removing the dog mess, shall not be a reasonable excuse for failing to remove the dog mess.						Response Percent	Response Total
1	Strongly agree					65.4%	910
2	Agree					19.6%	273
3	Neither agree or disagree					5.8%	81
4	Disagree					5.4%	75
5	Strongly disagree					3.7%	52
Analysis	Mean:	1.62	Std. Deviation:	1.06	Satisfaction Rate:	15.6	answered
	Variance:	1.12	Std. Error:	0.03			

Part two – PSPO Dogs on lead by direction

2. How strongly do you agree or disagree with the following statements :-						
	Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree	Response Total
A person in charge of a dog will be guilty of an offence if at any time whilst they are on land to which the public has access, they fail to follow the instruction from an authorised officer to put and keep the dog on a lead (rope, cord, leash or similar) as directed by the authorised officer unless they can show that: a) They have a reasonable excuse for failing to do so, or b) The person in control of the land has consented to them failing to do so	66.4% (922)	17.7% (246)	4.5% (63)	5.2% (72)	6.2% (86)	1389
The Public Space Protection Order (PSPO) for dog control will apply in all public places which is any place to which the public has access within the Cheshire East borough.	68.5% (952)	16.8% (234)	3.8% (53)	4.2% (58)	6.6% (92)	1389
An authorised officer may only direct a person to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance, or behaviour by the dog is likely to cause annoyance or disturbance to any other person, or the worrying or disturbance of any animal.	60.1% (833)	25.1% (348)	5.3% (73)	4.5% (63)	5.0% (70)	1387
					answered	1392
					skipped	36

2.1. A person in charge of a dog will be guilty of an offence if at any time whilst they are on land to which the public has access, they fail to follow the instruction from an authorised officer to put and keep the dog on a lead (rope, cord, leash or similar) as directed by the authorised officer unless they can show that: a) They have a reasonable excuse for failing to do so, or b) The person in control of the land has consented to them failing to do so						Response Percent	Response Total	
1	Strongly agree					66.4%	922	
2	Agree					17.7%	246	
3	Neither agree or disagree					4.5%	63	
4	Disagree					5.2%	72	
5	Strongly disagree					6.2%	86	
Analysis	Mean:	1.67	Std. Deviation:	1.17	Satisfaction Rate:	16.77	answered	1389
	Variance:	1.37	Std. Error:	0.03				

2.2. The Public Space Protection Order (PSPO) for dog control will apply in all public places which is any place to which the public has access within the Cheshire East borough.						Response Percent	Response Total	
1	Strongly agree					68.5%	952	
2	Agree					16.8%	234	
3	Neither agree or disagree					3.8%	53	
4	Disagree					4.2%	58	
5	Strongly disagree					6.6%	92	
Analysis	Mean:	1.63	Std. Deviation:	1.16	Satisfaction Rate:	15.87	answered	1389
	Variance:	1.35	Std. Error:	0.03				

2.3. An authorised officer may only direct a person to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance, or behaviour by the dog is likely to cause annoyance or disturbance to any other person, or the worrying or disturbance of any animal.						Response Percent	Response Total	
1	Strongly agree					60.1%	833	
2	Agree					25.1%	348	
3	Neither agree or disagree					5.3%	73	
4	Disagree					4.5%	63	
5	Strongly disagree					5.0%	70	
Analysis	Mean:	1.69	Std. Deviation:	1.09	Satisfaction Rate:	17.36	answered	1387
	Variance:	1.2	Std. Error:	0.03				

3. How strongly do you agree or disagree with the following statement :-

	Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree	Response Total
An Authorised Officer would issue a fixed penalty notice (FPN) of £100. Failure to pay the FPN may lead to prosecution and a potential maximum fine of £1,000 as would more serious breaches of the PSPO.	64.5% (897)	19.1% (266)	5.0% (70)	5.7% (79)	5.7% (79)	1391
					answered	1391
					skipped	37

3.1. An Authorised Officer would issue a fixed penalty notice (FPN) of £100. Failure to pay the FPN may lead to prosecution and a potential maximum fine of £1,000 as would more serious breaches of the PSPO.						Response Percent	Response Total
1	Strongly agree					64.5%	897
2	Agree					19.1%	266
3	Neither agree or disagree					5.0%	70
4	Disagree					5.7%	79
5	Strongly disagree					5.7%	79
Analysis	Mean:	1.69	Std. Deviation:	1.16	Satisfaction Rate:	17.24	answered
	Variance:	1.34	Std. Error:	0.03			

4. Which of the following locations/areas would like considered to be specifically or generally covered in any future reviews of the PSPO for dog fouling and dog control?

		Response Percent	Response Total					
1	Restriction on the number of dogs per owner that can be taken out into public spaces at one time	48.99%	680					
2	A requirement that a dog owner should be able to present to an authorised officer evidence of means by which they intend to clear up after their dog (e.g. dog poo bag)	75.72%	1051					
3	A requirement that a dog should remain on a lead at all times in certain areas of the borough (e.g. parks)	52.59%	730					
4	"No dogs" allowed areas (e.g. enclosed children's play areas)	78.75%	1093					
5	None of the above	7.64%	106					
6	Other (please specify):	14.55%	202					
Analysis	Mean:	7.99	Std. Deviation:	8.83	Satisfaction Rate:	104.09	answered	
	Variance:	77.91	Std. Error:	0.24				1388
							skipped	40

6. Which of the following applies to you? Please select all that apply

		Response Percent	Response Total			
1	Resident of Cheshire East	96.11%	1334			
2	I am a member of a local community group (please state below)	10.23%	142			
3	I work in Cheshire East	18.66%	259			
4	I am a local CEC/Parish Councillor	4.76%	66			
5	Other (please specify):	4.11%	57			
Analysis	Mean:	2.12	Std. Deviation: 1.36	Satisfaction Rate: 19.56	answered	1388
	Variance:	1.86	Std. Error: 0.04		skipped	40

8. Gender:

		Response Percent	Response Total			
1	Male	42.66%	584			
2	Female	57.34%	785			
Analysis	Mean:	1.57	Std. Deviation: 0.49	Satisfaction Rate: 57.34	answered	1369
	Variance:	0.24	Std. Error: 0.01		skipped	59

9. Age Group (please select one option only)

		Response Percent	Response Total			
1	18-24 years	1.69%	23			
2	25-34 years	9.24%	126			
3	35-44 years	21.57%	294			
4	45-54 years	24.14%	329			
5	55-65 years	23.70%	323			
6	65+ years	19.66%	268			
Analysis	Mean:	4.18	Std. Deviation: 1.31	Satisfaction Rate: 63.58	answered	1363
	Variance:	1.73	Std. Error: 0.04		skipped	65