

## **Consultation on Public Spaces Protection Order (PSPO)**

### **Review of PSPO/dog control (2021)**

#### **Background document**

**May 2024**

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#### **Legal background**

The Public Spaces Protection Order (PSPO) is a legal power granted under the Anti-Social Behaviour, Crime & Policing Act 2014. PSPOs are intended to deal with a particular nuisance or problem in a geographical area that is of concern. They are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

All local authorities can designate a PSPO on any public space within its own area. The definition of a public space is wide and includes any place to which the public has access to.

We believe the restrictions that are currently in place are of benefit to local communities, neighbourhoods, and the local economy, as they help in the creation and maintenance of clean, safe, and healthy neighbourhoods, town centres and visitor destinations.

#### **The current PSPO**

The current PSPO/dog control (2021) came into force in July 2021 and is in place for three years with the expiry of July 2024. We are required to review the existing PSPO/dog control (2021) and as part of this review we are required to consult with the residents and other interested stakeholders.

More information about the current PSPO/dog control (2021) is available on the Council's webpages:

<https://www.chesterfield.gov.uk/health-and-environment/public-spaces-protection-orders-pspos/dog-control-public-spaces-protection-order-pspo.aspx>

The current PSPO/dog control (2021) places responsibilities on dog owners (and dog walkers) to:

- ✓ Pick up after their dog has fouled.
- ✓ Keep their dog on a lead in named locations and at certain times of the year.
- ✓ Keep their dog out of named restricted areas.
- ✓ Put their dog on a lead when asked to do so by an enforcement officer.

An interactive map setting out the restrictions by location is available on the Council's webpage:

<https://www.chesterfield.gov.uk/health-and-environment/public-spaces-protection-orders-pspos/dog-control-public-spaces-protection-order-pspo/map-of-pspo-areas.aspx>

### **Purpose of the review of the current PSPO/dog control**

We are keen to welcome dog walkers and dogs to the Borough and want to encourage responsible dog ownership. There are public concerns over irresponsible dog ownership, including complaints of dog fouling, dog attacks on people and their pets, dog fouling on public spaces and graves, and dogs out of control.

The Council has a legal duty to investigate complaints about dog fouling and will take enforcement action where necessary. In 2021 226 complaints were made, in 2022 there were 171 complaints and in 2023 there were 188 complaint about dog fouling.

Direct exposure to dog faeces can cause toxocariasis, an infection of the roundworm *toxocara canis*, potentially leading to respiratory and vision problems. Treading in dog faeces can also potentially lead to slips, trips and falls, and subsequent injuries. The Council is already promoting messages and asking people to be a responsible dog owner/walker, pick up after your dog(s) and report those that don't pick up after their dog(s). We are also investing in signs and stencils across several hotspot locations and carry out regular enforcement patrols. Nevertheless, a small minority of dog owners/walkers continue to fail to pick up after their dog(s) has/have fouled.

We work closely with Derbyshire Police and RSPCA to investigate dog related incidents which can include aggressive dogs, dogs off a lead or in a restricted area, dogs that have bitten a person or another animal/wildlife. In 2021, 49 complaints were received. This has increased slightly in 2022 to 57 complaints and in 2023 to 66 complaints.

### **What are the proposed changes?**

We are proposing to continue with the existing control measures which are outlined at the end of this document (see Appendix 1) with the addition of including the 'multi use games area' (MUGA) at Eastwood Park.

### **What these proposals would mean?**

There are several existing restrictions that we would like to continue enforcing which will enable us to strengthen our approach of dealing with dog fouling and problematic dog behaviour.

As the offences would be breaches of a PSPO, we may issue a fixed penalty notice offering the person concerned the opportunity of discharging any liability to conviction for the offence by paying a fixed penalty. This fixed penalty must not be more than £100 and the fine level is currently set at £100. The offences are outlined in more detail here:

#### Failure to pick up after their dog

Our enforcement officers will issue a fixed penalty notice if a person in charge of a dog fails to pick up after the dog has fouled. This would not be applicable to anyone who is registered blind. The Council's enforcement officers would be able to enforce this anywhere the public has access. We will not be able to enforce this where the landowner, occupier, or other person in charge of a public space has given permission for dog walkers not to pick up faeces.

#### Keeping a dog on a lead (at named locations)

Our enforcement officers will require a person in charge of a dog to keep the dog on a lead at named locations. Failure to do so would result in a fixed penalty notice being issued.

### Excluding dogs from children's play areas (at named locations)

Our enforcement officers will be able to require a person in charge of a dog which has entered a children's play area to remove that dog from the play area. Failure to do so would result in a fixed penalty notice being issued.

### Excluding dogs from sports pitches (at named locations)

Our enforcement officers will be able to require a person in charge of a dog which has entered a designated sports area to remove that dog from that area. Failure to do so would result in a fixed penalty notice being issued.

### Dogs on lead by direction

Our enforcement officers will be able to require a person in charge of a dog which is behaving in a manner that is causing alarm or distress to another person or animal to request that that dog is put in its lead. Failure to do so would result in a fixed penalty notice being issued.

## **When will the changes take place?**

Elected members will receive a report on the findings from this consultation exercise and be asked to consider these powers to tackle dog fouling and other forms of irresponsible dog ownership. This meeting will take place by July 2024.

If approved, we will publish the new PSPO/dog control (2024) on the website and raise awareness of the PSPO via social media and by talking to dog walkers and visitors in our parks and open spaces.

## **Where can I get more information?**

During the consultation period we will be collating all views and comments we receive. If you have any questions please contact the Environmental Protection team via the main switchboard on 01246 345345 or send an email to

[pollution@chesterfield.gov.uk](mailto:pollution@chesterfield.gov.uk)

**Who are we consulting?**

The consultation involves all stakeholders who may be affected, including dog walkers, the public, Derbyshire Police, local parish and town councils, schools, veterinary surgeries, kennels, and housing associations (this list is not exhaustive).

**How can I comment on these proposals?**

We welcome your responses and suggestions and would like to hear any comments you may have on any aspect of this document.

Paper copies are available upon request, please send an email with your name and address to [pollution@chesterfield.gov.uk](mailto:pollution@chesterfield.gov.uk)

**The consultation is open from Tuesday 7<sup>th</sup> May until Tuesday 21<sup>st</sup> May 2024.**

## **Appendix 1 – outline of current PSPO/dog control (2018)**

### **Schedule One**

#### **Land within the administrative area of the Authority**

#### **(dog fouling and dogs on lead by direction)**

This Order applies to all land described below:

1. Any land within the administrative area of the Authority which is open to the air and to which any member of the public has access. This includes:
  - (a) Parks and open spaces;
  - (b) Footpaths over which the public have a right of way;
  - (c) Roads;
  - (d) Cycle tracks;
  - (e) Bridleways or any other area which you could reasonably expect to have access;
  - (f) Flower beds, planted or grassed areas maintained by Chesterfield Borough Council which adjoin footpaths, roads and cycle tracks;
  - (g) Communal areas in and around a block of flats/apartments;
  - (h) Any other private land to which the public have a right of way and the written consent of the landowner has been given (such as retail and supermarket car parks).

This Order does not extend to gardens, driveways or yards that form part of private dwellings.

2. Publicly accessible land, forming part of the Authority's Housing stock which, for the avoidance of doubt, includes:
  - (a) grassed areas;
  - (b) flower beds,
  - (c) planted areas,
  - (d) verges,
  - (e) the areas around the base of trees,
  - (f) access roads,
  - (g) access paths,
  - (h) car park areas,
  - (i) garage areas,
  - (j) community garden areas (not including shared gardens at rear of bungalows);

This Order does not include enclosed courtyards, washing/drying areas, bin storage areas; although these areas of land are open to air, they are not publicly accessible.

## Schedule Two

### Keeping dogs on leads

This Order applies to all land described below:

<b>Location</b>
Boythorpe Cemetery, Hunloke Avenue, Chesterfield, Derbyshire, S41 2PD (all year round)
Brimington Cemetery, Chesterfield Road, Chesterfield, Derbyshire, S43 1AU (all year round)
Brearley Wetlands Local Nature Reserve, off Burnbridge Road, Old Whittington, Chesterfield, Derbyshire, S41 9LP (1 <sup>st</sup> March to 31 <sup>st</sup> July inclusive)
Chesterfield Crematorium, Chesterfield Road, Chesterfield, Derbyshire, S43 1AU (1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)
Eastwood Park (lodge, wildlife garden, tennis courts), Hasland Road, Chesterfield, Derbyshire, S41 0AY (1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)
Holmebrook Valley Park (path around the lake), Water Meadow Lane, Chesterfield, Derbyshire, S41 8XP (1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)
Holmebrook Valley Park (area around the café/pavilion building and car park), Water Meadow Lane, Chesterfield, Derbyshire, S41 8XP (1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)
McGregors Pond (path around the lake), McGregors Way, Chesterfield, Derbyshire, S40 2WB (1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)
Norbriggs Flash Nature Reserve, Bent Lane, Staveley, Chesterfield, Derbyshire, S43 3UG (1 <sup>st</sup> March to 31 <sup>st</sup> July inclusive)
Poolsbrook Country Park (area around the café/pavilion building and car park), Pavilion Drive, Chesterfield, Derbyshire, S43 3LH (1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)
Poolsbrook Country Park (path around the lake), Pavilion Drive, Chesterfield, Derbyshire, S43 3LH (1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)
Poolsbrook Country Park (path around the lakes and car park), Pavilion Drive, Chesterfield, Derbyshire, S43 3LH (1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)
Ringwood Park (lake), Inkersall Green Road, Chesterfield, Derbyshire, S40 2WB (1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)
Spital Cemetery, Hady Hill, Chesterfield, Derbyshire, S41 0DZ (1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)
Staveley Cemetery, Inkersall Road, Chesterfield, Derbyshire, S43 3JL (1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)

## Schedule Three

### Dogs are excluded

This Order applies to all land described below:

Location
Badger Recreation Ground, Brockwell Lane, Chesterfield, Derbyshire (children's play area) (1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)
Brearley Park, High Street, Old Whittington, Chesterfield, Derbyshire, S41 9LN  (children's play area, 1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)  (cricket area, 1 <sup>st</sup> April to 30 <sup>th</sup> September inclusive)
Eastwood Park, Hasland Road, Chesterfield, Derbyshire, S41 0AY  (children's play area, 1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)  (football pitches, 1 <sup>st</sup> September to 31 <sup>st</sup> May inclusive)  <i>(MUGA, 1<sup>st</sup> January to 31<sup>st</sup> December inclusive) – proposed change</i>
Eastwood Recreation Ground (Thistle Park), Station Road, Brimington, Chesterfield, Derbyshire  (children's play area, 1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)  (football pitch between 1 <sup>st</sup> September to 31 <sup>st</sup> May inclusive)
Hady Playing Field, Hady Lane, Chesterfield, Derbyshire  (football pitch between the months of September to May inclusive)
Highfield Park, Highfield Lane, Chesterfield, Derbyshire  (children's play area, 1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)  (football pitches, 1 <sup>st</sup> September to 31 <sup>st</sup> May inclusive)
Hilltop Recreation Ground, Hilltop Road, Old Whittington, Chesterfield, Derbyshire  (children's play area, 1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)
Holmebrook Valley Park, Water Meadow Lane, Newbold, Chesterfield, S41 8XP  (children's play area, 1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)  (football pitches 1 <sup>st</sup> September to 31 <sup>st</sup> May inclusive)



Inkerman Recreation (Wasps Nest), Ashgate Road, Chesterfield, Derbyshire (children's play area, 1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)
Inkersall Green Recreation Ground, Inkersall Green Road, Chesterfield, Derbyshire (children's play area, all year) (football pitches 1 <sup>st</sup> September to 31 <sup>st</sup> May inclusive)
King George's Field, Inkersall Road, Chesterfield, Derbyshire (children's play area, 1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)
Kirkstone Road Recreation Ground, Kirkstone Road, Chesterfield, Derbyshire (children's play area, 1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)
Langer Field, Langer Lane, Chesterfield, Derbyshire (children's play area, 1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive) (football pitch 1 <sup>st</sup> September to 31 <sup>st</sup> May inclusive)
Loundsley Green Playing Field, Pennine Way, Chesterfield, Derbyshire (children's play areas, 1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)
Brimington Common, Recreation Road, Chesterfield, Derbyshire (children's play area, 1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)
Markham Way, (near B&Q) Chesterfield, Derbyshire (skateboard park, 1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)
Pearson Recreation, Old Hall Road, Chesterfield, Derbyshire (children's play area, 1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)
Poolsbrook Country Park, Pavilion Drive, Staveley, Chesterfield, S43 3LH (children's play area, 1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)
Poolsbrook Playing Field, Cottage Close, Poolsbrook, Chesterfield, Derbyshire (children's play areas, 1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive) (football pitch, 1 <sup>st</sup> September to 31 <sup>st</sup> May inclusive)

<p>Poolsbrook Road Recreation Ground, Poolsbrook Road, Duckmanton, Chesterfield, Derbyshire</p> <p>(children's play area, 1<sup>st</sup> January to 31<sup>st</sup> December inclusive)</p>
<p>Queen's Park, Park Road, Chesterfield, Derbyshire, S40 2ND</p> <p>(children's play areas, 1<sup>st</sup> January to 31<sup>st</sup> December inclusive)</p> <p>(cricket pitch, 1<sup>st</sup> January to 31<sup>st</sup> December inclusive)</p>
<p>Spital Recreation Ground, Spital Lane, Chesterfield, Derbyshire</p> <p>(children's play area, 1<sup>st</sup> January to 31<sup>st</sup> December inclusive)</p>
<p>Somersall Park, Somersall Lane, Chesterfield, Derbyshire</p> <p>(children's play area, 1<sup>st</sup> January to 31<sup>st</sup> December inclusive)</p>
<p>Stand Road Park, Stand Road, Chesterfield, Derbyshire</p> <p>(children's play area, 1<sup>st</sup> January to 31<sup>st</sup> December inclusive)</p> <p>(skate park, 1<sup>st</sup> January to 31<sup>st</sup> December inclusive)</p> <p>(football pitches, 1<sup>st</sup> September to 31<sup>st</sup> May inclusive)</p>
<p>Station Road Recreation Ground, Station Road, Barrow Hill, Chesterfield, Derbyshire</p> <p>(children's play area, 1<sup>st</sup> January to 31<sup>st</sup> December inclusive)</p>
<p>Stone Lane 'kick about', Stone Lane, New Whittington, Chesterfield, Derbyshire</p> <p>(children's play area, 1<sup>st</sup> January to 31<sup>st</sup> December inclusive)</p>
<p>Tapton Park, Brimington Road, Chesterfield, Derbyshire</p> <p>(children's play area, 1<sup>st</sup> January to 31<sup>st</sup> December inclusive)</p>
<p>Wain Avenue, Chesterfield, Derbyshire</p> <p>(games court, 1<sup>st</sup> January to 31<sup>st</sup> December inclusive)</p>
<p>Valley Road Recreation, Valley Road, Chesterfield, Derbyshire</p> <p>(children's play area, 1<sup>st</sup> January to 31<sup>st</sup> December inclusive)</p>

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