

# **Cabinet Member for Finance and Communities**

## **Agenda**

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

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The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and in the report.

It should be noted that Part 1 items of Cabinet meetings are webcast and the recording of the webcast will remain available for public viewing on the Council's website.

### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

1. **Apologies for Absence**
2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

3. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a period of 10 minutes is allocated for members of the public to address the meeting on any matter relevant to the work of the body in question. Individual members of the public may speak for up to 5 minutes but the Chairman or person presiding will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers. Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

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Please contact Gaynor Hawthornthwaite - Democratic Services Officer  
Tel: 01270 686467  
E-Mail: [gaynor.hawthornthwaite@cheshireeast.gov.uk](mailto:gaynor.hawthornthwaite@cheshireeast.gov.uk)

4. **Business Rate Revaluation Relief Scheme** (Pages 3 - 10)

To consider a report on a Discretionary Business Rates Relief Scheme.

5. **Public Space Protection Order - Dog Fouling** (Pages 11 - 42)

To consider a report on the implementation of a Public Spaces Protection Order (PSPO) in relation to dealing with Dog Fouling and Dog Control from 1<sup>st</sup> November 2017.

## Cheshire East Council

### PORTFOLIO HOLDER DECISION

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**Date of Meeting:**

**Report of:** Paul Manning – Revenues Manager

**Subject/Title:** Business Rate Revaluation Relief Scheme

**Portfolio Holder:** Cllr Paul Bates – Finance and Communities

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#### 1. Report Summary

- 1.1. A revaluation of all non-domestic properties and new rateable values has taken effect from 1 April 2017. This affects the amount of business rates many businesses across Cheshire East have to pay. Cheshire East businesses will be paying less overall but there are a number of individual businesses that have seen a significant increase.
- 1.2. The Government announced that a number of support schemes would be made available to mitigate the impact on businesses from the revaluation, including a discretionary fund of £300 million to support businesses that faced the most significant increase in their business rates following the revaluation. The Government has asked Councils to use their discretionary powers to award this relief, although making it clear that the additional funding should support smaller businesses. The scheme will run for 4 years from 1 April 2017.
- 1.3. Cheshire East Council will receive £1.3 million over the 4 years of the scheme to award to local businesses. This report sets out the proposed scheme for distributing this funding to Cheshire East businesses.
- 1.4. It is proposed to provide relief to businesses with a rateable value up to and including £100,000. In 2017/18, the scheme will provide relief for 70% of the increase in rates due to the revaluation. The majority of awards will be granted automatically. The scheme will provide support to 1,200 Cheshire East businesses in 2017-18, ranging from £50 to £3800 in year 1. On average, businesses will be awarded £600. The Council will review the % awarded for each new financial year to take account of the funding available from central government and any other national or local factors.

#### 2. Recommendation

- 2.1. The Portfolio Holder approves the Cheshire East Discretionary Business Rates Relief Scheme as set out in this report.

#### 3. Reasons for Recommendation

- 3.1. To provide discretionary relief to support local small businesses that have faced an increase in their business rates as a result of the revaluation of all Non Domestic properties.

#### 4. Other Options Considered

- 4.1. A number of schemes were modelled and considered – some targeting specific categories of commercial properties e.g. retail, office. Other models extended the rateable value limit and subsequently brought larger businesses into the relief scheme. On balance the current option offers relief to a wide spread of business types whilst retaining the original intent of the scheme in terms of supporting smaller, local businesses.

#### 5. Background

- 5.1. The Valuation Office Agency has recently completed a revaluation of all Non Domestic properties and the new rateable values are effective from 1 April 2017. The revaluation affects the amount of business rates many businesses across Cheshire East will have to pay.
- 5.2. Whilst Cheshire East's ratepayers will be paying less overall in business rates because of the revaluation, there is still a significant number that individually have seen an increase.
- 5.3. The Government announced that funding for a number of different support schemes would be made available to mitigate the impact on businesses.
- 5.4. In particular the Government will make available a discretionary fund of £300 million to support those businesses that face the steepest increases in their business rates bills as a result of the revaluation. Cheshire East's share is just short of £1.3m.
- 5.5. The Government intends Councils to use its discretionary powers to award this relief and has made it clear that the additional funding should only support smaller ratepayers who are facing an increase in their bills following the 2017 revaluation.
- 5.6. The Government has also announced its intention to provide funding for a further two discretionary relief schemes; Supporting Small Businesses Relief and Support for Pubs.
- 5.7. The Government has made it clear that the additional funding identified by the Chancellor to support businesses should only support smaller ratepayers who are facing an increase in their bills following the 2017 revaluation.
- 5.8. The scheme will run for 4 years, in line with the Government funding stream, effective from 1 April 2017.
- 5.9. The Council will receive £1.3m over the 4 years. Funding cannot be transferred between financial years and any excess grant paid to Cheshire East following reconciliation at year end must be repaid to Central Government.
  - 2017/18 - £0.757m
  - 2018/19 - £0.367m

- 2019/20 - £0.151m
- 2020/21 - £0.021m

- 5.10. Details of the scheme are set out in Appendix 1, including the principles the scheme is based on and the detail of how the scheme will operate.
- 5.11. The scheme will provide support to just under 1200 Cheshire East businesses in 2017-18 , ranging from £50 to £3800 in year 1. On average, local businesses will be awarded £600.
- 5.12. In 2017/18, the scheme will award all eligible ratepayers 70% of the increase in rates due to the revaluation from 2016 to 2017 (a de-minimus value of £50 will apply).
- 5.13. The Council will review the % awarded for each new financial year to take account of the funding available from central government and any other national or local factors. The initial modelling of the scheme estimates the relief for future years of the scheme to reduce to 30% in 2018/19, 13.5% in 2019/20, and 6.5% in 2020/21. These may change due to amendments to property valuations.
- 5.14. In most cases relief will be awarded automatically, without the need for application. For those ratepayers who are required to make an application due to state aid implications, applications must be received within the financial year.
- 5.15. A Billing Authority is required to consult with major preceptors and the Fire & Rescue Service has been consulted. Additional engagement has taken place with local Chambers of Trade and the Skills & Growth Company prior to a Portfolio Holder decision. Engagement responses are shown at Appendix 2.

## **6. Wards Affected and Local Ward Members**

- 6.1. All wards and all members.

## **7. Implications of Recommendation**

### **7.1. Policy Implications**

- 7.1.1 The recommendations proposed will support and are aligned to the Council's corporate ambitions and its values to deliver its promise of Putting Resident First.

### **7.2. Legal Implications**

- 7.2.1 Billing authorities have power to award this discretionary relief under Section 47 of the Local Government Finance Act 1988.

### **7.3. Financial Implications**

- 7.3.1 Funding for the scheme is being received from Central Government. The council will receive £1.3m allocated over 4 years:

- 2017/18 - £0.757m

- 2018/19 - £0.367m
- 2019/20 - £0.151m
- 2020/21 - £0.021m

7.3.2 The Council is required to repay any excess grant following a reconciliation process at each year end.

7.3.3 There is a risk that the scheme could cost the council money if there are changes in subsequent years, e.g. a rating revaluation, that affect relief awarded in previous years, as the funding can only be used to pay for relief for that financial year. This will be partly mitigated by natural turnover of businesses. In addition, a small amount of funding has been reserved in the calculations for each year to deal with such changes.

#### **7.4 Human Resources Implications**

7.4.1 There are no human resource implications, all required work will be delivered within existing resources.

#### **7.5 Equality Implications**

7.5.1 There are no specific equality implications.

#### **7.6 Rural Community Implications**

7.6.1 There are no specific implications for the rural community.

#### **7.7 Public Health Implications**

7.7.1 There are no specific implications for the public health of Cheshire East residents.

### **8. Risk Management**

8.1 There is a risk that the scheme could cost the council money if there are changes in subsequent years, e.g. a rating revaluation, that affect relief awarded in previous years, as the funding can only be used to pay for relief for that financial year. This will be partly mitigated by natural turnover of businesses. In addition, a small amount of funding has been reserved in the calculations for each year to deal with such changes.

8.2 There is also a risk that local businesses will not receive the full value of the funding received from central government due to the small amount of reserve funding included in the calculations each year to deal with changes described above.

8.3 There is a degree of external pressure to begin distributing relief to local businesses. Any delay in agreeing a Scheme may incur some reputational risk.

**9. Background Papers**

9.1 Further information in relation to the report and its contents can be accessed by contacting the report author.

**10. Contact Information**

Contact details for this report are as follows:

**Name:** Paul Manning  
**Designation:** Revenues Manager  
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## Appendix 1

### Cheshire East Business Rates Discretionary Relief Scheme

Cheshire East's scheme awards an additional amount of rate relief to those smaller organisations that are facing an increase in the business rates they have to pay because of the revaluation.

The Government have made it clear that any relief awarded should only support smaller ratepayers who are facing an increase in their bills following the 2017 revaluation

### Cheshire East Scheme Design Principles

- Administration of this scheme will be difficult so keeping the scheme simple will minimise the burden, whilst also making it easy to understand for ratepayers
- There is a national transitional relief scheme which already provides some protection for ratepayers having increases in rates payable depending on the size of their property. Three bands are used to do this, small, medium and large
- It is proposed to allow relief to those in the small and medium bands (i.e. up to and including £100,000 RV) as most properties are in these 2 bands, and on the basis that business with large properties may be better placed to absorb the steep rise in rates
- It also matches the Governments ambition that relief is only available to smaller ratepayers
- All national, statutory reliefs and exemptions will be applied before any calculation for Discretionary Rate Relief can be considered
- Cheshire East will review the % awarded for each new financial year to take account of the funding available from central government and any other national or local factors.
- The majority of awards will be granted automatically, however the Council reserves the right to request an application in appropriate circumstances

### The Local Scheme

- In 2017/18, the scheme will award all eligible ratepayers 70% of the increase in rates due to the revaluation from 2016 to 2017 ( a de-minimus value of £50 will apply)
- State schools and other Council buildings are excluded due to section 47 of the of the Local Government Act 1988
- Properties that are empty will not be eligible for relief
- Properties that receive mandatory relief under different schemes will not be eligible

- Legislation prevents the award of any relief to properties occupied by Local or Precepting Authorities and hence, are likewise ineligible
- No relief can be awarded if it would mean an organisation exceeds the state aid de-minimus level (currently €200,000 over 3 years)
- Business rate accounts will be adjusted after the relief is awarded if there is a change in circumstances (i.e. backdate RV reductions, additional relief awarded, or property vacated etc.)
- New occupiers after 01/04/17 will not qualify for relief
- Increases to RV after 01/04/17 will not qualify for relief

### Appendix 2

#### Engagement responses

Cheshire Fire & Rescue Service:

Thank you for sharing your proposed business rate relief scheme. Having read the report I have no issues to raise beyond acknowledgement of the risks as mentioned and that Cheshire East will be managing them accordingly.

South Cheshire Chamber of Commerce:

Please see below a summation of comments from Members with regards to your proposal. In the main it is welcome.

*This seems very welcome, but the CE area didn't do too badly anyway.*

*My only critique is the assumption that anyone with a larger building is better placed to cope with any increase.*

*There are some relatively small businesses whose business operation requires a larger physical footprint, eg car repair shop, and equally some large profitable businesses (especially in the service sector, or digital operations) who only need small premises.*

*Moreover, the actual rates increase on a larger building will be a bigger actual amount due to higher rateable value, and these people are least likely to get the money.*

*So it's a blunt and potentially unfair allocation system. There are other measures such as employee numbers, turnover and profits. The only reliable measure is profits, and the government has driven the majority of small businesses into going*

*limited in recent years, so accounts are available via companies house if not from the rates payers themselves.*

*However, I do see that this would take extra effort by CEC and add potential costs into their operation of the relief.*

## Cheshire East Council

### Cabinet Member for Finance and Communities

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<b>Date of Meeting:</b>	16 <sup>th</sup> October 2017
<b>Report of:</b>	Mark Palethorpe, Acting Executive Director -People
<b>Subject/Title:</b>	Public Space Protection Order – Dog Fouling and Dog Control across Cheshire East Borough - a consistent approach
<b>Portfolio Holder:</b>	Cllr Paul Bates – Portfolio Holder Finance and Communities

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#### 1. Report Summary

- 1.1. The purpose of this report is to set out the circumstances in which a Public Space Protection Order (PSPO) covering the whole of Cheshire East Borough Council should be approved. This order will allow a consistent and manageable approach going forward to tackle irresponsible and anti social dog ownership and promote the safe and enjoyable use of our open spaces.
- 1.2. This report links into the following corporate objectives as well as the team plan specific objectives:

Outcome 1 - Our local communities are strong and supportive. Enable and empower our communities to identify and report irresponsible dog ownership and support enforcement of anti social issues.

Outcome 4 – Cheshire East is a green & sustainable place. Protecting the environment from unpleasant and hazardous dog foul in our public spaces.

Outcome 5 – People live well for longer. Committed to tackling dog fouling and dog control issues that are a risk to the health of residents.

Partnerships and Communities Business Plan 2017 -2020:

Objective 1 - To deliver intelligence led and statutory enforcement activities and develop our community safety services, co-ordinated campaigns and operations.

Key Activity references:

1.3 - To ensure the integrity of all Community Safety investigations, evidence, legality and the enforcement of offenders.

1.18 - Engage, educate and enforce against Community and Environmental Crime.

1.20 - ASB priorities to be risk and cost based, tackling the issues making the biggest community impact.

## **2. Recommendation**

- 2.1. It is recommended that the Cabinet Portfolio Holder;
  - a. Agree the implementation of a Public Space Protection Order (PSPO) from 1st November 2017;

## **3. Reasons for Recommendation**

- 3.1. This report is produced in order to set out the circumstances in which a Public Spaces Protection Order (PSPO) covering the whole of Cheshire East Borough Council should be considered and approved in relation to dealing with Dog Fouling and Dog Control.
- 3.2. Under the Anti-Social Behaviour, Crime and Policing Act 2014, the Council can make a Public Spaces Protection Order (PSPO) to control certain activities in a specified area if those activities are likely to have a detrimental effect on the quality of life of people in that area. This can include many forms of anti social behaviour, including problems often associated with dogs, for example, dog fouling.
- 3.3. The current situation within Cheshire East to enforce against such issues is based upon legislation that has been repealed or amended since 1996 and in more recent enactments there was a requirement for the Council to introduce orders to cover specific areas. This has led to a complicated system, which following a recent review by Legal Services and Community Enforcement, has led to the agreement to introduce a PSPO as outlined in this report. A number of other Local Authorities have already adopted this approach or are currently within the processes to do so (some examples provided in section 9).
- 3.4. There are also a number of byelaws within some of our parks and open spaces requesting that dogs are either kept on lead or under control, but most are not enforceable and have led to persistent issues in these areas when a small minority do not act responsibly when exercising their dogs.
- 3.5. The PSPO will allow a consistent and manageable approach going forward as well as being timely for the reasons outlined in this report for the 'change over' date in October of current orders into PSPO's. It will also ensure the message can be linked with our upcoming 'Dog Watch' campaigns and continue to be linked in with the 'Keep Cheshire East Clean – No Rubbish Excuses' campaign around Engagement, Education and Enforcement.

- 3.6. There has been support from a number of areas to the proposals set out in the report:
- i. Discussions and advice with Legal Services undertaken before amalgamation of current designated orders into PSPO's and review of legislative framework of dog fouling and control; Legal Services support the recommendations of this report.
  - ii. Discussions with Cheshire East Community Enforcement services have been undertaken and they support the recommendations of this report.
  - iii. Senior Management (Partnerships & Communities) and the Director of Public Health have been fully briefed on the content of this report.
  - iv. Portfolio Holder received a briefing paper on the recommendations of this report and supports the actions.
  - v. Cheshire East Council Ranger Service has been consulted with and support the recommendations of this report.
  - vi. As per Cheshire East Councils "Procedures for use of Anti-Social Behaviour Criminal and Policing Act 2014 – Public Spaces Protection Order" (appendix item 1) a public consultation has been undertaken and the results are outlined in the appendix (item 3).
  - vii. As per Cheshire East Council's "Procedures for use of Anti-Social Behaviour Criminal and Policing Act 2014 – Public Spaces Protection Order" the matter was discussed as part of the Multi Agency Action Group (MAAG) who support the recommendations of this report.
  - viii. Public consultation (see 5.10 below)

#### **4. Other Options Considered**

- 4.1. Cease enforcement of dog fouling.
- 4.2. Continue with the current situation as per 3.3 and 3.4 with no potential to tackle other irresponsible and anti social issues of dog ownership as outlined in this report.

#### **5. Background**

- 5.1. Tackling Dog Fouling within the Borough of Cheshire East is currently covered under the Fouling of Land Act 1996. This Act was repealed in 2006 following the introduction of Dog Control orders under sections 55 and 56 of the Clean Neighbourhoods and Environment Act 2005 (CN&EA 2005). Any orders made under the 1996 Act continue to have effect indefinitely and enforcement through fixed penalty notices and prosecutions have continued as normal.
- 5.2. At the time of Dog Control Orders coming into effect in 2006, Cheshire East Council did not exist, but the predecessor authorities did not adopt this

power as a blanket order across their geographies to deal with Dog Fouling. Macclesfield District Council did successfully obtain one of these orders for a part of Carrs Park in Wilmslow in order to enforce “dogs on lead” and “dog control” in addition to dog fouling offences as this was a particular issue that was identified at that time. This particular order will cease to operate under a Dog Control Order on 20th October 2017 (all existing Dog Control Orders will stay in effect until 20 October 2017 unless they are replaced by PSPOs before then). This, along with any new controls on similar parks and public spaces will then be applied for under new Public Spaces Protection Orders as prohibitions.

- 5.3. This legislation (Fouling of Land Act 1996) which Cheshire East currently enforces under, also however has limitations as it does not allow enforcement in certain areas, such as woodlands and heathland for example, (such area covered by the CE Rangers) however we still have continued problems and issues in such areas and the PSPO has already been supported by the Ranger Services, so the PSPO will also extend the prohibitions and penalties to all public open spaces including countryside parks and publicly-accessible land.
- 5.4. Dog fouling is unpleasant, a nuisance and can be a hazard to health. 95% of the British population are worried about the amount of dog fouling, not just because of the mess it causes but because it can also be linked to health risks including 'toxocara canis'. Roundworm eggs are found in dog mess, which can easily be picked up by young children. This causes stomach upsets, sore throats, asthma and in rare cases blindness. The eggs can remain active in the soil for many years, long after the dog mess has weathered away. We recognise that most dog owners are responsible and clean up after their pets, but a small minority continue to cause problems.
- 5.5. The Council would introduce a PSPO across the Borough to replace and extend the existing dog controls and byelaws (some of which are currently not enforceable e.g. requests to keep dogs on leads in certain parks). This would create a more comprehensive and consistent approach when dealing with issues such as dog fouling and dogs under control.
- 5.6. The Council has a statutory duty to keep land clear of litter and refuse (including dog foul) and a duty of care on dealing with waste, this duty extends to prosecuting offenders who fail to clean up after their dogs and although there is legislation in place to tackle this behaviour, a PSPO would allow us not only to address this behaviour further but also encourage responsible dog ownership across all public spaces within our borough by requiring owners to be in control of their dog at all times whether off or on the lead.
- 5.7. A PSPO to replace all other existing legislation would also then give the Council an opportunity to further review our parks and open areas to look at amending the existing PSPO to look at further requirements to keep dogs on leads and excluding dogs from specified areas. It would give the

Council stronger powers and protect areas such as our enclosed children's play areas and cemeteries moving forward. Once a PSPO is in place, further community engagement and consultation can be undertaken as part of our "Dog Watch" campaign into further potential prohibitions for these specific areas across the Borough via amendment procedures to an existing PSPO as outlined in section 61 of the ASB Crime and Policing Act 2014.

- 5.8. Decisions on the application of this order have been made in line with Cheshire East Councils "Procedures for use of Anti-Social Behaviour Criminal and Policing Act 2014 – Public Spaces Protection Order" (appendix item 1).
- 5.9. An initial PSPO is to be considered and approved to include prohibitions around the Dog Fouling of Land and requirement under provisions to keep a Dog under Control which would apply to all pieces of land within the Borough as described in the draft order (appendix item 2).
- 5.10. The public consultation for the order commenced at 12 noon on Tuesday 12 September to 12 noon on Tuesday 10 October 2017 in relation to the attached draft prohibition and suggested area of implementation. Feedback to date (6<sup>th</sup> October) is outlined in appendix item 3, but indicates strong support for the proposal to introduce the PSPO. An update report on the consultation feedback will be tabled for consideration at the Decision Making meeting.
- 5.11. Advertisement of our proposals has taken place via our website, intranet, and released in local press within the first week of the consultation opening. In addition to this a last minute push has been released in this week's Chronical and also via our social media and intranet. Our Community Enforcement Officers have placed 200 posters within our open spaces and parks across the Borough which have included links to the survey and further information on our proposals.
- 5.12. Additionally the following contact groups have received electronically our "consultation poster" in order for them to circulate with their members/residents/members of public:
  - Community Grants (615)
  - Congleton Assembly (156)
  - Crewe Assembly (133)
  - Macclesfield Assembly (101)
  - Knutsford Assembly (25)
  - Nantwich Assembly (173)
  - Newsletter Mailing List (338)
  - Poynton Assembly (37)
  - Town and Parish Clerks (104)
  - Wilmslow Assembly (41)
  - Valley Park Group (20)
  - Sandbach Partnership (12)

- Multi-Agency Action Group Partner agencies
- Plus the full Communities team list.
- All Cllrs/members via Cllr Bates
- Cheshire Association of Local Councils – NEWS Roundup

5.13. The draft order has been reviewed by partners of the MAAG (Multi Agency Action Group) as per Council's procedure. The group have agreed with the recommendations of this report and that more tailored (such as no dogs, dogs on lead at all times, restrictions on number of dogs per owner, produce means of dispose on request) prohibitions for certain parks and areas would need further consultation time and variations applied.

5.14. A breach of any of the prohibitions would be dealt with by means of a Fixed Penalty Notice of £100 in line with the fine levels for a breach of a PSPO in Cheshire East. Cheshire East has been enforcing against dog foul for some time, yet there continues to be complaints and issues raised and the continued need for behaviour change, hence under a PSPO we can tackle the continued issue by raising the FPN to £100 which we cannot do under the 1996 legislation, which is the consensus of many other Local Authorities who have moved to this approach. Upon implementation, relevant Enforcement Officers will be delegated with the powers via the Council's Constitution and Schemes of Delegations. Offenders who do not discharge their liability through the payment of the notice will be considered for prosecution in line with our Enforcement Policy

<http://www.cheshireeast.gov.uk/business/enforcement/enforcement-policy.aspx>

5.15. Following the approval and implementation of the PSPO, further reviews and consultation will take place for consideration of amending/variating the PSPO to include further prohibitions such as;

a) Prohibition of dog owners not having on their person provision to dispose of dog foul with an FPN provision (produce means of dispose on request).

b) Excluding dogs in outdoor children's enclosed play areas and/or cemeteries with an FPN provision.

## **6. Wards Affected and Local Ward Members**

6.1. All ward and members.

## **7. Implications of Recommendation**

### **7.1. Policy Implications**

7.1.1. Cheshire East Council is an enforcing Council and committed to tackling anti social behaviour and environmental crime.

7.1.2. All enforcement actions and decisions will be taken in accordance with Cheshire East Council’s Enforcement Policy.

**7.2. Legal Implications**

7.2.1. The current situation within Cheshire East to enforce against such issues is based upon legislation that has been repealed or amended since 1996 and in more recent enactments there was a requirement for the Council to introduce orders to cover specific areas. This has led to a complicated system, which following a recent review by Legal Services and Community Enforcement, has led to the agreement of introducing a PSPO as outlined in this report. A number of other Local Authorities have already adopted this approach.

7.2.2. It is essential that due legal process is followed and that any Notice issued accords with the requirements of the Act. Appropriate legal advice would be sought prior to the publication of any Statutory Notice.

**7.3. Financial Implications**

7.3.1. Consideration would have to be given to make sure that relevant signage and publicity around the implication of this order is in place. There are currently historic signs placed on lampposts across the borough warning of dog fouling offences. These will be replaced during a programme of work giving priority to entrances of our main open spaces and parks, moving onto hotspot residential areas and then across the rest of the borough.

7.3.2. Initial quotes suggest an allocated budget of £10,000 would allow for signage and stickers. These will be in line with the Council’s other PSPO’s, for example;



7.3.3. The service has already positively introduced new signage around dog fouling within the ‘Keep Cheshire East Clean – No Rubbish Excuses’ campaign (appendix item 4) and will expand and link into the current campaign and Media Team.

7.3.4. A virement of monies within the Communities budget will provide the budget for the signage to be produced and installed.

**7.4. Equality Implications**

7.4.1. An Equality Impact Analysis/Assessment has been completed and approved by the Head of Service. As a result of performing the analysis/assessment there are no actions arising from the analysis/assessment.

**7.5. Rural Community Implications**

7.5.1. A positive impact will be made on the rural community by protecting its open spaces from dog foul and enhancing the controls of irresponsible dog ownership.

**7.6. Human Resources Implications**

7.6.1. Training and guidance has already taken place for operational staff involved in the implementation and enforcement of a PSPO.

7.6.2. Officers are already actively addressing dog fouling across the borough within the limits of the current legislation. The PSPO would further enhance this work and support both residents and visitors to the Borough and assist in the behaviour change of the minority who chose to offend.

7.6.3. Upon implementation relevant Enforcement Officers will be delegated with the powers via the Council's Constitution and Schemes of Delegations.

**7.7. Health and Wellbeing Implications**

7.7.1. As per 5.3.

**7.8. Implications for Children and Young People**

7.8.1. As per 5.3.

**7.9. Overview and Scrutiny Committee Implications**

7.9.1. There are no specific implications.

**7.10. Other Implications (Please Specify)**

7.10.1 There are no other implications

**8. Risk Management**

- 8.1. To negate any negative publicity there will be a media release and campaign across both traditional and web based methods.

## 9. Access to Information

Other Local Authorities merging and changing/changed over to PSPO's;

- 9.1. Daventry District Council PSPO - <https://www.daventrydc.gov.uk/business/environmental-health/dog-fouling/>
- 9.2. Dover District Council PSPO <https://www.dover.gov.uk/Environment/Environmental-Crime/Public-Spaces-Protection-Order/Public-Spaces-Protection-Order.aspx>
- 9.3. Flintshire County Council PSPO <http://www.flintshire.gov.uk/en/Resident/Streetscene/Dog-Control-Public-Space-Protection-Order-PSPO.aspx>
- 9.4. Chesterfield Borough Council PSPO <https://www.chesterfield.gov.uk/pspo-dog>
- 9.5. Durham County Council PSPO <http://www.durham.gov.uk/article/11429/Enforcement-powers-for-irresponsible-dog-owners>

## 10. Contact Information

Contact details for this report are as follows:

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APPENDIX ITEM 1



**PROCEDURES FOR USE OF ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT  
2014**

**PUBLIC SPACE PROTECTION ORDER (PSPO)**

This allows the local authority to stop individuals or groups committing ASB in public places.

The local authority will identify the area that is to be covered by the order – known as the 'restricted area'.

The PSPO can:

- Prohibit specified things being done in the area
- Require specified things to be done in the area

The prohibitions or requirements can be framed so that they:

- Apply to all persons, or only persons in specified categories, or to all persons except those in specified categories
- Apply at all times, or only at specified times, or at all times except those specified
- Apply in all circumstances, or only in specified circumstances, or in all circumstances except those specified

The following conditions must be met before making the order:

- Activities carried out in a public place within the local authority's area have a detrimental effect on the quality of life for those living in the locality *or*
- Is likely that activities will be carried out in a public place within the area that will have such an effect

The effect or likely effect of the activities:

- Is, or is likely to be, of a persistent or continuing nature
- Is, or is likely to be, such as to make the activities unreasonable *and*
- Justifies the restrictions imposed by the order

**The need for a PSPO to be identified**

This will come from a variety of routes – including, but not exclusively:

- Partnership problem solving (Multi Agency Action Group – MAAG)
- Complaints from members of the public
- Public consultation/residents meetings/residents groups
- Elected members/Parish Councils

- Neighbourhood groups
- Private land owners
- Registered Social Providers

The process to be followed is below. Responsibility for overseeing this process will lie within the Communities and Partnerships Department’s Anti-Social Behaviour Team. Depending on the focus of the PSPO certain elements of the process below may well also be taken on by other departments within the local authority such as Environmental Protection or Trading Standards.

**Examples of behaviour that a PSPO might be used to tackle**

The following list is intended to be indicative and not exhaustive

Legal highs – sale of/taking of Boy racers Congregating in car parks Cars for sale Vehicle Nuisance Buskers Dog fouling Unruly Dogs/dogs out of control Rough sleeping Street drinking Urinating or defecation Prostitution Dogging	Verge parking Parking outside schools Ball games Swimming in dangerous areas Ball games Grazing of horses Litter Fly tipping Cycling in pedestrian areas Aggressive Charity Collectors (Chuggers) Begging Placing yourself to beg Skateboards
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**Prior to formal consultation for a PSPO:**

It is important that the PSPO is used proportionately and that it is not seen to be targeting behaviour of the children/young people where there is a lack of tolerance and understanding by local people. Consideration must also be given to the Equality Act when setting out restrictions or requirements.

When making a PSPO Cheshire East Council will bear in mind the impact on other areas and the level to which displacement is likely to occur.

All requests/considerations for a PSPO will be nominated to the Communities and Partnerships Multi-Agency Action Group (MAAG). Initial thoughts and actions will be recorded at the meeting, and the relevant agencies will be nominated to take the request further once it has been agreed via an initial professionals meeting.

**Professionals meeting:**

This will be held by the ASB Team along with the relevant Partnership Manager/Local Engagement Officer, attendees may include the following:

- ASB Team representative – **Compulsory**
- CEC Partnership Manager or Local Engagement Officer – **Compulsory**
- Local Elected Member/Parish Council member – **will at least be informed**

- Land owner (If not CEC land) – **Compulsory**
- Police
- Housing/Registered Social Provider
- Other CEC departments
- Representative from the local community

The following will need to identified either prior to this meeting or during this meeting:

- How many incidents have been reported and who to?
- What has been attempted in order to resolve this issue already?
- What is the exact area that all present would like a PSPO to cover?
- What sort of prohibitions would need to be considered?
- Are there any other people that need to be consulted as part of this process?
- What are the implications should a PSPO not be granted
- What are the risks if a PSPO is granted (displacement etc.)?
- Who would be responsible costs around publicity and signage (if not CEC land)?
- How would this be policed does any training need to take place with delegated local officers whom may not have had opportunity to enforce this type of order yet?
- Do the majority agree that a PSPO application should be requested? *(if the answer is no the issue will be refereed back to the MAAG)*

**Authorisation to begin Consultation**

Following the professionals meeting, should it be agreed to pursue a PSPO a summary of the problems and proposed PSPO will be presented to the nominated Portfolio Holder who will make a decision as to whether to progress to the consultation process being undertaken. If authorisation is not given, then the issue will be nominated back to the MAAG.

**Consultation**

The Consultation that is undertaken will depend on the location and the particular issues to be addressed. The consultation will be proportionate but not excessive. At least 4 weeks will be allowed for the consultation process and as a minimum standard consultation details will be publicised via Cheshire East Council’s Website.

Groups to be consulted may include:

Elected members Parish Councils Local residents Members of public using the area/facility via notice placed in area.	Community Groups Town Councils Pub watch SCOOT/shop watch or equivalent Chamber of Commerce
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The general public will be made aware of the plans through any of the following methods:

- Cheshire East Council website – **Compulsory**
- Press release
- Notice in the affected area
- Residents newsletters

- Leaflets
- Social media

*Cheshire East Council will ensure that the consultation is in line with its own consultation policy.*

Additionally (if not already done so)

- The owner of the land (if not the Council) will be contacted
- Cheshire Police and Police and Crime Commissioner

### **Decision is taken to make a PSPO**

The process for approving PSPO applications will be made by the Strategic Director in consultation with the Portfolio Holder for Communities and Health. However, decisions to approve PSPO applications will be escalated for full Cabinet approval where recommendations in the report identify approving the order will have wider implications for the Local Authority. This will allow opportunity for elected members outside of the majority group the opportunity to scrutinise the decision.

If this is refused then the matter will be referred back to the MAAG.

### **Public are advised that the PSPO is coming into effect**

Cheshire East Council will ensure that the following principals are followed with reference to publicising a PSPO although some of the processes may vary from case to case:

- The publicity is proportionate and cost effective
- It takes account of the different languages spoken in the area
- Takes into account the need to manage people's expectations once the order is in place
- That at least one week prior to the PSPO coming into effect a multi-agency approach in relation to educating the relevant members of public and agencies on the new order coming into force and the implications of breach of this order
- During the first week of the order being in force, a campaign of education will continue followed by enforcement action
- That breaches will be monitored, as will any potential displacement which will all be recorded by Cheshire East Councils Partnerships and Communities/ASB Team with a view to the appropriate review processes/amendments taking place on the order.

General publicity may include:

- Press release
- Cheshire East Council website
- Other partner agency websites (i.e. Police, Registered Housing Providers)
- Residents' newsletters
- Leaflets
- Social media
- Parish Councils
- Community Groups

- Signage within the area

In the area affected signage may be used taking into account the different language spoken – using pictures where possible.

## **Enforcing the PSPO**

The power to enforce the PSPO has been given to:

- Cheshire Constabulary Police Officers
- Cheshire Constabulary Police Community Support Officers
- Designated Cheshire East Council Officers

Cheshire East Council may authorise an officer not on the above list (e.g.: Registered Social Provider or Commissioned agency/company) to issue FPN's where a senior officer within the agency to which that person belongs makes a written request to the Chief Executive of Cheshire East Council for that person to be designated.

A decision will then be made by Cheshire East Council as to whether that person should be authorised as a person who may issue FPN's in Cheshire East.

In each case any person who is so authorised will be required, prior to designation, to complete relevant training identified by Cheshire East Council.

Cheshire East Council reserves the right to vary or cancel any authorisation at any time and for any reason

## **Breaching the PSPO**

Those who are found to be breaching the PSPO will be given the opportunity to discharge the offence by way of a Fixed Penalty Notice (FPN).

- The level of FPN will have to be decided (not exceeding £100) suggested amount to remain at the higher rate of £100 with no early payment opportunity
- Agreement will be reached with Cheshire Constabulary about issuing of FPN's on a case by case basis and how this will be done

There will also need to be an awareness that if someone is taken to court and they are on benefits they can agree with the court to pay a weekly sum to clear a fine. This option is not available with a FPN – unless they are taken to court for non-payment.

## **Transition**

There are a number of current orders which will be replaced by the PSPO:

- Designated Public Place Order
- Dog Control Order
- Gating Order

There is the ability to replace existing orders with a PSPO at the commencement. Alternatively they can continue for 3 years when they will transfer over to a PSPO. There are a number of gating orders and DPPO's within the Cheshire East area which will need to be

considered in due course which will expire in their current form in October 2017. A task group will be set up to review this in due course which will decide whether:

- To leave as the current order and allow to move over in 3 years
- To replace immediately with a PSPO
- To discharge any of the existing orders as no longer needed

APPENDIX ITEM 2



**CHESHIRE EAST BOROUGH COUNCIL  
DOG FOULING AND DOG CONTROL PUBLIC SPACES PROTECTION ORDER**

Cheshire East Borough Council makes this Order under **Section 59 Anti-Social Behaviour, Crime and Policing Act 2014** [hereinafter referred to as the 'Act'], having consulted as required by **Section 72** of that Act.

This Order takes effect on 1<sup>st</sup> November 2017 and has a duration of 3 years.

It applies to the public place, defined by section 59(4) of the Act as 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, and known as "Cheshire East Borough Council" which is shown on the plan attached to the Order. Hereinafter referred to as 'the Restricted Area'

The Council is satisfied that activities have been carried out in this Restricted Area which have a detrimental effect on the quality of life of those in the locality. Further, it is satisfied that the effect of these activities is or is likely to be of a persistent or continuing nature, is or likely to be such as to make the activities unreasonable and the effect justifies the restrictions imposed.

**Introduction**

(a) Cheshire East Council has a duty to take action against individuals who fail to clean up after their dogs on publicly accessible land. The presence of dog faeces is a potential hazard to all members of the public alike. It causes risks to health, defaces land and has the potential to deface people and their property.

(b) When not properly supervised and kept under control, dogs that are allowed off a lead in public areas can cause road traffic accidents, and can cause nuisance or injury to members of the public and to other animals.

(c) The Council is satisfied that the behaviour set out above has had, and is likely to continue to have, a detrimental effect on the quality of life of people within the Borough of Cheshire East Council.

(e) This Order seeks to prevent or reduce the detrimental effects referred to above, by imposing reasonable restrictions and requirements on people whilst in charge of dogs on public land. It seeks to facilitate the safe sharing of our public spaces, whilst recognising that people should be able to exercise their dogs off lead in public areas, provided that their dogs are under control and behaving appropriately.

These activities have given rise to nuisance and complaint to both the Council and the Police from local residents, visitors to the area and businesses.

**Cheshire East Borough Council therefore has exercised its power under section 59(4) Anti-Social Behaviour, Crime and Policing Act 2014 to make this order to:**

## **PROHIBIT**

### **Part 1 - Dog Fouling**

1. If a dog defecates at any time on land to which this part of the Order applies, and the person who is in charge of the dog at that time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless he can show that:-

(a) he has 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 him failing to do so;

2. This part of the Order applies to all public places in the Borough of Cheshire East Council (see map attached with this Briefing paper)

For these purposes, a "public place" means 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.

3. For the purpose of this part of the Order:

(a) placing the faeces in a receptacle on the land which is provided for this purpose, or for the disposal of waste, shall be a sufficient removal from the land;

(b) 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;

## **REQUIRE**

### **Part 2 - Dogs on lead by direction**

4. A person in charge of a dog will be guilty of an offence if at any time, on land to which this part of the Order applies, they fail to comply with a direction given to them by an authorised person to put and keep the dog on a lead for such period and/or in such circumstances as directed by the officer, unless he can show that:-

(a) he has 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 him failing to do so.

5. For these purposes, a “lead” means any rope, cord, leash or similar item used to tether, control or restrain a dog, but does not include any such item which is not actively being used as a means of restraint so that the dog remains under a person’s close control.

6. This part of the Order applies to all public places in the Borough of Cheshire East Council.

For these purposes, a "public place" means 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

7. For the purposes of this part of the Order, an authorised person of the Council 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 that is likely to cause annoyance or disturbance to any other person, or the worrying or disturbance of any animal.

**8 An authorised person** for example a Police Constable, Police Community Police Officer or Council Officer must show authorisation when reasonably requested to do so.

This can include a person who is not an employee of the Council.

### **Exemptions for Disabled People**

9. The dog fouling provisions in this Order do not apply to a person who:

(a) is registered as partially sighted or blind, in a register compiled under section 29 of the National Assistance Act 1948; or

(b) is registered as “sight-impaired”, “severely sight-impaired” or as “having sight and hearing impairments which, in combination, have a significant effect on their day to day lives”, in a register compiled under section 18 of the Social Services and Well-being (Wales) Act 2014; or

(c) has a disability which affects his mobility, manual dexterity, physical coordination, or ability to lift, carry, or otherwise move everyday objects, such that he cannot reasonably be expected to remove the faeces; or

(d) has some other disability, such that he cannot reasonably be expected to remove the faeces.

10. For the purposes of this Order, a “disability” means a condition that qualifies as a disability for the purposes of the Equality Act 2010 and a “disabled person” means a person who has such a disability.

### **Exemption for Working Dogs**

11. Nothing in this Order shall apply to the normal activities of a working dog, whilst the dog is working.

This includes dogs that are being used for work in connection with emergency search and rescue, law enforcement and the work of Her Majesty's armed forces; farm dogs that are being used to herd or drive animals; dogs that are being lawfully used for the capture or destruction of vermin and dogs that are being lawfully used for the purposes of hunting.

**Other Matters**

12. For the purposes of this Order 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.

13. Where the person in charge of a dog wishes to rely upon any of the exemptions set out in this order, the burden will be on him to prove that he satisfies the requirements of the exemption being relied upon.

**Failure without reasonable excuse to comply** with the prohibitions or requirements imposed by this Order is an offence under **Section 67 of the Anti-Social Behaviour, Crime and Policing Act 2014**. A person guilty of this offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale, namely **£1000.00**.

A constable or an authorised person may under **Section 68 of the Anti-Social Behaviour, Crime and Policing Act 2014**, issue a fixed penalty notice to anyone he/she has reason to believe has committed an offence under **Section 67** of that Act in relation to this Order.

**APPEALS:**

1 In accordance with section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or that a requirement under the Act has not been complied with may apply to the High Court within six weeks from the date upon which the Order or Variation is made.

**APPENDIX:**

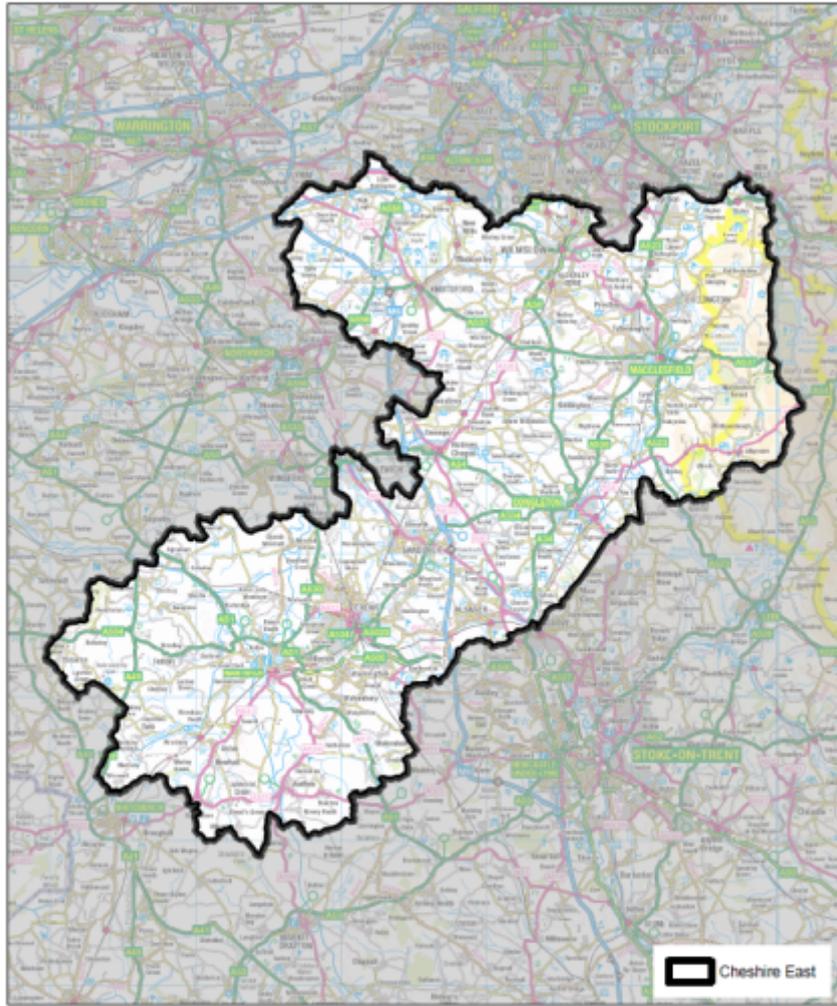
A plan of the restricted area to which this order applies.

Signed.....

By authority of the Cheshire East Borough Council under section 101 of the Local Government Act 1972

Dated:.....

### Cheshire East Borough Council



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**APPENDIX ITEM 3 - PUBLIC CONSULATION (OUTCOMES to date 6<sup>th</sup> October 2017)****Consulation Headlines**

- 1,241 have been completed so far
- Overwhelmingly a high percentage of the respondents either agree or strongly agree with all the prohibitions that are being considered.
- There is support for the council to consider extra, more enhanced prohibitions on the order for specific areas; such as ban on dogs in enclosed children's play areas and requirement for owners to have means to clear up after their dog, both of which were in favour by over 70% of the respondents.
- Over 96% of the respondents were residents of CE.
- There is a good balance of Male/Female and age band respondents.

## 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.	77.5% (935)	16.2% (195)	2.0% (24)	2.0% (24)	2.3% (28)	1206
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.	75.4% (905)	14.7% (176)	2.2% (26)	2.7% (32)	5.2% (62)	1201
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.	72.7% (875)	22.0% (265)	2.0% (24)	1.6% (19)	1.7% (21)	1204
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.	65.1% (785)	20.2% (244)	5.6% (68)	5.1% (62)	3.8% (46)	1205
					answered	1207
					skipped	34

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					77.5%	935	
2	Agree					16.2%	195	
3	Neither agree or disagree					2.0%	24	
4	Disagree					2.0%	24	
5	Strongly disagree					2.3%	28	
<b>Analysis</b>	Mean:	1.35	Std. Deviation:	0.82	Satisfaction Rate:	8.85	answered	1206
	Variance:	0.67	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					75.4%	905	
2	Agree					14.7%	176	
3	Neither agree or disagree					2.2%	26	
4	Disagree					2.7%	32	
5	Strongly disagree					5.2%	62	
<b>Analysis</b>	Mean:	1.48	Std. Deviation:	1.04	Satisfaction Rate:	11.91	answered	1201
	Variance:	1.07	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					72.7%	875	
2	Agree					22.0%	265	
3	Neither agree or disagree					2.0%	24	
4	Disagree					1.6%	19	
5	Strongly disagree					1.7%	21	
<b>Analysis</b>	Mean:	1.38	Std. Deviation:	0.76	Satisfaction Rate:	9.43	answered	1204
	Variance:	0.58	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					65.1%	785	
2	Agree					20.2%	244	
3	Neither agree or disagree					5.6%	68	
4	Disagree					5.1%	62	
5	Strongly disagree					3.8%	46	
<b>Analysis</b>	Mean:	1.62	Std. Deviation:	1.06	Satisfaction Rate:	15.56	answered	1205
	Variance:							

<b>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.</b>	<b>Response Percent</b>	<b>Response Total</b>
Variance: 1.11 Std. Error: 0.03		

## Part two – PSPO Dogs on lead by direction

<b>2. How strongly do you agree or disagree with the following statements :-</b>						
	<b>Strongly agree</b>	<b>Agree</b>	<b>Neither agree or disagree</b>	<b>Disagree</b>	<b>Strongly disagree</b>	<b>Response Total</b>
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	66.3% (798)	17.5% (211)	4.8% (58)	5.1% (61)	6.2% (75)	1203
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.	68.3% (822)	17.1% (206)	3.7% (45)	4.1% (49)	6.7% (81)	1203
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.	60.0% (720)	24.9% (299)	5.2% (62)	5.0% (60)	5.0% (60)	1201
					answered	1206
					skipped	35

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				66.3%	798	
2	Agree				17.5%	211	
3	Neither agree or disagree				4.8%	58	
4	Disagree				5.1%	61	
5	Strongly disagree				6.2%	75	
<b>Analysis</b>	Mean:	1.67	Std. Deviation:	1.17	Satisfaction Rate:	16.83	
	Variance:	1.37	Std. Error:	0.03			
						answered	1203

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				68.3%	822	
2	Agree				17.1%	206	
3	Neither agree or disagree				3.7%	45	
4	Disagree				4.1%	49	
5	Strongly disagree				6.7%	81	
<b>Analysis</b>	Mean:	1.64	Std. Deviation:	1.17	Satisfaction Rate:	15.94	
	Variance:	1.36	Std. Error:	0.03			
						answered	1203

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				60.0%	720	
2	Agree				24.9%	299	
3	Neither agree or disagree				5.2%	62	
4	Disagree				5.0%	60	
5	Strongly disagree				5.0%	60	
<b>Analysis</b>	Mean:	1.7	Std. Deviation:	1.1	Satisfaction Rate:	17.55	
	Variance:	1.21	Std. Error:	0.03			
						answered	1201

### 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	64.6% (778)	19.0% (229)	5.0% (60)	5.7% (69)	5.7% (69)	1205

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

	Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree	Response Total
prosecution and a potential maximum fine of £1,000 as would more serious breaches of the PSPO.						
					answered	1205
					skipped	36

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					64.6%	778	
2	Agree					19.0%	229	
3	Neither agree or disagree					5.0%	60	
4	Disagree					5.7%	69	
5	Strongly disagree					5.7%	69	
<b>Analysis</b>	Mean:	1.69	Std. Deviation:	1.16	Satisfaction Rate:	17.26	answered	1205
	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	48.92%	589
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)	75.66%	911
3	A requirement that a dog should remain on a lead at all times in certain areas of the borough (e.g. parks)	53.41%	643
4	"No dogs" allowed areas (e.g. enclosed children's play areas)	79.40%	956
5	None of the above	7.23%	87

#### 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	
6	Other (please specify):					14.87%	179	
<b>Analysis</b>	Mean:	8.03	Std. Deviation:	8.92	Satisfaction Rate:	104.78	answered	1204
	Variance:	79.49	Std. Error:	0.26			skipped	37
Other (please specify): (179)								

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

						Response Percent	Response Total	
1	Resident of Cheshire East					96.18%	1157	
2	I am a member of a local community group (please state below)					10.22%	123	
3	I work in Cheshire East					18.54%	223	
4	I am a local CEC/Parish Councillor					4.57%	55	
5	Other (please specify):					3.57%	43	
<b>Analysis</b>	Mean:	2.08	Std. Deviation:	1.33	Satisfaction Rate:	18.83	answered	1203
	Variance:	1.76	Std. Error:	0.04			skipped	38
Other (please specify): (43)								
local community group attended:- (150)								

#### 8. Gender:

						Response Percent	Response Total	
1	Male					42.93%	510	
2	Female					57.07%	678	
<b>Analysis</b>	Mean:	1.57	Std. Deviation:	0.49	Satisfaction Rate:	57.07	answered	1188
	Variance:	0.25	Std. Error:	0.01			skipped	53

#### 9. Age Group (please select one option only)

						Response Percent	Response Total
1	18-24 years					1.44%	17
2	25-34 years					9.75%	115
3	35-44 years					21.86%	258

**9. Age Group (please select one option only)**

						Response Percent	Response Total	
4	45-54 years						23.31%	275
5	55-65 years						24.32%	287
6	65+ years						19.32%	228
<b>Analysis</b>	Mean:	4.17	Std. Deviation:	1.31	Satisfaction Rate:	63.46	answered	1180
	Variance:	1.72	Std. Error:	0.04			skipped	61

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