

Communications Strategy – Dog Fouling PSPO Consultation – 11 August 2020

What questions will be asked. *The sections in italics will not be disclosed to the public/consultees but are the basis for asking the question against the legal test.*

- Which village/town do you live in?
Ensuring it is proportionate to place an order on the whole Borough.
- Do you feel that dog fouling has a detrimental effect on your community and the people around you?
To assess the detrimental effect on quality of life and that the activity is unreasonable.
- Do you feel that dog fouling has a direct impact on your day to day life?
To assess the detrimental effect on quality of life and that the activity is unreasonable.
- Do you feel there are any instances in which dog fouling should be tolerated and should be any exemptions to such an order?
Ensuring justification for the restriction imposed and whether the activity is unreasonable.
- Have you seen a recent increase or decrease in the incidents of dog fouling in your community?
Ensuring justification for the restriction imposed and the likelihood of the behaviour reoccurring.
- Please provide any other representations you wish to make in relation to the proposed public space protection order. If you need to report an incident of dog fouling please use the My Allerdale app or call us on 0303 123 1702.

Methods of Communications - This has been drawn up to rely on as many existing resources available to the Council to attempt to alleviate the costs of a consultation exercise, and explore modern communication methods avoiding the issuing of letters and leaflets.

- Social Media (Council's Website, Twitter and Facebook), we should also engage with partner organisations such as Cumbria Constabulary and Parish/Town Councils to publish and share the consultation on social media. An online form has been created on the Allerdale website and consultees will be directed to this.
- Notices/posters in public buildings and notice boards in conjunction with Town/Parish Councils, areas subject to heavy fouling could also be included. See Poster as provided by Jonny Irving.
- Ask Town and Parish Councils to collate and engage with any community groups they see fit and feedback any responses from their constituents too.

- Emails to consultees rather than using letter, the details of each can be located below with a set form of words. A dedicated inbox has been set up and will be monitored.
- Newspaper Notice is not an essential requirement but will help engage those who do not have access to a computer; given the nature of the consultation could we look to engage with the local news provider and see if this can be provided for free or at a discounted rate.
- On all correspondence the office address has been given to allow for those without internet access opportunity to give representations.

Length of Consultation

The length of consultation is not specified in the Anti-Social Behaviour, Crime and Policing Act 2014 and it is for the Council to establish what it feels is a suitable period. Given the extent of evidence available to the Council at this time, the legal test can be satisfied from the reports alone; these show that dog fouling is a significant issue in the Borough and has a detrimental effect on the residents. The exemptions to the order as proposed are reasonable and are in accordance with other authorities nationally, the Council's previous orders, and they promote equality and seek only to protect those that have good reason for not picking up after their dog.

As the existing order is due to lapse on 20 October 2020 it is essential that we obtain the responses as soon as possible.

Using electronic methods means that there is no reliance on office hours, availability of staff and provide an immediate receipt of representations avoiding delays caused by post.

A period of 14 days is proposed ending on 25 August 2020.

Set form of words for the consultation

The form of wording for the public consultation is laid out in Form A.

The form of wording for the statutory consultees is laid out in Form B.

The form of words for the notice and poster is laid out in Form C.

A draft order will be made available to all consultees; a copy can be found at Annex A.

Form A – Public Consultation

The Council is considering the introduction of a Borough wide Public Spaces Protection Order for the prohibition of dog fouling, per s.75 of the Anti-Social Behaviour, Crime and Policing Act 2014 the existing order which regulates dog fouling will lapse on 20 October 2020 and we are opening up a public consultation in accordance with s.72.

Please visit [WEBSITE LINK] or contact us by email to dogfoulingpspo@allerdale.gov.uk provide your comments and representations to an order which will permit the Council to issue fixed penalty notices on those who fail to clean up after their dog in a public space. It is essential that the order includes exemptions for those who are unable to clean up after their dog; we'd also like your representations with regards to whether there are any other instances in which you feel an exemption can be made.

Please provide a response in line with the below questions:

Which village/town do you live in?

Do you feel that dog fouling has a detrimental effect on your community and the people around you?

Do you feel that dog fouling has a direct impact on your day to day life?

Do you feel there are any instances in which dog fouling should be tolerated and should be any exemptions to such an order?

Have you seen a recent increase or decrease in the incidents of dog fouling in your community?

Please provide any other representations you wish to make in relation to the proposed public space protection order. If you need to report an incident of dog fouling please use the My Allerdale app or call us on 0303 123 1702.

Please provide your response by 25 August 2020.

It is important that you use the My Allerdale App or call us on 0303 123 1702 to report dog fouling, including a report of dog fouling in your consultation response could delay how quickly we action the clean-up.

Form B – Statutory Consultees

Email Addresses:

(Statutory) Local Chief Officer of Police – michelle.skeer@cumbria.police.uk

(Statutory) Police and Crime Commissioner - commissioner@cumbria-pcc.gov.uk

The Hub – emma.thompson@alldale.gov.uk

Mark Jenkinson MP - mark.jenkinson.mp@parliament.uk

Parish/Town Councils – <http://abcmodgov2.alldale.gov.uk/mgParishCouncilDetailsList.aspx>

Borough Councillors – Use address book

Cumbria County Council – iolanda.puzio@cumbria.gov.uk

In accordance with section 72 of the Anti-Social Behaviour, Crime and Policing Act 2014, this forms part of the Council's consultation on the making of a Public Space Protection Order for the prohibition of dog fouling in the Borough.

As the existing order will lapse on 20 October 2020 the Council has reviewed the reports of dog fouling made since August 2016 (this being the earliest available date the data was available from the My Allerdale App) which shows that we receive on average 2.45 reports of dog fouling per day with incidents spanning the whole extent of the Borough. It is also accepted by Council Officers that the reported figure does not capture the whole extent of this issue and many incidents of dog fouling go unreported. The true extent of the issue is unknown, but the current report rate indicates that this is something which is likely, at some time, to affect every resident in Allerdale and its visitors. On assessment against the legal test for making a Public Space Protection Order, the Council is satisfied that the evidence it holds provides sufficient basis to commence a consultation on making the making of a Public Space Protection order.

We therefore ask that you provide a response to the following:

Which village/town do you operate in? If this is for the whole Borough of Allerdale, please state that it is the whole Borough.

Do you feel that dog fouling has a detrimental effect on your community and the people around you? Please provide any reports of dog fouling you hold to support this, although we appreciate that as the cleansing of our streets is a Borough Council function.

Do you feel that dog fouling has a direct impact on your day to day life of the people in your community? Please provide any reports of dog fouling you hold to support this, although we appreciate that as the cleansing of our streets is a Borough Council function.

Do you feel there are any instances in which dog fouling should be tolerated and should be any exemptions to such an order?

Have you seen a recent increase or decrease in the incidents of dog fouling in your community?

Please provide any other representations you wish to make in relation to the proposed public space protection order.

Please provide your response by 25 August 2020. We'd also ask that if and where possible that you display a copy of the attached poster in your offices or any notice boards or public displays to encourage any visitors, colleagues and staff to participate in the consultations.

[ATTACH COPY OF ORDER AND POSTER]

Form C – Notice/Poster Content

Consultation in accordance with Section 72 of the Anti-Social Behaviour, Crime and Policing Act 2014

In accordance with s.75 of the Anti-Social Behaviour, Crime and Policing Act 2014 the existing order which regulates dog fouling will lapse on 20 October 2020. We need your thoughts and comments on the making of a new Public Space Protection Order to regulate dog fouling.

Please provide a response in line with the below questions on [WEBSITE], by email to dogfoulingpspo@alldale.gov.uk or by post FAO: Community Services, Allerdale Borough Council, Allerdale House, Workington, Cumbria CA14 3YJ:

Which village/town do you live in?

Do you feel that dog fouling has a detrimental effect on your community and the people around you?

Do you feel that dog fouling has a direct impact on your day to day life?

Do you feel there are any instances in which dog fouling should be tolerated and should be any exemptions to such an order?

Have you seen a recent increase or decrease in the incidents of dog fouling in your community?

Please provide any other representations you wish to make in relation to the proposed public space protection order. If you need to report an incident of dog fouling please use the My Allerdale app or call us on 0303 123 1702.

Please provide your response by 25 August 2020.

ALLERDALE BOROUGH COUNCIL
(PUBLIC SPACES PROTECTION) (DOG FOULING) ORDER 2020

The Allerdale Borough Council makes this order in exercise of its powers under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 and of all other enabling powers being satisfied that the conditions set out in section 59 of the Act have been met.

PREAMBLE

(A) The Council is satisfied that dog fouling has taken place which has had a detrimental effect on the quality of life of those in the locality of the district of Allerdale.

(B) The Council is satisfied that the effect of these activities is persistent in nature such as to make the activities unreasonable and to justify the restrictions set out in this Order.

(C) The Council is satisfied that it is reasonable to impose the restrictions set out in this Order so as to prevent or to reduce the detrimental effect referred to above from continuing, occurring or recurring.

(D) The Council has had particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms, agreed by the Council of Europe at Rome on 4th November 1950 as it has effect for the time being in relation to the United Kingdom.

(E) The Council has carried out the necessary consultation and the necessary publicity, and given the necessary notification, as required by section 72 of the Act, before making this Order.

(F) Any individual who lives in or regularly works in or visits the area to which this Order extends may apply to the High Court to question this Order's validity on the grounds that the Council did not have the power to make the Order or to include particular prohibitions or requirements imposed by it, or that a requirement contained in the Act was not complied with in relation to the Order. Any application must be made within a period of six weeks beginning with the date on which the Order is made.

(G) For the purposes of this Order, "the Council" means Allerdale Borough Council (and its lawful successors) and "the Act" means the Anti-Social Behaviour, Crime and Policing Act 2014.

PART I – DOG FOULING

1. If a dog defecates at any time on land to which this Order applies and a 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 doing 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 Article 1 applies –

- a. to a person who is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948;
- b. to a person who 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; or
- c. in relation to a working dog while it is being used for work in connection with emergency search and rescue, law enforcement, the work of Her Majesty's armed forces, or herding or driving cattle.

3. For the purposes of this Part –

- 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 or other suitable means for the removal of the faeces shall not be a reasonable excuse for failing to remove faeces; and
- d. each of the following is a "prescribed charity" – Dogs for Good (registered charity no. 700454), Support Dogs (registered charity no. 1088281) and Canine Partners for Independence (registered charity no. 803680).

PART II – PENALTIES

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

5. A constable or an authorised person may issue a fixed penalty notice to anyone he has reason to believe has committed an offence under this Order, and where that fixed penalty is paid in accordance with the terms of the fixed penalty notice, that person shall not be liable to conviction for the offence.

6. The penalty specified in a fixed penalty notice issued under Article 5 shall be £100, such sum to be reduced by 25% if the penalty is paid within a period less than 14 days.

PART III – AUTHORISED PERSONS

7. For the purposes of this Order, an authorised person includes –

- a. a police community support officer; and
- b. any other person duly authorised by the Council.

PART IV – COMMENCEMENT

8. This Order shall come into operation on 20 October 2020 and shall continue in effect until 19 October 2023.

9. The Council may resolve to extend the duration of this Order by further periods of up to three years per extension.

PART V – RESTRICTED AREA

10. This Order (including, for the avoidance of doubt, all of the restrictions set out herein) applies to all public places in the District of Allerdale, shown on the appended plan.

11. For the avoidance of doubt, this Order applies to all persons, at all times, in all circumstances, in relation to the restricted area.

12. For the purposes of this Part, a “public place” means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission (and for the avoidance of doubt, includes highways).

IN WITNESS WHEREOF the Common Seal of the
Allerdale Borough Council was hereto affixed
in the presence of an authorised signatory on this
_____ day of _____ 2020.