

REPORT TO: Executive Board

DATE: 18 January 2024

REPORTING OFFICER: Executive Director - Environment & Regeneration

PORTFOLIO: Community Safety

SUBJECT: Public Spaces Protection Order – Dog Control

WARD(S) Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To ask members to consider and approve a Public Spaces Protection Order for Dog Control to help tackle dog fouling and other forms of irresponsible dog ownership.

2.0 RECOMMENDATION: That

- 1) **Members approve that the Dog Control Public Spaces Protection Order attached as Appendix 1 is made;**
- 2) **The Dog Control Public Spaces Protection Order comes into effect as of 1st of February 2024; and**
- 3) **Delegated authority be granted to the Executive Director – Environment & Regeneration, to make variations to the Dog Control Public Spaces Protection Order, but only to the extent of varying where the Dogs on Leads and Dog Exclusion Provisions of the Dog Control Public Spaces Protection Order shall apply, and only in such circumstances where appropriate consultation has been carried out which provides support for any proposed variation.**

3.0 SUPPORTING INFORMATION

3.1 The Anti-social Behaviour, Crime and Policing Act 2014 provides local authorities with powers to tackle a range of anti-social behaviour through the creation of Public Spaces Protection Orders (PSPOs) where they are satisfied that activities are taking place that:-

- Are having, or are likely to have, a detrimental effect on the quality of life of those in the locality;
- Is, or is likely to be, persistent or continuing in nature;
- Is, or is likely to be, unreasonable, and;
- Justifies the restrictions imposed.

- 3.2 Dog fouling and other forms of anti-social behaviour associated with irresponsible dog ownership have a detrimental effect on local people. The Council recognises that the vast majority of dog owners and walkers are responsible, pick up after their dogs and keep them under proper control, however, there is a minority who do not. In order to reduce the risk of nuisance or harm to the public, and to ensure that members of the local community can enjoy a clean and safe environment, the Council introduced a Public Space Protection Order in 2019 to replace previous dog control orders.
- 3.3 The Order introduced in 2019 enabled officers to use enforcement powers to hold those responsible for irresponsible dog ownership, covered by the Order, accountable. The Order was produced having regard to the "Public Space Protection Orders Guidance for Councils" issued by the Local Government Association and was introduced following a lengthy consultation exercise which saw a high rate of responses that showed support for the Council's proposals. Members are advised that there are no material changes to the 2019 Order in the proposed 2024 Order.
- 3.4 Consultation on the proposed 2024 Dog Control Public Spaces Protection Order took place between August and September 2023. Responses to the consultation have been reviewed, considered and clarity added in light of responses. Members are advised that those who responded to the consultation agreed with the Council's proposal.
- 3.5 The proposed 2024 Order is attached as Appendix 1. Members will note that the land to which each of the individual Provisions of the Order shall apply is as follows:-
- Schedule 1 - Imposes four requirements on dog owners which apply borough-wide and cover any public spaces to which the public has access.
 - Schedule 2 - Sets out the 'Dogs on Leads Areas'. These are locations where it is believed that there are specific issues in allowing dogs to run free at any time, and in particular, a concern that if dogs were allowed off a lead in the identified areas it may cause nuisance or even injury to members of the public or other animals.
 - Schedule 3 - Lists the Dog Exclusion Areas. These are locations where, in the interests of members of the local community, and in particular children, the Council considers that dogs should not be allowed to enter such as play areas. The Council has always considered it inappropriate for dogs to be taken into cemeteries and these too are covered by this Provision and Schedule.

- Schedule 4 - Contains plans of five locations listed in Schedules 2 or 3. The five Plans have been produced for areas where the Provisions of Schedule 2 or Schedule 3 both apply, or where either applies to only part of an area, and have been produced to remove any ambiguity that may arise as a result.

3.6 Those who breach a PSPO face being issued with a warning, a Fixed Penalty Notice (FPN) of up to £100 or prosecution and a fine of up to £1,000.

The Council's approach is always that prevention is better than cure and, whilst the PSPO would continue to provide the Council with enforcement powers, the primary aim is to provide a more proactive and effective approach to promoting responsible dog ownership throughout the borough and to deter irresponsible behaviour by those in control of dogs; thereby reducing the need for enforcement action.

In accordance with its Enforcement Policy, the Council will ensure that its approach to dealing with any breach of the provisions of the new PSPO is proportionate to the risk to public health, safety, and the environment, as well as an individual's previous record of compliance. With this in mind, the circumstances where FPNs would be issued are as follows:-

- Where an individual is caught failing to clear up after their dog has fouled;
- Where an individual has been issued with, and has ignored, previous advice, guidance or warnings and continues to fail to comply with any of the provisions of the PSPO, and;
- Where an individual blatantly ignores the reasonable requests of an authorised officer to comply with the requirements of the PSPO. For example, failing to put a dog on a lead where the officer has genuine concerns for the safety of others due to the behaviour of the dog, or, where an individual refuses to remove a dog from a 'dog exclusion zone' where the officer feels that the presence of the dog gives rise to genuine concerns for the safety of others.

3.7 This report asks Members to approve that the Public Spaces Protection Order for Dog Control, as attached at Appendix 1, be in force for a further three years from 1st of February 2024.

4.0 **POLICY IMPLICATIONS**

4.1 The re-introduction of the PSPO will not represent any changes to the existing policy for dog control as these changes were made when the PSPO was originally introduced in 2019.

5.0 FINANCIAL IMPLICATIONS

- 5.1 There will be financial implications as a result of the need to erect new or amended signage following the re-introduction of a PSPO but this is expected to be minimal as most signage is still sufficient from the previous Order.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children & Young People in Halton

The Order will help ensure safe play spaces for children and young people.

6.2 Employment, Learning & Skills in Halton

None identified.

6.3 A Healthy Halton

By enhancing its ability to deter irresponsible behaviour by some dog owners, the Council will be making a positive contribution towards improving the safety and the appearance of the local environment, which shall in turn have an overall beneficial effect on health and wellbeing.

6.4 A Safer Halton

Effective use of its regulatory powers will demonstrate that the Council is committed to dealing with anti-social behaviour caused by irresponsible dog owners contributing to a Safer Halton.

6.5 Halton's Urban Renewal

No direct impact but improving the safety and attractiveness of local neighbourhoods should make the borough a more attractive location for investment.

7.0 RISK ANALYSIS

- 7.1 If the Council fails to put in place control measures to effectively tackle anti-social behaviour caused by irresponsible dog owners, the risks of nuisance or harm to the public would be significantly increased.

Furthermore, failure to make best use of legislative powers available to deal with such anti-social behaviour may lead to criticism of the Council; thereby damaging its reputation.

8.0 EQUALITY AND DIVERSITY ISSUES

- 8.1 The Council aims to be consistent and even-handed in all regards. Taking enforcement action to help control anti-social behaviour caused by irresponsible dog owners is not intended to have either a positive or negative impact upon equality and diversity or apply differently to any particular group.

The PSPO will not apply to the owners of assistance dogs used by the blind or by those who are unable as a result of a disability to comply with the legislation.

9.0 CLIMATE CHANGE IMPLICATIONS

- 9.1 None identified.

10.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Executive Board Report Board Report 18 th July 2019: Public Spaces Protection Order – Dog Control	Municipal Building Kingsway Widnes	Nicola Goodwin, Divisional Manager Community Safety & Protection
Safer Policy & Performance Board Report 20 th June 2023: Public Spaces Protection Order – Dog Control	Municipal Building Kingsway Widnes	Nicola Goodwin, Divisional Manager Community Safety & Protection



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

The Borough of Halton Dog Control Public Spaces Protection Order 2024

The Borough Council of Halton (in this Order called “The Council”) hereby makes the following Order under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014:

1. COMMENCEMENT AND DURATION

This Order comes into force on 1st February 2024 and will remain in force for a period of 3 years until 31st January 2027, unless extended by further Orders under the Council’s statutory powers or unless revoked, in whole or in part, and superseded by further Order.

2. PENALTIES AND DEFINITIONS

- A person who fails to comply with any obligation imposed by this Order is guilty of a criminal offence by virtue of section 67(1) of the Anti-social Behaviour Crime and Policing Act 2014 and liable on summary conviction to a fine not exceeding level 3 on the standard scale or a Fixed Penalty Notice of a maximum £100.
- “Person(s) in charge” means the person who has the dog in his possession, care or company at the time the offence is committed or, if the dog is not accompanied by a person, the owner or person who habitually has the dog in his possession.
- “an Authorised Person” means an employee, partner agency or contractor of Halton Borough Council who is authorised in writing by Halton Borough Council for the purposes of giving directions under the Order.
- “The Restricted Area” is the land identified in Schedule 1 of this Order.

3. OBLIGATIONS ON PERSONS IN CHARGE OF DOGS IN THE RESTRICTED AREA

The following Provisions apply to all persons in charge of dogs in the Restricted Area except those specifically exempted by paragraph 6 of this Order.

i. Fouling of Land

If a dog defecates at any time on any land to which this Provision of the Order applies a person who is in charge of the dog must remove the faeces from the land forthwith unless:

- (a) he/she 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/her failing to do so.

For the purposes of this Provision of the Order:

- 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;
- 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.

ii. Dogs on Leads by Direction

A person in charge of a dog on any land to which this Provision of the Order applies must comply with a direction given to him/her by an Authorised Person of the Council to put and keep the dog on a lead that shall be of fixed length and of not more than 2 metres unless:

- (a) he/she 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/her failing to do so.

An Authorised Person may only give a direction under this Provision if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog that is likely to cause annoyance, disturbance or harm to any other person, or to a bird or another animal.

iii. Maximum Number of Dogs

A person in charge of more than one dog must not, at any time, and at the same time, take more than 4 dogs onto, or permit more than 4 dogs to enter or to remain on, any land to which this Provision of the Order applies unless:

- (a) he/she has reasonable excuse for doing so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to him/her doing so.

iv. Means to Pick up Dog Faeces

A person in charge of a dog on land to which this Provision of the Order applies must have with them appropriate means to pick up dog faeces deposited by that dog and must provide evidence of this if asked to do so by an Authorised Person unless

- (a) he/she 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/her failing to do so.

This obligation is complied with if, after a request from an Authorised Person, the person in charge of the dog produces an appropriate means to pick up dog faeces forthwith.

For the purposes of this Provision, “appropriate means” shall be defined as being a receptacle, bag or sack which has been specifically made for the purposes of picking up and properly disposing of animal faeces, or is of such type or design so as to allow it to be used for such purposes.

4. DOGS ON LEADS

A person in charge of a dog on any land to which this Provision of the Order applies must keep the dog on a lead that must be of fixed length and of not more than 2 metres unless:

- (a) he/she 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/her failing to do so.

This Provision of this Order shall apply only to the Dogs on Leads Areas specified in Schedule 2.

5. DOG EXCLUSION

A person in charge of a dog must not take it onto, or permit the dog to enter or to remain on, any land to which this Provision of this Order applies unless:

- (a) he/she has reasonable excuse for doing so; or

- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to him/her doing so.

This Provision of this Order shall apply only to the Dog Exclusion Areas specified in Schedule 3

6. EXEMPTIONS

Nothing in this Order shall apply to:

- (a) A person who is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- (b) A person with a disability as defined by the Equality Act 2010 and who relies upon a dog trained by a prescribed charity for assistance.

THE COMMON SEAL of

HALTON BOROUGH COUNCIL

was hereunto affixed in the
presence of:

Authorised Signatory

SCHEDULE 1

THE RESTRICTED AREA

Any land within the administrative area of Halton Borough Council, which is open to the air, including covered land which is open to the air on at least one side, and to which the public are entitled or permitted to have access with or without payment.

SCHEDULE 2

DOGS ON LEADS AREAS

Widnes Parks and Play Areas

- Crow Wood Park, Bancroft Road, Widnes, Cheshire. WA8 3LL
- Hale Park, Town Lane, Hale Village, L24 (in part) shown coloured yellow on Plan A in Schedule 4.
- Hough Green Park, Royal Avenue, Widnes, Cheshire, WA8 8HL
- Spike Island Park, Widnes, WA8 0DF (in part) shown coloured yellow on Plan B in Schedule 4
- Upton Green, Widnes, WA8 4NS, shown coloured yellow on Plan C in Schedule 4.
- Victoria Park, Birchfield Avenue, Widnes, Cheshire, WA8 6PX (Except in the fenced dog exercise area)

Runcorn Parks and Play Areas

- Palacefields Ball Play, Palacefields Avenue, Runcorn.
- Ridding Lane Ball Court, Runcorn, WA7 6PF
- Rock Park, Runcorn, WA7 5SU
- Town Hall Park, Runcorn, WA7 5TD (in part) shown coloured yellow on Plan D in Schedule 4.
- Runcorn Hill Park, Runcorn, WA7 4SS (in part) shown coloured yellow on Plan E at Schedule 4.
- Wellington Street Play Area, Runcorn, WA7 1LB
- Roehampton Drive Multi-Sports Area, Hallwood Park Runcorn, WA7 2GT
- Roehampton Drive Playground, Hallwood Park Runcorn, WA7 2GT

Gardens

- Birchfield Gardens, Birchfield Road, Widnes.
- West Bank Promenade, St Mary's Road, West Bank, Widnes.

Widnes Allotments

- Avondale, Alongside 4 Birtley Court, Widnes, WA8 7WA
- Rear of 5 Cunningham Road, Widnes, WA8 8EE
- Deansway, Between 128 -130 Hale Road, Widnes, WA8 8SY
- Derby Road, Rear of 12 Factory Lane, Widnes, WA8 9FW
- Dykin Road, at the side of garage at 36 Hilary Close, Widnes, WA8 3HT
- Hale Bank, at the side of 31 Halebank Road, Widnes, WA8 8NA

- Hale Road, to rear of 253 – 269 Hale Road, Widnes, WA8 8QB
- Halton View, at the side of 1 Halton View Road, Widnes, WA8 0TS
- Lancaster Road, at the side of 2 Lancaster Road, Widnes, WA8 9TY
- Side of 14 Laurel Bank, Widnes, WA8 6QB

Runcorn Allotments

- Clifton Road, Beechwood Avenue, Runcorn, WA7 4SB
- Dukesfield, Leinster Road, Runcorn, WA7 1ER
- Haddocks Wood, Off Warrington Road, Runcorn, WA7 1RE
- Heath Road, Runcorn, WA7 5TA
- Oak Drive, Runcorn, WA7 5HE
- Weston Road, Runcorn, WA7 4JU

SCHEDULE 3

DOG EXCLUSION AREAS

Widnes Cemeteries

- Peel House Cemetery, Peel House Lane, Widnes.
- Widnes Cemetery, Birchfield Road, Widnes.

Runcorn Cemeteries

- Runcorn Cemetery, Greenway Road, Runcorn.
- Runcorn Cemetery Extension, Langdale Road, Runcorn.
- Halton Cemetery, East Lane, Runcorn.

Formal Gardens

- Chinese Friendship Gardens, Runcorn Town Hall, Heath Road, Runcorn, WA7 5TD (in part) shown coloured red on Plan D in Schedule 4.
- Town Hall Grounds Formal Gardens, Runcorn, WA7 5TD, shown coloured red on Plan D in Schedule 4.

All land within the Council's administrative area comprising any fenced (and/or hedged and/or walled) Children's Play Areas, Multi-Sport Areas listed below;

Widnes Playgrounds

- Caldwell Road, Caldwell Road, Widnes. WA8 7EA
- Crow Wood Park, Bancroft Road, Widnes. WA8 3LL
- Hale Park Play Area, Hale Park, Town Lane, Hale Village, Liverpool, L24, shown coloured red on Plan A in Schedule 4.
- Halebank Recreation Ground, Blackburne Avenue, Widnes.
- Hough Green Park, Royal Avenue, Widnes. WA8 8HL
- King George's Park, Dundalk Road, Widnes.
- Plumbley Gardens, Off Liverpool Road, Widnes.
- Stewards Avenue, Widnes.
- St Marie's Community Park, Ann Street West, Widnes.
- Spike Island Catalyst, West Bank, Widnes WA8 0DF, shown coloured red on Plan B in Schedule 4.
- Upton Playground, Bechers, Hough Green, Widnes, shown coloured red on Plan C in Schedule 4.

- Upton Rocks Park (Junior), Queensbury Way, Upton Rocks, Widnes.
- Upton Rocks Park (Toddler), Queensbury Way, Upton Rocks, Widnes.
- Victoria Park (Toddler), North End of Victoria Park, Near Lockett Road, Widnes.
- Victoria Park (Junior), North End of Victoria Park, Near Lockett Road, Widnes.
- West Bank Promenade, St Mary's Road, West Bank, Widnes.

Widnes Multi-Sport Areas

- Arley Drive Pitches, Widnes.
- Crow Wood Park, Bancroft Road, Widnes. WA8 3LL
- Derwent Road, Royal Avenue, Widnes.
- Frank Myler Recreation Grounds, Widnes.
- Frank Myler Sport & Recreation Ground Pitches, Widnes.
- Grizedale Ball Play, Grizedale, Widnes.
- Halebank Recreation Ground, Clapgate Crescent, Widnes
- Hale Park, Town Lane, Hale Village, Liverpool, L24 (in part) shown coloured red on Plan A in Schedule 4.
- Hough Green Park (Tennis), Royal Avenue, Widnes. WA8 8HL
- Kingsway Wavertree Avenue and Squires Avenue, Widnes.
- Kingsway CRMZ, Vicarage Road Widnes WA8 7QL
- King Georges Park Games Area, Dundalk Road, Widnes.
- King George V Recreation Ground Pitches, Widnes.
- Leigh Recreation Pitches, Lowerhouse Lane, Widnes
- Prescott Road Pitches, Widnes
- Spike Island, West Bank, Widnes, shown coloured red on Plan B in Schedule 4.
- St. Marie's Community Park, Ann Street West, Widnes.
- Upton Rocks Park, Queensbury Way, Upton Rocks, Widnes.
- Upton Multi-Use Games Area, Bechers, Widnes. shown coloured red on Plan C in Schedule 4.
- Victoria Park Wheel Play, Birchfield Avenue, Widnes. WA8 6PX
- Victoria Park Basketball, Birchfield Avenue, Widnes. WA8 6PX
- Victoria Park Tennis, Birchfield Avenue, Widnes. WA8 6PX
- Victoria Park Interactive Water feature, North end of Victoria Park, Near Lockett Road, Widnes.

Runcorn Multi-Sport Areas

- Castle Rise Youth Activity Park, Off Halton Road, Runcorn.
- Egerton Street Ball Play, Egerton Street, Runcorn.
- Haddocks Wood Pitches, Runcorn WA7 1RE

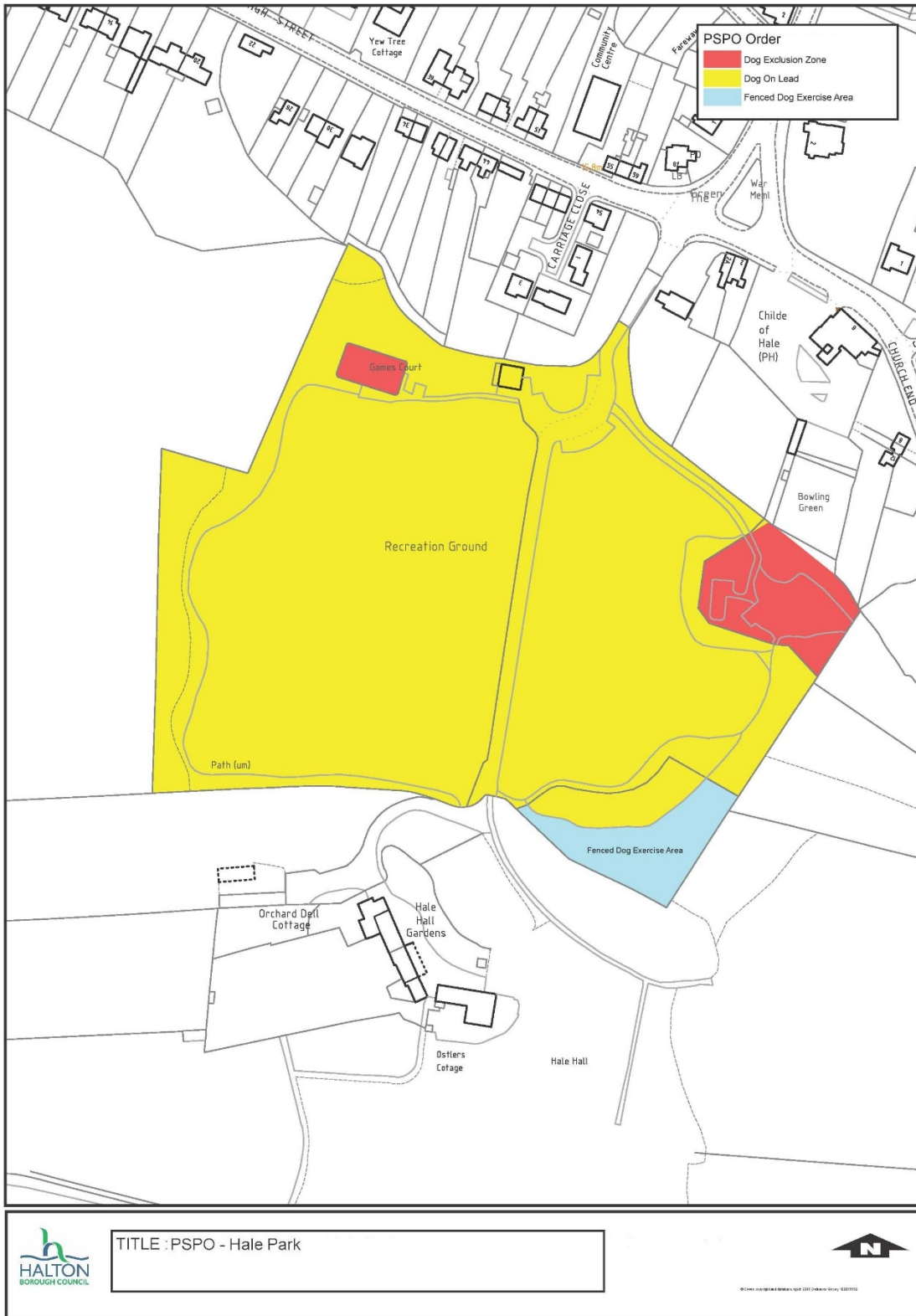
- Phoenix Park, Youth Activity Park (T), Castlefields Avenue East, Castlefields, Runcorn.
- Queen Elizabeth II Playing Field Pitches, Runcorn.
- Rock Park Ball Play Area, Rock Park, Union Street, Runcorn, WA7 5SX
- Runcorn Hill Park Pitches, Runcorn, WA7 4SS, as referred in Schedule 4.
- Runcorn Hill Park – Tennis Court, Highlands Road, Runcorn, shown coloured red on Plan E in Schedule 4.
- Russell Road Wheel Play, Russell Road, Runcorn. WA7 4BG
- Multi-Use Games Area, The Glen, Runcorn.
- The Glen, Palacefields Avenue, Runcorn.
- Multi-Use Games Area, Town Hall Grounds, Heath Road, Runcorn, WA7 5TD, shown coloured red on Plan C in Schedule 4.
- Windmill Hill Avenue South Ball Play Area, Runcorn.

Runcorn Playgrounds

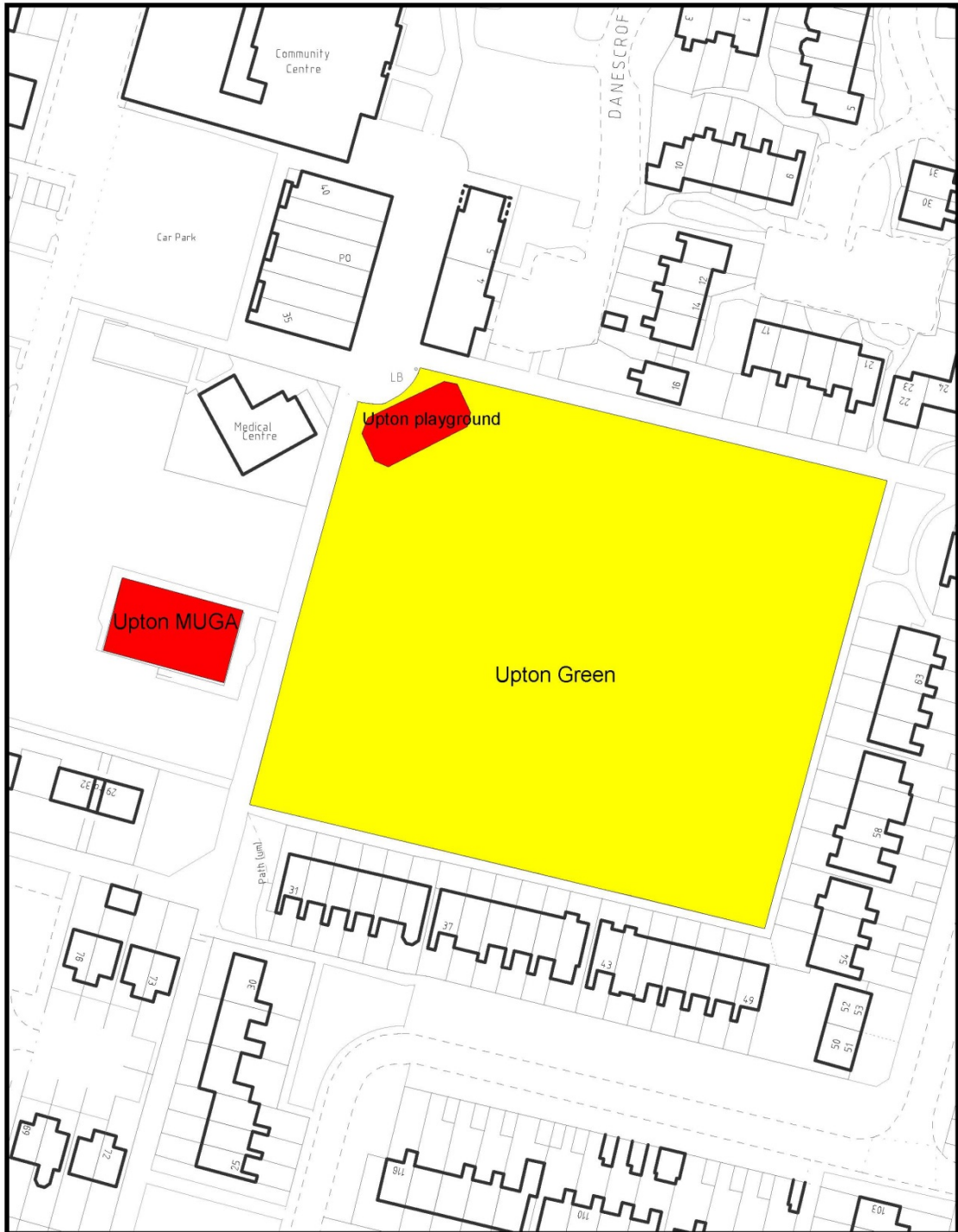
- Castle Rise Playground, Off Halton Road, Runcorn.
- Castner Avenue, Weston Point, Runcorn.
- Cavendish Street, Runcorn.
- Coronation Road, Preston Brook, Runcorn.
- Hale View Playground, Hale View, Runcorn. WA7 4BS
- Hill View, Beechwood, Runcorn,
- Leinster Gardens, Runcorn. WA7 1EG
- Murdishaw Play Centre (1 Old), Barnfield Avenue, Runcorn.
- Murdishaw Play Centre (2-New), Barnfield Avenue, Runcorn.
- Newmoore Lane, Sandymoor, Runcorn.
- Norton Cross, Broadfields, Runcorn.
- Park Road, Runcorn.
- Phoenix Park Play Area, Castlefields Avenue East, Castlefields, Runcorn.
- Pitts Heath Lane, Sandymoor, Runcorn.
- Rock Park Play Area, Union Street, Runcorn, WA7 5SX
- Six Acre Lane, Moore.
- Town Hall Grounds, Heath Road, Runcorn, WA7 5TD (in part) shown coloured red on Plan D in Schedule 4.
- Town Park, Runcorn.
- Trinity Park, Parker Street, Runcorn.
- Walsingham Drive, Sandymoor, Runcorn.
- Weaver Road, Weston Village, Runcorn.
- Woodlands Play Centre, Castlefields, Runcorn.

SCHEDULE 4

PLAN A – Hale Park

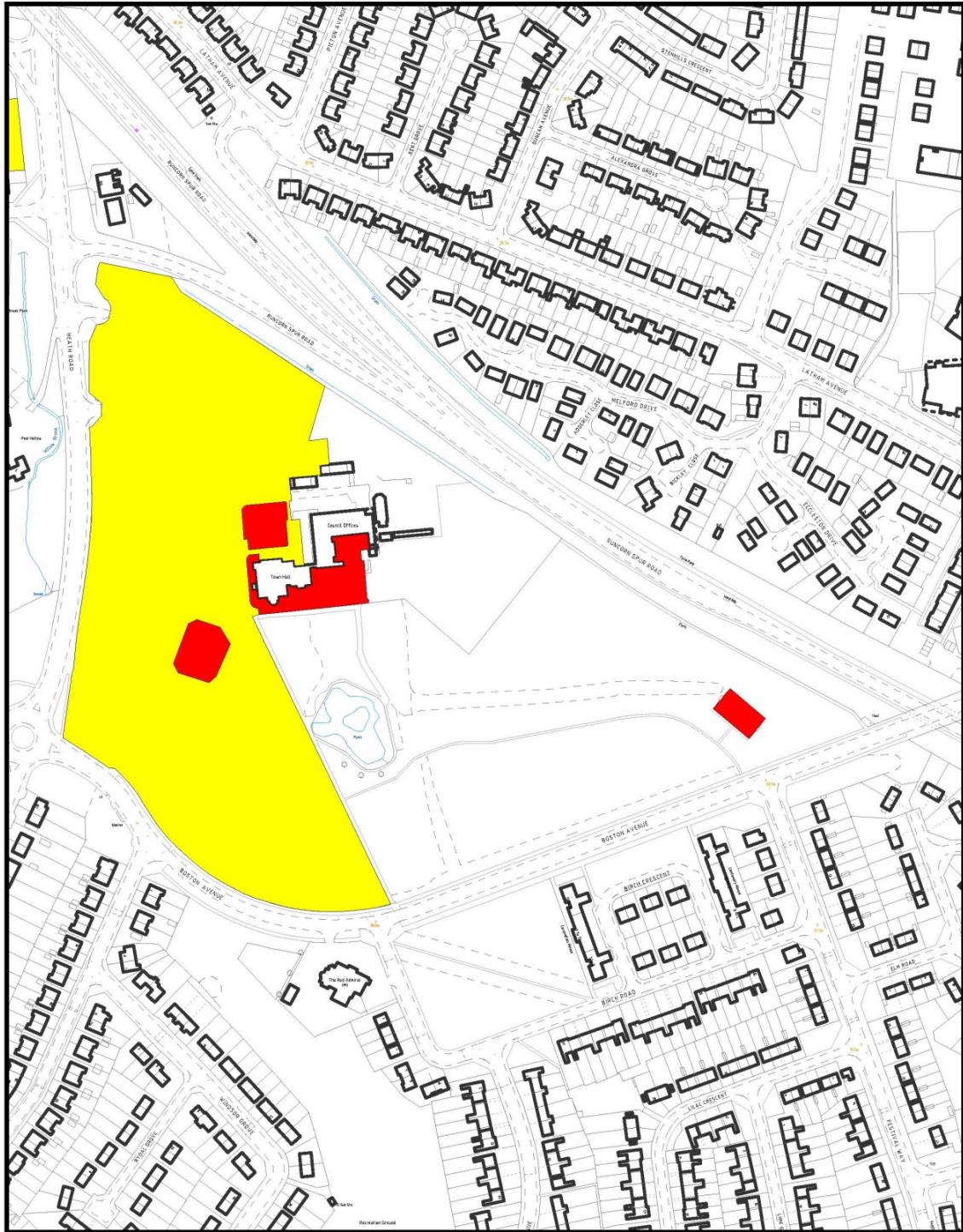


PLAN C – UPTON GREEN



	TITLE PSPO Site - Upton Green	PSPO Site - Upton Green  Dog on lead zone  Dog exclusion zone	
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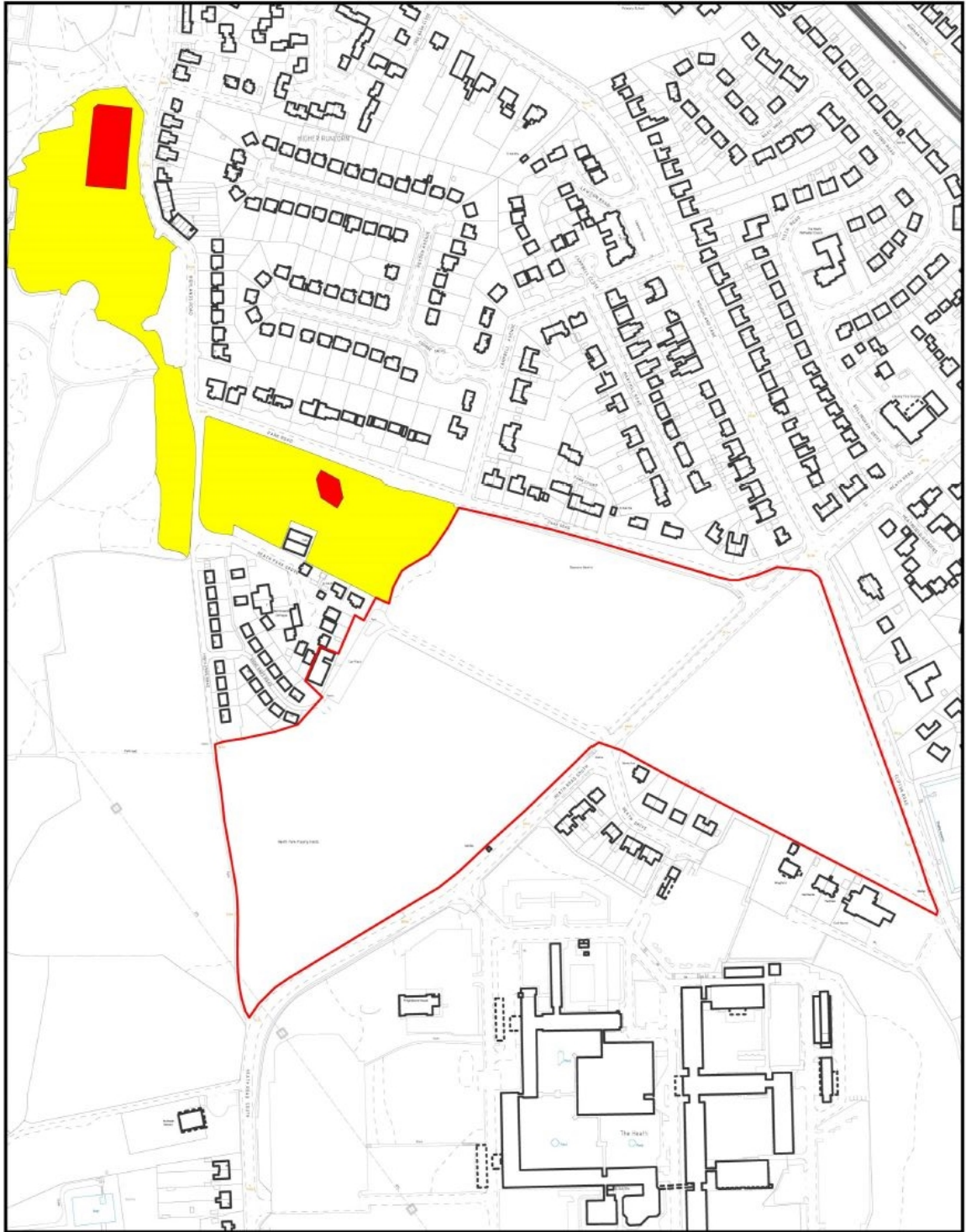
PLAN D – Runcorn Town Hall







	PSPC Sites - Runcorn Town Hall	
		Dog on lead zone
		Dog exclusion zone



PLAN E – Runcorn Hill Park



	 Dog on lead zone	PSPO Sites - Runcorn Hill PLEASE NOTE Dogs are also excluded from the sports pitches located within the area bordered in red.
	 Dog exclusion zone	


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