

## Public Spaces Protection Order (Dog Control)

Sections 59 to 75 of the Anti-social Behaviour, Crime and Policing Act 2014



# Public Spaces Protection Order: Dog Control

## Huntingdonshire District Council

### October 2023

Huntingdonshire District Council (HDC) in exercise of its powers pursuant to Sections 59 to 75 of the Anti-social Behaviour, Crime and Policing Act 2014 (the Act) hereby makes for following Public Spaces Protection Order (PSPO). The PSPO takes effect on **01/10/2023** for a period of 3 years.

[Date] Sealed as Deed on behalf of Huntingdonshire District Council

The Common Seal being affixed in the presence of and signed by:

Authorised Signatory:

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## Part One: Public Spaces Protection Order (Dog Control)

### 1. Executive Summary

In the financial year 2022/23 HDC received service requests in relation to 63 dog control incidents and 29 reports of heavily fouled areas (dog faeces). This is an increase on the financial year 2021/22, which saw 48 service requests for dog control issues and 17 reports of heavily fouled areas. Recorded as a separate figure, in the financial year 2022/23 HDC received 103 reports of stray dogs. During the financial year 2021/22, the number of stray dogs reported to HDC was 83.

Since 2017, HDC have enforced a PSPO for dog control, targeting dog fouling, requirements for dogs to be on lead and monitoring dog prohibited areas. This PSPO was renewed in October 2020, keeping the same conditions.

In line with HDC's Corporate Plan (2023-28) and responding to the increased service requests in relation to dog control, HDC are renewing the PSPO for Dog Control. This PSPO makes the pre-existing conditions clearer whilst also implementing a new requirement to tackle out of control dogs. The conditions are to challenge the behaviours of irresponsible dog owners or those in charge. The new conditions include protecting public spaces from dogs which damage or destroy other animals, cause people alarm and/or distress, and from people responsible for dogs that repeatedly stray.

### 2. HDC Corporate Plan 2023-2028

HDC's Corporate Plan 2023-2028 aims to improve the quality of life for local people by preserving the District of Huntingdonshire as a place which attracts employers and visitors, and that residents are proud to call home. To support the HDC Corporate Plan, HDC's Dog Control PSPO (2023) will act as a tool alongside other statutory provisions in relation to dog-related anti-social behaviour.

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### 3. Anti-social Behaviour

For the purpose of HDC's PSPO for Dog Control (2023), anti-social behaviour is considered to be behaviour of a person responsible for a dog on public land, which:

- A. Has had, or is likely to have, a detrimental effect on the quality of life of those in the locality;
- B. Is, or is likely to be, persistent or continuing in nature; and
- C. Is, or is likely to be, unreasonable

Specifically, the HDC PSPO for Dog Control (2023) aims to tackle dog-related anti-social behaviour in relation to:

- A. Dog faeces
- B. Dogs out of control
- C. Dogs on lead
- D. Dog prohibited locations

### 4. The Areas to which the PSPO applies:

This PSPO relates to public land within the administrative District of Huntingdonshire. For the purpose of this PSPO, 'public land' includes:

- A. All land which is open to the air, and
  - i. Which public have access (with or without payment)
- B. All road carriageways with a speed limit of 40 mph or less
- C. All footpaths and verges
- D. Registered common land
- E. Registered town or village green
- F. Open access land, including
  - i. All bridleways & footpaths which allow public access through otherwise private land
- G. Any land with implied permission which is owned by a Local Authority, or body acting on its behalf.
- H. Specific locations to which this PSPO applies are listed in Schedule 1 and 2 of this PSPO.

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### 5. Persons who the PSPO applies to:

A person is responsible for their compliance with this PSPO if they are responsible for a dog whilst regularly visiting, residing, or working within the District of Huntingdonshire.

This PSPO only applies to a person whose behaviour is:

- A. likely to be persistent or continuous in nature,
- B. unreasonable, and
- C. is not detrimental to the quality of life of those in the locality

Additionally, the PSPO does not apply to:

- A. An assistance dog which has been trained to assist a person who has a prescribed disability, in accordance with the Equalities Act (2010)
  - i. This includes trained psychiatric assistance dogs to assist a disabled person who relies on a trained assistance dog to mitigate a mental health condition in the same way that a physically disabled person with an assistant dog might.

### 6. Authorised Officer

For the purpose of HDC's PSPO for Dog Control (2023), an Authorised Officer is a person with lawful responsibility for the enforcement of the conditions of this PSPO and refers to any warranted Officer of Huntingdonshire District Council, Cambridgeshire Constabulary, or any other Officer lawfully permitted and authorised by Huntingdonshire District Council. Powers will be exercised at the discretion of an Authorised Officer and only against behaviours that meet the legal test of being anti-social behaviour.

### 7. Penalty on breach

It is an offence for a person, without reasonable excuse to:

- A. Do anything that the person is prohibited from doing by HDC's PSPO for Dog Control (2023)
- B. Fail to comply with requirement(s) to which the person is subject to under HDC's PSPO for Dog Control (2023)

Breach is a criminal offence. Enforcement Officers can issue a fixed penalty notice of up to £100 if appropriate. Offenders may receive a fine of up to £1000 on prosecution.

## **Part Two: Conditions of the Public Spaces Protection Order for Dog Control**

The conditions of this PSPO are set to impose the following prohibitions and requirements on land to which this PSPO applies, specified as follows:

### **1. Dog Faeces**

#### **A. Removing from the Land:**

On any public land, a person commits an offence if they are responsible for any dog(s) and fail to remove its faeces from the land before leaving the area, unless:

- i. The person responsible for the dog(s) can evidence a reasonable excuse for failing to do so; or

For the purpose of this PSPO:

- ii. Disposing of the faeces inside a dedicated dog waste bin which is provided for this purpose, is a sufficient removal from the land.
- iii. It is not a reasonable excuse to fail to remove faeces if a person is responsible for a dog but unaware that the dog has defecated.

#### **B. Carrying a suitable means for picking up dog faeces:**

On all public land, a person commits an offence if they are responsible for any dog(s) and fail on instruction by an Authorised Officer (Police, Local Authority, or other delegated persons) to demonstrate they are carrying suitable means for picking up and disposing of dog faeces.

- i. Suitability of the means for picking up dog faeces is to be determined by the Authorised Officer.

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### 2. Dogs Out of Control

#### A. Damaging or Destroying Another Animal

On all public land, a person commits an offence if they are responsible for any dog(s) and fail to take reasonable steps to prevent the dog(s) from damaging or destroying any other animal(s), whether domestic or wild unless:

- i. The person responsible for the dog(s) can evidence a reasonable excuse for failing to do so
- ii. The owner/keeper of the damaged or destroyed domesticated animal seeks alternative civil resolution for the incident through payment for any medical/veterinarian treatment and does not wish for PSPO enforcement action to be taken.

#### B. Causing Alarm and/or Distress

On all public land, a person commits an offence if they are responsible for any dog(s) and fail to take reasonable steps to prevent the dog(s) from being out of control in a way which causes alarm and/or distress to a person, unless:

- i. The person responsible for the dog(s) can evidence a reasonable excuse for failing to do so

#### C. Dog(s) Repeatedly Straying

On all public land, a person commits an offence if they fail to prevent any dog(s) which they are responsible for from straying. For the purpose of this PSPO, a stray dog is defined as "a dog that is in a public place and not under the charge of a keeper".

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### 3. Dogs on Lead

#### A. Specified Dogs on Lead Areas:

On all land specified in Schedule 1, a person commits an offence if they are responsible for any dog(s) and fail at any time to keep their dog under control and on lead, unless:

- i. The person responsible for the dog(s) can evidence a reasonable excuse for failing to do so.

#### B. Upon Request by an Authorised Officer:

On all land specified in Schedule 1, a person commits an offence if they are responsible for any dog(s) and upon instruction by an Authorised Officer (Police, Local Authority, or other delegated persons) fail to put their dog on lead, unless:

- i. The person responsible for the dog(s) can evidence a reasonable excuse for failing to do so.

### 4. Dog Prohibited Locations

A. A person commits an offence if they are responsible for any dog(s) and fail at any time to prevent the dog(s) from entering any part of land specified in Schedule 2, unless:

- i. The person responsible for the dog(s) can evidence a reasonable excuse for failing to do so.



### Part Three: Lawful Threshold of the Public Spaces Protection Order (Dog Control)

#### 1. Conditions and Justification Statement:

HDC is satisfied that the conditions set out in Section 59 and 72 of 'the Act' have been met and justifies the restrictions imposed by this PSPO. HDC believe that it is reasonable to impose the above prohibitions and requirements in order to prevent the detrimental effect from continuing, occurring, or recurring, and to reduce that detrimental effect or to reduce the risk of its continuance, occurrence, or recurrence.

#### 2. Appeals against PSPO

Any 'interested person' (a person which this PSPO applies to), who desires to question the validity of this PSPO on the grounds that HDC has no power to make it or that any requirements of the Act have not been complied with in relation to this PSPO, may apply to the High Court within six weeks from the date upon which this PSPO is made.

- A. An 'interested person' will be excluded from challenging the validity of the PSPO (including a decision to vary the PSPO) by way of judicial review (see: s.66(7) of the Act).
- B. Other persons who fall outside the definition of an 'interested person' will have the right to bring a judicial review to challenge the lawfulness of the use of power to make the PSPO.

## **Part Four: PSPO Schedules**

### Schedule 1 – The areas subject to the ‘Dogs on Leads’ condition:

1. Land Designated by Description

All road carriageways with a speed limit of 40 mph or less and adjoining footpaths and verges,  
  
AND

2. Land Designated Specifically

- A. **Eaton Ford- Riverside Park, St Neots Road, Eaton Ford, St Neots:** That part of the lands situated to the south of St Neots Road and west of the River Great Ouse and excluding those fenced areas which contain children’s play equipment.
- B. **Eaton Ford- Sudbury Meadow, Crosshall Road, Eaton Ford, St Neots:** That part of the lands situated to the north of Cavendish Court which abuts Crosshall Road and with the north and west boundary being dense tree/fence lined.
- C. **Hartford- Hartford Meadow, Church Lane, Hartford, Huntingdon:** That part of the lands known as Hartford Meadow situated between Church Lane and the River Great Ouse, Huntingdon.
- D. **Hartford- Marylands Avenue, Hartford, Huntingdon:** The whole of the park excluding the area which is fenced and contains children’s play equipment.
- E. **Houghton- Houghton and Wyton Playing Fields, Houghton.** All of the area of land known as Houghton and Wyton Playing Fields, bounded by St Ives Road, Victoria Crescent, Laughtons Lane and the A1123.
- F. **Huntingdon- Riverside Park, Riverside Road, Huntingdon:** That part of the lands situated to the south of the tree/fence line commencing from a point opposite East Street, leading from Hartford Road to the River Great Ouse and with the southern boundary being opposite the Bridge Hotel with the River Great Ouse to one side and River Road/Hartford Road to the north-west, excluding those fenced areas which contain children’s play equipment.
- G. **Huntingdon- Hinchbrook Country Park, Hinchbrook Park Road, Huntingdon:** That part of the park known as the Wildlife Area consisting of the western part of Bob’s

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Wood and including the triangular plantation to the south of the area. This area lies to the west of a track running north-north-east from a point 250 metres to the west of the Visitors Centre. It is bounded on the north by a housing estate and on the west by a fence.

- H. **St Ives- Wilhorn Meadow, London Road, St Ives:** The land situated to the east of Bridge Terrace and west of the River Great Ouse, St Ives.
- I. **Little Paxton- Playing Fields, High Street, Little Paxton:** The whole of the playing field including the access road and car park, excluding the area which is fenced and contains children's play equipment.
- J. **Southoe Play Area Football Field, Rectory Lane, Southoe:** The whole hedged and fenced football playing field, with access to Rectory Lane, Town Orchard and Southoe Play Area.

### Schedule 2 – The areas subject to the Dogs Exclusion condition

#### 1. Land Designated by Description

All lands within the Council's administrative area that is fenced and/or hedged and/or walled and signed at the entrance as a "dogs exclusion area" (whether the sign uses these particular words or words and/or symbols having like effect) and comprises of: children's play areas; bowling greens; croquet lawns; tennis courts; sporting or recreational facilities; skateboard parks; cycle enclosures; putting greens; or parks,  
AND

#### 2. Land Designated Specifically

- A. **Bluntisham- The Bluntisham Recreation Field:** All land within the area bounded by Colne Road and Mill lane, known as the Bluntisham Recreation Field but not including that part of the playing field which is fenced and contains children's play equipment or the fenced and/or hedged area designated as a dog walking area.
- B. **Colne – The Colne Jubilee Woodland & Garden Allotments:** All land within the area that is fenced off beyond the signposted gated entrance titled "Colne Jubilee Woodland & Garden Allotments", off Howgate Grove, Colne.

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- C. **Eaton Ford- Playground, River Road, Eaton Ford, St Neots:** That part of the park situated to the south of the Indoor Bowling Club, off River Road, which is fenced and contains children's play equipment.
- D. **Eaton Ford- Playground, Riverside Park, St Neots Road, Eaton Ford, St Neots:** That part of the park adjoining the main St Neots Road which is fenced and contains children's play equipment.
- E. **Eynesbury- Playground, Coneygeare Park, Hardwick Road, Eynesbury, St Neots:** That part of the park situated to the north east of the car park which is fenced and contains children's play equipment.
- F. **Hartford- Playground, Marylands Avenue, Hartford, Huntingdon:** That part of the park which is fenced and contains children's play equipment.
- G. **Hartford- Playground, Sapley Road, Hartford, Huntingdon:** That part of the park which is fenced and contains children's play equipment.
- H. **Huntingdon- Town Park, Brookside, Huntingdon.**
- I. **Huntingdon - Playground, Nursery Road, Huntingdon:** That part of the park which is fenced and contains children's play equipment.
- J. **Huntingdon – St John's Churchyard, High Street, Huntingdon.**
- K. **Huntingdon - Playground, Riverside Park, Riverside Road, Huntingdon:** That part of the park adjoining the main car park off Harford Road which is fenced and contains children's play equipment.
- L. **Somersham- The Millennium Sports Field, the Trundle, Somersham.**
- M. **Somersham- Norwood Playing Field:** All land within the area bounded by Parkhall Road, The Trundle, Ditchfields, The Green, Green End Walk and Coronation Avenue known as the Norwood Playing Field but not including that part of the playing field which is fenced and contains children's play equipment.
- N. **St Ives- Holt Island, Church Street, St Ives:** That part of the island lying south of the Sea Scouts Headquarters facing towards the bridge, St Ives.

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- O. **St Neots - Playground, Priory Hill Park, Priory Hill Road, St Neots:** That part of the park adjoining the southern boundary of the park which is fenced and contains children's play equipment.
- P. **Warboys- Adam Lyons Playing Field, Church Road, Warboys.**