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| <b>Report of:</b>        | <b>Head of Environment &amp; Healthy Lifestyles</b> |
| <b>Contact Officer:</b>  | <b>Jennifer Sheffield</b>                           |
| <b>Contact Number:</b>   | <b>01543 464 488</b>                                |
| <b>Portfolio Leader:</b> | <b>Environment &amp; Climate Change</b>             |
| <b>Key Decision:</b>     | <b>Yes</b>  |
| <b>Report Track:</b>     | <b>Cabinet: 08/07/21</b>                            |

**Cabinet**  
**8 July 2021**  
**Extension of Public Space Protection Order (Dog Control) 2018**

**1 Purpose of Report**

- 1.1 To seek Cabinet approval both to extend the existing Cannock Chase District Council Public Space Protection Order (Dog Control) 2018 ('the Dog Control Order') for a further three years and to approve consultation on a varied Order.

**2 Recommendation(s)**

- 2.1 To approve a three-year extension to the existing Dog Control Order (attached as Appendix A).
- 2.2 To instruct the Interim Head of Environment & Healthy lifestyles to carry out a further consultation on the varied Order (Attached as Appendix B) and to report back to Cabinet once this is completed.

**3 Key Issues and Reasons for Recommendations**

**Key Issues**

- 3.1 The Dog Control Order imposes various requirements on owners of dogs in relation to dog fouling, dogs on leads and dog exclusions (from childrens' play areas etc.). Since the Order came into effect in July 2018, the Council has received 250 complaints related to dog fouling and 199 in relation to stray dogs not on leads. Given these continuing complaints, it is considered important to have sanctions for offenders and it is therefore proposed to extend the Order for a further three-year period.

## Reasons for Recommendations

- 3.2 Unless it is extended, the current Order will cease to have effect after midnight on 26 July 2021.
- 3.3 As a result of the initial consultation, the existing Order has been amended to include fenced multi-use games areas and fenced tennis courts. The list of play areas has also been updated. Although these changes are relatively minor, legislation requires that any proposed variation to the existing Order must be consulted on. Therefore, Cabinet approval is sought for a further, 14 day, consultation on the varied Order.

## 4 Relationship to Corporate Priorities

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

(i) Supporting Economic Recovery

Ensuring controls remain over anti-social dog ownership behaviour in our town centres and neighbourhoods will contribute to retaining and attracting customers and visitors;

(ii) Supporting Health & Wellbeing

The extension of the Dog Control Order will provide a continuing deterrent to offenders, ensure anti-social dog ownership in our parks and open spaces can be tackled and provide reassurance to residents and visitors they can use such spaces for exercise and recreation safely.

## 5 Report Detail

- 5.1 Public Space Protection Orders (PSPOs) were introduced under the Anti-social Behaviour, Crime and Policing Act 2014. PSPOs are intended to deal with a particular nuisance or a problem in a specific area that is detrimental to the local community's quality of life. By imposing conditions on the use of that area which apply to everyone, PSPOs allow people to enjoy public spaces, free from anti-social behaviour. Restrictions should focus on certain behaviours and be proportionate to the detrimental effect the behaviour can cause.
- 5.2 Local councils are responsible for making PSPOs on any public space within their own area. Public space includes any area to which the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.
- 5.3 Whilst PSPOs cannot in isolation eliminate a particular problem, they are used in conjunction with awareness and educational measures to reduce incidence of Anti-social Behaviour and provide a means to impose sanctions on identified offenders.

#### 5.4 Legal tests

The legal tests focus on the impact of the anti-social behaviour. A PSPO can be made by the Council if they are satisfied on reasonable grounds that the activity or behaviour concerned, carried out, or likely to be carried out, in a public space meets the following legal tests:

- has had, or is likely to have, a detrimental effect on the quality of life of those in the locality.
- is, or is likely to be, persistent or continuing in nature.
- is, or is likely to be, unreasonable; and
- justifies the restrictions imposed.

#### 5.5 Controlling the presence of dogs

PSPOs can be used to tackle anti-social behaviour from irresponsible dog owners. When restricting the use of certain areas, Councils should take into account the requirements under the Animal Welfare Act 2006 where owners are required to provide for the welfare needs of their animals. This includes providing the necessary amount of exercise each day, so Councils should not attempt to exclude dogs from all open spaces.

#### 5.6 On 14 June 2018, Cabinet declared the current Dog Control Order. This Order came into effect on 27 July 2018 and imposed the following requirements on owners / persons in control of dog(s):

- To pick up and remove dog faeces in the event of fouling;
- To keep dogs on leads when on roads / carriageways and adjoining footpath verges within 3 metres of the highway;
- To place dogs on leads when instructed to do so by authorised officer or police officer;
- To exclude dogs from fenced children's play areas;
- To be in control of no more than 6 (six) dogs at any one time

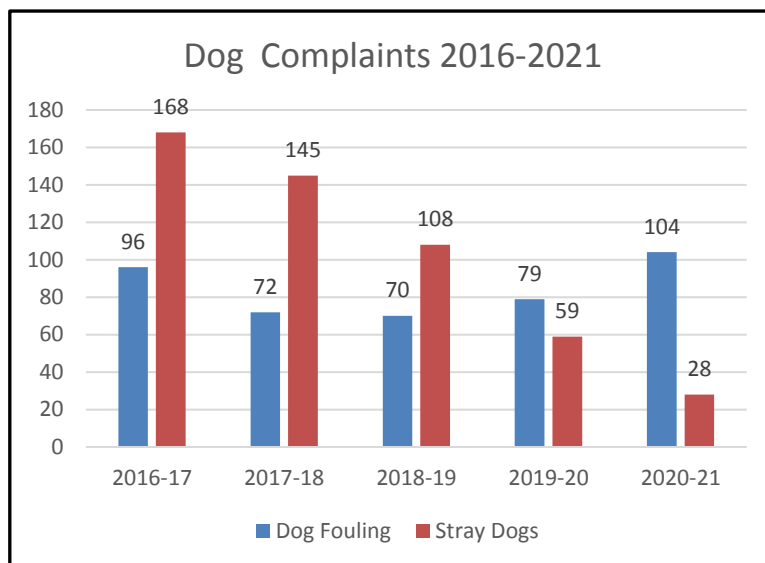
The above prohibitions and requirements do not apply to those in control of assistance dogs.

The current Order is due to expire after midnight on 26 July 2021, unless it is extended.

## Item No. 7.4

5.7 The table and graph below show numbers of dog fouling & straying complaints received by Environmental Health over each of the last 5 years, both before and after the introduction of the Order.

| YEAR    | COMPLAINT NUMBERS |            |
|---------|-------------------|------------|
|         | FOULING           | STRAY DOGS |
| 2016-17 | 96                | 168        |
| 2017-18 | 72                | 145        |
| 2018-19 | 70                | 108        |
| 2019-20 | 79                | 59         |
| 2020-21 | 104               | 28         |



There has been a steady downward trend in complaints of stray dogs over this period from 168 in 2016-17 to just 28 in 2020-21 (though data for 2020-21 may clearly have been influenced by national lockdown, with households restricted in their movements and more likely to retain control of their animals). Dog fouling complaints have fluctuated over this period, averaging 84 per annum, with the highest number of 104 being received during 2020-21. Again, this increase could be due to lockdown, with a growing trend for dog ownership and individuals spending more time in their locality, so more likely to notice incidents of fouling.

## 5.8 Consultation and Key Outcomes

Where a local authority wishes to extend the period for which a PSPO has effect, or to vary an Order, Section 72 of the ASB Act imposes certain requirements in relation to consultation and notification, namely to consult:

- (i) the Chief Officer of Police and the Local Policing Body for the area;
- (ii) whatever community representatives the local authority thinks it appropriate to consult

and to notify:

- (i) the parish, town or community council for the area
- (ii) the County Council for the area if the authority is a district council;

Prior to the implementation of the current Dog Control Order an eight week public consultation exercise was conducted in July-August 2017, followed by a further six week consultation during November -December 2017.

In May 2021, a 14-day consultation and notification exercise was carried out in line with the above requirements to establish whether there were any significant issues requiring further consideration.

As part of the consultation disability interest groups were contacted direct. In addition, the consultation was published on the Council’s website and on social media.

A total of four responses were received from statutory consultees, and one from a member of the public, all of which overwhelmingly supported the extension of the Dog Control Order. A further, detailed response received from the Kennel Club made several comments including:

- concerns over the offence of not producing a receptacle for dog waste and responsible owners’ ability to comply
- support for the “on lead by direction” requirement
- Appropriateness of stipulating maximum number of dogs to be walked at one time
- Signage requirements
- Definition of “assistance dogs”.

All responses received are appended to this Report as Appendix C.

In addition, the Council’s Parks & Open Spaces Manager requested an update to the children’s play area locations in Schedule 1 and that the Order and Schedule 1 be amended to include fenced multi-use games areas and tennis courts to the areas from which dogs are excluded.

As the original Order has now been varied, the legislation requires that a further consultation exercise now be carried out, in line with the process above, this time on the Order as varied.

Therefore, this report seeks Cabinet approval both to extend the original Order and to consult for a further 14 day period on the Order as varied.

## **6 Implications**

### **6.1 Financial**

None.

### **6.2 Legal**

The requirement to undertake the necessary consultation in relation to the proposed extension of the Dog PSPO has been met and will not therefore pose a risk of legal challenge. However, since the original Order has now been varied, legal advice is that a further consultation must be carried out.

Remaining legal matters are covered in the main body of the report.

**6.3 Human Resources**

The enforcement of the requirements has been met for the last three years using the existing resources within the Environmental Protection Team. No additional resources are required.

**6.4 Risk Management**

None.

**6.5 Equality & Diversity**

An Equality Impact Assessment has been undertaken which identified that some vulnerable groups, for example those with a physical disability, wheelchair users and those with a learning difficulty, may be adversely impacted by the requirements of the Order. In response to these findings, the Order provides important safeguards for persons with disabilities in that, firstly, the Order does not apply at all to a person with a disability who is accompanied by an assistance dog and , secondly, the Order provides a defence of “reasonable excuse” in respect of any failure to comply with requirements. In applying the provisions of the Order, the extent to which an individual’s ability to comply is influenced or affected by a disability, will always form part of any decision on whether there is a defence of reasonable excuse.

**6.6 Climate Change**

None

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| <b>7 Appendices to the Report</b> |
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Appendix A: Existing Dog PSPO

Appendix B: Varied Dog PSPO

Appendix C Consultation Responses received

**Previous Consideration**

Public Spaces Protection Order (Dog Control) Declaration Report – Cabinet – 14/06/18

**Background Papers**

None.

## **PUBLIC SPACES PROTECTION ORDER (DOG CONTROL) 2018**

### **The Cannock Chase District Council Public Spaces Protection Order (Dog Control) 2018**

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

This Order may be cited as the Cannock Chase District Council Public Spaces Protection Order (Dog Control) 2018.

The Council is satisfied that the conditions required for the introduction of a Public Spaces 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.

#### **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 within the District of Cannock Chase 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 purposes 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 in 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 in Schedule 1 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 within the District of Cannock Chase 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 (six).
- 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

this 27th day of July 2018

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

S. Baddeley  
Authorised Officer



## 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          |

## **Public Space Protection Order (Dog Control) 2018 (as varied)**

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

This Order is made by Cannock Chase 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..

#### **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 clause 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, tennis courts and multi-use games 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, tennis court or multi-use games 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.

#### **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) (six)**

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.

#### **5. Exemptions**

5.1 The provisions of this order shall not apply to a person with a disability who is accompanied by an assistance dog.

5.2 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.

5.3 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.

**6 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.....2021

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

.....  
Authorised Signatory

## Schedule 1

**Fenced Children`s play areas and multi-use games areas / tennis courts from which dogs are to be excluded.**

|                         |                  |
|-------------------------|------------------|
| Arthur Street           | Wimblebury       |
| Barnard Way             | Heath Hayes      |
| Bettys Lane             | Norton Canes     |
| Bevan Lee Road          | Cannock          |
| Bond Way                | Pye Green        |
| Bonney Drive            | Rugeley          |
| Boston Close            | Heath Hayes      |
| Bracken Close           | Brindley Heath   |
| Brownhills Road         | Norton Canes     |
| Bunyan Place            | Cannock          |
| Burnthill Lane          | Rugeley          |
| Cannock Park            | Cannock          |
| Cannock Stadium X2      | Cannock          |
| Chapel Street           | Norton Canes     |
| Chester Road            | Hagley           |
| Cotswold Road           | Pye Green        |
| Curlew Hill             | Cannock          |
| Elizabeth Road          | Cannock          |
| Elmore Park             | Rugeley          |
| Flaxley Road            | Rugeley          |
| Green Lane              | Rugeley          |
| Hagley Skate Board Area | Rugeley          |
| Hayes Way               | Heath Hayes      |
| Heath Hayes Park        | Heath Hayes      |
| Hednesford Park         | Hednesford       |
| Laburnum Ave            | Cannock          |
| Lingfield Road          | Norton Canes     |
| Meadow Way              | Heath Hayes      |
| Northend Park           | Rugeley          |
| Oxford Green            | Cannock          |
| Oxford Road             | Cannock          |
| Patterdale Road         | Cannock          |
| Ravenhill Park          | Rugeley          |
| Rugeley Leisure Centre  | Rugeley          |
| St. Thomas Drive        | Rawnsley         |
| Union Street            | Bridgtown        |
| Wellington Drive        | Cannock          |
| West Gate               | Rawnsley         |
| Williamson Avenue       | Prospect Village |
| Winstanley Close        | Rugeley          |
| Wrights Avenue          | Cannock          |





## The Kennel Club's Response to Cannock Chase District Council Public Spaces Protection Order Consultation

Submitted on 20<sup>th</sup> May 2021 by: The Kennel Club, Clarges Street, Piccadilly, London W1J 8AB, email: [kcdog@thekennelclub.org.uk](mailto:kcdog@thekennelclub.org.uk)

The Kennel Club is the largest organisation in the UK devoted to dog health, welfare, and training. Our objective is to ensure that dogs live healthy, happy lives with responsible owners. We campaign for and advocate on behalf of dogs and their owners and, as part of our external affairs activities, engage with local authorities on issues such as Public Spaces Protection Orders (PSPOs). We also run KC Dog, the UK's largest dog owners group, which was established to campaign against unreasonable access restrictions for dog owners and to monitor emerging access-related issues.

The Kennel Club is the only national organisation named by the UK Government as a body that local authorities should consult prior to introducing restrictions on dog walkers and is considered the leading canine authority on dog access. As such, we would like to highlight the importance of ensuring that PSPOs are necessary and proportionate responses to problems caused by dogs and irresponsible owners. We also believe that it is essential for authorities to balance the interests of dog owners with the interests of other access users.

### Response to proposed measures

#### **Dog fouling**

The Kennel Club strongly promotes responsible dog ownership, and believes that dog owners should always pick up after their dogs wherever they are, including fields and woods in the wider countryside, and especially where farm animals graze to reduce the risk of passing Neospora and Sarcocystosis to cattle and sheep respectively.

We would like to take this opportunity to encourage the local authority to employ further proactive measures to help promote responsible dog ownership throughout the local area in addition to introducing Orders in this respect.

These proactive measures can include: increasing the number of bins available for dog owners to use; communicating to local dog owners that bagged dog faeces can be disposed of in normal litter bins; running responsible ownership and training events; or using poster campaigns to encourage dog owners to pick up after their dog.

#### **Means to pick up**

Whilst we support proactive efforts on behalf of local authorities to encourage responsible dog ownership, measures to require owners to pick up after their dogs must be fair and proportionate. We would not like to see responsible dog owners penalised unfairly.

The Kennel Club has concerns regarding the proposal to introduce an offence of not having the means to pick up. Responsible owners will usually have dog waste bags or other means to clear up after their pets. However, if dog owners are approached at the end of a walk they may have already used the bags that they have taken out or given a spare bag to someone who has run out, for example. Such behaviour is encouraged by Green Dog Walker schemes.



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It is also plausible that such proposals could, in certain circumstances, perversely incentivise dog walkers to not pick up after their dog. Dog walkers could be made to decide between using their final waste bag and risk being caught without means to pick up, or risk not picking up in order to have a means to pick up should they be stopped later on their walk. It is reasonable to assume a proportion of dog walkers would choose the second option if they believed this was the least likely route to being caught, especially if the penalty for not picking up was the same as not being in possession of a means to pick up. Local authorities may wish to consider introducing a clause which provides an exemption for those who have run out of bags but are able to prove that they were in possession of and made use of these during their walk.

It is essential that an effective communication campaign is launched in the local area to ensure that people are aware of the plans and have an excess supply of dog waste bags with them. Additionally, appropriate signage should be erected to inform that those who are not familiar with the local rules are not unfairly caught out.

The most effective spot checks that the local authority could carry out are those which catch offenders in the act of not picking up, rather than guessing behaviour on the basis of what dog owners are or are not carrying with them. For example, in the absence of waste bags, owners trying to flout the measures could theoretically point to any number of items on their person that they intend to use. This is likely to be a problem with the 'receptable', as defined in article 1.4 of the PSPO. This gives rise to concerns about the ease with which local authorities could successfully enforce this law when trying to define whether or not dog owners have a means of picking up. Alternatively, an irresponsible owner looking to avoid a fine could simply tie one bag to their dog's lead or collar but not actually use it.

Cornwall Council considered introducing a similar means to pick up measure, but subsequently decided against doing so as they deemed it to be disproportionate and concluded that the requirement would be 'toothless', as it would be highly unlikely to be enforceable in a magistrates court.

If the Council proceeds to introduce such a measure, it is essential it provides greater clarity to dog walkers on how to comply with the Order.

### Exclusion

The Kennel Club does not typically oppose Orders to exclude dogs from playgrounds or enclosed recreational grounds, such as skate parks, tennis courts, or beaches and promenades, as long as alternative provisions are made for dog walkers in the vicinity. Children and dogs should be able to socialise together quite safely under adult supervision, with having a child in the home the biggest predictor for a family owning a dog.

We can support reasonable 'dogs on lead' Orders which can, when used in a proportionate and evidence-based way, include areas such as cemeteries, picnic areas, or on pavements in proximity to cars and other road traffic.

However, we will oppose PSPOs which introduce blanket restrictions on dog walkers accessing public open spaces without specific and reasonable justification. Dog owners are required to provide their dogs with appropriate daily exercise, including "regular opportunities to walk and run", which in most cases will be off lead while still under control.



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Their ability to meet this requirement is greatly affected by the amount of publicly accessible parks and other public places such as beaches and promenades in their area where dogs can exercise without restrictions. This section of the Animal Welfare Act was included in the statutory guidance produced for local authorities by the Home Office on the use of PSPOs.

Accordingly, the underlying principle we seek to see applied is that dog controls should be the least restrictive to achieve a given defined and measurable outcome; this is the approach used by Natural England. In many cases, a seasonal or time of day restriction will be effective and the least restrictive approach, rather than a blanket year-round restriction. For instance, a “dogs on lead” order for a picnic area is unlikely to be necessary in mid-winter.

The Government provided clear instructions to local authorities that they must provide restriction free sites for dog walkers to exercise their dogs. This message was contained in the guidance document for DCOs, and has been retained in both the Defra/Welsh Government and Home Office PSPO guidance documents, with the Defra guidance for PSPOs stating ‘local authorities should ensure there are suitable alternatives for dogs to be exercised without restrictions’.

### **On lead by direction**

The Kennel Club strongly welcomes ‘On lead by direction’ Orders. These allow responsible dog owners to exercise their dogs off lead without restriction providing their dogs are under control, whilst simultaneously giving the local authority powers to restrict dogs not under control.

We recommend that the authorised officer enforcing the Order is familiar with dog behaviour in order to determine whether restraint is necessary. There exists the possibility that a dog, through no fault of its own, could be considered a ‘nuisance’ or ‘annoyance’ to someone who simply does not like dogs.

We encourage local authorities to make use of more flexible and targeted measures at their disposal, including Acceptable Behavioural Contracts and Community Protection Notices. Kennel Club Good Citizen Training Clubs and our accredited trainers can assist owners whose dogs run out of control due to them not having the ability to train a reliable recall.

### **Maximum number of dogs a person can walk**

We feel that an arbitrary maximum number of dogs a person can walk is an inappropriate approach to dog control that can result in displacement and subsequently intensify problems in other areas. The maximum number of dogs a person can walk in a controlled manner is dependent on a number of other factors relating to the walker, the dogs being walked, whether leads are used, and the location where the walking is taking place. An arbitrary maximum number can also legitimise and encourage people to walk dogs up to the specified limit, even if at a given time or circumstance they cannot control that number of dogs.

We thus suggest instead that defined outcomes are used to influence people walking one or more dogs – domestically or commercially – such as dogs always being under control or on lead in certain areas. An experienced dog walker, for example, may be able to keep a large number of dogs under control during a walk whilst an inexperienced private dog owner may struggle to keep one dog under control. Equally, the size and training of dogs are key factors,



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hence why an arbitrary maximum number is inappropriate. The Kennel Club would recommend the local authority instead uses the 'dogs on lead by direction' measures and other targeted approaches – including Acceptable Behaviour Contracts and Community Protection Orders – to address those who do not have control of the dogs that they are walking.

A further limitation of this proposed measure is that it does not prevent people with multiple dogs walking together at a given time, while not exceeding the maximum number of dogs per person. Limits may also encourage some commercial dog walkers to leave excess dogs in their vehicles, causing severe animal welfare concerns.

If the proposed measure is being considered as a result of issues arising from commercial dog walkers, we suggest councils instead look at accreditation schemes that have worked successfully in places like East Lothian. These can be far more effective than numerical limits as they can promote good practice rather than simply curbing the excesses of just one aspect of dog walking. Accreditation can also ensure dog walkers are properly insured and act as advocates for good behaviour by other dog owners.

### Appropriate signage

It is important to note that in relation to PSPOs, The Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014 makes it a legal requirement for local authorities to –

“cause to be erected on or adjacent to the public place to which the order relates such notice (or notices) as it considers sufficient to draw the attention of any member of the public using that place to -

- (i) the fact that the order has been made, extended or varied (as the case may be); and
- (ii) the effect of that order being made, extended or varied (as the case may be).”

### Assistance dogs

The Kennel Club welcomes the exemptions proposed in this Order for assistance dogs. We urge the Council to review the Equality and Human Rights Commission's guidance for businesses and service providers when providing any exemptions for those who rely on assistance dogs. The guidance can be viewed here:

<https://www.equalityhumanrights.com/sites/default/files/assistance-dogs-a-guide-for-all-businesses.pdf>

However, we would suggest further consideration of the wording contained within the Order, specifically with reference to 'prescribed charity' and 'prescribed category'. While a proportion of assistance dogs relied upon by disabled people are trained by charities, many are not. A number of reputable assistance dog providers are members of Assistance Dogs UK. This umbrella group currently has eight member organisations, which can be viewed here: <http://www.assistancedogs.org.uk/>. It is important to note that the membership of Assistance Dogs UK is not a definitive list of all UK assistance dog organisations and may change during the currency of the PSPO. It also does not provide for owner trained assistance dogs.





We therefore encourage the Council to allow for some flexibility when considering whether a disabled person's dog is acting as an assistance dog. The Council could consider adopting the definitions of assistance dogs used by Mole Valley District Council, which can be found here:

[https://www.molevalley.gov.uk/media/pdf/1/b/83072 - Completed PSPO.pdf](https://www.molevalley.gov.uk/media/pdf/1/b/83072_-_Completed_PSPO.pdf)

or that of Northumberland County Council:

"(4) The term "Assistance Dog" shall mean a dog which has been trained to assist a person with a disability.

(5) The expression "disability" shall have the meaning prescribed in section 6 of the Equality Act 2010 or as may be defined in any subsequent amendment or re-enactment of that legislation".

**Subject:** FW: DOG CONTROL ORDER

**From:**

**Sent:** 20 May 2021 10:51

**To:** Environmental Health CCDC

**Subject:** DOG CONTROL ORDER

Hi

Heath Hayes & Wimblebury Parish Council support the extension of the following Order:

Anti-social Behaviour, Crime and Policing Act 2014

Cannock Chase District Council, Extension of Public Space Protection Order (Dog Control) 2018

The Council would like to ask how can the order be enforced further? What is the best way for a member of the public to raise or report issues within their area?

Kind Regards

Laurie Bowman  
Parish Clerk & RFO



Hayes Green Community Centre  
11 Hawks Green District Centre  
Heath Way  
Heath Hayes  
Staffs  
WS12 3XP

**Subject:** FW: Dog Control Orders

**From:**

**Sent:** 18 May 2021 16:25

**To:** Environmental Health CCDC

**Subject:** Dog Control Orders

**Further to your letter regarding the above issue and your intention to renew the Dog Control Order, Bridgtown Parish Council support this proposal**

**Kind regards**

**Janine Arm**  
**Clerk to Bridgtown Parish Council**

**Subject:** FW: Dog Control Order

**From:**

**Sent:** 27 May 2021 10:55

**To:** Environmental Health CCDC

**Subject:** Dog Control Order

Hi David,


I write on behalf of Ben Adams, Police, Fire and Crime Commissioner for Staffordshire in response to your proposal to extend the Cannock Chase Public Space Protection Order (Dog Control) 2018.

Based upon the data provided in your letter we received and the desire of Staffordshire Police to have this Order remain in place we are happy to support these continuing measures.

Kind Regards,  
Laura

**Laura Price**  
Policy and Research Officer



 [www.staffordshire-pfcc.gov.uk](http://www.staffordshire-pfcc.gov.uk)

 Staffordshire Police HQ, Block 9, Weston Road, Stafford, ST18 0YY

**Subject:** FW: Dog Control Order

**From:**

**Sent:** 20 May 2021 16:30

**To:** Environmental Health CCDC

**Subject:** Dog Control Order

Please renew this order then enforce it!