

Subject:	Public Space Protection Orders (Dog Control)	Status:	For Publication
Report to:	Council	Date:	18 th August 2022
Report of:	Public Protection Manager	Portfolio Holder:	Planning, Licensing and Enforcement
Key Decision:	<input checked="" type="checkbox"/> Forward Plan <input checked="" type="checkbox"/>	General Exception <input type="checkbox"/>	Special Urgency <input type="checkbox"/>
Equality Impact Assessment:	Required: Yes	Attached: Yes	
Biodiversity Impact Assessment:	Required: No	Attached: No	
Contact Officer:	Phil Morton	Telephone:	01706 252442
Email:	philmorton@rossendalebc.gov.uk		

1. RECOMMENDATION(S)

That members extend the Public Space Protection Orders (PSPO's) relating to dog control for a period of 3 years.

2. EXECUTIVE SUMMARY

- The Anti-Social Behaviour, Crime and Policing Act 2014 introduced a variety of powers for local authorities to deal with anti-social behaviour. This included PSPO's.
- In July 2019, members approved the adoption of 6 orders to deal with irresponsible dog owners including those who allowed their dogs to foul and failed to pick up, those who allow dogs on restricted areas such as playgrounds, and those who allow dogs on highways and other places without being on a lead.
- The orders came into force on 19th August 2019 and last for 3 years.
- Legislation states that the orders must be reviewed prior to their expiration to assess if the measures are still necessary and appropriate and consider whether it is reasonable to extend the orders for a further 3 years.
- It is considered that the original order was very well supported by residents and that it has been effective in enforcing responsible dog ownership.
- Recent consultation received limited responses but it was supportive of retaining the existing order for a further 3 years and this report recommends that Council agree this.

3. BACKGROUND

- 3.1 PSPO's are intended to deal with a particular nuisance or problem in a particular 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. The order can be used to deal with likely future problems.
- 3.2 PSPO's are designed to make public spaces more welcoming to the majority of law-abiding people and communities.
- 3.3 The issue of irresponsible dog ownership is a problem across many local authority areas, which, without appropriate enforcement powers in place would continue to have a detrimental effect on the quality of the local environment.
- 3.4 The renewal of the orders will allow authorised officers, including council officers and those employed by a third party service provider, to deal with offenders by way of issuing a fixed penalty notice.

4. DETAILS

- 4.1. Prior to the introduction of the original orders in 2019, an 8-week public consultation was held to seek the views of all interested parties, including the police, community groups and members of the public in relation to the proposed measures. A report outlining the proposals and consultation responses was presented to Council on 17th July 2019 (copy attached).
- 4.2 This original consultation showed overwhelming support for the introduction of the Orders and these were subsequently adopted in August 2019. A summary of the 233 responses received included:
- 4.2.1 A total of 98% supporting the enforcement of picking up dog faeces.
 - 4.2.2 A total of 94% supporting dog control in areas such as highways, allotments, cemeteries etc.
 - 4.2.3 A total of 89% supported exclusion of dogs from play areas, leisure facilities.
 - 4.2.4 A total of 95% supported the powers to enforce dogs being put on a lead if requested.
 - 4.2.5 A total of 88% supported enforcing dog owners to carry poop bags.
 - 4.2.6 A total of 83% supported an order to restrict the number of dogs to five for any one person.
- 4.3 To assess the level of support for renewing the orders, a 4-week consultation was held to seek opinions from the police, interested parties and members of the public. This included Whitworth Town Council, the Police and Crime Commissioner and LCC highways. This was published on the council website, via social media and email. This closed on the 10th August 2022.
- 4.4 Two responses have been received. One of these responses was from the Dog's Trust and another from a local resident. Both responses showed support for the orders to continue. The Dog's Trust suggested strong support for picking up dog waste but suggested the mandating of carrying poo bags could be difficult to enforce. They express strong support for dogs on lead on request but did request that prohibited areas for dog walking be kept to a minimum. This will be the case and limited to play areas, memorial areas and playing pitches. The Dog's Trust also suggested beaches are key to dog exercise; however this does not apply to Rossendale. The response from the resident was supportive of orders, but did suggested better signage and increased enforcement. Signage will be reviewed and the new enforcement contract specifically focuses increasing enforcement of this PSPO.
- 4.5 It is considered that the recent consultation should be considered in conjunction with the original consultation which received substantially more responses. It is considered that there is very strong public support for the orders to be maintained in their existing form.
- 4.6 Evidence suggests that the orders provide a valuable tool to the Council in ensuring responsible dog ownership, and the contract for the enhanced supplementary environmental enforcement includes additional criteria to ensure more focus is applied to dog control.
- 4.7 In the three years that these PSPO's have been in place, we have seen strong public support and have received no complaints in respect of the orders. Elected Members who have the best understanding of their residents opinions have also given strong support for the orders and provided positive feedback.

4.8 During the three years that the PSPO has been in place, we have seen 61 fixed penalty notices issued for dog fouling, 13 for other dog related offences. The new contract for enforcement will have a stronger focus on dog control and we expect numbers FPN's issued to increase if this PSPO is extended.

4.9 Although irresponsible dog ownership appears to have reduced a little over the last 3 years, it is felt that the continuation of the orders is necessary to ensure these improvements continue, and those who continue to blight the Borough are dealt with accordingly.

5. RISK

All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:

- Failure to extend the existing PSPO's will mean that the Council will not be able to deal effectively with the issues around dog control or provide an adequate enforcement function across the borough. This would have a reputational impact on the Council.

6. FINANCE

Any financial implications arising will be contained within existing budget resources.

7. LEGAL

Section 60 of the Anti-Social Behaviour, Crime and Policing Act 2014 states that a PSPO may not have effect for a period of more than 3 years, unless extended. Before the time when an order is due to expire, the Council may extend the period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent—

- (a) occurrence or recurrence after that time of the activities identified in the order, or
- (b) an increase in the frequency or seriousness of those activities after that time.

An extension under this section may not be for a period of more than 3 years.

If the orders are not extended they will lapse on 19th August 2022 which would be detrimental to the ongoing education and enforcement of dog control in the borough.

8. POLICY AND EQUALITIES IMPLICATIONS

In line with the legislation and guidance a consultation process has been undertaken over a sufficient length of time to allow for meaningful engagement and responses have been received which support the extension of the orders.

9. REASON FOR DECISION

In light of the overwhelming support shown in the original consultation, and the continued support received in the recent consultation, it is recommended that Council approve the extension of the orders for a period of 3 years. This will allow the continuation of our effective enforcement of responsible dog ownership.

Background Papers	
Document	Place of Inspection
Council report 2019	attached
Responses to consultation	attached
Initial EIA	attached
Existing PSPO's	Public Space Protection Orders Dogs Rossendale Borough Council (online)

Subject:	Public Space Protection Orders	Status:	For Publication
Report to:	Council	Date:	17 th July 2019
Report of:	Public Protection Manager	Portfolio Holder:	Communities and Customers
Key Decision:	<input checked="" type="checkbox"/> Forward Plan <input checked="" type="checkbox"/>	General Exception <input type="checkbox"/>	Special Urgency <input type="checkbox"/>
Equality Impact Assessment:	Required:	Initial EIA only	Attached: Yes
Biodiversity Impact Assessment	Required:	No	Attached: No
Contact Officer:	Phil Morton	Telephone:	01706 252442
Email:	philmorton@rossendalebc.gov.uk		

1.	RECOMMENDATION(S)
1.1	That following a period of public consultation and consideration of the same, the attached draft Public Space Protection Orders (PSPO's) are adopted by the Council

2. PURPOSE OF REPORT

- 2.1 To ask Members to consider the adoption of the attached PSPO's for dog controls in the borough of Rossendale under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014.

3. CORPORATE PRIORITIES

- 3.1 The matters discussed in this report impact directly on the following corporate priorities:
- **A clean and green Rossendale:** our priority is to keep Rossendale clean and green for all of Rossendale's residents and visitors, and to take available opportunities to recycle and use energy from renewable sources more efficiently.
 - **A connected and successful Rossendale that welcomes sustainable growth:** our priority is to ensure that we are well connected to our residents, key partners and stakeholders. We want to make the most of every pound we spend and we are always looking for new and innovative ways to make the resources we do have, work harder for us.
 - **A proud, healthy and vibrant Rossendale:** our priority is to ensure that we are creating and maintaining a healthy and vibrant place for people to live and visit.

4. RISK ASSESSMENT IMPLICATIONS

- 4.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:
- Failure to review existing Dog Control Orders/Transitional PSPO's will mean that the Council will not be able to deal effectively with the issues around dog control or provide an adequate enforcement function across the borough

5. BACKGROUND AND OPTIONS

- 5.1 The Anti-Social Behaviour, Crime and Policing Act 2014 introduced a variety of powers for local authorities to deal with anti-social behaviour including Public Spaces Protection Orders.(PSPO's)

These are intended to deal with a particular nuisance or problem in a particular 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. The order can be used to deal with likely future problems.

PSPO's are designed to make public spaces more welcoming to the majority of law abiding people and communities

In 2009 Rossendale Borough Council brought in a number of Dog Control Orders under the Cleaner Neighbourhoods and Environment Act 2005 that covered various areas in the borough covering the offences of not removing dog faeces, failing to keep a dog on the lead in designated areas, failing to adhere to a dog exclusion order and failing to adhere to a dogs on lead order as directed by an authorised officer.

- 5.2 In October 2017 the Anti-Social Behaviour, Crime and Policing Act allowed existing Dog Control Orders to automatically convert to PSPO's which would then need to be reviewed after 3 years.
- 5.3 However it is prudent of a local authority to review the need and scope of the Orders to ensure that the powers exercised by the Council are both relevant and necessary.
- 5.4 Currently the transitional PSPO's cover;
- Dog Fouling
 - Dogs on leads
 - Dogs on leads by direction
 - Exclusion of dogs

The draft proposed orders, along with the geographic areas to which these apply are detailed in appendices A to D to this report.

As well as the 4 areas already subject of the transitional PSPO's, two further areas of control were asked to be considered.

These are;

- Maximum numbers of dogs walked at one time to be limited to 5 dogs

And

- The requirement of dog walkers to carry with them a "poop bag" or other means to pick up after their dog has fouled.

These additional draft orders are attached at Appendix E and F of this report

A period of consultation was approved by Cabinet on the 13th February 2019 and this took place between 14th February and the 14th April 2019, when members of the public and other interested parties were asked for their opinions on the proposals.

The questions included in the consultation are attached at Appendix G of this report.

The consultation attracted considerable interest and a total of 233 responses were received.

A breakdown of responses expressed in % terms is also attached to Appendix G of this report.

In summary, all parts of the proposed orders received overwhelming public support.

The responses show that the vast majority of residents are fully supportive of the Council's efforts to tackle nuisance dog owners, whilst understanding that most owners are responsible citizens who fully respect the area in which they live and accept that controls are necessary to ensure that the small minority who have no regard for the area they live in are dealt with appropriately.

The Council deals with those who fail to comply with the orders by way of Fixed Penalty Notices (FPN's) which if left unpaid, may result in prosecution. The level of the FPN's are currently set at £75.

If adopted, the notices would be publicised for a period of 30 days on the council's website before implementation and would be in force for a period not exceeding 3 years.

COMMENTS FROM STATUTORY OFFICERS:

6. SECTION 151 OFFICER

6.1 Any financial implications arising will be contained within existing budget resources

7. MONITORING OFFICER

7.1 The implementation of the PSPO can be challenged at the High Court by any interested person within 6 weeks of the making of the Order on the basis that the Council does not have the power to make the Order or that a requirement of the Act was not complied with. This has been mitigated by the Council following due process in compliance with the legislation.

Any Order approved by the Council is for a period of no more than 3 years. However, there is provision to extend the order, both in terms of the time and the area that it covers and can be extended more than once.

8. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT

8.1 Consultation took place as detailed in the report and lasted a total of 8 weeks.

9. CONCLUSION

9.1 The Council could consider a "do nothing" approach and continue to enforce the existing orders. However there will not be a review of these until October 2020 to assess if they are effective, address the anti-social behaviour in question and if the orders are in place in the correct areas.

In light of the overwhelming support shown in the consultation it is therefore recommended that Council approve the proposed orders which are relevant, necessary and consistently enforced across the borough.

Background Papers

Document	Place of Inspection
Copies of Draft Orders (Appendices A-F)	<i>Attached</i>
Copies of Consultation Questions and responses (Appendix G)	<i>Attached</i>

INITIAL EQUALITY IMPACT ASSESSMENT

Name of Policy, Decision, Strategy, Service or Function, Other: (please indicate)	Public Space Protection Orders	
Lead Officer Name(s) & Job Title(s) :	Phil Morton. Public Protection Manager	
Department/Service Area:	Public Protection	
Telephone & E-mail Contact:	01706 252442 philmorton@rossendalebc.gov.uk	
Date Assessment:	Commenced: 1/4/2019	Completed: 30/6/2019

We carry out Equality Impact Assessments (EIAs) to analyse the effects of our decisions, policies or practices. The EIA should be undertaken/started at the beginning of the policy development process – before any decisions are made.

1. Overview

The main aims/objectives of this policy¹ are:

To ensure a fair, borough wide policy of dog control whilst recognising the needs of all members of the community

(Refer to [EIA Guidance](#) for details)

Is the policy or decision under review (please tick)

New/proposed

Modified/adapted

Existing

INTERNAL ONLY

MANAGEMENT ACTION REQUIRED (to be completed by the relevant Head of Service following review by Management Team / Programme Board)

- Outcome of EIA agreed/approved by Management Team / Programme Board:
Yes No
- Is a full EIA required Yes No
- Referred back to Assessor for amendment : (date)
- Published/made publicly available on: (date)

Signed:..... (Head of Service / Director) Date:

Date of Review²:

[To be completed by Lead Officer]

¹ Policy refers to any policy, strategy, project, procedure, function, decision or delivery of service.

² This date will be set on an annual basis as default for review unless otherwise specified by you.

Responsible Section/Team		Version	
Responsible Author		Due for review	
Date last amended		Page 1 of 2	

2. Equality Impact

Using the table below please indicate whether the policy/strategy/decision has a positive, negative or no impact **from an equalities perspective** on any of the protected equality groups listed below. **Please also give consideration to wider equality of opportunity and community cohesion impacts within and between the groups identified. If you have identified any negative impact and mitigating actions are not sufficient, you will need to complete a Full Equality Impact Assessment.**

Equality		Positive Impact (It could benefit)	Negative Impact (It could disadvantage)	Reason and any mitigating actions already in place (to reduce any adverse /negative impacts or reasons why it will be of positive benefit or contribution)	No Impact
Age	Older people	<input type="checkbox"/>	<input type="checkbox"/>		X
	Younger people and children	<input type="checkbox"/>	<input type="checkbox"/>		X
Disability	Physical/learning/mental health	<input type="checkbox"/>	<input type="checkbox"/>		X
Gender Reassignment	Transsexual people	<input type="checkbox"/>	<input type="checkbox"/>		X
Pregnancy and Maternity		<input type="checkbox"/>	<input type="checkbox"/>		X
Race (Ethnicity or Nationality)	Asian or Asian British people	<input type="checkbox"/>	<input type="checkbox"/>		X
	Black or black British people	<input type="checkbox"/>	<input type="checkbox"/>		X
	Irish people	<input type="checkbox"/>	<input type="checkbox"/>		X
	White British	<input type="checkbox"/>	<input type="checkbox"/>		X
	Chinese people	<input type="checkbox"/>	<input type="checkbox"/>		X
	Gypsies & Travellers	<input type="checkbox"/>	<input type="checkbox"/>		X
	Other minority communities not listed above (please state)	<input type="checkbox"/>	<input type="checkbox"/>		X
Belief or Religion		<input type="checkbox"/>	<input type="checkbox"/>		X
Sex	Women	<input type="checkbox"/>	<input type="checkbox"/>		X
	Men	<input type="checkbox"/>	<input type="checkbox"/>		X
Sexual Orientation	Gay men, gay women / lesbians and bisexual people	<input type="checkbox"/>	<input type="checkbox"/>		X
Marriage and Civil Partnership (employment only)		<input type="checkbox"/>	<input type="checkbox"/>		X
Contribution to equality of opportunity		<input type="checkbox"/>	<input type="checkbox"/>		X
Contribution to fostering good relations between different groups (people getting on well together – valuing one another, respect and understanding)		<input type="checkbox"/>	<input type="checkbox"/>		X
Human Rights http://intranet/site/scripts/documents_info.php?categoryID=86&documentID=251		<input type="checkbox"/>	<input type="checkbox"/>		X

Responsible Section/Team		Version	
Responsible Author		Due for review	
Date last amended		Page 2 of 2	

(RBC Logo)

Anti-Social Behaviour, Crime and Policing Act 2014

Public Space Protection Order

Dog fouling of Land

Rossendale Borough Council hereby makes the following Order:

1. This Order comes in to force on **[TBC]**.
2. This Order applies to land specified in Schedule 1.

Offence

3. (1) If a dog defecates at any time during the periods specified in Schedule 2 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) 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) Nothing in this article applies to a person who –
 - (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
 - (b) has a disability which affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.
- (3) For the purposes 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) placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be a sufficient removal from the land;
 - (c) 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;
 - (d) each of the following is a “prescribed charity” –
 - (i) Dogs for the Disabled (registered charity number 700454)

- (ii) Support Dogs (registered charity number 1088281)
- (iii) Canine Partners for Independence (registered charity number 803680)

Penalty

4. A person who is guilty of an offence under article 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Date TBC

THE COMMON SEAL OF ROSSENDALE)
BOROUGH COUNCIL was hereunto)
affixed in the presence of:-)

Schedule 1.

Land to which this Order applies:

This Order will apply to any land which is open to the air and to which the public are entitled or permitted to have access within the Borough of Rossendale.

Schedule 2.

Times or Periods to which this Order applies:

At all times.

(RBC Logo)

Anti-Social Behaviour, Crime and Policing Act 2014

Public Space Protection Orders

Dogs on Leads

Rossendale Borough Council hereby makes the following Order:

- 1. This Order comes in to force on [TBC].
- 2. This Order applies to land specified in Schedule 1

Offence

3. (1) A person in charge of a dog shall be guilty of an offence if, at any time as specified in Schedule 2, on any land to which this Order applies he does not keep the dog on a lead of not more than 2 metres in length, 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) 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;

Penalty

4. A person who is guilty of an offence under article 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Date TBC

THE COMMON SEAL OF ROSSENDALE)
 BOROUGH COUNCIL was hereunto)
 affixed in the presence of:-)

Schedule 1.

Land to which this Order applies:

The Order will apply to all highways including the public roads, pavements, verges, footways and carriageways managed by Lancashire County Council and all locations within the Borough of Rossendale listed below.

The order will require people in charge of a dog or dogs to keep it/them on a lead.

Exemptions will be made for blind people with guide dogs and disabled people using trained assistance dogs.

- Adelaide Street Car Park, Crawshawbooth
- Bacup Cemetery
- Bacup Road Car Park, Waterfoot
- Bank Gardens (also known as Edenfield Memorial Gardens)
- Bank Street Car Park, Bacup
- The Blind Garden, Burnley Road, Greensclough
- Branch Street Car Park, Stacksteads
- Britannia Greenway Car Park, Britannia
- Broadley's Garden, Cribden
- Buller Street Car Park, Rawtenstall
- Burnley Road Car Park, Crawshawbooth
- Bury Road Car Park, Haslingden
- Coal Hey Car Park incorporating Deardengate Croft, Worsley
- Cowpe Memorial Garden, Whitewell
- Cowpe Road Car Park, Waterfoot
- Crankshaw Street Car Park, Rawtenstall
- Crawshawbooth Gardens, Goodshaw
- Dale Street Car Park, Haslingden
- Dale View Allotments, Rawtenstall
- Elm Street Car Park, Haslingden
- Fern Street Car Park, Bacup
- Free Lane Allotments, Helmshore
- Greenbridge Car Park, Cowpe
- Greenfield Memorial Gardens, Haslingden
- Hall Fold Churchyard, Healey and Whitworth
- Hall Street Car Park, Whitworth
- Haslingden Cemetery
- Haslingden Road Car Park, Rawtenstall
- Helmshore Memorial Gardens, Helmshore
- Hempsteads memorial Gardens, Greensclough
- Henrietta Street Car Park (off Forge Street), Bacup
- Hindle Street Car Park, Haslingden
- John Street Car Park, Haslingden

- Kay Street Long Stay Car Park, Rawtenstall
- Kay Street Short Stay Car Park, Rawtenstall
- Kirkhill Allotments, Haslingden
- Leavengreen Car Park, Shawforth
- Library Gardens, Rawtenstall, Longholme
- Lord Street (TH Upper) Car Park, Rawtenstall
- Lord Street (TH Lower) Car Park, Rawtenstall
- Maden Centre Car Park also known as Bacup Baths Car Park, Irwell
- Market Car Park, Rawtenstall
- Market Street Car Park, Whitworth
- Miller Barn Lane Car Park, Waterfoot
- Millgate Car Park, Rawtenstall
- Milner Street Car Park, Whitworth
- Moorlands Park, Greensclough (Sunken Garden)
- Newchurch Road Car Park, Rawtenstall
- New Street Car Park, Haslingden
- North Street Car Park, Whitworth
- Ormerod Street Car Park, Rawtenstall
- Phipps Buildings Car Park, Rawtenstall
- Pike Law Quarry Car Park, Haslingden
- Ratcliffe Fold Car Park, Haslingden
- Rawtenstall Cemetery
- Robert Street Car Park, Rawtenstall
- Rochdale Road Car Park, Bacup
- Salem Street Car Park, Haslingden
- Spring Garden Lane Car Park, Waterfoot
- Stacksteads Peace Garden, Stacksteads
- Stacksteads Car Park, Stacksteads
- Station Road Car Park, Whitworth
- Stubbins Garden, Eden
- Stubblee Park, Greensclough (Rose Garden)
- Town Hall Slabbed Car Park, Rawtenstall
- Tricketts Memorial Garden, Hareholme (Formal Area)
- Trough Gate Car Park, Britannia
- Water Street Car Park, Crawshawbooth
- Warth Old Road Car Park, Waterfoot
- Whitaker Park Car Park, Rawtenstall
- Whitaker Park, Rawtenstall, Longholme – Formal Gardens
- Whitworth Cemetery
- Whitworth Memorial Gardens

Schedule 2.

Times or Periods to which this Order applies:

At all times.

(RBC Logo)

Anti-Social Behaviour, Crime and Policing Act 2014

Public Space Protection Orders

Dogs on Leads by Direction

Rossendale Borough Council (in this order called “the Authority”) hereby makes the following Order:

1. This Order comes in to force on [TBC].
2. This Order applies to land specified in Schedule 1
3. In this Order “an authorised officer of the Authority” means an employee of the Authority who is authorised in writing by the authority for the purposes of giving direction under this Order.

Offence

4. (1) A person in charge of a dog shall be guilty of an offence if, at any time as specified in Schedule 2, on any land to which this order applies, he does not comply with a direction given to him by an authorised officer of the Authority to put and keep the dog on a lead of not more than 2 metres in length, 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) For the purposes 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) an authorised officer of the Authority may only give a direction under this Order to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any other person (on any land to which this Order applies) or the worrying or disturbance of any animal or bird.

Penalty

5. A person who is guilty of an offence under article 4 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Date TBC

THE COMMON SEAL OF ROSSENDALE)
BOROUGH COUNCIL was hereunto)
affixed in the presence of:-)

Schedule 1.

Land to which this Order applies:

This Order will apply to any land which is open to the air and to which the public are entitled or permitted to have access within the Borough of Rossendale.

Schedule 2.

Times or Periods to which this Order applies:

At all times.

DRAFT

(RBC Logo)

Anti-Social Behaviour, Crime and Policing Act 2014**Public Space Protection Orders****Dogs Exclusion**

Rossendale Borough Council hereby makes the following Order:

1. This Order comes in to force on **[TBC]**
2. This Order applies to land specified in Schedule 1.

Offence

3. (1) A person in charge of a dog shall be guilty of an offence if, at any time as specified in Schedule 2, he takes the dog on to, or permits the dog to enter or to remain on, any land to which this order applies 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) Nothing in this article applies to a person who –

- (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- (b) is deaf, in respect of a dog trained by Hearing Dogs for deaf people (registered charity number 293358) and upon which he relies for assistance; or
- (c) has a disability which affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.

(3) For the purposes 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; and

(b) each of the following is a “prescribed charity” –

- (i) Dogs for the Disabled (registered charity number 700454)

- (ii) Support Dogs (registered charity number 1088281)
- (iii) Canine Partners for Independence (registered charity number 803680)

Penalty

4. A person who is guilty of an offence under article 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Date TBC

THE COMMON SEAL OF ROSSENDALE)
BOROUGH COUNCIL was hereunto)
affixed in the presence of:-)

Schedule 1.

Land to which this Order applies:

This Order applies to the following land within the Borough of Rossendale (all of the land unless otherwise stated; where the phrase *play area* and *pitch area* are used this means that dogs may be walked under close control around the perimeters of these sites; the play area may or may not be fenced-off; if the play is fenced-off then dogs are not permitted within the fenced area.

- Alden Close Playground – within play area
- Barlow Fold Sports Field, Longholme – pitch area
- Britannia Playground, Irwell – within play area
- Chatterton Recreation Ground Play Area, Eden
- Clegg Street also known as Pit Pocket Park, Worsley – play areas
- Clod Lane Playground, Greenfield – within play area
- Cowpe Recreation Ground, Whitewell – play area and pitch area.
- Crawshaw Grange Play Area, Goodshaw – within play area
- Cutler Lane Playground, Stacksteads
- Dean Lane Sports Field, Water, Whitewell
- Edenfield Play Area, Eden
- Edenfield Recreation Ground, Eden – pitch area
- Edgeside Park, Whitewell – pitch area, within play area, within Multi-Use Games Area (M.U.G.A) and tennis courts.
- Fairview Recreation Ground, also known as Sunnyside, Cribden – play area, pitch area and cricket wicket
- Festival Park, Facit and Shawforth – play area and bowling green
- Goodshaw Playground also known as Moller Ring, Goodshaw – play area and bike track
- Gordon Street Playground, Greensclough

- Greenfield Memorial Gardens, Greenfield – in play area, on *kick-about* area and bowling green.
- Hall Carr Adventure Playground, Longholme – play areas
- Hamer Avenue Playground, Goodshaw – within play area
- Hawthorn Road Doorstep Green, Irwell – play area and Multi-Use Games Area (M.U.G.A)
- Helmshore Park also known as Snig Hole and Helmshore Memorial Gardens, Helmshore – play area and pitch area.
- Hill Street Playground, Goodshaw – play area
- John Street Football Pitch, Facit and Shawforth – pitch area
- Knowsley Crescent Play Area, Facit and Shawforth – within play area
- Leavengrave Pitch, Facit and Shawforth – pitch area
- Loveclough Football Pitch, Goodshaw
- Loveclough Park, Goodshaw – within play area
- Lumb Millenium Green, Whitewell – pitch area
- Lumb Playground, Whitewell
- Maden Recreation Ground, Greensclough – pitch areas, play area and bowling green.
- Marl Pits Sports Centre, Hareholme – pitches, athletic track, netball courts and all areas except designated dog walk.
- Masseycroft Playground, Healey and Whitworth – Multi-Use Games Area (M.U.G.A)
- Moorlands Park, Greensclough – within play area and pitch area.
- Mullards Playground, Waterfoot, Whitewell
- New Hall Hey Cricket Ground, Longholme
- Ratcliffe Street Play Area, Worsley
- Rising Bridge Play Area, Worsley
- Rossendale Close Play Area, Irwell – within play area
- Sharneyford Playground – play area and pitch area.
- St Peter's Playing Field, Greenfield – pitch area
- Stacksteads Recreation Ground, Stacksteads – pitch area
- Staghills Road Play Area, Hareholme – within play area
- Station Road Playground, Healey and Whitworth – within play area
- Stubblee Park, Greensclough – tennis courts, skate park and bowling greens.
- Turn Recreation Ground, Eden – play area and pitch area
- Victoria Park, Greenfield – from play area, skate park, Multi-Use Games Area (M.U.G.A) and bowling green.
- Water gardens Playground, Whitewell – within play area
- Weir Play Area, Greensclough – within play area and pitch area.
- Western Road Playground, Stacksteads – within play area or artificial pitch.
- Whitaker Park, Rawtenstall, Longholme – play areas, Multi-Use Games Area (M.U.G.A), bike track, pitch area, tennis courts and bowling green.
- Worsley Park, Haslingden – play area, tennis courts and bowling green.

Schedule 2.

Times or Periods to which this Order applies:

At all times.

(RBC Logo)

Anti-Social Behaviour, Crime and Policing Act 2014

Public Space Protection Order

Means to Pick Up Dog Faeces

Rossendale Borough Council hereby makes the following Order:

1. This Order comes in to force on **[TBC]**.
2. This Order applies to land specified in Schedule 1.

Offence

3. A person in charge of a dog on land referred to in Schedule 1 of this Order, shall be guilty of an offence, if, at any time, he/she does not comply with a direction given to him by an Authorised Officer of the Council to produce a device for or other suitable means of removing dog faeces and transporting it to a bin (whether or not the dog has defecated) unless:-

(i) That person has a reasonable excuse for failing to do so.

(2) Nothing in this article applies to a person who –

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

(b) has a disability which affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.

(3) For the purposes 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) each of the following is a “prescribed charity” –

- (i) Dogs for the Disabled (registered charity number 700454)
- (ii) Support Dogs (registered charity number 1088281)
- (iii) Canine Partners for Independence (registered charity number 803680)

Penalty

1. A person who is guilty of an offence under article 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Date TBC

THE COMMON SEAL OF ROSSENDALE)
BOROUGH COUNCIL was hereunto)
affixed in the presence of:-)

Schedule 1.

Land to which this Order applies:

This Order will apply to any land which is open to the air and to which the public are entitled or permitted to have access within the Borough of Rossendale.

Schedule 2.

Times or Periods to which this Order applies:

At all times.

(RBC Logo)

Anti-Social Behaviour, Crime and Policing Act 2014

Public Space Protection Order

Maximum Number of Dogs

Rossendale Borough Council hereby makes the following Order:

1. This Order comes in to force on **[TBC]**.
2. This Order applies to land specified in Schedule 1.

Offence

3. A person in charge of a dog on land referred to in Schedule 1 of this Order, shall be guilty of an offence, if, at any time, he/she has under their control more than 5 dogs unless;
 - (i) That person has a reasonable excuse for failing to do so.
- .
- (2) Nothing in this article applies to a person who –
 - (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
 - (b) has a disability which affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.
 - (3) For the purposes 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) each of the following is a “prescribed charity” –
 - (i) Dogs for the Disabled (registered charity number 700454)
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Schedule 1.

Land to which this Order applies:

This Order will apply to any land which is open to the air and to which the public are entitled or permitted to have access within the Borough of Rossendale.

Schedule 2.

Times or Periods to which this Order applies:

At all times.

Introduction.

Dog Control Orders have been replaced by Public Space Protection Orders (PSPOs).

Rossendale Borough Council has a number of existing Dog Control Orders which we would like to continue to enforce, by including them in the PSPO.

In addition, we would like to introduce some new requirements which will help us to deal with dog fouling and problematic dog behaviour.

We seek your views and opinions in order for us to ensure that the controls we introduce are relevant and necessary.

Please let us know your thoughts by answering the questions below.

QUESTIONS

About our existing dog control orders

Q1. The Council has existing powers which makes it an offence if a person in charge of a dog fails to clean up its faeces.

Do you think we should continue to enforce this?

YES	98%
NO	2%
DON'T KNOW	0%

Q2. Across a number of locations across the borough INCLUDING cemeteries, allotments, car parks, formal gardens and memorial gardens and all highways, roads etc. managed by Lancashire County Council (shown on document 1) it is a requirement for dogs to be under control and on a lead.

Do you think we should continue to enforce this?

YES	94%
NO	6%
DON'T KNOW	0%

Q3. Across a number of locations across the borough INCLUDING children's play areas, sports facilities, sports pitches, multi-use games areas , tennis courts, bowling greens, skate parks, bike tracks and Rossendale Leisure Trust sites (shown on document 2) dogs are excluded.

Do you think we should continue to enforce this?

YES	89%
NO	10%
DON'T KNOW	1%

Q4. The council has existing powers to enforce that dogs are placed on a lead by direction if the authorised officer deems it reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any other person, or the worrying or disturbance of any animal or bird.

Do you think we should continue to enforce this?

YES	95%
NO	5%
DON'T KNOW	0%

About the proposed additional powers

Q5. Do you think we should introduce a new offence under the PSPO requiring dog walkers to carry a 'poop bag' or other means for picking up after their dog?

YES	88%
NO	10%
DON'T KNOW	2%

Q6. Do you think we should restrict the number of dogs walked at any one time by one person to 5 dogs?

YES	83%
NO	14%
DON'T KNOW	3%

Hi, I can't see any real change since the order came into place, dog fouling seems to be still a major issue, dogs off lead on main roads, owners letting them run free on restricted areas (Fairview Park). More/better visible signage is needed across parks showing dog owners where they can and can't go and what they can and csnt do. Whittaker Park is another problem with dogs running free and fouling the park. The orders look great on paper but what is being done to actually enforce them.

Regards

xxxxxxxxxxxx



envcrime@rossendalebc.gov.uk

Public Space Protection Order Consultation

28TH July 2022

To whom it may concern,

Dogs Trust has become aware that Rossendale Borough Council has opened a consultation on a series of Public Space Protection Orders. As the UK's largest dog welfare charity, we would like to make some comments for consideration.

Dogs Trust's Comments

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.

3. Re; Dog Exclusion Order and beaches:

- With phone calls often being made to the RSPCA and Police alerting to dogs being left in hot cars in coastal areas, we would urge you to consider the danger animals may be put in, and the difficult decisions owners have to make, by not being allowed to take their dogs onto the beach.
- If the Council does choose to implement this order, Dogs Trust would encourage looking into a compromise between beach goers and dog owners, e.g. allowing dogs onto the beach in the evenings or early mornings, or having dog friendly sections on the beaches.
- Strict dog exclusion restrictions can also lead to a decrease in dog friendly tourism for businesses along the coast, which in turn could have a negative impact on the local economy.

Dogs Trust

Clarissa Baldwin House
17 Wakley Street,
London, EC1V 7RQ
T: 0207 837 0006
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www.dogstrust.org.uk

Patron: Her Majesty The Queen
Registered Charity Numbers: 227523 & SC037843

4. Re; Dog Exclusion and sport pitches

- Excluding dogs from areas that are not enclosed could pose enforcement problems - we would consider it more difficult to enforce an exclusion order in areas that lack clear boundaries.
- We feel that exclusion zones should be kept to a minimum, and that excluding dogs from all sports pitches for long stretches of the year is unnecessary. In some cases sports pitches may account for a large part of the open space available in a public park, and therefore excluding dogs could significantly reduce available dog walking space for owners.
- We would urge the Council to consider focusing its efforts on reducing dog fouling in these areas, rather than excluding dogs entirely, with adequate provision of bins and provision of free disposal bags

5. Re; Dogs on Leads Order:

- Dogs Trust accept that there are some areas where it is desirable that dogs should be kept on a lead.
- Dogs Trust would urge the Council to consider the Animal Welfare Act 2006 section 9 requirements (the 'duty of care') that include the dog's need to exhibit normal behaviour patterns – this includes the need for sufficient exercise including the need to run off lead in appropriate areas. Dog Control Orders should not restrict the ability of dog keepers to comply with the requirements of this Act.
- The Council should ensure that there is an adequate number, and a variety of, well sign-posted areas locally for owners to exercise their dog off-lead.

6. 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.

7. 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.

The PDSA's 'Paw Report 2018' found that 89% of veterinary professionals believe that the welfare of dogs will suffer if owners are banned from walking their dogs in public spaces such as parks and beaches, or if dogs are required to be kept on leads in these spaces. Their report also states that 78% of owners rely on these types of spaces to walk their dog.

Dogs Trust

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We believe that the vast majority of dog owners are responsible, and that the 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.

Dogs Trust works with local authorities across the UK to help promote responsible dog ownership. Please do not hesitate to contact should you wish to discuss this matter.

We would be very grateful if you could inform us of the consultation outcome and subsequent decisions made in relation to the Public Space Protection Order.

Yours faithfully,



Kevin Atkinson Hughes-Gandy
Community Education & Engagement

Dogs Trust

Clarissa Baldwin House
17 Wakley Street,
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INITIAL EQUALITY IMPACT ASSESSMENT

Name of Policy, Decision, Strategy, Service or Function, Other: (please indicate)	Public Space Protection Order	
Lead Officer Name(s) & Job Title(s) :	Phil Morton, Public Protection Manager	
Department/Service Area:	Public Protection	
Telephone & E-mail Contact:	01706 252442 philmorton@rossendalebc.gov.uk	
Date Assessment:	Commenced: 1/6/2022	Completed: 5/8/22

We carry out Equality Impact Assessments (EIAs) to analyse the effects of our decisions, policies or practices. The EIA should be undertaken/started at the beginning of the policy development process – before any decisions are made.

1. Overview

The main aims/objectives of this policy¹ are:
To ensure a fair, borough wide policy of dog control whilst recognising the needs of all members of the community

(Refer to **EIA Guidance** for details)

Is the policy or decision under review (please tick)

New/proposed

Modified/adapted

Existing

INTERNAL ONLY

MANAGEMENT ACTION REQUIRED (to be completed by the relevant Head of Service following review by Management Team / Programme Board)

- Outcome of EIA agreed/approved by Management Team / Programme Board:
Yes No
- Is a full EIA required Yes No
- Referred back to Assessor for amendment : (date)
- Published/made publicly available on: (date)

Signed:..... (Head of Service / Director) Date:

Date of Review²:

[To be completed by Lead Officer]

¹ Policy refers to any policy, strategy, project, procedure, function, decision or delivery of service.

² This date will be set on an annual basis as default for review unless otherwise specified by you.

Responsible Section/Team		Version	
Responsible Author		Due for review	
Date last amended		Page 1 of 2	

2. Equality Impact

Using the table below please indicate whether the policy/strategy/decision has a positive, negative or no impact **from an equalities perspective** on any of the protected equality groups listed below. **Please also give consideration to wider equality of opportunity and community cohesion impacts within and between the groups identified. If you have identified any negative impact and mitigating actions are not sufficient, you will need to complete a Full Equality Impact Assessment.**

Equality		Positive Impact (It could benefit)	Negative Impact (It could disadvantage)	Reason and any mitigating actions already in place (to reduce any adverse /negative impacts <u>or</u> reasons why it will be of positive benefit or contribution)	No Impact
Age	Older people	<input type="checkbox"/>	<input type="checkbox"/>		X
	Younger people and children	<input type="checkbox"/>	<input type="checkbox"/>		X
Disability	Physical/learning/mental health	<input type="checkbox"/>	<input type="checkbox"/>		X
Gender Reassignment	Transsexual people	<input type="checkbox"/>	<input type="checkbox"/>		X
Pregnancy and Maternity		<input type="checkbox"/>	<input type="checkbox"/>		X
Race (Ethnicity or Nationality)	Asian or Asian British people	<input type="checkbox"/>	<input type="checkbox"/>		X
	Black or black British people	<input type="checkbox"/>	<input type="checkbox"/>		X
	Irish people	<input type="checkbox"/>	<input type="checkbox"/>		X
	White British	<input type="checkbox"/>	<input type="checkbox"/>		X
	Chinese people	<input type="checkbox"/>	<input type="checkbox"/>		X
	Gypsies & Travellers	<input type="checkbox"/>	<input type="checkbox"/>		X
	Other minority communities not listed above (please state)	<input type="checkbox"/>	<input type="checkbox"/>		X
Belief or Religion		<input type="checkbox"/>	<input type="checkbox"/>		X
Sex	Women	<input type="checkbox"/>	<input type="checkbox"/>		X
	Men	<input type="checkbox"/>	<input type="checkbox"/>		X
Sexual Orientation	Gay men, gay women / lesbians and bisexual people	<input type="checkbox"/>	<input type="checkbox"/>		X
Marriage and Civil Partnership (employment only)		<input type="checkbox"/>	<input type="checkbox"/>		X
Contribution to equality of opportunity		<input type="checkbox"/>	<input type="checkbox"/>		X
Contribution to fostering good relations between different groups (people getting on well together – valuing one another, respect and understanding)		<input type="checkbox"/>	<input type="checkbox"/>		X
Human Rights http://intranet/site/scripts/documents_info.php?categoryID=86&documentID=251		<input type="checkbox"/>	<input type="checkbox"/>		X

Responsible Section/Team		Version	
Responsible Author		Due for review	
Date last amended		Page 2 of 2	