

AGENDA ITEM 6

Cabinet

6th January 2015

Further recommendations to Cabinet concerning the proposed Public Space Protection Order (Coventry Dog Control), following the public response to earlier proposed amendments to the recommendations contained in the Cabinet Report.

The Cabinet Member for Policing and Equalities recommends that the Cabinet:

1. Approve recommendations 1 to 4 detailed in the Cabinet Report subject to the following amendments to Appendix 5 (copy attached):-
 - (i) That the following changes be made to the proposed Public Space Protection Order (Coventry Dog Control).
 - a. That Schedule B: Dogs on leads point 3 be amended to read: All churchyards and graveyards, including green burial areas, and
 - b. That Schedule B: Dogs on leads point 5 remains unchanged from the original proposal, so that it reads 'all sports grounds, fields, parks and pitches, which are maintained by the local authority and are not subject to 'Dog Exclusion', but only when in use for officiated sporting matches' .
 - c. That the 'General Point', which deals with exclusions to the Order be amended to read:

Nothing in this Public Space Protection Order 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 "severely sight impaired" or "sight impaired" under the Care Act 2014; 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 which he relies for assistance;
- c. 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)
 - iv) Hearing dogs for deaf people (registered charity number 293358)
 - v) Any charity created subsequent to this Order, which covers the issues detailed in point b. above.

2. Approve the additional recommendation (5) as set out in the Briefing Note circulated on 22nd December 2014 “There be a review of these arrangements at the relevant Cabinet Member meeting on or before 31st December 2015.”

3. Approve the following additional recommendation:-

(6) That a Cabinet Consultative Committee be created. This Committee will:

- a. Have a scope to monitor the efficacy and effectiveness of the Public Space Protection Order (Coventry Dog Control) and make such recommendations to Cabinet as are deemed necessary
- b. Have the Chairperson appointed by the Council Leader
- c. Remain in existence for a maximum period of 12 months
- d. Have a maximum membership of 12 persons (including the Chairperson)
- e. Meet as often as is deemed necessary

Anti-social Behaviour, Crime & Policing Act 2014 s.59-75 Public Space Protection Order (Coventry Dog Control)

The Council of the City of Coventry ("the Council") hereby makes the following Public Space Protection Order (Coventry Dog Control) under s.59-75 Anti-social Behaviour, Crime & Policing Act 2014:

The Public Space Protection Order (PSPO) covers five areas of dog control:

- A. Dog fouling of land
- B. Dogs on leads
- C. Dogs on leads by direction
- D. Dogs exclusion
- E. Dogs (specified maximum)

A. Dog fouling of land

1. This relates to the offence of fouling of land by dogs. The public health implications of dog foul are well documented.
2. If a dog defecates at any time on land to which this order applies, and the person who is in charge of the dog at that time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless;
 - a. he has a 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;
3. This Order applies to land described in the Schedule A below, being land in the area of the Council.
4. For the purpose of this article:
 - a. placing the faeces in a receptacle on the land which is provided for this purpose, or for the disposal of waste, shall be a sufficient removal from the land;
 - b. 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;

Schedule A: Dog fouling of land

Land Designated by Description

1. Any land, which is open to the air, and to which the public are entitled or permitted to have access (with or without payment).
2. Any land which is covered is to be treated as land which is "open to the air" if it is open on at least one side.

B. Dogs on leads

1. Dogs whilst not on a lead and poorly supervised, or startled, have a greater potential to cause road traffic accidents, or to cause injury to pedestrians and other dogs. The restrictions in this Order are designed to facilitate a sharing of our public spaces, whilst recognising that dogs do need to be exercised off lead.
2. A person in charge of a dog shall be guilty of an offence, if at any time, they fail to keep their dog on a lead not longer than 2.0 metres, unless:
 - a. he has a reasonable excuse for failing to do so, or
 - b. the owner, occupier, or other person, or other authority having control of the land has given consent (generally or specifically);
3. This part of the Order applies to land described in the Schedule B below being land in the area of the Council.

Schedule B: Dogs on leads

Land Designated by Description

1. A highway, carriageway, cycle lane, footway or footpath, maintainable at the public expense, or any grass verge managed by the local authority and which is adjacent to the carriageway or footway of a highway, including gutters and adjoining footpaths;
2. clearly specified and signed areas in the city's parks;
3. all churchyards and graveyards, including green burial areas;
4. all car park areas shopping centres and precincts that are:
 - a. open to the air (which includes land that is covered but open to the air on at least one side) and
 - b. areas to which the public are entitled or permitted to have access (with or without payment), irrespective of ownership
5. all sports grounds, fields, parks, and pitches, which are maintained by the local authority and are not subject to 'Dog Exclusion', but only when in use for officiated sporting matches;

C. Dogs on leads by direction

1. In parts of the City where dogs are permitted off leads, a minority of irresponsible dog owners allow their dogs to cause damage to property, and cause problems for pedestrians and other dog owners. This part of the Order is designed to enable authorised Council Officers to direct that the owner put their dog on a lead.

2. A person in charge of a dog will be guilty of an offence if at any time, on land to which this Part applies, they fail to comply with a direction given them by an authorised officer of the Council to put and keep the dog on a lead of not more than 2 metres in length, unless;
 - a. he has a reasonable excuse for failing to do so; or
 - b. the owner, occupier, or other person or authority having control of the land, has given consent (generally or specifically);
3. For the purposes of this request an authorised officer of the Council may only direct a person to put and keep a dog on a lead if such restraint is reasonably necessary to prevent either a nuisance, or behaviour by the dog likely to cause annoyance or disturbance to any other person, or the worrying of other animals on designated land to which this order applies.
4. This Part of the Order applies to land described in Schedule C below being land in the area of the Council.

Schedule C: Dogs on leads by direction

Land Designated by Description

1. Any land within the City boundaries, which is open to the air, and to which the public are entitled or permitted to have access (with or without payment).
2. Any land which is covered is to be treated as land which is "open to the air" if it is open on at least one side.

D. Dogs exclusion

1. There are specific parts of the City from which dogs should be excluded for their safety and that of pedestrians, and for public health and aesthetic reasons. This part of the Order states the relatively few places from where dogs will be excluded.
2. A person in charge of a dog will be guilty of an offence if at any time he takes the dog onto, or permits the dog to enter or remain on, any land specified in the Order, unless;
 - a. he has a reasonable excuse for failing to do so; or
 - b. the owner, occupier, or other person or authority having control of the land, has given consent (generally or specifically);
3. This Part of the Order applies to the land described in Schedule D below being land in the area of the Council.

Schedule D: Dogs exclusion

Land Designated by Description

1. children's play areas (which are clearly signed);
2. multi-use games areas (which are clearly signed);
3. sport and recreational facilities i.e. courts and pitches (which are enclosed and clearly signed);
4. sensitive nature areas, or specific horticultural areas within parks (which are enclosed and clearly signed)

E. Dogs (specified maximum)

1. There has been an increase in the number of persons and businesses walking numbers of dogs together, and some of these have exercised poor control over these dogs. This has caused problems for other dog owners and has also resulted in dog foul not being picked up. This part of the Order seeks to place limits on the number of dogs which may be walked together to enable greater control.
2. A person shall be guilty of an offence if they take on to any land in respect of which this Order applies more than the maximum number of dogs specified in point 2 of this Order, unless;
 - a. they have a reasonable excuse for failing to do so; or
 - b. the owner, occupier, or other person or authority having control of the land, has given consent (generally or specifically);
3. On land to which this Order applies, the maximum number of dogs which a person may take onto that land is six.
4. This Part of the Order applies to land described in Schedule E below being land in the area of the Council.

Schedule E: Dogs (specified maximum)

Land Designated by Description within the City of Coventry

1. Any land within the City boundaries, which is open to the air, and to which the public are entitled or permitted to have access (with or without payment).
2. Any land which is covered is to be treated as land which is "open to the air" if it is open on at least one side.

General Point

For the purpose of parts A, B, C, and D of this Public Space Protection Order:

1. Nothing in this Public Space Protection Order 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 “severely sight impaired”, or “sight impaired” under the Care Act 2014; 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 which he relies for assistance;
 - c. 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)
 - iv) Hearing dogs for deaf people (registered charity number 293358)
 - v) Any charity created subsequent to this Order, which covers the issues detailed in point 1.b. above.

3. For the purpose of this article, 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.

Offences under this Public Space Protection Order

A person who is guilty of an offence shall on summary conviction be liable to a fine not exceeding level 3 on the standard scale

A Fixed Penalty Notice of £100.00 will be issued to offenders to be paid within 20 days (reduced to £60.00 if paid within 14 days) which would discharge any liability to conviction for an offence under Section 67(1) of the Act.

This order may be cited as 'The Public Space Protection Order (Coventry Dog Control)' and shall come into force on X 2015 and remain in force for a period of three years.