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| Report of: | Head of Environment and Healthy Lifestyles |
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| Portfolio Leader: | Crime & Partnerships /Environment |
| Key Decision: | Yes |
| Report Track: | Cabinet: 14/06/18 |

CABINET
14 JUNE 2018
PUBLIC SPACES PROTECTION ORDER (DOG CONTROL) DECLARATION

1 Purpose of Report

- 1.1 To seek Cabinet authorisation to make a Public Spaces Protection Order relating to the control of dogs in accordance with the Anti-social Behaviour, Crime and Policing Act 2014.

2 Recommendations

That Cabinet:

- 2.1 Note the outcome of the public consultations on the proposed Public Space Protection Order (PSPO) that were conducted between 1st July and 31st August 2017 and 1st November 2017 and 10th December 2017 in considering the proposed options set out in this report and in paragraphs 5.20 to 5.22
- 2.2 Agree to either Option 1 or Option 2 as set out in Paragraphs 5.20 to 5.22 of this report
- 2.3 If Option 2 is agreed, exercise its powers under the Anti-social Behaviour, Crime and Policing Act 2014 to make a Public Space Protection Order in respect of the control of dogs in the district as set out in Appendix 4.

3 Key Issues and Reasons for Recommendation

- 3.1 There are currently two Dog Control Orders made by the Council, under the provisions of the Clean Neighbourhoods and Environment Act 2005 that are in force in the district. These Orders address two aspects of dog control, namely

fouling and dogs off leads in the vicinity of highways, both of which attract a significant number of complaints from the public.

- 3.2 New powers have been introduced by the Anti-social Behaviour, Crime and Policing Act 2014 (the Act) to deal with anti-social behaviour, including the ability to create Public Space Protection Orders. This provides the opportunity to introduce additional control measures not previously included in the existing Dog Control Orders, such as prohibiting dogs from specified areas and limiting the number of dogs an individual can take for a walk.
- 3.3 The existing Dog Control Orders do not enable the Council to respond to other issues raised by local residents which include dog related anti-social behaviour, limiting the number of dogs an individual can take for walk and prohibiting dogs from specified areas, such as fenced play areas.
- 3.4 A local authority can make a PSPO if it is reasonably satisfied that a number of conditions are met, namely that:
 - the activities carried out in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality or that it is likely that activities carried out 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;
 - the activities are or are likely to be unreasonable, and
 - the impact of the activity justifies the restrictions imposed by the order.
- 3.5 By virtue of section 72 of the Act, before introducing a PSPO the Council is required to carry out consultation with the chief officer of police, the local policing body, community representatives and owners/occupiers of land covered within the order.
- 3.6 Cabinet on 15th June 2017 authorised officers to consult the general public and other interested organisations on extending the remit of the current dog control in the district. The consultation was publicised widely through the Council's website, Twitter, Facebook, via press releases to local media, e-mailing Parish, Town Councils and community groups and leaving copies for public perusal in Council offices. In addition, the Council published a notice of its intention to make a PSPO in a local newspaper which covers the whole district.
- 3.7 The initial consultation took place between 1st July – 31st August 2017 and comments were invited in relation to the series of control measures available in the form of a questionnaire reproduced at Appendix 1.
- 3.8 A number of amendments were made in the light of the responses made to the initial consultation and the decision was taken to undertake a further phase of public consultation between 1st November and 10th December 2017; the results of which are detailed in Appendix 2 and the comments in Appendix 3.

3.9 In summary, the majority of respondents were in favour of extending the remit of dog control in the district.

- 97% supported the requirement to dispose of the waste in a suitable waste receptacle (**Control Measure 2**),
- 93% of respondents supported the requirement for dog walkers to demonstrate, when requested by an authorised officer, that they have the means to “pick up” dog mess should the need arise (**Control Measure 3**),
- 73% of respondents believed that Authorised Officers should be empowered to insist that a dog is placed on a 2 metre lead. This power would be used in instances where the owner was permitting the dog to cause a nuisance (**Control Measure 5**),
- 80% supported the idea that owners should be restricted from taking their dogs in fenced children play areas (**Control Measure 6**),
- Most respondents did not indicate any other possible restricted areas (**Control Measure 7**), and
- 64% of respondents believed that the Council should be able to place a restriction on the maximum number of dogs one person may take for a walk at a time (**Control Measure 7**), with 39% indicating a maximum of 2 dogs and 35% indicating a maximum of 3 dogs

3.10 Cabinet have been presented with 2 options for consideration in this report (Paragraphs 5.20 to 5.22).

- **Option 1** is to do nothing which means that the current powers under the existing Dog Control Orders would remain in force (dog fouling and dogs off leads in the vicinity of highways) OR
- **Option 2** to extend the remit of the current order to enable the Council to respond to other dog control issues including dog related anti-social behaviour and prohibiting dogs from specified fenced play areas in the district.

4 Relationship to Corporate Priorities

4.1 This report supports the Council’s Corporate Priorities as follows:

(i) **Working with partners to foster safer and stronger communities**

The application of effective multi-agency targeted approaches to individuals and organisations responsible for antisocial behaviour.

(ii) **Striving for cleaner, greener and attractive public environments across the District**

Environmental crime such as littering, dog fouling and fly tipping are classed as activities that constitute antisocial behaviour

5 Report Detail**Background**

- 5.1 There are currently two Dog Control Orders, made by the Council, under the provisions of the Clean Neighbourhoods and Environment Act 2005 that are in force in the district. These Orders address two aspects of dog control, namely fouling and dogs off leads in the vicinity of highways, both of which attract a significant number of complaints from the public.
- 5.2 New powers have been introduced by the Anti-social Behaviour, Crime and Policing Act 2014 (the Act) to deal with anti-social behaviour, including the ability to create Public Space Protection Orders. This provides the opportunity to introduce additional control measures not previously included in the existing Dog Control Orders, such as prohibiting dogs from specified areas and limiting the number of dogs an individual can take for a walk.

Public Space Protection Orders (PSPO)

- 5.3 These orders are intended to address activities carried out in public spaces which are considered to be of an antisocial nature. They may be used by councils to maintain and/or extend the requirements of Orders scheduled to expire.
- 5.4 The PSPO may identify a particular public place and either prohibit specified activities/behaviour or require specified actions/steps to be taken. The measures will impose similar restrictions and requirements to those which could be created under Dog Control Orders and are designed to make public spaces more welcoming to the majority.
- 5.5 A local authority can make a PSPO if it is reasonably satisfied that a number of conditions are met, namely that:

the activities carried out in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality or that it is likely that activities carried out 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;

the activities are or are likely to be unreasonable and

the impact of the activity justifies the restrictions imposed by the order.

Consultation

- 5.6 Cabinet on 15th June 2017 authorised officers to consult the general public and other interested organisations on extending the remit of the current dog control in the district.

- 5.7 Views have been sought from interested parties, including District and Parish Councils, local community groups and agencies/organisations likely to have been impacted by dog related antisocial behaviour, along with dog interest groups to determine whether the conditions for the declaration of a Public Space Protection Order have been met.
- 5.8 Following an initial public consultation exercise undertaken between 1st July 2017 and 31st August 2017 a number of amendments were made and a further public consultation exercise was conducted between 1st November 2017 and 10th December 2017 enabling the wider community to comment on the control measures proposed for inclusion in the PSPO:

Control Measure 1 – Requirement to pick up dog waste forthwith. This requirement is included in the existing Dog Control Order.

Control Measure 2 – Requirement to dispose of the waste in a suitable receptacle.

Control Measure 3 – Requirement for dog walkers to demonstrate, when requested by an authorised officer, that they have the means to “pick up” dog mess should the need arise.

Control Measure 4 - Requirement for dogs to be kept on a lead no longer than 2 metres in length, within 3 metres of a highway. This requirement is included in the existing Dog Control Order.

Control Measure 5 - Requirement to put a dog or dogs on a lead(s) when instructed to do so by an authorised officer. In cases where an irresponsible owner is allowing their dog to cause a nuisance, an Authorised Council Officer could require the owner to keep their dog on a lead.

Control Measure 6 - A prohibition of dogs from specified areas. Under a PSPO it is possible to prohibit dogs from specific areas e.g. play areas.

Control Measure 7 - Are there any other areas/locations from which you think dogs should be excluded?

Control Measure 8 - A restriction on the maximum number of dogs one person may take for a walk at a time. This includes professional dog walkers.

Results of consultation undertaken

- 5.9 In total 45 responses were received in addition to those previously submitted by interested parties and representatives of various groups and are summarised in Table 1 below:

Table 1

| | Proposed control measure | Number in agreement | Number opposed |
|---|---|--|----------------|
| 1 | Requirement “pick up” the waste forthwith (Existing DCO) | 45 (100%) | 0 |
| 2 | Requirement to dispose of the waste in a suitable waste receptacle | 44 (97%) | 1(3%) |
| 3 | Requirement for dog walkers to demonstrate, when requested by an authorised officer, that they have the means to “pick up” dog mess should the need arise | 42 (93%) | 3 (7%) |
| 4 | Requirement for dogs to be kept on a lead within 3 metres of a highway (Existing DCO) NB the lead must be no longer than 2 metres | 37 (82%) | 6 (13%) |
| 5 | Requirement to put a dog/dogs on a lead(s) when instructed to do so by an authorised officer NB the lead must be no longer than 2 metres | 33 (73%) | 9 (20%) |
| 6 | A prohibition of dogs from specified areas | 36 (80%) | 5 (11%) |
| 7 | Are there any other areas/locations from which you think dogs should be excluded? | The most popular response to this question was No, with 13. 2 responded with schools and then single suggestions included cemetery (on 2m lead), allotments (on 2m lead), paths, AONB, public areas & nature reserves where children play and outside food retailers. | |
| 8 | A restriction on the maximum number of dogs one person may take for a walk at a time | 29 (64%) | 8 (17%) |

5.10 A number of the respondents did not make comment in relation to all of the specific measures proposed for consideration. It is however clear that the control measures are supported by the majority of respondents.

5.11 The Kennel Club and the Dogs Trust raised concerns regarding **Control Measure 3** indicating that the requirement may penalise responsible dog walkers who have already picked up and disposed of dog waste before being challenged and consequently are unable to demonstrate that they have the means to pick up.

- 5.12 **Control Measure 6** sought the respondents views on areas from which dogs should be excluded. The majority favoured them to be prohibited from children`s play areas that are appropriately fenced and signed so as to provide clarity of the control measure to dogs owners and the general public. The Children`s play areas managed by the Council that are enclosed and would therefore be suitable for consideration for this control measure are listed in Schedule 1 of the proposed Order.
- 5.13 Similarly, **Control Measure 8** invited views on the number of dogs an individual should be allowed to walk at any one time. This measure prompted suggestions including a 1(1 vote), 2(11 votes), 3(10 votes), 4(4 votes), 6 (1 vote – Staffordshire County Council) and 10 (1 vote). However, concerns were expressed that this would penalise responsible dog owners who were able to adequately control their dogs, rather than tackling the problem of dog owners who were unable/unwilling to exercise due control regardless of how many dogs they were walking. It would also impact professional dog walkers who may be capable of controlling a larger number of dogs than the average dog owner.
- 5.14 The Forestry Commission was contacted regarding the application of the Order to land within its control and stated that the organisation did not want the PSPO to apply to its land because it had formulated its own approach to the control of dogs which in part was contrary to the requirements of the PSPO. Consequently, as with the existing Dog Control Orders, Forestry Commission land will be specifically excluded from the proposed Order.
- 5.15 In summary, the majority of respondents were in favour of extending the remit of dog control in the district.
- 97% supported the requirement to dispose of the waste in a suitable waste receptacle (**Control Measure 2**),
 - 93% of respondents supported the requirement for dog walkers to demonstrate, when requested by an authorised officer, that they have the means to “pick up” dog mess should the need arise (**Control Measure 3**),
 - 73% of respondents believed that Authorised Officers should be empowered to insist that a dog is placed on a 2 metre lead. This power would be used in instances where the owner was permitting the dog to cause a nuisance (**Control Measure 5**),
 - 80% supported the idea that owners should be restricted from taking their dogs in fenced children play areas (**Control Measure 6**),
 - Most respondents did not indicate any other possible restricted areas (**Control Measure 7**), and
 - 64% of respondents believed that the Council should be able to place a restriction on the maximum number of dogs one person may take for a walk at a time (**Control Measure 7**), with 39% indicating a maximum of 2 dogs and 35% indicating a maximum of 3 dogs. This restriction would impact professional dog walkers who may be capable of controlling a larger number of dogs than the average dog owner and as such it is proposed that the number should be no more than 6, in line with guidance.

- 5.16 The full consultation results are attached at Appendix 2 and a full breakdown of the comments and letters made to the PSPO survey are set out in Appendix 3.

Exemptions

- 5.17 An Equality Impact Assessment has been conducted in relation to the proposed Order and as a proportion of the community will have “a **physical** or **mental** impairment which has a **substantial** and **long term adverse effect** on the ability to carry out **normal day-to-day** activities” it is considered necessary to incorporate exemptions for any person who is able to satisfactorily demonstrate that they have such an impairment.
- 5.18 It is proposed that the Control Measures and restrictions adopted in the Order would not apply to those who are registered blind or use Assistance Dogs from Dogs for the Disabled, Support Dogs or Hearing Dogs .

Penalties

- 5.19 Under the current Dog Control Order failure by an owner to comply with the measures in place can result in the person being issued with a £75 Fixed Penalty Notice which is reduced to £50 if paid within 10 days of issue. The PSPO enables Local Authorities to issue Fixed Penalty Notices (FPN) of £100, which if it is not paid, the Council could prosecute the offender in the Magistrates’ Court, where the maximum fine is currently £1,000 (Level 3 on the Standard Scale)

Options considered and recommended

- 5.20 **Option 1** – Do nothing. The powers under the existing Dog Control Order would remain in force as if the powers were contained in the PSPO. However, the Council would continue to be limited in its ability to address dog related issues other than dog fouling and the requirement to keep dogs on a leads close to highways. Therefore, this option is not recommended.
- 5.21 **Option 2** – It is proposed to include the same requirements in the PSPO as are applied in the original Dog Control Orders (Control Measures 1 and 4) and for consideration to be given to the introduction of new controls measures and conditions as set out in Paragraph 5.8 and Table 1 of the report (Numbered 2, 3, 5, 6, 7 and 8).
- 5.22 A copy of the draft Public Space Protection Order with suggested measures is reproduced at Appendix 5 including Schedule 1 detailing the restricted play areas.

Implementation Timescale

- 5.23 If Cabinet decides to proceed with a PSPO, the Order will be published on the Council’s website and implemented 28 days later, subject to the order not being challenged in the High Court.
- 5.24 The PSPO will be for a 3 year period after which it must be reviewed.

6 Implications**6.1 Financial**

The costs incurred in relation to the publication of the consultation will be met from funds allocated the Community Safety Delivery Plan

6.2 Legal

The requirement to undertake a public consultation in relation to the proposed PSPO has been met and will not therefore pose a risk of legal challenge. However, a PSPO can still be judicially reviewed once made on the ground that any of its restrictions are unreasonable.

It will be necessary to incorporate adjustments/exemptions within the Order to address the possible adverse impact of some of the control measures on individuals with a physical or mental impairment which has a substantial and long term adverse effect on the ability to carry out normal day-to-day activities. Failure to do so may render the Council liable to legal challenge under the Equality Act 2010.

6.3 Human Resources

The enforcement of the requirements of the Order will be met using existing resources.

6.4 Section 17 (Crime Prevention)

The existing Dog Control Orders enable officers to address offences by means of prosecution or in appropriate cases the issue of Fixed Penalty Notices. The incorporation of additional controls will assist officers dealing with other aspects of dog related antisocial behaviour not previously regulated. In the absence of such controls the scope for enforcement action against offenders in relation to this type of antisocial behaviour is reduced. The translation of the requirements of the existing Dog Control Orders into a Public Space Protection Order as a minimum would maintain existing levels of control in relation dog-related antisocial behaviour.

6.5 Human Rights Act

None

6.6 Data Protection

None

6.7 Risk Management

None

6.8 Equality & Diversity

An Equality Impact Assessment has been undertaken and identified that a section of the community, namely those with a physical or mental impairment which has a substantial and long term adverse effect on the ability to carry out normal day-to-day activities, would be adversely impacted by the requirements of the PSPO were they not to be subject to suitable exemptions.

6.9 Best Value

None

7 Appendices to the Report

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| Appendix 1 | Consultation Questionnaire |
| Appendix 2 | Consultation Results |
| Appendix 3 | Consultation Comments and Letters |
| Appendix 4 | Draft Public Space Protection Order (Dog Control) 2018 |

Previous Consideration

| | | |
|--|---------|---------------|
| Public Space Protection Order (Dog Control) Consultation | Cabinet | 15 June, 2017 |
|--|---------|---------------|

Background Papers

None

Appendix 1

Consultation Questionnaire

What do you think of the controls set out in the proposed Public Space Protection Order (Dog Control)?

| | Control | I support this option because | I don't support this option because | Comments |
|---|---|--------------------------------------|--|---|
| 1 | Requirement "pick up" the waste forthwith | | | |
| 2 | Requirement to dispose of the waste in a suitable waste receptacle | | | |
| 3 | Requirement for dog walkers to demonstrate, when requested by an authorised officer, that they have the means to "pick up" dog mess should the need arise | | | |
| 4 | Requirement for dogs to be kept on a lead within 3 metres of a highway | | | NB the lead must be no longer than 2 metres |
| | Requirement to put a dog/dogs on a lead(s) when instructed to do so by an authorised officer | | | NB the lead must be no longer than 2 metres |
| 5 | A prohibition of dogs from specified areas | | | Which locations? |
| 6 | A restriction on the maximum number of dogs one person may take for a walk at a time | | | How many dogs? |

Continue on a separate sheet if necessary (please identify the requirement Ref No.)

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Appendix 2

Dog Control Order Consultation Results

The second stage of this consultation ran from 1 November until 10 December 2017. 45 responses were received and a written response was received from the Dogs Trust. 38 surveys were completed online and 7 paper copies were received.

The consultation was promoted in the local press, on the Cannock Chase Council website, via social media, emails and letters were sent to stakeholders and it was also promoted when officers were taking part in other engagement activities.

There is generally support for the options set out in the survey. Each question shows the results and a summary of the comments. Themes that come out of the survey are:

Picking up dog mess

- Support for picking up mess, disposing of it in suitable bins and demonstrating that they have the means to pick up the waste
- The need for more bins or further awareness raising that all bins can be used for dog waste
- Although there is support for walkers to demonstrate that they have the means to pick up the waste there are a couple of concerns how practical this is and if it could possibly lead to confrontation

Requirement for dogs to be kept on leads

- There is a majority of support for both of the options under this category.
- Will there be a protocol or procedure determining why would an officer require a dog to be put on a lead?

Prohibition from enclosed children’s play areas

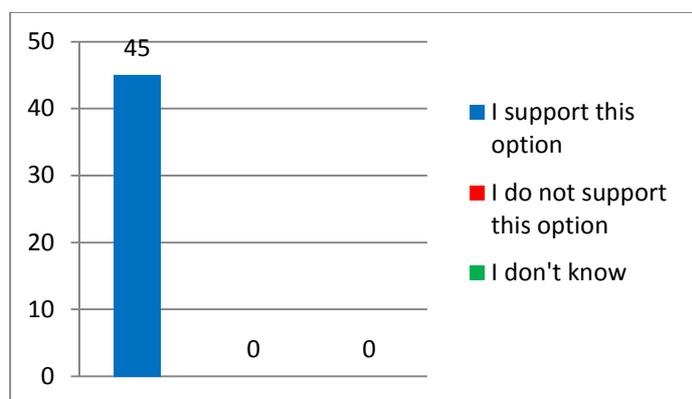
- Again there was a lot of support from this option; however there were a couple of concerns from families with children and dogs.

Restriction on the amount of dogs

- Two thirds of people support a restriction but there were comments about how it depends on the size or behaviour of the dog or the ability of the owner to stay in control.
- Two and three dogs were the most popular suggestions.

The full results are set out below:

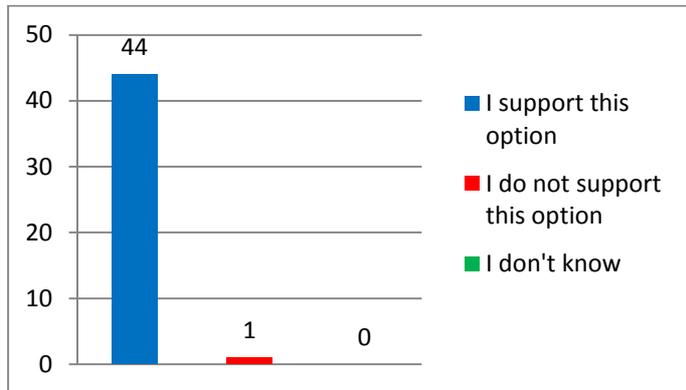
1. Requirement to “pick up” the waste immediately



Dogs Trust Response: “would fully support a well-implemented order on fouling. We urge the Council to enforce any such order rigorously”

There were three comments about this question and they focused on educating people, the amount of bins available and whether this is already a legal requirement.

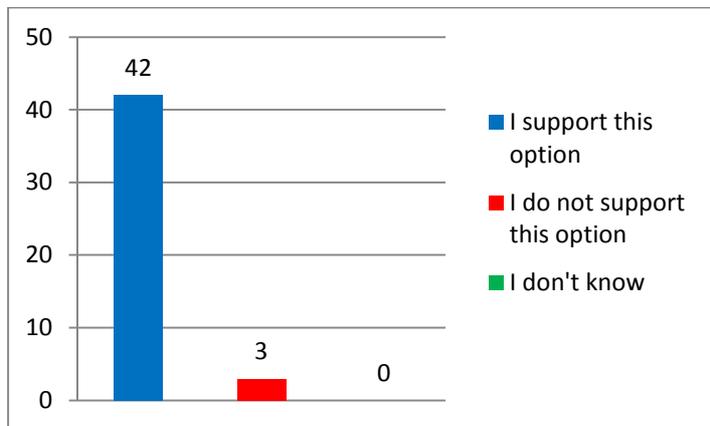
2. Requirement to dispose of the waste in a suitable bin



Dogs Trust response: As above they “would fully support a well-implemented order on fouling.” “In order to maximise compliance we urge the Council to consider whether an adequate number of disposal points have been provided for responsible owners to use”

There were eleven comments received to this question. Seven of these comments focused on the amount of bins available.

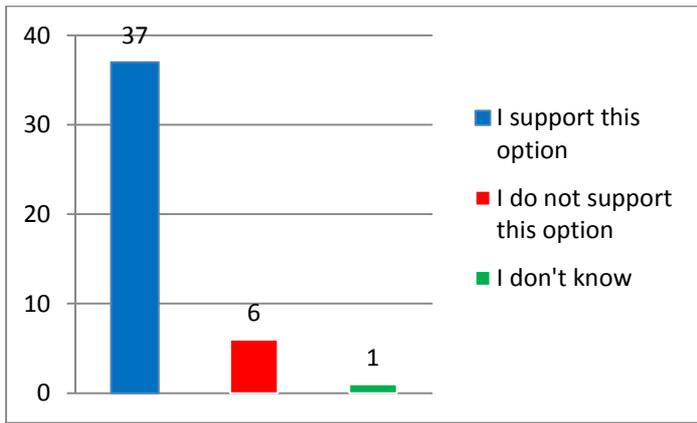
3. Requirement for dog walkers to demonstrate when requested by an authorised officer, that they have the means to “pick up” dog mess should the need arise



Dogs Trust response: “We question the effectiveness of issuing on-the-spot fines for not being in possession of a poo bag and whether this is practical to enforce.”

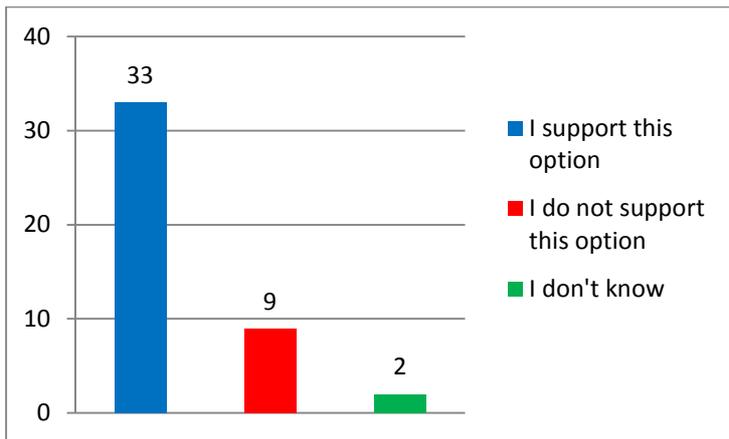
There were seven comments received with four in full agreement. Two comments did not like this approach believing it to be “a step to far” and could lead to confrontation.

4. Requirement for dogs to be kept on a lead, no longer than 2 metres, if within 3 metres of a highway



Nine comments were received about this question and they were fairly varied with some believing that dogs should be on leads at all times and some are happy for dogs to be off the lead, other comments focused on that there should be a caveat if there is a suitable boundary to the highway. One commented that their preference was a 3m lead as most extension leads are 3-5m, and one though that a 2m lead is still too long.

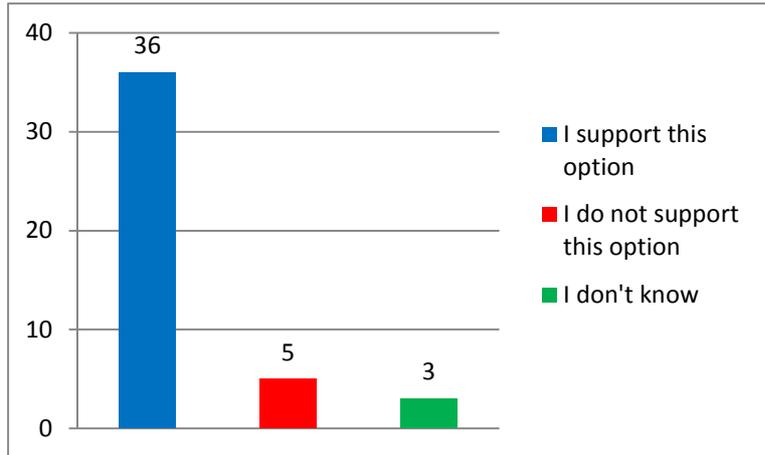
5. Requirement to put a dog/dogs on a lead(s), no longer than 2 metres, when instructed to do so by an authorised officer



Dogs Trust response: “We consider that this order (Dogs on Leads by Direction orders) is by far the most useful, other than the dog fouling order, because it allows enforcement officers to target the owners of dogs that are allowing them to cause a nuisance without restricting the responsible owner and their dog. As none of the other orders, less fouling, are likely to be effective without proper enforcement we would be content if the others were dropped in favour of this order.”

Generally people support this option but there were a few comments as to why, where or when this would need to happen and would there be a publicly available protocol on this. There was a question about how there would be safeguards against abuse of power. There was also a query around whether the authorised officer actually has these enforcement powers.

6. A prohibition of dogs from enclosed children’s play areas



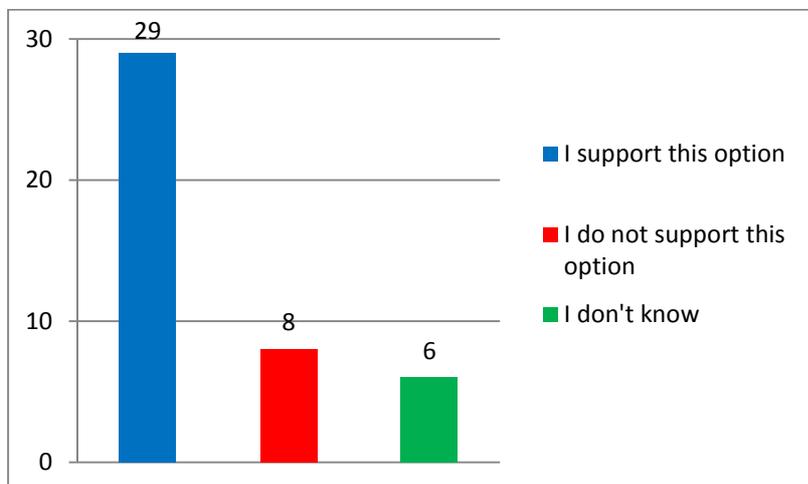
Dogs Trust response: “Dogs Trust accepts that there are some areas where it is desirable that dogs should be excluded, such as children’s play areas, however we would recommend that exclusion areas are kept to a minimum and that, for enforcement reasons they are restricted in enclosed areas. We would consider it more difficult to enforce an exclusion order in areas that lack clear boundaries. Dogs Trust would highlight the need to provide plenty of signage to direct owners to alternative areas nearby in which to exercise dogs.”

Again there is general support for this option some of the comments ask what about if you have children and dogs, whether there will be signs as to what to do if the rules are being flouted and could there be designated areas for dogs. Two of the comments completely agree with this question and that dogs should never be allowed in play areas.

7. Are there any other areas/locations from which you think dogs should be excluded?

The most popular response to this question was no with thirteen responses. Two responded with schools and then single suggestions included cemetery (on 2m lead), allotments (on 2m lead), paths, AONB, public areas & nature reserves where children play and outside food retailers.

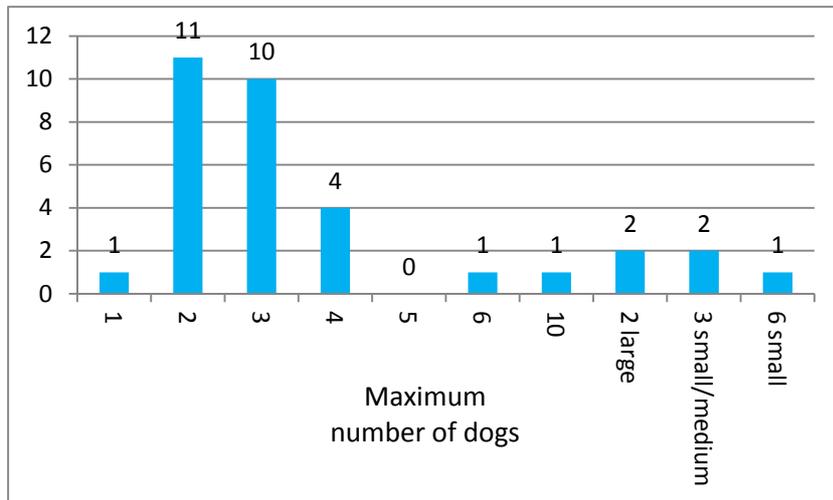
8. Do you think there should be a restriction on the maximum number of dogs one person may take for a walk at a time?



The responses to this question are themed and they are set out below:

| | |
|--|---|
| Depends on the dog (size, or if trained) | 5 |
| Depends on the owner | 4 |
| If they are controlled then no problem | 2 |
| More than 2 is anti-social/how pick up waste | 2 |
| Depends on the situation | 1 |
| Could affect dog welfare if limited | 1 |
| Should be on lead if on the chase | 1 |

9. What is the maximum number of dogs that you think one person should take for a walk at a time?



Comments from this question tended to follow the themes from the previous question, they are set out below:

| | |
|--|---|
| Depends on the dog (size, or if trained) | 2 |
| Depends on the owner | 2 |
| If they are controlled then no problem | 1 |
| Only 2 to be off lead | 1 |
| Depends on the location | 1 |

Any further comments:

There was a variety of further comments to this survey. They are set out below:

- The dog walker must take responsibility and be confident that they can control their dog(s)
- There needs to be controls on dog ownership
- There is too much dog mess around and not enough bins
- There needs to be publicity on how dogs should be restrained in cars
- There was two bins at the entrance to the play area in WS15 1GA. One has gone and the other overflows. This has been the case for twelve months
- If walking more than one dog they should be on a lead
- Dogs should be kept on leads at all times and on Cannock Chase
- The penalty should be multiplied by the amount of dogs
- This could affect professional dog walkers but perhaps exempted if have public liability
- There needs to be some clarity on whether it refers to purely fenced children’s play areas or the whole park
- Hope the council can fairly consider dog owners views as well as anti-dog persons views and develop a common sense policy

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Appendix 3

Full breakdown of comments from PSPO Survey stage 2**1. Requirement to “pick up” the waste immediately**

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| Education program needs setting up as part of this requirement for people when caught |
| More dog waste bins would be useful. |
| Isn't this already a legal requirement? |

2. Requirement to dispose of the waste in a suitable bin

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|--|
| More waste bins needed to stop excuses of nowhere to put it, as this excuse is used regularly |
| Bin at Chester Road Park has been removed. Needs reinstating asap. |
| More bins to be made available/emptied regularly |
| Or take home!!!! |
| Put bins around areas - then there is no excuse for people to hang bags from trees |
| Please ensure adequate distribution of bins |
| If no bins available, take it home and dispose of it! |
| If there was enough bins around! |
| However may I add bins must be added in more locations, most are overflowing and disgusting like the ones at Etchingill. To enforce you need to really add more bins round the area. |
| If you provide the bins people will use them. People are not going to carry a bag of excrement for miles. |
| I would support this view IF the council were to provide adequate waste bins |

3. Requirement for dog walkers to demonstrate when requested by an authorised officer, that they have the means to “pick up” dog mess should the need arise

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|--|
| A dog may 'go' more than once so owners should always have a spare bag when requested 'no excuses' |
| Stop and ask if they have poo bags, if not why not |
| Poo bags are about £1.00 for 100 - no excuse |
| It should be compulsory |
| Does this mean by showing the officer a dog mess bag? |
| Some of these "authorised officers" are complete jobsworths; I can imagine this would lead to confrontation. |
| This is a step to far no one even the police as the authority to stop someone to see if they are carrying a waste have. Common sense please! |

4. Requirement for dogs to be kept on a lead, no longer than 2 metres, if within 3 metres of a highway

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|---|
| This should stop dogs from dashing into the road plus reducing trip hazard of a long leash |
| Two metres is quite long. It still allows a dog to jump off the pavement. I would opt for a shorter lead |
| It would be better if dogs where to be kept on leads at all times it would save any confrontation from loose dogs and there owners and save all the dogs that are kept on a lead from being attacked |
| Especially as cars ignore speed signs when there is a 30 mph limit - people and dogs are at risk |
| I think that ALL dogs should be kept on a lead at ALL times (long training leads for fields), my dog is scared of other dogs, and has been threatened by multiple dogs when they have walked up to him, then the owners shout at ME when my dog barks at them to say "leave me alone", even though they have their dogs OFF the lead. |
| I frequently run with my dog on footpaths by the side of the road and he's often off the lead. |
| If a dog is well trained enough there should be no reason why they can't be off the lead |
| Caveat that not applicable if a suitable boundary is erected preventing the dog from entering the highway |
| Preference for this to be 3 metre lead - most extension leads are between 3 and 5 metres long |

5. Requirement to put a dog/dogs on a lead(s), no longer than 2 metres when instructed to do so by an authorised officer

| |
|--|
| Dog owners should not have to be told if they respect other people and value their dogs. |
| Depends on the reasons discharge the responsibility and safeguards against abuse of power and also how to define a reasonable request |
| How does the authorised officer identify themselves? And what protocol must they follow? Will this protocol be available for public viewing? |
| More speed limit signs - too many idiots travelling too fast |
| Dogs should be on the leads AT ALL TIMES, granted allowing a longer lead on fields so they can run around, but they are controlled by their owner still |
| Don't waste your time. You have no authority and please don't waste the police time. Not enforceable so don't waste time effort and taxpayers money trying |
| Note comment in Q4 re length of lead |
| What powers will the AO have if someone doesn't comply? FPN? How will they get the person's name and address? |
| Depends on where and when |

6. A prohibition of dogs from enclosed children's play areas

| |
|---|
| The list should also include tennis courts |
| All dogs should be excluded. If a dog fouls the ground even if mess is picked up infection is still in the ground and could be fatal to children |
| It would be good if there were designated areas where dogs were encouraged. |
| If my dog has done its business and there's no children in the park there's no harm in allowing him to run free if we are on our own (and I have the means to pick up after my dog in the unlikely event he did something unpleasant again) |
| In most of the areas suggested this is already enforced |
| At the play area signs should be put up to advise patrons off the measures to take if someone is flouting these rules. |
| I think you need to deal with anti-social behaviour in these areas first! |
| What if you have children and dogs!? Not fair to exclude dogs which the children enjoy walking. As long as the dogs aren't on the play equipment |
| Dogs should never be allowed in a children's play area |
| Many families have children and a dog. It is part of going to a play area to include walking the dog at the same time. This point will cause difficulties for some families as they will either have to take the dog separately or leave a family member outside the play area with their dog |

7. Are there any other areas/locations from which you think dogs should be excluded?

| |
|--|
| Yes in cemetery and allotments dogs must be kept on a lead no longer than 2 metres in length |
| No |
| Paths because dog owners can not be trusted to clear mess up as can be seen on any pathway in Cannock areas. |
| I don't support the enclosed children's play area (as long as there are no children in the park) |
| NO |
| no |
| no |
| Cannock Chase AONB ALL AREAS!!! |
| Certainly not! Dogs are a big part of many families, and should be considered as such. |
| In public areas and nature reserves where children are at play. |
| None I can think of. The amount of dog mess which is left around Heath Hayes is not acceptable. |
| Outside food retailers & schools |
| no |

| |
|---|
| No. Dogs have as much rights as people. Cannock chase has always been a wonderful place to exercise dogs and encourages people to walk more so the health benefits are perfect. Without dog walkers what would happen to cannock chase? It would be abandoned |
| No |
| No |
| School gates |
| No |
| No |
| No. Most people who own dogs are law abiding and take enjoyment in physical exercise and social aspects for both the dog and themselves |

8. Do you think there should be a restriction on the maximum number of dogs one person may take for a walk at a time?

| |
|---|
| Two dogs should be maximum. Any more and handler would have difficulty managing to clear mess up. * |
| I walk 2 and any more than that is anti-social in my opinion and uncontrollable. |
| difficult to define as it depends on the dogs, the owner and the situation |
| Do much of a varied question, depends on the sizes of the dogs |
| From personal experience, was chased by a number of dogs whilst on bike up chase. The owner was walking four and had no control over them. |
| 1 |
| Realistically depends on the ability of the walker to handle the dogs, obviously an old lady with 6 rottweilers would not be good! |
| I do not believe anyone can control more than 2 large dogs |
| This depends on the level of training the dogs and owners have, if 1 person is taking 5 dogs who are well trained and listen to their owner this is fine, but there are some people who take their 2 dogs and cannot control them - this is the issue. |
| Have seen three dogs being walked, but not under control because one or more of the dogs are too big & uncontrollable. |
| Personally I think 2, 3 becomes a pack in a situation but 2 are manageable. It would be very hard working and walking dogs separately so I would say this one would be hard to enforce with families with more than one dog and would affect the welfare of the dogs if only one could be walked at a time. |
| As long as the dogs are co trolled what's the problem? |
| No, but that person should be able to demonstrate the facilities and competency to control all of the dogs together at any one time |
| No. A person walking one off lead dog can be more of a menace than my three on-lead dogs. My husband and I walk six between us, on leads and under control but come across dogs off lead whose owners have no control over all the time. It my opinion that all dogs should be on leads on Cannock Chase due to the risk to wildlife and other dogs, but that's a very unpopular opinion. |
| May depend on the size of dog and their ability not pull on a lead |
| If the owner can demonstrate control then why penalise |

9. What is the maximum number of dogs that you think one person should take for a walk at a time?

| |
|---|
| 6 |
| 4 |
| 4 |
| * As above, plus any more and it would be harder to control them as I see regularly |
| 3. Maximum number of dogs in a persons control should be a maximum of 3 |
| 2 |
| 3 |
| 4 with only two off lead at any time |
| 2 |

| |
|--|
| 4 |
| difficult to define as it depends on the dogs, the owner and the situation |
| Same as above??? |
| 3 |
| 2 |
| 1 |
| 10 |
| Depends on the size and behaviour of the dogs, physical ability of the handler, and the location being walked. |
| 2 medium or large or 3 small to medium |
| 3 |
| depends on level of training |
| Two |
| Two |
| 2 |
| 2 |
| 3 |
| 2 for the reasons above |
| 2 to possibly 3 if they are small dogs |
| Three |
| 3 |
| 2 |
| Depending on size, behaviour and level of training and also ability and strength that dog walker have, health etc. |
| See above |
| 2 |
| 3 |
| I can walk four on lead safely, and have done regularly on Cannock Chase. I limit my numbers to two dogs at a time while walking on streets due to the risk of them reacting to cats. We currently have six dogs and I do two separate walks with three dogs in each group. All on leads, and 5 out of 6 are muzzled as they are sighthounds. If a small off lead dog suddenly ran out from bushes my dogs would be inclined to try and catch it as they were all previously worked before rescue. |
| Don't think there should be a number, just that they are controlled by the walker or walkers |
| 3 |
| 2 big dogs, 6 small dogs |
| Three at most |
| Again it depends if that person can demonstrate control |

10.

11.

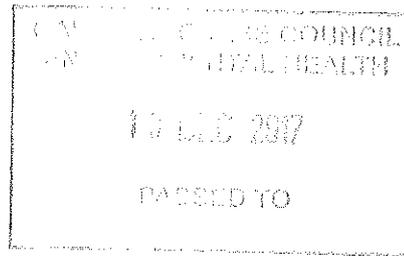
12. Any further comments

| |
|---|
| As per our response to the previous consultation in January 2017, we still think the maximum number of dogs to be within control of one person should be six. There are, however, vast differences in the way individual dogs behave and one unruly dog might be more difficult to control than six well-behaved ones. Ultimately, the dog walker needs to take responsibility for the behaviour of their dogs(s) and needs to be confident they can control them in any given situation – Chief Executive Staffordshire County Council |
| The owning of dogs has got out of hand and some kind of control needs to be developed |
| Fed up of seeing black bags full of dog mess dropped anywhere and everywhere |
| More publicity needed that dogs should be restrained in cars, the police should be enforcing this as per the highway code |
| WS15 1GA. There used to be a bin at each entrance of the play area. One has gone and this means that the one remaining bin overflows every week. Why has it not been replaced??? |

| |
|---|
| 12 months now. DISGRACEFUL |
| People have a responsibility to control their dogs and if walking a "pack" how they are likely to react to other dogs. |
| Don't think this survey is quite captioning the required information |
| But they should all be kept on a lead if there is more than one or if they are known to be dangerous dogs like ex guard dogs this happens at the moment by two German Shepherds on Heath Hayes park Wimblebury Road |
| More dog waste bins |
| I own a staffy, who I rescued from the Kennels, and he is terrified of other dogs. We keep him on a short lead as I know he doesn't like other dogs when they get too close to his personal space. It annoys me when a person who is walking their dog OFF the lead, and their dog walks up to mine and barks at him, or gets too close, and when my dog barks back I'm the irresponsible owner because I have a staffy (on a lead) who barked at a dog who is OFF their lead. The stigma is unfair, and it would be solved by keeping ALL dogs on leads. |
| The penalty should be multiplied by the number of dogs being walked |
| Would affect professional dog walkers but perhaps exempted if have liability insurance. |
| No |
| The problem of off lead dogs being out of control on Cannock Chase needs addressing. Quite often the owner cannot even see their dog so I can't see how they can have it under control. A particular problem is the carp ark areas where people just open their boot and let their dogs run around while they chat or get boots on. It's a hazard to those of us with reactive dogs who are on leads and are trying to get back to our cars. The off-lead dogs are not only a hazard to people like me, but also walkers, bike riders, deer and horses. |
| The proposals list a number of play areas to be included however it is not clear whether it refers purely to the fenced children's play areas or the whole park. I regularly take my dog to Ravenhill Park in Brereton, as do many others. If she was excluded from the whole park or had to be on a 2 metre lead in the whole park it could be damaging to dogs health if they cannot have off lead running. Dogs need proper exercise for their health and with issues with adders on Cannock Chase in the summer and more recently concerns about Alabama Rot. |
| No |
| I hope the council can seriously and fairly consider the views of dog owners to those views of anti-dog persons and demonstrate a common sense policy |

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Mike Walker
Cannock Chase Council
Civic Centre
PO Box 28 Beecroft Road
Cannock
Staffordshire
WS11 1BG



CANNOCK CHASE
13 DEC 2017 11:11
COUNCIL ROOM

04 December 2017

Dear Mike,

Thank you for getting in touch with us to let us know about the further consultation you are hosting with regards to the conversion of Dog Control Orders into Public Space Protection Orders. Dogs Trust would like to contribute the below comments to the second stage of this consultation.

1. Re; Fouling of Land by Dogs Order:

- Dogs Trust consider 'scooping the poop' to be an integral element of responsible dog ownership and would fully support a well-implemented order on fouling. We urge the Council to enforce any such order rigorously. In order to maximise compliance we urge the council to consider whether an adequate number of disposal points have been provided for responsible owners to use, to consider providing free disposal bags and to ensure that there is sufficient signage in place.
- We question the effectiveness of issuing on-the-spot fines for not being in possession of a poo bag and whether this is practical to enforce.

2. Re; Dog Exclusion Order:

- Dogs Trust accepts that there are some areas where it is desirable that dogs should be excluded, such as children's play areas, however we would recommend that exclusion areas are kept to a minimum and that, for enforcement reasons, they are restricted to enclosed areas. We would consider it more difficult to enforce an exclusion order in areas that lack clear boundaries.
- Dogs Trust would highlight the need to provide plenty of signage to direct owners to alternative areas nearby in which to exercise dogs.

Dogs Trust

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Patron: Her Majesty The Queen

Registered Charity Numbers: 227523 & SC037843



3. Re; Taking more than a specified number of dogs onto a land:

- The behaviour of the dogs and the competency of the handler need to be taken into consideration if considering this order. Research from 2010 shows that 95% of dog owners have up to 3 dogs. Therefore the number of dogs taken out on to land by one individual would not normally be expected to exceed four dogs.

4. Re; Dogs on Lead by Direction Order:

- Dogs Trust enthusiastically support Dogs on Leads by Direction orders (for dogs that are considered to be out of control or causing alarm or distress to members of the public to be put on and kept on a lead when directed to do so by an authorised official).
- We consider that this order is by far the most useful, other than the fouling order, because it allows enforcement officers to target the owners of dogs that are allowing them to cause a nuisance without restricting the responsible owner and their dog. As none of the other orders, less fouling, are likely to be effective without proper enforcement we would be content if the others were dropped in favour of this order.

5. Re; Taking more than a specified number of dogs onto a land:

- The behaviour of the dogs and the competency of the handler need to be taken into consideration if considering this order. Research from 2010 shows that 95% of dog owners have up to 3 dogs. Therefore the number of dogs taken out on to land by one individual would not normally be expected to exceed four dogs.

We believe that the vast majority of dog owners are responsible, and that the vast majority of dogs are well behaved. In recognition of this, we would encourage local authorities to exercise its power to issue Community Protection Notices, targeting irresponsible owners and proactively addressing anti-social behaviours.

We work with Councils across the UK in a variety of ways to help them to promote Responsible Dog Ownership. Please do not hesitate to contact me should you wish to discuss this matter.

We would also be very grateful if you could inform us of the outcome of the consultation process and of subsequent decisions made in relation to the PSPO.

Yours faithfully,

Jessica Hutton

Dogs Trust

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Staffordshire
County Council

ENVIRONMENTAL HEALTH
CANNOCK CHASE
11 DEC 2017 P W
COUNCIL POST ROOM

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Chief Executive
Chief Executive's Office
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Mr M Walker
Environmental Protection Manager
Cannock Chase Council
Civic Centre
PO Box 28
Beecroft Road
Cannock
WS11 1BG

My ref: JH/MW JH762

Date: 6th December 2017

Dear Mr Walker

Anti-Social Behaviour Crime and Police Act 2014
Cannock Chase District
Conversion of Dog Control Orders to Public Space Protection Order and consideration
of additional controls
FURTHER CONSULTATION

Thank you for your letter of 10 November 2017 with regard to further consultation on the above.

We would respond to the questions asked as follows:

Q1 Requirement to "pick up" the waste immediately.
I support this option

Q2 Requirement to dispose of the waste in a suitable waste bin.
I support this option

Q3 Requirement for dog walkers to demonstrate when requested by an authorised officer, that they have the means to "pick up" dog mess should the need arise.
I support this option

Q4 Do you think there should be a restriction on the maximum number of dogs one person may take for a walk at a time?
Yes



INVESTOR IN PEOPLE

the knot unites



Q5 What is the maximum number of dogs that you think a person should take for a walk at a time?

Six

Any further comments

As per our response to the previous consultation in January 2017, we still think the maximum number of dogs to be within the control of one person should be six. There are, however, vast differences in the way individual dogs behave and one unruly dog might be more difficult to control than six well-behaved ones. Ultimately, the dog walker needs to take responsibility for the behaviour of their dog(s) and needs to be confident they can control them in any given situation.

Thank you for consulting with us further on this matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J Henderson', with a long horizontal line extending to the right.

**John Henderson CB
Chief Executive**

APPENDIX 4

**Proposed Public Space Protection Order
(Dog Control) 2018**

**Cannock Chase District Council Public Space Protection Order (Dog Control)
2018**

This Order is made by Cannock District Council (“the Authority”) under Section 59 of the Antisocial Behaviour Crime and Policing Act 2014, because it appears to the Authority that a Public Space Protection Order would reduce dog related anti-social behaviour taking place in the District.

The Council is satisfied that the conditions required for the introduction of a Public Space Protection Order have been met, in that :

(a) activities carried on in the relevant areas as described below have had a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried on in the public place and they will have such an effect;

(b) 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..

This Order relates to all relevant land within the District of Cannock Chase as specified in the following schedules

This Order may be cited as the Cannock District Council Public Space Protection Order (Dog Control) 2017.

BY THIS ORDER

The effect of the Order is to impose the following requirements at all times:-

1 Dog Fouling

1.1 This article applies to any land which is open to the air and to which the public are entitled or permitted to have access (with or without payment). For the purposes of this Order land which is open to the air on at least one side is to be treated as land which is open to the air. The order does not apply to land put at the disposal of the Forestry Commissioners under Section 39 of the Forestry Act 1967.

1.2 If a dog defecates at any time on land to which this Order applies and a 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-

(a) that person has a reasonable excuse for not doing so; or

- (b) the owner, occupier or other person or authority having control of the land has consented (generally and specifically) to his/her failure to do so.
- 1.3 If a person who is in charge of a dog does not have or produce when requested by an authorised person, a receptacle for picking up dog faeces, that person shall be guilty of an offence.
- 1.4 A receptacle is defined as any object capable of holding faeces pending its proper disposal.
- 1.5 For the avoidance of doubt if the person in charge of the dog fails to dispose of the faeces in a suitable bin provided for this specific purpose, or generally for the disposal of waste that person is guilty of an offence
- 1.6 For the purpose of this article –
- (a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
- (b) 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;

2 Dogs on leads

- 2.1 This article applies to all carriageways and adjoining footpath verges within 3 metres of such carriageways within the District of Cannock Chase. The Order does not apply to land put at the disposal of the Forestry Commissioners under Section 39 of the Forestry Act 1967.
- 2.2 Any person in charge of a dog, at any time, who
- (i) fails to keep the dog on a lead in the specified areas, or
- (ii) fails to put the dog on a lead when instructed to do so by an authorised person,
- shall be guilty of an offence unless–
- (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 his failing to do so.
- 2.3 For the purposes of this article 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.
- 2.4 For the purpose of this article a lead shall be no more than 2 (two) metres in length

3 Dog Exclusion

- 3.1 This article applies to all children's play areas specified on Schedule 1 of this Order.
- 3.2 A person in charge of a dog shall be guilty of an offence if that person takes the dog onto, or permits the dog to enter or to remain within a fenced children's play area specified detailed in the Schedule to this Order unless –
- a) the person has a reasonable excuse for doing so; or
 - b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his doing so.
- 3.3 For the purposes of this article 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.

4 Maximum Number of dogs

- 4.1 This article applies to any land which is open to the air and to which the public are entitled or permitted to have access (with or without payment). For the purposes of this Order land which is open to the air on at least one side is to be treated as land which is open to the air. The order does not apply to land put at the disposal of the Forestry Commissioners under Section 39 of the Forestry Act 1967.
- 4.2 The maximum number of dogs a person is permitted to be in control of on land to which this Order applies is 6
- 4.3 Any person in charge of more than one dog shall be guilty of an offence, if, at any time, that person takes more than the number of dogs specified in article 4.2 on to land to which this Order applies unless –
- a) the person has a reasonable excuse for doing so; or
 - b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his doing so.
- 4.4 For the purposes of this article 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.
- 5.** The provisions of this order shall not apply to a person with a disability who is accompanied by an assistance dog.
- 5.1 A person with a disability is defined under section 6(1) of the Equality Act 2010 (as amended) as a person with –
- (a) a physical or mental impairment, and

(b) the impairment has a substantial and long-term adverse effect on his/her ability to carry out normal day-to-day activities.

5.2 An assistance dog is defined under section 173(1) of the Equality Act 2010 (as amended) as –

(a) a dog which has been trained to guide a blind person;

(b) a dog which has been trained to assist a deaf person;

(c) a dog which has been trained by a prescribed charity to assist a disabled person who has a disability that consists of epilepsy or otherwise affects his/her mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects; or

(d) a dog of a prescribed category which has been trained to assist a disabled person who has a disability (other than one falling within paragraph (c)) of a prescribed kind.

PENALTIES

6.1 A person who is guilty of an offence of failing to comply with a requirement of this Order will be liable, on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1,000) or if in receipt of a Fixed Penalty Notice to a penalty of £100.

6.2 A person commits an offence if he fails to give his name and address when required to do so by an authorised person, or gives a false or inaccurate name or address to a person so authorised, when the authorised person proposes to give a person a Fixed Penalty Notice for failing to comply with a requirement of this Order. On summary conviction a person will be liable to a fine not exceeding Level 3 on the standard scale (currently £1,000).

Given under the Common Seal of Cannock Chase District Council on the.....day of.....20

**The COMMON SEAL of
CANNOCK DISTRICT COUNCIL**
was hereunto affixed in the presence of:-

.....
Authorised Signatory

Schedule 1

Fenced Children`s play areas and other areas from which dogs are to be excluded.

| | |
|-------------------------|------------------|
| Arthur Street | Wimblebury |
| Bettys Lane | Norton Canes |
| Boston Close | Heath Hayes |
| Brownhills Road | Norton Canes |
| Chapel Street | Norton Canes |
| Hayes Way | Heath Hayes |
| Heath Hayes Park | Heath Hayes |
| Hednesford Park | Hednesford |
| Lingfield Road | Norton Canes |
| Meadow Way | Heath Hayes |
| St. Thomas Drive | Rawnsley |
| West Gate | Rawnsley |
| Williamson Avenue | Prospect Village |
| Bond Way | Pye Green |
| Bracken Close | Brindley Heath |
| Chester Road | Cannock |
| Cotswold Road | Pye Green |
| Elizabeth Way | Cannock |
| Elmore Park | Rugeley |
| Flaxley Road | Rugeley |
| Fortesque Drive | Rugeley |
| Green Lane | Rugeley |
| Hagley Skate Board Area | Rugeley |
| Hillary Crest | Rugeley |
| Jeffery Close | Rugeley |
| Ravenhill Park | Brereton |
| Rugeley Leisure Centre | Rugeley |
| Swallow Close | Rugeley |
| Barnard Way | Cannock |
| Bevan Lee Road | Cannock |
| Bunyan Place | Cannock |
| Cannock Park | Cannock |
| Monarch Park | Cannock |
| Oxford Green | Cannock |
| The Stadium | Cannock |
| Laburnum Ave | Cannock |
| Oxford Road | Cannock |
| Union Street | Bridgetown |
| Wellington Drive | Cannock |
| Wrights Avenue | Cannock |