

Proposal to introduce a Public Space Protection Order for Dacorum Borough Council

In October 2014 the Anti-Social Behaviour, Crime & Policing Act 2014 introduced new powers relevant to tackling Anti-Social Behaviour. Public Space Protection Orders (PSPO's) can be used to regulate activities in particular public places that have a detrimental effect on the local community.

Dacorum Borough Council is consulting on a proposed Public Space Protection Order (PSPO) that covers the behaviour of dogs and their owners.

Accompanying this survey is a Frequently Asked Questions leaflet which will help explain what a PSPO is and how it can help address antisocial behaviour in our Public Spaces.

We'd like to hear your views, so please complete this questionnaire by 14th September 2018

For the purposes of this proposed Order:-

- (a) A person who has a dog in his/her possession shall be taken to be a person in charge of a dog;
- (b) Placing faeces in a waste receptacle provided for this purpose shall be a sufficient removal from the land;
- (c) Being unaware of the defecation or deposit of faeces (whether by not being in the vicinity at the time or otherwise or not having a suitable receptacle) shall not be a reasonable excuse for failure to comply with this Order.

Section A: Dog Fouling

Issue 1- Dog Fouling across the whole Borough of Dacorum

All dog owners know the importance of carrying sufficient means to clear up any foul. We monitor areas where we have received complaints and engage with local dog walkers to talk about the issues not picking up causes. However, dog fouling complaints remain high across many parts of the Borough. As well as being very unpleasant there is also a risk to humans of Toxocariasis. This is an infection caused by roundworm parasites. Humans can catch it from handling soil or sand contaminated with infected animal faeces. This usually affects young children because they are more likely to come into contact with contaminated soil when they play and put their hands in their mouths.

To help alleviate this problem we propose the following orders:

Proposed Order One

A person in charge of a dog in any public place within the Borough of Dacorum (excluding National Trust land shown in schedule 3) must forthwith clear up and remove any faeces deposited by the dog and either take away the faeces or place the faeces in a general litter or dog waste bin;

Proposed Order Two

A person in charge of a dog in any public place within the Borough of Dacorum must comply with any request from a Constable or a person duly authorised by the Council to clear up and/or remove any faeces deposited by the dog where they have otherwise failed to do so. The faeces must either be taken away or placed in a general litter or dog waste bin;

Proposed Order Three

A person in charge of a dog in any public place within the Borough of Dacorum must have with them an appropriate means to pick up dog faeces deposited by that dog. The obligation is complied with if, after a request from an authorised officer, the person in charge of the dog produces an appropriate means to pick up dog faeces.

Note: Order one, two and three do not apply to any person who is disabled by virtue of visual impairment or any other disability which affects manual dexterity, physical coordination or the ability to bend down or lift/carry everyday objects. This would make it difficult or impossible to comply with the requirement in respect of any dog which is trained by a registered charity on which he/she relies for assistance.

Q1. Do you agree or disagree with the proposed requirement that faeces deposited by a dog must be removed and either taken away or placed in a general litter or dog waste bin within the areas shown on the map in Schedule 3 (Please note this excludes National Trust land).

Yes I agree

No I don't agree

Don't know

If you do not agree, please tell us why in the box below

Q2. Do you agree or disagree with the proposed requirement that if any person responsible for a dog fails to clear up and/or remove any faeces deposited by the dog they can be requested by a Constable or an authorised officer to do so within the areas shown on the map in Schedule 2.

Yes I agree No I don't agree Don't know

If you do not agree, please tell us why in the box below

Q3. Do you agree or disagree with the proposed requirement that any person responsible for a dog must have with them an appropriate means to pick up dog faeces deposited by that dog within the areas shown on the map in Schedule 2?

Yes I agree No I don't agree Don't know

If you do not agree, please tell us why in the box below

Section B: Dogs on Leads

Issue 2 – Dogs to be placed on leads if requested by an authorised officer – to apply across the whole Borough of Dacorum

The council recognises that the vast majority of dog owners are responsible and keep their dogs under control while they are out. However, if they are not properly supervised and kept under control, dogs that are allowed off a lead in public areas can cause nuisance or even injury to members of the public or other animals and may cause road traffic accidents.

We believe that, for animal welfare reasons, it is advantageous for dog owners to be able to exercise their dogs off lead in open spaces. We do, however, recognise that on certain occasions or in certain circumstances, the option should exist for authorised officers to require a dog to be put on a lead. Dogs that are considered to be not under proper control will become subject to this part of the Order.

The proposal is therefore that all public land in the borough or land to which the public has access will be subject to a Public Space Protection Order, which would require the person in control of a dog to put the dog on a lead if requested to do so by an authorised officer. Authorised officers will carry appropriate identification.

This means we can deal with any behaviour by a dog that is likely to cause annoyance or disturbance without introducing overly restrictive measures on all dogs and dog owners at all times.

Proposed Order Four

A person in charge of a dog on any public place within the Borough of Dacorum must comply with a direction given to them by a Constable or a person duly authorised by the Council to put and keep the dog on a lead (no more than 2m fixed length) unless:

- (a) they have 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.**

Failing to comply with such a direction is an offence.

Note: An authorised officer may only give a direction under this Order if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog that is likely to cause annoyance or disturbance to any other person. If a person puts a dog on a lead but fails to keep hold of the lead or affix it to something suitable so that the dog remains under his close control they will commit an offence.

The Countryside and Rights of Way Act 2000 requires a short lead to be used in certain circumstances. A short lead is defined as less than 2m and of fixed length. The proposal is that when there is a requirement in the Order for a dog to be on a lead, a lead shall be defined as being of fixed length and of not more than 2m. We believe that the use of extendable leads in excess of 2m does not represent effective control in relation to proposals made above.

Q4. Do you agree or disagree with the proposed requirement that dogs must be placed on a lead if required by a Constable or an authorised officer within the areas shown on the map in Schedule 2?

Yes I agree No I don't agree Don't know

If you do not agree, please tell us why in the box below

Q5. Do you agree or disagree with this proposal to define the length and type of lead to be used when there is a requirement for a dog to be on a lead?

Yes I agree No I don't agree Don't know

If you do not agree, please tell us why in the box below

Section C: Dog Exclusions

Issue 3 – Exclusion of dogs from Children’s play areas

We recognise the role of outdoor play for health and wellbeing and that we make public spaces as child-friendly as possible. We are proposing that dogs are excluded from any enclosed children’s play area that contain children’s play equipment such as slides, swings, climbing frames, water fountains and similar apparatus (Please note that there will be some exemptions to the exclusions, e.g. registered assistance dogs).

Proposed Order Five

A person in charge of a dog in a public space within the borough of Dacorum Borough Council is prohibited from allowing the dog to enter the “Dog Exclusion Zones” these include fenced children’s play areas, adventure playgrounds and splash parks defined in Schedule 1 hereto;

Note: This prohibition does not apply to any person who is disabled in respect of any dog which is trained by a registered charity on which he/she relies for assistance.

Q6. Do you agree or disagree with the proposed requirement that dogs should be prohibited from all children’s play areas?

Yes I agree

No I don’t agree

Don’t know

If you do not agree, please tell us why in the box below

Q7. Are we missing anything?

Are there any other dog related issues that you feel are detrimental to your quality of life in Dacorum that you would like to see included in a PSPO?

Suggestions:

Reasons

Your Relationship to Dacorum

Please identify your relationship to Dacorum. Please cross all that apply.

- Local resident who lives within the Dacorum Borough Council Boundary.
- Local resident who lives outside the Dacorum Borough Council Boundary.
- Person who works within the Dacorum Borough Council Boundary.
- Local Business owner/manager.
- Land owner within the proposed area.
- Visitor to Dacorum.
- Local Councillor (Town or County).
- Parish Council
- Representative of a local community or voluntary group.
- Employed by the Council, Police or any other agency with an interest.
- Other (please state)

Public Space Protection Order Consultation –Dacorum Borough Council Frequently Asked Questions

Q: What is a Public Spaces Protection Order (PSPO)?

A: PSPOs were introduced in October 2014 by the Antisocial Behaviour, Crime and Policing Act 2014 and are designed to allow a Council to deal with a particular nuisance or problem behaviour in a particular area (a public space) 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 will specify those behaviours or conditions that are designed to ensure the law abiding majority can use and enjoy the public space, safe from anti-social behaviour.

Q: Why do we need a dog related PSPO in Dacorum?

A: It has been identified by Dacorum Borough Council and partners and that there are a number of dog related issues that are having a persistent negative impact with people who live, work or visit Dacorum. These issues have been identified via complaints made to the Council from the public, businesses and other interested parties.

Q: How is the PSPO going to be enforced?

A: Enforcement of the PSPO will be undertaken in the main by the authorised officers of Dacorum Borough Council with assistance from the police where required. The PSPO is not intended to target any particular person – it will apply to all persons whose behaviour or dogs behaviour is considered unacceptable

Q: What happens if I breach the PSPO?

A: Where a person breaches the PSPO, an authorised officer will have a number of options open to them and will exercise discretion in how they handle any situation. Depending on the nature of the breach the authorised officer can issue a verbal warning and require an immediate cessation of the behaviour causing the breach of the PSPO. Authorised Officers could issue a Fixed Penalty Notice (FPN) either at the time or at a later date or to report that individual for consideration of legal proceedings.

In any case where an individual fails to pay a FPN issued by an authorised officer for a PSPO breach within the specified timescale, Dacorum Borough Council will review the evidence obtained and where appropriate commence legal proceedings for the original breach.

Q: When is the consultation taking place and how do I get involved?

A: The consultation will close 14th September 2018 you can respond by completing the survey questions and by submitting any other information you consider is pertinent.

The survey is available on our website www.dacorum.gov.uk/consultation and you can respond by completing the on-line survey, or by sending in your survey response via email to dogpspo@dacorum.gov.uk or by posting it to the Public Space Protection Order consultation, Environmental & Community Protection, The Forum, Marlowes, Hemel Hempstead, HP1 1DN

Q: What will happen to the information I provide as part of the consultation

A: The data collected will be analysed to help determine whether the correct conditions are being included in the PSPO. The data will not be shared outside this consultation but will be made available for Cabinet reports. Names or other personal data will not be published unless permission is specifically given by the consultee.

Q: How will the decision be made whether or not to implement the PSPO?

A: The survey responses will be analysed with the results and any proposed amendments reported back to local councillors at the next suitable Cabinet meeting of Dacorum Borough Council. A decision on whether or not to implement the PSPO will then be made.

AREA AFFECTED BY THE PROPOSED PSPO

Schedule 1- Dog Exclusion Zones

Children's Play Parks

Hemel Hempstead

Name	Area	Directions
High Street Green	Adeyfield	By Briery Way
Reith Fields	Adeyfield	Off Longlands
Durrants Hill	Apsley	Field by canal
Barnacres	Barnacres Road	Bennetts End
Swan Mead	Belswains Lane	Kingfisher Drive
Apsley Lock	Belswains Lane	Open space leading to footbridge, end of Stephenson Wharf
Wharf Road	Boxmoor Common	Boxmoor
Chaulden Lane Playing Field	Chaulden Lane	Chaulden
Gadebridge Park (King George V)	Gadebridge Park	By Queensway Carpark
Wood View (Gadebridge Park West)	Gadebridge	West side of Gadebridge Park off Gadebridge Lane
Margaret Lloyd Park	Grovehill	Aycliffe Drive opposite Henry Wells Square
Grovehill Playing Field*	Grovehill	Washington Avenue
Randalls Park	Highfield	Allandale
Jocketts	Chaulden	Jocketts Road
Malmes Croft	Leverstock Green	Green by Northend shops
Barley Croft	Leverstock Green	Off Woolmer Drive
Westwick Field	Leverstock Green Playing Field	Behind Leverstock Green Village Centre
Coronation Fields	Leys Road	Behind Bennetts End Community Centre
Lockers Park	Lockers Park	By car park on Hanger Close, off Lockers Park Lane
Keens Field	Queensway (B487)	Entrance to field by Nickey Line bridge
Jarman Park	St Albans Hill	By Dacorum Athletics Track
Water Gardens	Town Centre	Within Water Gardens
Marlowes	Town Centre	Main section adjacent to WH Smith, with

Name	Area	Directions
		continued play areas throughout the town centre
Warners End Valley (Upper)	Warners End	Galley Hill
Northridge Park	Warners End	Northridge Way, rear of Warners End shops
Warners End Valley (Lower)	Warners End	Along footpath from Butts End to Spring Lane
Woodhall Farm Open Space	Woodhall Farm	Open space, rear of community centre

Berkhamsted and Tring

Name	Area	Directions
Velvet Lawn	Berkhamsted	Playing field top of Swing Gate Lane
Butts Meadow	Berkhamsted	Kings Road
Lagley Meadow	Berkhamsted	Field next to sports centre on Shrubland Road
Normandy Drive	Berkhamsted	Bridgewater Road
George Street	Berkhamsted	George Street
Mortimer Hill	Tring	Field next to Tring School
Sutton Close	Tring	Off Wingrave Road
Miswell Lane	Tring	Access through gate by 86 Miswell Lane, or from Goldfield Road

Kings Langley and Villages

Name	Area	Directions
Rucklers Lane	Kings Langley	Behind 115-133 Rucklers Lane
The Nap	Kings Langley	Green beyond community centre
Beechfield	Kings Langley	Entrance from garage site at side of No.1
Church Lane	Bovingdon	Rear of school field, opposite St Lawrence's Church
Hyde Lane	Bovingdon	Old Dean
Boundary Cottages	Bovingdon	Chipperfield Road
Markyate	Cavendish Road	By access road to village hall
Tower Hill	Chipperfield	Access along lane by The Boot

Name	Area	Directions
Croft Meadow	Chipperfield	End of road by woods
Great Gaddesden	Church Meadow	Off Pipers Hill
Flaunden	Flaunden	By village hall
Gaddesden Row	Gaddesden Row	Field side of 14 Gaddesden Row

Town and parish council play areas

Name	Area
Little Gaddesden	Church Road
Long Marston	Tring Road, behind village hall
Markyate	Pickford Road, footpath beside no 21
Nash Mills	Bunkers Lane, by junction with Belswains Lane
Northchurch Rec Gd	High Street, sports ground
Pond Close	Tring, by Red Cross Hall
Potten End	Plough Lane
Wigginton	Vicarage Road
Wilstone	Tring Road, by village hall

Any new children's parks built during the duration of the PSPO will also become dog exclusion zones

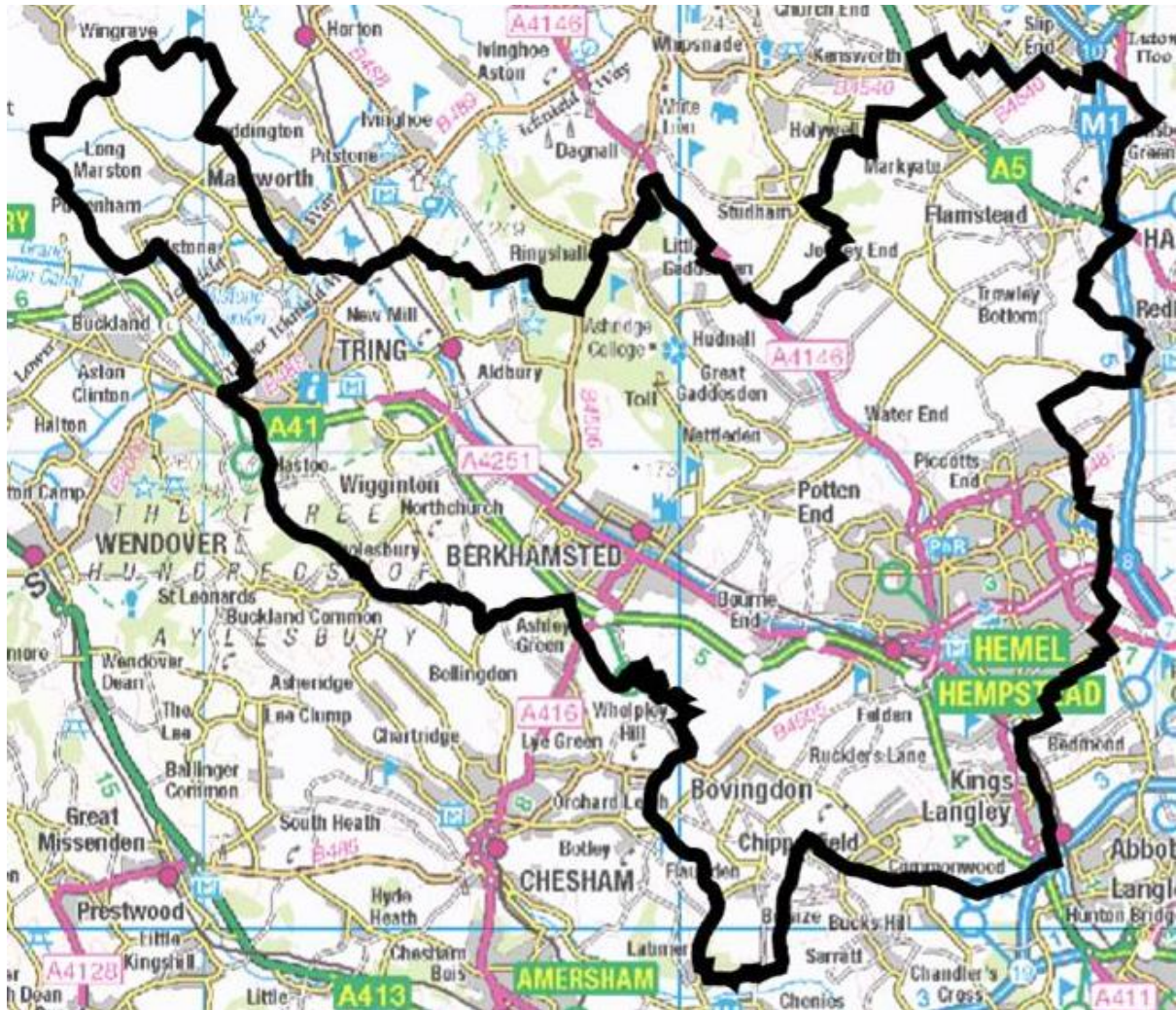
Adventure playgrounds

- Adeyfield Adventure Playground, Turners Hill, Hemel Hempstead, Herts, HP2 4LD
- Grovehill and Woodhall Farm Adventure Playground, Redbourn Road, Hemel Hempstead, Herts, HP2 7BA
- Chaulden Adventure Playground, Long Chaulden, Hemel Hempstead, HP1 2HX
- Bennetts End Adventure Playground, Rant Meadow, Hemel Hempstead, Herts, HP3 8EQ

Splash Parks

- Gadebridge Park

Schedule 2: Map corresponding to proposed Order 2, 3 & 4 – Whole Borough



Schedule 3: Map corresponding to proposed Order 1 –Whole Borough excluding National Trust land (National Trust land is shaded)

