Consultation on proposed renewal of dog control powers (Redcar & Cleveland public spaces protection order 2016)

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1. Introduction

Redcar and Cleveland council wants to know your views on its proposal to renew or extend the existing dog control powers in force within the borough for another three years (until 30 June 2022).

2. What are the proposed changes?

The council is proposing to renew unchanged the existing dog control powers in force within the borough since 1 July 2016, for a further three years.

3. The council’s current position

The council is committed to improving the use, accessibility and enjoyment for residents and visitors of our outstanding coast and countryside, encouraging many more people to get outdoors, and to working with more and more people in our local communities to achieve safe and clean neighbourhoods with enhanced open spaces for everyone to enjoy.

The council is also very keen to welcome dog walkers and dogs to the borough, and wants to encourage responsible dog ownership. The council has taken action the last few years as part of delivering its joined-up dog fouling strategy to enhance the dog waste infrastructure in key locations not just to assist in tackling dog-fouling, but also to promote responsible dog walking at those locations. The council has also sought to communicate a clear message around the unacceptability of dog fouling to change behaviour. And it has supported a programme of community roadshows at which dog owners can access free microchipping and health checks and advice for their pets. The council will continue to build on this approach.

The council has also been prepared to set rules and strengthen its enforcement approach so the behaviour of an irresponsible minority doesn’t blight the enjoyment of the borough’s coast, countryside and open spaces for others.

The council has powers under the Antisocial Behaviour, Crime and Policing (2014) Act’s (referred to as “the Act” elsewhere within this consultation document) public spaces protection order provisions to place controls on the use of public spaces by dogs and dog walkers.

The council made use of those powers in 2016 to consolidate three historic dog control measures within a new single public space protection order; and to introduce two new dog control offences when it brought the Redcar & Cleveland public spaces protection order (PSPO) 2016 into force 1 July 2016:

- failure to clean up after their dog (until 2016 had been an offence under the Fouling of land by dogs order 2000, under the Dog (Fouling of Land) Act 1996);
• exclude dogs from entering areas of Redcar and Saltburn beaches between 1 May and 30 September (until 2016 had been an offence under 1991 bye-laws made by council under section 82 of Public health Acts Amendment Act 1907 & Section 235 of the Local Government Act 1972 in respect of the seashore);
• exclude dogs from entering any of the council's nine cemeteries (until 2016 had been an offence under Dogs exclusion order (cemeteries) 2008);
• exclude dogs from entering fenced-off children's play areas (new offence brought into force through Redcar & Cleveland PSPO 2016);
• failure to have the means to pick-up after their dog (new offence brought into force through Redcar & Cleveland PSPO 2016).

The current PSPO will end on 1 July 2019 unless the council exercises powers, available under the Act, to extend the PSPO for a further three years in order to continue to be able to tackle dog related antisocial behaviour.

4. What this proposal would mean

As the retained offences would be breaches of a PSPO, the council may issue a fixed penalty notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty. This fixed penalty must not be more than £100. The council set the fine at £100 (£80 if paid within 10 days), in order to maximise the deterrent risk for offenders, when it brought the PSPO into force.

These offences are outlined in more detail below.

• **Failure to pick up after their dog:**
The council’s enforcement officers will continue to be able to require any one other than a registered blind person in charge of a dog to remove their dog’s faeces from the land at the time of fouling. The council’s enforcement officers would be able to enforce this anywhere the public has access, on payment or otherwise, as of right or by virtue of express or implied permission, unless they have a reasonable excuse for failing to do so. The council will not be able to enforce where the land owner, occupier or other person having control of the public space has consented (generally or specifically) to people in charge of dogs failing to do so.

• **Excluding dogs from entering areas of Redcar and Saltburn beaches between 1 May and 30 September:**
The council’s enforcement officers will continue to be able to require a person in charge of a dog which has entered the beach between 1 May and 30 September at the locations depicted at appendix one, including any slope or slipway leading to the beach, to remove the dog from the beach.
Excluding dogs from entering any of the nine designated cemeteries:
The council’s enforcement officers will continue to be able to require a person in
charge of a dog which has entered any of the nine cemeteries within the borough
to remove the dog from the cemetery:

Boosbeck cemetery; Brotton cemetery; Eston cemetery; Guisborough cemetery;
Loftus cemetery; Redcar cemetery; Saltburn cemetery; Skelton cemetery; St Germain’s churchyard

Excluding dogs from fenced-off children’s playgrounds:
The council’s enforcement officers will continue to be able to require a person in
charge of a dog which has entered any children’s fenced-in play areas (list of
fenced-in children’s areas attached at appendix two) to remove the dog from the
play area.

Failure to have the means to pick up after a dog:
The council’s enforcement officers will continue to be able to ask dog walkers
walking their animals on designated land to produce the means by which they
intend to pick up faeces. Those refusing or unable to do so will be committing an
offence.

The council will retain the current exemptions, such as for any person:-

- Who is registered as a blind person in a register compiled under section 29 of the
  National Assistance Act 1948, or
- With a disability affecting their mobility, manual dexterity or ability to lift, carry or
  move everyday objects and who relies on a dog trained by a prescribed charity for
  assistance.

5. Why we are proposing the retention of existing dog control powers?

Data concerning reports of dog fouling issues during the last year suggests the Redcar
& Cleveland PSPO 2016 has been effective in deterring dog fouling, and that the
council would be justified in extending the PSPO for another three years.

Dog fouling reports to the council have dropped by almost a fifth (-19.66%) since the
introduction of the current PSPO (474 reports received during 1 February 2018-31
January 2019 Vs 590 reports received during 1 October 2014-30 September 2015).
This is in marked contrast to the general upward trend in reported streetscene issues
since the June 2016 introduction of the web-based customer portal, which has in
general facilitated the reporting of issues to the council by providing members of the
public with additional customer contact channels.

There has also been a significant (-59.52%) reduction since the introduction of the
current PSPO in the number of fixed penalty notices issued for dog fouling offences (42
fines issued during 1 September 2014-31 July 2016 Vs 17 fines issued during 1
September 2016-31 July 2018). This suggests the PSPO has had the desired deterrent
effect.

The enforcement team has also not needed to issue fines to dog walkers breaching the
means to pick up requirement. This is because they have not stopped any member of
the public unable to produce appropriate means to pick up dog faeces when asked to
during the first 23 months (1 September 2016 – 31 July 2018) the team enforced this
new rule. The team initially (1 July-31 August 2016) had a focus on educating dog
walkers about the means to pick up requirement.

Publicity around the introduction of the current PSPO, together with the large-scale roll-
out of new signage alerting members of the public to the provisions of the PSPO, is
believed to have contributed to the effectiveness of the PSPO.

In addition, related initiatives such as the “pick-up the poo” campaign, which was
introduced autumn 2015, have also likely had an impact in highlighting the antisocial
nature of dog fouling (78.59% of viewfinder panellists knew about the campaign when
asked autumn 2016).

The council in conjunction with the Dogs’ trust has also engaged nearly 1,200 dog
owners through 21 dog well-being roadshows organised since April 2016. Dog owners
attending the roadshows were offered free micro chipping and health checks for their
pets along with advice and support around responsible dog ownership, including
messages highlighting the impact of dog fouling on communities.

The council has invested in enhanced dog waste infrastructure and signs across a
number of identified hot spot locations.

Extending the current dog related PSPO beyond 30 June 2019 creates the opportunity
for the council to introduce new requirements and prohibitions on dogs when using
public spaces, by varying the current PSPO when renewing or extending it to include
new dog related offences should the evidence base justify it in doing so.

However, the evidence base justifying the introduction of new requirements for dogs to
be kept on leads, being the dog control measure most widely adopted elsewhere within
England and Wales but not currently in force within Redcar and Cleveland, requires
further development before such a measure can be proposed for adoption in Redcar &
Cleveland. The council will commit to carrying out a thorough-going review during
2020, supported by extensive information gathering to establish whether the evidence
base exists justifying the council in introducing general or targeted dogs on leads
requirements, or any other dog control requirements or prohibitions that may be
needed. A review in 2020 would also enable the council to take greater account of
other councils’ experience following their carrying over dog control orders as PSPOs, as many have done so, since October 2017.

Given a clear majority (53.55%) of respondents opposed the council’s summer 2017 proposal to extend the eastern boundary dog exclusion zone at Saltburn beach toward Skelton beck, the council is not proposing to revisit this issue at this time.

Accordingly, the council proposes to renew unchanged the existing dog control powers, extending their duration for another three years.

When exercising its powers under the public spaces protection provisions of the Act, the council is required to assess the impact of the antisocial activities it seeks to tackle by carrying out the following prescribed tests:

- the activities (of dogs, and the person(s) in charge) are, or are likely to be, unreasonable;
- justifies the restrictions and requirements proposed for renewal for a further three years
- the activities being tackled have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
- the activities being tackled are, or are likely to be, persistent or continuing in nature

The council’s legal officers are satisfied the council is able to meet the prescribed tests justifying it in extending the Redcar & Cleveland PSPO 2016 for a further three years in order to tackle dog related antisocial behaviour for the following reasons:

- dog fouling continues to be a significant problem requiring a robust enforcement approach:
  - Direct exposure to dog faeces can cause toxocariasis, an infection of the roundworm toxocara canis, potentially leading to the visceral syndrome, characterised by severe illness;
  - Treading in dog faeces can also potentially lead to slips, trips and falls, and subsequent injuries;
  - The council received 474 reports of dog fouling during 1 February 2018-31 January 2019, demonstrating that a small minority of irresponsible dog walkers continue, through their actions, to blight green spaces for everyone else.
- not renewing the Redcar & Cleveland PSPO 2016 for a further three years in order to tackle dog related antisocial behaviour will likely result in an reversal of the downwards trajectory for dog fouling reports established since the introduction of this PSPO.

The extended (but otherwise unchanged) order will be in force until 30 June 2022 unless varied, extended or discharged by further orders.
In summary, although the strengthening of the council’s enforcement approach to dog fouling through the introduction of the Redcar & Cleveland PSPO 2016, alongside related initiatives, has had a significant impact, dog fouling remains a significant issue.

The proposal would mean the council will retain a robust approach to enforcement as part of a fully-rounded dog-fouling strategy, which both removes excuses for dog walkers failing to pick up after their dog and continues to increase the risks of being caught for dog walkers who offend. It is therefore considered to best assist the council in effectively tackling dog-fouling and dog control issues.

7. What are other councils doing?

Councils across England and Wales have used their powers under the Act to tackle a range of antisocial behaviour, including the control of dogs in public places. Most have done so by means of the transitional arrangements for the Act, which meant all existing dog control orders were automatically converted to PSPOs, with effect from 20 October 2017. Some, like Redcar & Cleveland council, were early adopters, bringing in dog control PSPOs from 2015/16 onwards, and these councils have now begun to bring in three-year extensions to their dog control PSPOs to enable them to continue to take enforcement action, or have varied their PSPOs to introduce new requirements and prohibitions when extending them.

The following are examples of the typical dog controls in force elsewhere within England and Wales:

- Dog fouling – universally adopted;
- Dog exclusion zones, children’s play areas – widely adopted (also enclosed sports facilities and playing fields in many cases);
- Dogs on leads by direction – widely adopted;
- Dogs on leads, designated areas – widely adopted (typically for highways and public parks etc.);
- Dog exclusion zones, beaches – universally adopted by in coastal authorities at coastal resorts;
- Dog exclusion zones – widely adopted for a range of types of open space (specified cemeteries, memorial gardens; parks and gardens; nature reserves, wildlife gardens, sites of scientific interest; bodies of water etc.);
- Means to pick up – a new requirement starting to be adopted by many councils;
- Maximum no. dogs/handler – in force in many areas.
8. Who are we consulting?

The council is required to meet consultation, notification, and publicity requirements, in making PSPOs, when extending them (as is the case here), or when varying PSPOs to introduce new requirements and prohibition on people using public spaces.

This consultation complies with the statutory consultation requirements as it involves all stakeholders who may be affected, including dog-walkers; the general public; Cleveland police; local parish and town councils; schools; veterinary surgeries; kennels; Ramblers’ association; Cleveland connect (neighbourhood watch); and housing associations; and neighbouring councils. This document will also be sent to elected members. Anyone can give their views during the six-week consultation period which runs from Wednesday 15 May to Wednesday 26 June 2019.

9. How can I comment on these proposals?

We would welcome your responses and suggestions about ways we could continue to tackle dog related antisocial behaviour including through enforcement action. We want to hear any comments you may have on any aspect of these proposals. Please respond using our on-line survey:

https://www.surveymonkey.com/r/QFNML93

Paper copies are also available from libraries or on request. Please contact:

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10. What happens next?

In conjunction with this consultation exercise, the council will also give notice of its intention to extend the existing Redcar & Cleveland PSPO 2016 for another three years, for a period of four weeks (mid-May-mid-June 2019), inviting representations from affected persons whether or not the order should be extended.

After the consultation period council executive management team members will consider the outcome of this consultation, during late June 2019. They will consider all comments about these proposals received during the consultation and notification
periods, before deciding whether to retain unchanged the content of the existing PSPO, extending it for a further three years.

11. Where can I get more information?

During the course of this consultation we will be collating all the views and comments we receive. Please contact the community safety and compliance team based within neighbourhood and customer services.

Copies of this consultation document and other council documents can be found on the council’s website www.redcar-cleveland.gov.uk, or by contacting the improvement, prevention and commissioning team or by emailing consultation@redcar-cleveland.gov.uk. This consultation document is also available on request in other formats.