

APPENDIX ITEM A - BOROUGH WIDE DOG FOULING AND DOG CONTROL PUBLIC SPACES PROTECTION ORDER PROPOSAL TO EXTEND CONSULTATION SUMMARY

Consultation Headlines:

- The consultation ran from 29 June 2020 until 10 August 2020. The normal process would be to run such consultations for a 4-week period. Due to the pandemic situation, it was decided that the consultation would run for a 6-week period to allow longer for people to respond to the survey.
- 341 responses were received in relation to the consultation
- Overwhelmingly a high percentage of the respondents either agree or strongly agree with the extension of the current order until 2023.
- There is support for the council to consider extra, more enhanced prohibitions on the order for specific areas. All but one suggestion had an over 70% in favour rate. The lowest that feel below this was a suggestion around restrictions on number of dogs per owner, which just under 59% of responses were in favour of. The highest response was in relation to a condition requiring those with a dog in their control being able to supply on request evidence of means by which they intend to clear the dogs foul up with, of which just under 86% of responses were in favour of.
- Of those that chose to respond to the question, just under 96% of the respondents were residents of CE.
- There is a good balance of postcode areas in relation to survey responses
- There is a good balance of Male/Female and age band respondents.
- The responses in general were low compared to the original consultation which ran in 2017 when the order was first introduced, which produced 1428 responses. This could partly be due to lock down, but also that this order is not a new order and we are not looking to add or take anything away from the current order. The consultation was circulated to all local members, town and parish councils. In addition to this we also launched a press release and advertised on social media. Partner agencies and key departments within the authority were also informed and asked to circulate with their local groups and contacts. An example of the press release can be found via the below link:

https://www.cheshireeast.gov.uk/council_and_democracy/council_information/media_hub/media_releases/council-seeks-to-extend-dog-fouling-and-gating-orders.aspx

A summary of the survey results is tabled within this report. A further appendix attachment with all responses and open-ended comments/questions can be made available on request. The document containing all open-ended responses is quite lengthy, having reviewed them I have provided a summary of the “general” comments/responses.

Summary of “open ended” questions and comments:

There were several comments/suggestions made in the open-ended fields of the survey. There are summarised below. Furthermore I have supplied a FAQ at the bottom of this report to add some context to the questions and comments which we will publish on our website as part of the survey results section once a decision has been made and published on the extension of this order:

Comment/suggestion/question	Tally	Response
More patrols/enforcement	46	<p>Patrols Cheshire East council currently has 5 Community Enforcement Officers, one Senior Community Enforcement Officer and 2 externally contracted environmental enforcement officers who are authorised to prosecute those seen breaching our dog fouling and dog control PSPO. Police do also have these powers as do Police Community Support Officers, who can report members of public for breaches of this order so as the council can then issue a fine based on their witness statement. We have recognised that in order to properly enforce and patrol against the current order and any potential additional powers to the order will require careful consideration and a management of expectations around this.</p> <p>Enforcement Since the implementation of this order in November 2017 (up until 31 July 2020) patrols the authority has issued 146 Fixed Penalty Notices for breach of the PSPO. Patrols have and do take place as often as we are able to. We try to target our patrols based on local knowledge and reports of poor behaviour. Catching a dog owner not clearing up after their dog has fouled or not being in proper control of their dog can be quite difficult, especially when a uniformed officer is present. We find when patrols take place, even the minority of dog owners that might not normally clean up after their dogs tend to change their behaviour in the presence of a uniformed officer. We have issued a number of fines based on witness statements from members of the public who have been able to identify the offender, whether that be a local neighbour or via the registration of a car they have seen the individual arrive/leave in.</p>
Dogs must be on lead in all public spaces	29	<p>The authority has tried to carefully balance decisions around dog control so as the vast majority of dog owners are able to exercise their dog off a lead in public as long as they are in control of their dog. To apply an order to ban this in all public areas would not be proportionate at this stage. We have recognised that it may however be appropriate to apply more restrictions in some of our parks and open areas where we have had increased reports of a lack of dog control. We will be</p>

		further reviewing this within the next 3 years.
More bins/emptying of bins	16	The authority no longer supplies “dog poo bins” as owners are now able to place their dogs waste in a normal litter bin. Many of the bins specifically for dog foul have now been removed or will no longer be replaced if they have to be removed. We are also not installing any new dog foul bins. In most public spaces there are litter bins nearby, and where there are none, then members of public will be expect to carry any litter/dog foul with them until they are able to find a bin or return home with their litter and dispose of it at home. There are several open spaces public and privately owned that public have access to that may not have many bins or any bins at all due to their own rules and regulations. It is sometimes not possible to have bins in some of the rural or vast locations as the emptying of these would be extremely difficult. There are plenty of areas where there are several bins accessible if dog owners are not too keen on taking the waste home with them or carrying their dog waste with them for too long before they reach a suitable bin. If any member of public comes across a bin owned by the authority that is overflowing/in need of emptying and appears to have been missed then this can reported via our website www.cheshireeast.gov.uk .
Enforcement should also include bagged foul left behind	12	The current PSPO does include this, this is included in a “failure to remove the faeces from the land forthwith”. Leaving your dog poo behind in a bag on the floor, in a tree, outside a building, by a bin or a gate is not removing it from the land. We have issued fines for this behaviour and will continue to do so.
More signage/campaigns/education	11	We have had several requests to review the signage that we currently have up and around the borough. As part of this consultation and extension of the order we will be looking to refresh some of our signage working with our colleagues in the parks departments, and private landowners such as the national trust to increase and replace some of our signage over the next 12 months. Where we can we will look to work on some targeted campaigns as and when we are able to and the request for this has been very much noted.
Would like a “dog friendly area” that allows exercise of dogs off lead in a safe zone	9	This is not something that the council have supplied or is looking to supply at this stage, but comments around this as a result of the consultation have been passed on to the relevant portfolio holders and directors/higher management.
Bring back licensing of dogs/enforce against those not chipped/DNA testing on foul	7	The Authority are currently not looking at DNA testing for breaches of the fouling element of our order, however there are other potential requirements we may consider moving forward in relation to having a means to clear up after your dog if requested to show evidence of this by an authorised officer. <i>Information in relation to licensing and chipping enforcement has been requested from **Jane Mathews and will forward on when received**</i>
Higher fines	5	Currently, this is the highest rate fine we can apply in relation to failing to remove from land dog foul and also failing to control a dog. The fine levels were set by the home office as part of this legislation (under the ASB Crime and Policing Act 2014). We set the fine at its highest level which is £100, and have given no early payment reduced rate. There is no other legislation currently available to the authority that would allow us to make this fixed penalty notice any higher.

		However, for repeat offenders, or offenders who refused or fail to pay the fine, we will look to progress the matter to the magistrates court, whereby if found guilty an offender could receive a fine of up to £1000 and a criminal conviction.
More legislation to protect livestock on private land	4	There are pieces of legislation that allow landowners to protect/defend their land from dog attacks on their livestock.
License Dog walking businesses	4	<i>** passed onto Jane Mathews for comments **</i>
Should apply to private land not open to public	3	Unfortunately, the authority cannot use a PSPO to cover private land with no public access. This would be a civil trespass issue.
Name and shame those receiving fine/prosecution	2	We are unable to name and shame any individual that receives a fixed penalty notice for breach of a PSPO. Payment of a Fixed Penalty Notice gives a defendant the opportunity to discharge themselves of the offence by payment of the fine, therefore there is no criminal conviction that would allow public reporting. However, if an individual is taken to court and found guilty of an offence of breach of PSPO then reporting could take place. This would however have to meet a test of public interest and proportionality.
Ability to submit pictures of those caught in breaching the order	2	It is extremely difficult to launch an investigation based solely on a picture of an “unknown” individual with a dog who allegedly did not pick up after the dog they were in control of has fouled, therefore pictures submitted on this basis will often remain not investigated. However; if there are any further leads, such as a witness statement, details as to who the individual might be, where they might live, specific times of day they may walk their dog in the area, or a vehicle registration that could be linked to the individual this would be extremely helpful. We would still need a witness statement in conjunction with this in order to proceed.
Enforcement against dogs “damaging” public areas/digging up flowerbeds/digging holes/damaging fencing.	2	We currently do not have any powers or evidence base in order to pursue such a condition on our PSPO. However, if a person in charge of a dog in public allows their dog to damage property along these lines then an officer could instruct that the dog is put and placed on a lead and controlled accordingly. If this is not complied with then there would be a breach of our current order.
Better reporting mechanism than complex webforms with map pinpoint system that does not work	1	We are sorry that this is the case, we are aware that reporting could be much more effective, and we are currently undergoing a review of how these sort of reports, amongst many others come through to us.

Of Note further FAQ responses:

- Dog Warden and Community Enforcement Officers

There were several comments/suggestions on the consultation that referred to “Dog Wardens” and lack of enforcement around the order. To clarify, we have one local authority Dog Warden that sits within our Regulatory Services and Animal Health Department. Their primary role is to deal with incidents of stray dogs and promote responsible dog ownership via prevention and educative visits/discussions. The authorities Dog Warden is not currently authorised to issue Fixed Penalty Notices to those who are in breach of our PSPO. The Warden does however link in closely with our Community Enforcement Officers (formally known as Community Wardens), who sit within our Community Safety Anti-Social Behaviour Team who have the powers to enforce against the order amongst a number of other offences such as littering and fly tipping.

- Coverage of our Dog Fouling and Dog Control PSPO

To clarify, our current order applies to ALL areas that are publicly and privately owned that can be accessed by the public. This is not just parks and countryside areas. It is residential areas, towns, pathways, canal paths, PROW, forests and heathland. It also covers areas owned by our colleagues in the National Trust, and other similar private owned areas of which public have access to. It is impossible to patrol all of these areas at anyone time, so we allocated patrol plans based on reports and requests for attendance to the areas as best we can. We also have one other PSPO that has been applied to Carrs Park, Wilmslow, of which is separate to our borough wide order and supersedes this order. This is a converted dog control order that was applied to the park in 2012 due to increased reports of issues with dogs off lead, and number of dogs per owner.

- Signage in parks and open areas requiring dogs to be kept on leads at all times:

With the exception of Carrs Park Wilmslow, any signage in our parks and open areas requiring dogs to be kept on leads are rules of the park and are currently not enforceable. Under our current order officers, if they see that a dog appears to not be under control can request that a dog is put and placed on a lead for the duration of their visit to the area. If the owner refuses to do so or cannot do so then the officer will issue a fixed penalty notice to the owner. They are unable to issue a fine or instruct a person to put and place their dog on a lead solely because there is a sign in the area asking them to, the officer would need to see that the dog was not under control first.

- Dangerous Dogs

The council do not have powers under the Dangerous Dogs Act. If a person or another dog has been attacked by a dog or has genuinely felt that they were going to be attacked by a dog this matter needs reporting to the police for further investigation. We would not be introducing any additional requirements under our PSPO to cover this element as there is already firm legislation in place within the Dangerous Dogs Act to cover such incidents.

Dog Fouling and Dog Control Public Space Protection Order proposed extension - Consultation Results





1. How strongly do you agree or disagree with the extension of the councils current 'Dog Fouling and Dog control Public Spaces Protection Order (PSPO)'? Please select one option only			Response Percent	Response Total
1	Strongly agree		76.4%	252
2	Tend to agree		11.5%	38
3	Neither agree nor disagree		3.3%	11
4	Tend to disagree		4.5%	15
5	Strongly disagree		2.7%	9
6	Unsure/ Don't know		1.5%	5
			answered	330

2. Which of the following locations/areas would you like to be specifically or generally covered in any future reviews of the PSPO for dog fouling and dog control? Please select all that apply			Response Percent	Response Total
1	Restriction on the number of dogs per owner that can be taken out into public spaces at one time		58.73%	195
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)		85.84%	285
3	A requirement that a dog should remain on a lead at all times in certain areas of the borough (e.g. parks)		73.49%	244
4	"No dogs" allowed areas (e.g. enclosed children's play areas)		78.31%	260
5	None of the above		2.41%	8
6	Other (please specify):		13.86%	46
			answered	332
			skipped	9





3. Do you have any further comments that you would like to make regarding the intended extension of this Public Space Protection Order? Please detail below

		Response Percent	Response Total
1	Open-Ended Question (summary of comments in detailed report)	100.00%	154
		answered	154
		skipped	187










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

			Response Percent	Response Total
1	Resident of Cheshire East		95.67%	309
2	I work in Cheshire East		16.41%	53
3	I am a local CEC/Parish Councillor		7.43%	24
4	I am a member of a local community group (please state which group below)		6.50%	21
			answered	323
			skipped	18







6. What is your gender identity? Please select one option only

			Response Percent	Response Total
1	Male		39.06%	125
2	Female		55.94%	179
3	Prefer not to say		4.69%	15
4	Prefer to self describe (please write in the box below):		0.31%	1
			answered	320
			skipped	21








7. What age group do you belong to? Please select one option only

			Response Percent	Response Total
1	16-24		0.31%	1
2	25-34		4.98%	16
3	35-44		19.31%	62
4	45-54		25.23%	81
5	55-64		23.36%	75
6	65-74		19.31%	62
7	75-84		3.12%	10
8	85 and over		0.31%	1
9	Prefer not to say		4.05%	13
			answered	321
			skipped	20




8. What is your ethnic origin? Please write in below

			Response Percent	Response Total
1	White British / English / Welsh / Scottish / Northern Irish / Irish		88.40%	282
2	Any other White background		1.57%	5
3	Mixed: White and Black Caribbean / African / Asian		0.00%	0
4	Asian / Asian British		0.31%	1
5	Black African / Caribbean / Black British		0.31%	1
6	Prefer not to say		8.15%	26
7	Prefer to self describe (please write in the box below):		1.25%	4
			answered	319
			skipped	22

9. Which of the following best describes your religious belief / faith? Please select one option only

			Response Percent	Response Total
1	Buddhist		0.63%	2
2	Christian		49.06%	157
3	Hindu		0.00%	0
4	Jewish		0.31%	1
5	Muslim		0.31%	1
6	Sikh		0.00%	0
7	None		32.50%	104
8	Prefer not to say		14.06%	45
9	Prefer to self describe (please write in the box below):		3.13%	10
			answered	320

10. Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months? This includes problems related to old age. Please select one option only

			Response Percent	Response Total
1	Yes		9.09%	29
2	No		85.58%	273
3	Prefer not to say		5.33%	17
			answered	319
			skipped	22

Emailed responses:

Formal responses via our safer mailbox were received from Sandbach Town Council:

Good Afternoon,

Thank you for consulting Sandbach Town Council on the following:

Dog Fouling and Dog Control Public Space Protection Order notice to extend June 2020

Sandbach Town Council support the reactivation of this order for a further 3 years.

Best regards,

Mike Wellings

Operational Support Officer

And a report was provided to us by Cheshire East Countryside Access Forum of which is embedded with this report:
[C:\Users\ag856p\OneDrive - OurCheshire\Documents\YROOT\ASB POWERS\PSPO\DOG CONTROL\Consultation responses\Dog Control and Dog Fouling PSPO CECAF response \(002\).pdf](C:\Users\ag856p\OneDrive - OurCheshire\Documents\YROOT\ASB POWERS\PSPO\DOG CONTROL\Consultation responses\Dog Control and Dog Fouling PSPO CECAF response (002).pdf)