

Public Spaces Protection Order Dog Control



Public Spaces Protection Order on dogs

The PSPO, which comes into force on 1st June 2017, means dog walkers risk a £100 fine and potentially prosecution if they fail to:

- Pick up their dog's poo
- Carry the means for picking up their dog's poo while on a walk
- Stop their dog from entering a fenced-off playground
- Place their dog on a lead when directed by a Council officer

FAQs: Here are some frequently asked questions about the order.

What is a Public Space Protection Order?

A Public Space Protection Order, also known as a PSPO, is a new power available under the Anti-Social Behaviour, Crime and Policing Act 2014.

An order can be used to control certain activities in a specified area if two conditions are met:

- That the activities have had or are likely to have, a detrimental effect on those in the locality
- That the effect is, or is likely to be, persistent and continuing nature and is or is likely to be such as to make those activities unreasonable and that restrictions are justified.

Which parts of Malvern Hills District are covered by the PSPO?

The whole of Malvern Hills District is covered by the PSPO.

Why are you implementing a Public Space Protection Order for dog control?

The Antisocial behaviour, Crime and Policing Act 2014 brought in more powers, including replacing existing Dog Control Orders. We'd like to implement a PSPO for dog control to extend our powers and encourage responsible dog ownership. In turn, this will help make Malvern Hills an even cleaner, greener, healthier and safer place in which to play, live, work or visit by:

- Reducing the number of dog fouling incidents across the county
- Enabling powers to request dogs are placed on leads when directed to do so by an authorised officer
- Making fenced off play areas safe and welcoming for children to enjoy
- Improving the local community, environment and health and wellbeing for all.

What if I'm asked to show a dog poo bag and I refuse? Do Council officers have powers of stop and search?

Officers have no powers of stop and search – but it is an offence to fail to produce a bag or other means for picking up after your dog when asked by an

authorised officer. The officer will ask for your name and address and issue a fixed penalty notice (FPN) of £100, if you refuse or are unable to produce a bag. People are reminded it is a criminal offence to obstruct an authorised officer in their duty.

Where does the requirement to pick up after my dog apply?

The PSPO states that a person in charge of the dog must *'remove dog faeces from any land to which is open to the air and to which the public have access'*. Therefore, the requirement to clean up after your dog *'from any land to which is open to the air and to which the public have access to'* is a legal definition.

It means you must pick up your dog's foul outdoors in parks and on open spaces, on the footpath, highway, bridleways or any other area which someone else could reasonably be expected to access. This excludes your own private front or back garden but includes outdoor communal areas in a flat complex.

I only take one bag out with me on a walk – what if I am approached after I've used it?

We would urge dog owners to take a handful of bags with them on every walk – you never know when your dog might decide to go twice. However, officers will take a common-sense approach to the new powers. The FPN's are not in place as a money-making scheme or to 'catch-out' responsible owners. Officers will generally approach people at the start of their walk – at the entrance to parks or in car parks at popular dog walking spots – when owners would be expected to have a supply of bags with them. Officers will also be reasonable when considering any explanation offered as to why a person is not carrying bags.

How will these new rules be enforced?

Malvern Hills District Council has three officers (2.0FT) who carry out a range of enforcement and engagement work. These officers routinely patrol dog fouling hotspots across the district, including early mornings, evenings and on weekends. They may be in plain clothes and also unmarked vehicles in order to keep a low profile.

What about dog walkers who have poo bags but no intention of picking up after their dogs?

The main offence of failing to pick up after your dog will still be enforced. Officers will target dog fouling hotspots with the intention of catching the small minority of dog owners who are still failing to pick up after their dogs.

Why might I be told to put my dog on a lead?

Most dogs love being off the lead and in many circumstances – so long as your dog is safe and under control – that is absolutely fine. However if an authorised officer has formed the opinion that a dog is causing danger or serious nuisance

to other persons or their dogs the owner will be ordered to bring it under control on a lead.

When would you prosecute a dog owner rather than issue them with a fixed penalty?

A prosecution might be appropriate for repeat offenders, or if the offence is so serious that it merits prosecution. For example a dog owner that allows their dog to be dangerously out of control despite being directed by an officer to put it on a lead may risk prosecution, rather than a FPN.

I've bagged my dog's poo but there is no dog poo bin around. What should I do?

Dog poo can be bagged and placed in any public bin – it does not have to go in a dog poo bin. If there are no bins available it can be taken home and put into a dustbin.

How are you informing people of the new rules?

We will erect clear signage at sites across the district warning people across the district, the few month under the new powers will also focus on educating dog owners about the new rules. There will be a press release, the PSPO available on the Council website and leaflets.

I use an assistance dog – do the same rules apply?

The measures do not apply to assistance dogs used by the blind or by persons registered as disabled who lack the physical ability to comply with the requirements of the PSPO.

I've seen a dog walker allow his dog to foul without picking it up. What should I do?

Please report it to the Council with as much information as possible, such as:

- The time/date/location of incident
- The frequency of the offence if it happens regularly
- A description/breed of the dog
- Any other descriptions to help identify the offender, including their name and address if known.

Are other councils implementing PSPOs for dog control?

Yes, many other local government authorities have already implemented PSPOs for dog control, including neighbouring councils such as Sunderland City Council, Durham City Council and Daventry District Council for example.