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FAO Town/Parish Clerk

Date: 7 July 2018

Dear Sir/Madam

Consultation about Dog Fouling and the adoption of a Public Spaces Protection Order (PSPO) Anti-Social Behaviour Crime and Policing Act 2014.

I am writing to consult with you on a proposal to declare a Public Spaces Protection Order (PSPO) across the Cotswold District, with regard to dog fouling. Dog fouling remains a significant issue, with the Council receiving approaching 200 complaints over the last three years.

The Council is proposing:

- 1. The existing dog fouling provisions remain in place;**
- 2. The level of fine increases to the maximum of £100 per offence.**

In 2014, through a change in legislation, Dog Control Orders became Public Spaces Protection Orders (PSPOs). PSPOs are time limited however and they must be reviewed periodically to determine whether their provisions should remain in place. As part of our periodic review we would welcome your views:

- 1 Would you like the controls in the former Order to continue?
- 2 If not, please outline why this is the case and submit any evidence you may have gathered to support your comment.
- 3 You may suggest additional controls if you have a body of evidence to suggest that these contribute to anti-social behaviour which would be solved by the introduction of a new measure.
- 4 An £80 Fixed Penalty Notice could be issued to anyone found breaching the former Dog Control Order. We propose that the legal maximum fixed penalty fine of £100 for a breach of a PSPO, reduced to £75 for early payment (within 14 days). If you disagree with this amount please state why.

Prosecution of an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale (£1,000). The maximum amount is fixed by statute.

Enforcement

- District council officers of Environmental and Regulatory Services (ERS) formerly enforced the provisions of DCOs.
- Under the new Order, in Gloucestershire, Police Officers as well as Council Officers have powers to issue fines and prosecute for breaches of PSPOs.

The benefit of course is to increase the likelihood of catching offenders thereby increasing the deterrent to this anti-social behaviour.

We would welcome your views or ideas about the enforcement of the Order.

Consultation

The period of consultation ends on 27th August 2018. If you need extra time, please advise and this will be taken into account.

You can respond by email, heading it PSPO CONSULTATION, to

ers@publicagroup.uk .

Or in writing to

Environmental and Regulatory Services, PSPO CONSULTATION,
Cotswold District Council.
Trinity Road,
Cirencester
Gloucestershire
GL7 1PX

Yours faithfully



Mr P Measures
Service Leader
Operations

Environmental and Regulatory Services

Consultees

- Office of the Police and Crime Commissioner
- Gloucestershire Constabulary
- Gloucestershire County Council
- Towns and Parish Councils of the Cotswold District

Dog Control Order and proposed new PSPO

Offence

1. (1) If a dog defecates at any time on the land to which this Order applies and a person who is in charge of the dog at the time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless –
 - (a) he has 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 whom he relies for assistance.
3. 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) placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be 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.

Application of Order

5. This order applies to all land which is within the administrative area of Cotswold District Council and which is -

(i) Open to the air (which includes land that is covered but open to the air on at least one side);
and

(ii) including land which is within the administrative area of Cotswold District Council to which the public are entitled or permitted to have access with or without payment of the following descriptions:

a. Any highway, footway, footpath and towpath over which the public have a right of way on foot and adjoining verges which are maintained at public expense. This may include some areas of access land;

b. All pedestrianised areas to which the public have access;

c. Open spaces which are owned, occupied or maintained by or on behalf of Cotswold District Council, Gloucestershire County Council, a Registered Social Landlord/Housing Association or any Town or Parish Council within Cotswold District Council including car parks, parks, play areas and sports grounds;

d. Any cemetery, burial ground or churchyard;

2. Excepted from the description in paragraph 1 above is -

(i) Land that is placed at the disposal of the Forestry Commissioners under section 39 (1) of the Forestry Act 1967.