

REPORT FROM: Chief Executive

TO: Colne and District Committee

DATE: 7 July 2022

Report Author: Tim Horsley
Tel. No: 01282 661280
E-mail: tim.horsley@pendle.gov.uk

Public Spaces Protection Order – Dog Control

PURPOSE OF REPORT

To update the Committee on proposals and options for renewal of the Dog Control Public Spaces Protection Order (PSPO)

RECOMMENDATIONS

- (1) To, having invited comments from the public, approve the renewal of the Dog Control Public Spaces Protection Order generally and to include sites in Colne and District specifically.
- (2) To approve amendments for King George V Playing Fields and Waterside Junior Play Area.

REASON FOR RECOMMENDATIONS

To enable the Council and its partners to respond to concerns regarding behaviour that is detrimental to the quality of life in public spaces in Pendle, including enforcement action.

ISSUE

1. A Public Spaces Protection Order for Dog Control was signed and sealed on 20 September 2019 for a period of three years. The PSPO relates to dog fouling in any space accessible by the public in Pendle, dog restrictions in cemeteries, war memorials and memorial gardens and no dogs and no smoking in children's play areas (which are not otherwise included in either the Parks or Sports Grounds PSPO).
2. During May and June Members, partners and the public were encouraged to comment on the renewal of the PSPO.
3. The comments from the public are attached as Appendix 1. Many of the comments relate to dog restrictions in the Council's cemeteries.

4. As a result of the consultation with Town and Parish Councils, King George V MUGA and Children's Play Area can be removed as they are covered by the Parks PSPO for both no dogs and no smoking. Waterside Senior Play area can be removed because the equipment has been merged into the Junior Play Area. The plan for the latter will be amended accordingly.

IMPLICATIONS

Policy: The legislation reinforces the continuing role of the Council in responding to anti-social behaviour

Financial: The opportunity the legislation provides and public expectation imply that these powers will be used by the Council and cost will be incurred. It is anticipated that the implementation and the enforcement of the powers described above can be dealt with within existing staffing resources.

The cost of publicising the Orders (i.e. signage at all entrances of an area covered by an order per entrance) will be managed within approved budgets.

Legal: The Council has the lead role on the use of PSPOs. Members of the public have a right of appeal on the basis the Council did not have the power to make the order or to include particular prohibitions or requirements or that one or more of the preliminaries has not been complied with (eg consultation). Appeals are heard in the High Court.

Risk Management: The legislation supports those elements of the Risk Management Plan relating to community safety; environmental crime and environmental protection.

Health and Safety: Direct intervention in the enforcement of breaches poses a risk for the staff involved which is mitigated through the Council's risk assessments, lone working policy, use of the high risk database and working in partnership with other agencies.

Sustainability: The legislation supports those elements of the Sustainable Communities Strategy relating to community safety; environmental crime and environmental protection.

Community Safety: The legislation re-enforces the continuing role of the Community Safety Partnership; the Partnership Plan and local delivery on community safety within an area and county based strategic landscape.

Equality and Diversity: The legislation was subject to a detailed government impact assessment.

APPENDICES

- Appendix 1 – public comments
- Appendix 2 – PSPO No.1 2019

Appendix 1

Favourable	Excellent idea. Fed up of dog dirt everywhere. There was some on my husband's grave in Barrowford cemetery.
	I take my two dogs to Colne cemetery to visit my parents grave. I have both dogs on a lead and if they foul I pick it up. However I realise some people don't and don't have their dogs on leads. I don't see it would make a difference having one dog only. It won't solve the fouling. However there is more litter than dog mess laying around. Regarding playgrounds dogs should be banned from areas where children play. Like dog fouling you wouldn't stop people smoking.
	The order is perfectly reasonable and I see no reason it should not continue in the same format in the future. The only change may be to allow two dogs with one person in cemeteries, as a lot of people have two dogs. However like any order judicious enforcement is essential. Education, persuasion and then enforcement. Make sure that those enforcing are not on a target of issuing so many fines per day. Make sure that signage and bins are provided. That signage is clear and obvious. That bins are regularly emptied.
	Good idea but not patrolled in marsden park where I have seen people in the childrens park area smoking and some even take their dogs in ! More and more people are allowing their dogs to foul on the pavement and never pick up. If there is going to be a rule then it needs to be enforced or it's a waste of time and money and effort. I'm case you were wondering I am a dog owner and have been for over 50 years but taking a dog out these days is like running the gauntlet of dog poo and smashed glass bottles!!!
	I am in full support of the proposed PSPO and agree that the order should enforces that <ul style="list-style-type: none"> • anyone walking dogs in any space accessible to the public is held responsible for picking up their dog's poo • only one dog, which must be on a lead, per person is allowed to be taken into any of the Council's cemeteries • dogs and smoking in children's play areas is banned dogs are banned from a number of war memorials and memorial gardens – only exception might be guide dogs
	I hope that a balanced view can be taken in which the needs of dog owners can be taken into consideration together with those of others who either do not like or are afraid of dogs. Several family members are buried or have niches in the cemetery at the top of Barrowford Park and I would prefer to be able to pay my respects without someone's dog wandering around, especially if they are fouling in the area. What for one person is a much loved family pet running towards or jumping up at someone in a friendly way can be annoying or frightening for others.
	I would like to add my support for the Renewal of the PSPO, extending it for a further 3 years.
	Good idea regarding the control of dogs in certain public areas. I myself have a dog.
	With regards to the rules, these must be displayed fully at every entrance to the areas affected. You cannot expect everyone to know the rules nor can you enforce them if public are not aware
	I am a dog owner and already do comply with the proposed items on dog fouling.

	I would like to have another thing made punishable and that would be for any dog owner not having their dog on a lead in a field where there is livestock.
	<p>I am in full support of the public space protection orders however if they are never policed or patrolled I can't see why there is a need for them?</p> <p>I regularly visit the Cemetery in Colne with my Wife and Father-in-law to visit their late Mother and Wife respectively. However, upon almost every visit people walking dogs through the cemetery have them not only off the lead but let them run and foul wherever they want, including on grave sites!</p> <p>I find it totally disrespectful and when challenging the individuals am just presented with a torrent of abuse.</p> <p>The idea of the protection orders is a good one, however the execution and policing / patrolling of them seems non-existent to me.</p> <p>Will this change if the orders are renewed or simply stay the same?</p>
	A critical piece of legislation which must be extended. Dog fouling in parks and play areas remains a large problem. Two questions on my mind, is £100 a big enough fine? How can this be effectively monitored and policed to ensure compliance?
	<p>I am a very responsible dog owner & always pick up after my 2 little dogs but I have noticed recently that this is not the case by many people in Heyhead Park in Brierfield even when you say something to them.</p> <p>My friend who I walk round the park with is always picking up after other peoples dogs & this happen twice sometimes three times a day.</p> <p>My attitude is if they don't clean up after their dog then don't have one</p>
	Please can we have a public spaces order for dog fouling on Albert Road especially if not all of Colne public footpaths it's downright disgusting and dangerous to people on foot I saw an elderly gent almost do the splits one evening a few months ago as he couldn't see what the pile of muck he had stepped in poor chap. I'm sick of getting it all over my mobility scooter wheels as on a pavement the is very little room to dodge it in tighter stretches of paving. There seems to be a dog fouling concern between Albert Rd/Lord Street Junction right up to Stanley House Vets area. Although some days have there has been improvements then it lapses again sadly.
	Keep it going it's very important not to get rid of this
	Make horse riders clean up on public roads and bridleways.
	My comment on Public Space Protection Orders, as notified by Pendle BC in email dated 18 May22, is that said orders must be renewed. I make this comment because I am unsure whether the intention is to renew or not, based on the contents of the above invitation to 'have your say'.
	<p>We feel strongly about management of dogs in public places.</p> <p>There are too many dogs off lead and therefore out of control in all public places.</p> <p>Not enough people pick up after their dogs and when they do the ground underneath is left dirty and contaminated.</p> <p>Some people have more than one dog and often combine a cemetery visit with a dog walk so maybe that point needs updating to allow maybe two dogs per person.</p>
	Yes please renew

	<p>Dog fouling is creating back. Please step up checks and step up information to the public that checking is back.</p>
Less favourable	<p>"allows only one dog, which must be on a lead, per person to be taken into any of the Council's cemeteries"</p> <p>Why does it specifically say 1 dog per person? Why can't 1 person bring 2 or 3 dogs, on leads?</p>
	<p>I would like to make my views on the pspo orders known to you. 1 dog in cemeteries is unworkable for many people. Dogs are pack animals therefore most responsible owners have more than one dog. We have 3 and visit Wheatlands cemetery weekly to say hi to our departed loved ones. It would cause considerable distress and hard work to not take them. It would mean more car journeys if this can't be part of our dog walks as we then go on to visit surviving relatives.</p> <p>I also think dogs should be allowed in playgrounds as long as they are on a lead or tied up to a bench/railings etc. many families have both dogs and young children and they shouldn't be made to choose between spending fun time with their children or the dogs.</p> <p>Dogs should be well behaved and properly socialised and penalties for not being in control of your dogs should be strict. The same for not cleaning up after your dogs. But the fact remains that dogs are part of the family and should be allowed in public places that are made for families and recreation.</p>
	<p>For this mainly affects myself as I have a dog and take to various places and like most dog owners do utmost to pick up dog mess which is absolutely right they should do.</p> <p>How these orders are enforced is a concern for some dog owners is recently and I will use Alkincoates park as example where alleged enforcement officers have approached people alleged to be in breach of order relating to area the dog was let off. The fact they intimidated the lady by telling her they will walk to nearest cash machine as example is totally unacceptable and should the lady in question contacted the police the alleged officers whom refused to show proof who they were is a disgrace.</p> <p>I have no concerns that all dog walkers/owners know whats required but people should be approached in manner that is polite.</p> <p>Now onto the rule of one dog per person in public space areas is impractical for some whose job may require having a few dogs to walk at same time. This I believe needs looking into more.</p> <p>When it comes to June 10th and then July when decisions are made are the public who use the spaces able to attend if not this should for transparency purposes as a minimum.</p> <p>Regarding the make up of the decision makers as we all know some cultures are anti dog which I fully understand and accept as an issue but in order for the decisions to be based nothing but fact based concerns.</p> <p>This can be an emotive issue and while I personally thus far do not feel this way some owners feel the agenda over time is getting more and more anti dig.</p>

	<p>I have two dogs and visit the cemetery to visit my relatives graves . Why will I be restricted to one dog ? There are many one dog owners who allow there one dog to roam off leash and don't pick up poo. So I am being held responsible and barred for no other reason than owning two dogs?</p>
	<p>Not all dog walkers are the same so why are we all going to be stopped from walking more than 1 dog per person. I am a single person with 4 dogs I always clean up after them and they are always on leads under control.</p> <p>Please don't tar us all with the same brush when it's the usual suspects who will just carry on without respect.....,</p>
	<p>I agree with everything which you have listed except banning dogs completely from war cemeteries. I can't see the sense in that. I am surprised that there is a notable omission regarding dogs still being allowed on sports fields. Even if a dog defecates on a sports field and is cleaned up by a responsible dog owner, there will be residue which could cause harm to an amateur sportsperson</p>
	<p>I object to the suggestion that only one dog on a lead can be taken into a cemetery. Many people have two dogs. Yes, they should be on a lead, but please extend to no more than two dogs. I agree with the other suggestions. Dogs should not be walked where children play + all dog faeces should be picked up by the owner. Sadly, some owners don't pick</p>
	<p>As a Nelson resident, I place dog fouling at the very bottom of my ranking order for public nuisance; and as a close friend of many responsible dog owners, I feel the PSPO proposal is ill-conceived. Whilst I see sense in banning dogs from children's play areas, the majority of the proposal's suggested enforcements fail to make public spaces safer and, in fact, blanket exclude an entire section of the population for no tangible reason.</p> <ul style="list-style-type: none"> - Dog owners are already required by law to pick up after their dogs, irrespective of whether they are in a park, playground or any other public space. - There is no justifiable reason why responsible owners of multiple dogs should not be allowed to take these to visit a loved one's grave in a council-owned cemetery provided that the dogs are kept on leads and under control. - Likewise, there is no justifiable reason why responsible dog owners should be banned from walking their dogs (on leads) in memorial gardens. <p>Perhaps the Council needs to remember that public spaces are intended for use by the Public - including dog owners. Passing blanket bans on dog owners disproportionately and unfairly impacts on the vast majority of dog owners who keep their pets under control - for example, my 64-year-old neighbour who owns two well-kept dogs, and many dog owners of her generation, who are already increasingly marginalised in our society.</p> <p>Personally speaking, I feel Pendle Council would far better be investing its energy in tackling more serious forms of antisocial behaviour - such as littering, fly-tipping, and the burgeoning illegal-drug trading and consumption in our public spaces.</p>