

Council Offices

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COTSWOLD
DISTRICT COUNCIL

PRIVATE & CONFIDENTIAL

FAO Town or Parish Clerk

Your Ref: Renewal of PSPO

Please ask for: Kevin Lea

Tel: 01285 623000

E-mail: ers@publicagroup.ukThursday 24th June 2021

Dear Sir/Madam

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

We are writing to consult with you on a proposal to renew Public Spaces Protection Order (PSPO) across the Cotswold District for a further three years with regard to dog fouling effective January 2022. Dog fouling remains a significant issue, with the Council receiving approaching 300 complaints over the last three years. The behaviour of irresponsible dog owners to allow dog fouling is likely to be detrimental and have an adverse effect on residents, visitors and those that work within the area of Cotswold District Council.

The PSPO is required in order to ensure that there are no public areas of land where dog fouling is unenforceable. A local authority may renew a PSPO if satisfied on reasonable grounds that the following two conditions are met

- That activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried on in a public place within that area and that they will have such an effect
- That the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the notice

The Council is proposing:

- The existing dog fouling provisions remain in place
- The level of fine remains at the maximum of £100 per offence
- 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.

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:

- Would you like the controls in the Order to continue?
- If not, please outline why this is the case and submit any evidence you may have gathered to support your comment

Enforcement

- Under the order, Police Officers, PCSCO'S as well as Council Officers have powers to issue fines and prosecute for breaches of PSPOs.

The issue of dog fouling is one that the community expects the local authority to take action on. Cotswold District Council is committed to making our District cleaner, greener and safer for all.

Consultation

We would welcome your views or ideas about the renewal of this Order. The period of consultation ends at 17.00 on Friday 30th July 2021.

We would ask that you reply directly to me with your comments by 5:00pm on Friday 30th July, by email PSPO consultation to ers@publicagroup.uk

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

Yours faithfully

Kevin Lea

KEVIN LEA
Officer
ENVIRONMENTAL REGULATORY SERVICES



PUBLIC SPACES PROTECTION ORDER (PSPO 1/2021)

**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
PART 4, SECTION 59**

Cotswold District Council makes this Order, being satisfied on reasonable grounds that activities in the location described in paragraph 2 of this Order have had or are likely to have a detrimental effect on the quality of life of those in the locality, and that these activities involved various anti-social behaviours. Further, Cotswold District Council believes that the effect, or likely effect, of the activity described in paragraph 1 of this Order is (or is likely to be) persistent in nature, such as to make the activity unreasonable and justifies the restriction imposed on this notice.

Cotswold District Council hereby requires by way of this Order that

1. The activities described below are hereby prohibited as from the date of this Order:
 - (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)

2. 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.

3. If without reasonable excuse you breach the prohibition in paragraph 1 you may be issued with a fixed penalty notice of £100 or prosecuted reduced to £75 for early payment (within 14 days). If you are prosecuted and convicted the maximum penalty is a fine not exceeding level 3 on the standard scale (currently £1,000).

4. This Order shall remain in place until for 3 years