

PSPO Background Information

Full Council 14/1/19

**Minute 6 CALL-IN OF EXECUTIVE DECISION PUBLIC SPACES PROTECTION ORDER FOR DOG CONTROL IN TEIGNBRIDGE**

Councillor Dewhirst, in presenting the call-in, stated that the decision to limit the number to four dogs was disproportionate and that six would be a fair number as recommended by Overview & Scrutiny Committee. He said that professional dog walkers have increased and this limit would have an adverse effect on their businesses and clients. He reported there had been no complaints about professional dog walkers, the limit should be six, the same as East Devon District Council, and then this should be monitored over the coming year.

The Portfolio Holder for Health & Wellbeing commented that the Scrutiny Review Group would support the better understanding of the impact of the number of dogs that could be walked. A consultation had been undertaken on the Public Space Protection Order (PSPO) and for the number of dogs that an individual should walk the results showed that 50% of responses stated three, 23% stated four and only 2% stated six.

During discussion some Members raised concerns regarding the negative effect the limit would have on viability of the businesses of professional dog walkers; there was no evidence to support that six dogs could not be walked; dog walkers and owners were responsible; the difficulties this would cause for older and working residents with dogs who rely on the professional dog walkers; and issue of budget for Dog Wardens and how the PSPO would be enforced.

Other Members felt that a limit of four dogs was supported by the consultation response and that the PSPO would ensure that the District was cleaner and safer without dog fouling or dog attacks and set one standard across the District.

It was proposed by Councillor Dewhirst, seconded by Councillor Eden and

**RESOLVED** that in relation to the Public Space Protection Order (PSPO) for Responsible Dog Ownership under ss59 to 75 of the Anti-Social Crime and Policing Act 2014 the number of dogs that any one individual can walk at any one time be a maximum of six.

In accordance with Procedural Rule 4 (O) (v) a recorded vote was called for:-  
Voting for:-

Councillors

Colclough, Connett, Cook, Cox, Dewhirst, Eden, Evans, Haines, Hayes, Hocking, (G) Hook, (J) Hook, Jones, Morgan, Nutley, Parker, Rollason, Wrigley and Keeling (19 Members)

Voting against:-

Councillors Austen, Peart and Thorne (3 Members)

Abstentions:-

Councillors Barker, Bromwell, Bullivant, Christophers, Clarence, Clemens, Dennis, Fusco, Golder, Goodey, Gribble, Hockin, Jefferey, the Chairman, Lake, Mayne, Prowse, Russell and Smith  
(19 Members)

Absent:-

Councillors Matthews, Orme, Pilkington and Winsor  
(4 Members)

### **Executive 4/12/18**

#### **Minute 279 CALL-IN OF EXECUTIVE DECISION PUBLIC SPACES PROTECTION ORDER FOR DOG CONTROL IN TEIGNBRIDGE**

The Portfolio Holder for Health & Well-Being presented the report on the Call-in of Executive decision Public Spaces Protection Order (PSPO) for Dog Control in Teignbridge.

During discussion, Members raised the following points:-

- Executive should consider allowing six dogs to be walked at any one time as any less could affect dog walking businesses
- The review group should not be limited to the two items as recommended
- There were beaches in the district that enabled dog walking all year round

In response to Members, the Environmental Protection Manager clarified that there were 59 'home boarding' establishments and 14 animal boarding establishments in the District. He stated that guidance from Department for Environment, Food and Rural Affairs published on 30 November 2018 stated that, for home boarding establishments and doggie day care providers, up to six dogs could be walked at any one time. The Council could not licence the person only the premises with respect to dog walking.

The Leader proposed that Overview & Scrutiny Committee set up a Review Group to monitor the PSPO which should include the number of dogs, the seasonal beach ban, if the PSPO makes it easier for the council to take action with regards to dog fouling and enforcement officers wearing body cameras to collect evidence.

Executive Members supported their previous decision to limit the maximum number of dogs that any one individual can walk at any one time to four, the seasonal beaches restriction to be 1 April to 30 September and that Overview &

Scrutiny Committee establish a PSPO Review Group.

**RESOLVED** that:-

(1) implementation of a Public Space Protection Order (PSPO) for Responsible Dog Ownership under ss59 to 75 of the Anti-Social Crime and Policing Act 2014 be approved, subject to the inclusion of:

- That the number of dogs that any one individual can walk at any one time be a maximum of four.
- That the seasonal dog exclusion areas on beaches be 1 April to 30 September;

(2) the Council's Solicitor be authorised to draft and make the order;

(3) the Council's Environmental Protection Manager be authorised to issue fixed penalty notices under the PSPO; and

(4) Overview & Scrutiny Committee establish a review group to monitor the PSPO particularly in relation to:-

- The maximum number of dog that can be walked at any one time;
- The seasonal dog exclusion areas on beaches;
- The use of body cameras by enforcement officers;
- Government Guidance;
- Insurance regulations.

### **Overview and Scrutiny 19/11/18**

#### **Minute 244 CALL IN OF EXECUTIVE DECISION 30 OCTOBER 2018 - PUBLIC SPACES PROTECTION ORDER FOR DOG CONTROL IN TEIGNBRIDGE**

Consideration was given to the call-in of an Executive decision made on 30 October 2018 relating to the Public Spaces Protection Order for Dog Control in Teignbridge. The decision seeks the implementation of a Public Space Protection Order (PSPO) for Responsible Dog Ownership under ss59 to 75 of the Anti-Social Crime and Policing Act 2014.

The decision has been called in by Councillor Cox and supported by Councillors Connett, Dewhirst, Eden, Nutley and Wrigley. Councillor Cox's reasons for call in are:

1. To clarify the Executive's proposals to extend the dog ban on Ness Beach and Holcombe Beach as it now seems they were included in error.
2. To examine the decision to have only four as the maximum number of dogs on a lead in the light of the decision by East Devon District Council and the comments from the Kennel Club, the Dogs Trust and the Peoples Dispensary for Sick Animals.

Since the Executive meeting on 30 October 2018 there has been a large public response to the decision. Members in considering the call-in should note the number of responses to the decision balanced with the number of people who responded to

the consultation. The Environmental Protection Manager gave an update of the number of correspondence received which amounted to approximately 180, and a summary of the key points.

The consultation with the public covered maintaining the existing seasonal dog exclusion areas. The Ness Beach and Holcombe Beach are not covered by the existing seasonal dog ban. It was not the intention that the PSPO restricted access to these beaches.

The Executive report detailed the outcome of the public consultation and included a number of comments from interested organisations. Overall the consultation results did not provide a consensus on the number of dogs a single individual should walk.

In support of the call-in, Councillor Cox submitted that six was an acceptable number of dogs for any one individual to walk. The support for this was that this would be consistent with East Devon District Council, public liability insurance covers six dogs, for many dog walking businesses this is their only income and limiting the number of dogs to four could result in their businesses folding. He added that a Review Group should be set up to work with responsible dog owners/walkers, to identify volunteers to assist the Council wardens in engaging with offending and irresponsible dog owners/walkers to become more responsible, keep their dogs under control, and always clear up dog faeces from the dogs for which they have responsibility.

The period of the dog ban on beaches for inclusion in the PSPO was not part of the call-in. However the Chairman agreed that this issue could be discussed. In response to a question on the details of the PSPO at agenda page 14, the Environmental Protection Manager advised that the '*reasonable excuse*' under (i) of the heading *No more than 'x' dogs*, would be at the officer's discretion. In response to further questions, the Environmental Protection Manager advised that highways, cyclepaths, and Dawlish Warren Nature Reserve were included in the PSPO.

Resolved

That the following recommendations from this Committee be referred to Executive:-

- (a) That the number of dogs that any one individual can walk at any one time be a maximum of six.
- (b) That the annual period of restriction on beaches be reconsidered.

That a Review Group be set up to primarily work with responsible dog owners/walkers, to identify volunteers to assist the Council wardens in engaging with offending and irresponsible dog owners/walkers to become more responsible, keep their dogs under control, and always clear up dog faeces from the dogs for which they have responsibility, and review the implementation of the PSPO in the first 12 months.

## **Executive 30/10/18**

### **Minute 277 PUBLIC SPACES PROTECTION ORDER FOR DOG CONTROL IN TEIGNBRIDGE**

The Environmental Protection Manager presented the report on the Implementation of a Public Spaces Protection Order (PSPO) for responsible dog ownership. Members were advised on the purpose of a PSPO and of the two conditions that the local authority must be satisfied on reasonable grounds that are met. An officer working group had reviewed the project and there had been an extensive consultation. The eight suggested controls were outlined, these included existing control, improvements on existing controls and new controls. Members were advised that there was no specific statutory guidance to assist when setting a restriction on the number of dogs that could be walked by a single individual on or off a lead. Members were asked to recommend setting the restriction on the number of dogs and attention was brought to the comments in the consultation on this matter and the responses from interested organisations.

During discussion, Members raised the following points:-

- Should the seasonal dog exclusion date commence from 1 April on beaches?  
Not just Dawlish Warren Beach
- The majority of dog owners were responsible it was just those few irresponsible owners that caused the issues
- How would enforcement be undertaken and by whom?
- How would public evidence of an offence be acted on?
- There was an issue with dogs being left to roam
- Dog fouling was a real issue in the parishes across the District
- Concerns about working dogs in rural areas; these should be excluded
- What about the existing bye laws?
- How were children play areas defined?
- There was an issue with dog walkers putting dog faeces in bags and hanging on hedges in rural areas
- The maximum number of dogs on a lead should be four.

The Environmental Protection Manager clarified the following:-

- Cycle paths, both those adjacent and not adjacent to a Highway, would be covered by the PSPO
- The three Community Environment Wardens would undertake the role of enforcement
- Complaints could be reported on-line
- Hotspots would be targeted
- Walking patterns of offenders would be identified
- Recording of car number plates would help to trace offenders - this would be a non-confrontational way of reporting an offence
- The existing bye laws would remain in place
- Would investigate if Dawlish Town Council Water Fowl Wardens would be able to enforce the PSPO

- There would be a publicity plan to make the public aware of the order and its contents
- The Community Environment Wardens work patterns do vary to cover different times of the day to address issues.

Executive Members discussed the seasonal dog exclusion dates on the beaches, the needs for signage to be clear and the number of dogs that could be walked by a single individual.

**RESOLVED** that the:-

(1) Implementation of a Public Space Protection Order (PSPO) for Responsible Dog Ownership under ss59 to 75 of the Anti-Social Crime and Policing Act 2014 be approved subject to the inclusion of:-

- Cycle paths to be added as a highway
- working dogs to be added to the existing list of exemptions - farm dogs moving livestock on the highway are not expected to be on a lead
- the maximum number of dogs permissible on or off a lead with a single individual to be four;

(2) Council's Solicitor be authorised to draft and make the Order;

(3) Council's Environmental Protection Manager be authorised to issue fixed penalty notices under the PSPO; and

(4) Seasonal dog exclusion areas on beaches from 1 April to 30 September be approved. This to be reviewed in 12 months.

**Report to Executive 30/10/19**

## **RECOMMENDATIONS**

**The Executive is recommended to**

**A Consider and approve the implementation of a Public Space Protection Order**

**(PSPO) for Responsible Dog Ownership under ss59 to 75 of the Anti-Social Crime and Policing Act 2014.**

**B Authorise the Council's Solicitor to draft and make the order.**

**C Authorise the Council's Environmental Protection Manager to issue fixed penalty notices under the PSPO.**

### **1. PURPOSE**

The purpose of a Public Spaces Protection Order (PSPO) is to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life. It can be used to deal with existing problems and problems that are likely to arise in the future.

The definition of a PSPO is wide and includes 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.

Only a local authority can make a PSPO in respect of a public place within its area. The definition of a 'local authority' in England under Section 74(1) is (amongst others)

a district council. Parish and Town Councils do not have the power to issue PSPO's. The local authority must be satisfied on reasonable grounds that two conditions are met.

The first condition is that:

- Activities carried out in a public place within the authority's area **have had** a detrimental effect on the quality of life of those in the locality, or
- It is **likely** that activities will be carried out in a public place within that area and that will have such an effect.

The second condition is that:

- It is or is likely to be of a **persistent or continuing nature**
- Is or is likely to be, such to make the activities **unreasonable**; and
- Justifies the restrictions imposed by the notice.

The broad aim is to keep public spaces welcoming to law abiding people and communities and not simply to restrict access.

## 2. BACKGROUND

Within the Clean Scene Programme of works in the Teignbridge Council Strategy 2016 – 2025 is an action to "Review council policies on dog fouling and restricted access across Teignbridge's open spaces and beaches." An Officer Working Group has reviewed the current situation, undertaken a wide ranging public consultation and recommends the implementation of a Public Spaces Protection Order to deal with the issues around irresponsible dog ownership. This project started in October 2016 and progress has been reported to Overview and Scrutiny Committee on a quarterly basis.

The PSPO will enhance the existing controls; the law in the past on dog control has been patchy, so a PSPO will help the council deal with the minority of irresponsible dog owners who don't clear up after their dog or control it. A frustration to officers and members has been the inability to deal with dog fouling on roads that do not have a national speed limit of less than 40mph. This means that many of our rural areas had no controls on dog fouling on the highway.

Currently officers are able to prosecute offenders who breach a dog byelaw. Under the proposed PSPO a range of enforcement options would be available to officers and are described in section 6.

It should be noted that the legislation for dealing with stray dogs will remain and is sufficient and is therefore not included in the proposed PSPO.

For the many responsible dog owners who pick up after their dog wherever they go, nothing will change. Inconsiderate dog owners would be targeted through awareness and enforcement. Registered blind people and assistance dog users will be exempt.

### **3. MAIN IMPLICATIONS**

A PSPO would introduce a clear and simple set of rules that all dog owners would need to comply with across the Teignbridge district. Enforcement would be targeted and graduated to ensure that the irresponsible dog owner is dealt with.

### **4. GROUPS CONSULTED**

Section 72(4) of the act defines what necessary consultation means:

1. The chief officer of police and the local policing body for the police area that includes the restricted area;
2. Whatever community representatives the local authority thinks is appropriate to consult with; and
3. The owner or occupier of land within the restricted area, if, or to the extent that is reasonably practicable to consult with the owner.

The Statutory Guidance recommends that the council engages in an open and public consultation to give the users of the public space the opportunity to comment on whether the proposed restriction or restrictions are appropriate, proportionate or needed at all.

It also recommends that the Council should also ensure that specific groups likely to have a particular interest are consulted, such as a local residents association, or regular users of the open space or those involved in specific activities in the area.

Consultation was undertaken between June 2017 and the 2nd October 2017. Officers consulted the following groups and organisations;

- Existing Licenced businesses
- All Teignbridge District Councillors
- Town and Parish Councils
- Police and Crime Commissioner for Devon and Cornwall
- National Organisations involved in the welfare of dogs including the Kennel Club.
- Attending a number of community events in the District
- Online survey promoted via local newspaper articles, TV and Social Media.

Overall we received 2055 returns with over 1179 specific comments made. The majority of respondents supported the control and requested that the Council provided sufficient resources to target the irresponsible dog owners. Concerns were raised about how the controls would be enforced and that they should be applied with common sense.

There were those who felt that the controls were too restrictive and others who requested more stringent controls. A detailed summary is available in Appendix B.

## 5. SUGGESTED CONTROLS AND CONSULTATION RESPONSES

The proposed PSPO would contain eight controls, some of which are an enhancement of existing controls whilst others are new. The first seven proposed controls show a significant majority of those consulted agreeing with the proposal.

The eighth control, the maximum number of dogs that can be walked is less clear with a number of differing views.

**FOULING** – making it an offence if a person in charge of a dog fails to pick up its faeces straight away.

- Improvement of an existing control
- 99% of those consulted in agreement with this control
- 

**MEANS TO PICK UP**- making it an offence if a person in charge of a dog does not carry a bag or other means of clearing up after their dog at all times.

- New Control
- 84% of those consulted in agreement with this control

**DOG EXCLUSION AREAS (EXCEPT BEACHES)** – making it an offence for a person in charge of a dog, to let a dog be in dog ban area (e.g. Children's play park).

- Existing control
- 96% of those consulted in agreement with this control

**SEASONAL DOG EXCLUSION AREAS (BEACHES)** - an offence for a person in charge of a dog, between 1 May and 30 September or 1 April and 30 September in Dawlish Warren to take the dog onto, or permit the dog to enter or to remain on, any beach designated as a dog ban area. The beaches are Dawlish Warran, Dawlish Town, Dawlish Coryton Cove, Holcombe, Teignmouth Town, Shaldon and The Ness.

- Existing control
- 96% of those consulted in agreement with this control

**DOGS ON LEAD AREAS** - an offence if a person in charge of a dog at any time does not keep the dog on a lead on land designated as a dog on lead area

- Existing control
- 88% of those consulted in agreement with this control

**DOG(S) ON LEAD ON THE HIGHWAY** – an offence if, at any time, a person in charge of a dog does not keep the dog on a lead, whilst on a road or footpaths adjacent to a road.

- New control
- 80% of those consulted in agreement with this control

**DOG(S) ON LEAD BY DIRECTION** - an offence if at any time within a dog ban area,

a person in charge of a dog does not comply with a direction given to him by an authorised officer of the council or police officer to put and keep the dog on a lead.

- Existing control
- 91% of those consulted in agreement with this control

**RESTRICTION ON THE NUMBER OF DOGS** - restrict the number of dogs that can be walked by a single individual on or off the lead

- New Control
- 57% of those consulted in agreement with this control
- 30% of those consulted disagree with this control
- 13% of those consulted don't know

Of those in agreement with this control how many dogs should the single individual should walk on or off a lead at any one time?

**Number Number Percentage**

|       |     |     |
|-------|-----|-----|
| 3     | 588 | 50% |
| 4     | 267 | 23% |
| 5     | 24  | 2%  |
| 6     | 18  | 2%  |
| Other | 272 | 23% |

Whilst there is no statutory guidance to assist when setting the numbers the following advice has been considered.

- Comments in the consultation suggest that the numbers of dogs relates to the circumstances such as dog size, with, behaviour, strength and ability of the owner to control the dogs.
- Kennel Club feel that an arbitrary figure is an inappropriate approach and will simply displace and intensify the problem in other areas.
- Dogs Trust states that the behaviour of the dogs and the competency of the owner needs to be taken into consideration. Research from 2010 shows that 95% of dog owners have up to 3 dogs and therefore the number of dogs would not normally be expected to exceed 4 dogs.
- PDSA commented that the control may not have the desired effect as owners abilities vary.
- East Devon District Council have recently introduced a similar PSPO for dog control and they have limited the number of dogs to no more than 6 dogs.
- The recently issued Guidance notes for Conditions for providing home boarding for dogs, October 2018 states that “no more than four dogs must be walked at the same time” this is to ensure dogs are exercised at least once daily as appropriate for its age and health.

Members are asked to consider setting the restriction on the number of dogs. When drafting the controls the potential negative impacts they may have on vulnerable groups and ensuring we meet the requirements under the Equality Act 2010 were considered.

Nothing in the proposed PSPO would apply to a person who –

- (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948 if they are alone with the dog; or
- (b) a person with a disability affecting their mobility, manual dexterity, physical coordination or ability to lift, carry or move everyday objects or who relies upon a dog trained by a prescribed charity (and is clearly identified) for assistance if they are alone with the dog.
- (c) any police dog or fire dog.

## **6. ENFORCEMENT**

The aim is not to penalise responsible dog owners but to target persistent offenders who refuse to comply with the proposed controls. Consideration will be given to the ability of the owner to exercise control over the dogs before taking enforcement action.

A person observed not to be complying with the PSPO is liable to receive a fixed penalty notice. This can be up to £100 and we are recommending that the fine is set at £100. Officers also have powers to issue Community Protection Notices or prosecute if the offence warrants the sanction.

A poster and awareness campaign is planned should the PSPO be approved to inform the public about the controls and how to report incidents online.

## **7. TIME-SCALE**

The order lasts for not more than three years. It can be extended under s60 (2) by the Council if it is satisfied on reasonable grounds that it is necessary to extend the order to prevent:

- Occurrence or recurrence after that time of the activities identified in the order, or
- An increase in the frequency or seriousness of those activities after that time.
- 

The PSPO can also be discharged and varied by the Council.

## **8. JUSTIFICATION**

The order is required to effectively tackle irresponsible dog ownership within the Teignbridge District.

## **9. DATE OF IMPLEMENTATION (CONFIRMATION OF DECISION SUBJECT TO CALL-IN)**

10.00 a.m. on 6 November 2018

**Officer- David Eaton**  
**Designation–Environmental Protection**  
**Manager**  
**Cllr Sylvia Russell**  
**Portfolio Holder for Health and**

## **Wellbeing**

**Wards affected** All

**Contact for any more information** David Eaton, Environmental Protection Manager  
david.eaton@teignbridge.gov.uk 01626 215064

**Background Papers (For Part I reports only)** None

**Key Decision** Y

**In Forward Plan** Y

**In O&S Work Programme** Y Part of the Council Strategy

**Community Impact Assessment attached:** N – Completed for the Council Strategy and the

proposed controls prior to the Consultation.

**Appendices attached:** A: Draft Public Spaces Protection Order Controls

B: Consultation Summary

## **Appendix A**

### **Public Spaces Protection Order**

#### **Fouling**

If within the restricted area a dog defecates at any time on land 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 a person who is in charge of the dog at the time fails to remove the faeces from the land forthwith and properly dispose of it, that person shall be guilty of an offence unless

(i) he has reasonable excuse for failing to do so: or

(ii) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

iii) Taking the faeces away from the land for proper disposal elsewhere or placing the faeces in a receptacle on the land, either a litter bin or dog waste bin, shall be sufficient removal from the land.

iv) 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 of removing the faeces shall not be a reasonable excuse for failing to remove the faeces.

#### **Dog Exclusion Areas (except Beaches)**

A person in charge of a dog must not take it into or keep it within a fenced/enclosed e.g. children's play area and signed at its entrance(s) as a "dog exclusion area" (whether the sign uses those particular words or words and/or symbols having like effect) which is designated and marked for children's play unless

(i) he has reasonable excuse for failing to do so: or

(ii) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

#### **Seasonal Dog Exclusion Areas (Beaches)**

A person in charge of a dog shall be guilty of an offence if, between, 1st May and 30th September in any year, he takes the dog onto, or permits the dog to enter or to remain on, any land designated as a Dog Exclusion Area detailed in Schedule 1, unless

(i) he has reasonable excuse for failing to do so, or

(ii) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

## **Dogs on lead Areas**

A person in charge of a dog shall be guilty of an offence if, at any time on land designated as a Dogs on Lead Area detailed in Schedule 1 below, he does not keep the dog on a lead unless

- (i) he has reasonable excuse for failing to do so, or
- (ii) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so
- (iii) failing to have a lead in his/her possession shall not be a reasonable excuse for failing to do so

## **Dog(s) on lead on the highway**

A person in charge of a dog shall be guilty of an offence if, at any time within the restricted area, he does not keep his dog on a lead less than 2m in length whilst on the public highway or on footpaths adjacent to the highway, unless he has reasonable excuse for failing to do so.

- (i) Failing to have a lead in his possession at the time shall not be a reasonable excuse for failing to do so.

## **Dog(s) on lead by direction**

A person in charge of a dog shall be guilty of an offence if, at any time within the restricted area, he does not comply with a direction given to him by an authorised officer of the council or a Police Officer to put and keep the dog on a lead unless

- (i) he has reasonable excuse for failing to do so: or
- (ii) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

An authorised officer or Police Officer may only give a direction under the order to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or danger to any other person or to a bird or another animal

Failing to have a lead in his possession at the time shall not be a reasonable excuse for failing to do so.

## **No more than X dogs**

On land 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, the maximum number of dogs which a person may take onto the land is X unless

- (i) he has reasonable excuse for failing to do so; or
- (ii) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

## **Means to pick up**

A person in charge of a dog on land to which this order applies must have with him an appropriate means to pick up dog faeces deposited by that dog unless

- (a) he 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 failing to do so.

The obligation is complied with if, after a request from an authorised officer, the person in charge of the dog produces an appropriate means to pick up dog faeces.

## Exemptions

Nothing in this order shall apply to a person who –

(a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948 if they are alone with the dog; or

(b) a person with a disability affecting their mobility, manual dexterity, physical coordination or ability to lift, carry or move everyday objects or who relies upon a dog trained by a prescribed charity (and is clearly identified) for assistance if they are alone with the dog.

A “prescribed charity” is:

- Dogs for the Disabled (Registered Charity no. 700454)
- Support Dogs (Registered Charity no.1088281)
- Canine Partners for Independence (Registered Charity no. 803680)

(c) any police dog or fire dog. The term “police dog” or “fire dog” is deemed to be any dog, which is trained, or is undergoing structured training on behalf of the Chief Police Officer or Chief Fire Officer for the relevant service’s dog unit. All reference to the term ‘dog’ also includes bitches and puppies belonging to that service that are subject to any separate contractual conditions and arrangements.

## Explanations

For the purpose of this order:

- 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;
- 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
- “an authorised officer of the Authority” means an employee, partnership agency or contractor of Teignbridge District Council who is authorised in writing by Teignbridge District Council for the purposes of giving directions under the Order.

## Appendix B

### **PSPO Dog fouling survey 2017**

From: June 2017

To: 2nd October 2017

Total number of returns: 2055

Comments made: 270

### **Fouling**

**Q1** The council has existing powers which make it an offence if a person in charge of a dog fails to pick up

its faeces straight away. Would you like this to carry on?

**Agree? Number Percentage**

|          |      |     |
|----------|------|-----|
| Yes      | 2028 | 99% |
| No       | 19   | 1%  |
| No reply | 8    | na  |

**Q2** The council would like to have an offence if a person in charge of a dog does not carry a bag or other means of clearing up after their dog at all times. Do you agree?

**Agree? Number Percentage**

|          |      |     |
|----------|------|-----|
| Yes      | 1719 | 84% |
| No       | 326  | 16% |
| No reply | 10   | na  |

**Dog ban areas (except beaches)**

**Q3** The council would like to continue to have it as an offence for a person in charge of a dog, to let a dog be in dog ban area (e.g. Children's play park). Do you agree?

**Agree? Number Percentage**

|          |      |     |
|----------|------|-----|
| Yes      | 1966 | 96% |
| No       | 82   | 4%  |
| No reply | 8    | na  |

**Beaches - Seasonal dog ban area**

**Q4** The council would like to continue to have an offence for a person in charge of a dog, between 1 May and 30 September or 1 April and 30 September in Dawlish Warren to take the dog onto, or permit the dog to enter or to remain on, any beach designated as a dog ban area. Do you agree?

**Agree? Number Percentage**

|          |      |     |
|----------|------|-----|
| Yes      | 1966 | 96% |
| No       | 82   | 4%  |
| No reply | 11   | na  |

**Dogs on leads**

**Q5** The council would like to continue to have an offence if a person in charge of a dog at any time does not keep the dog on a lead on land designated as a dog on lead area. Would you like to see this?

**Agree? Number Percentage**

|          |      |     |
|----------|------|-----|
| Yes      | 1796 | 88% |
| No       | 249  | 12% |
| No reply | 10   | na  |

**Q6** The council would like to have an offence if, at any time, a person in charge of a dog does not keep the dog on a lead, whilst on a road or footpaths adjacent to a road. Do you agree?

**Agree? Number Percentage**

|          |      |     |
|----------|------|-----|
| Yes      | 1631 | 80% |
| No       | 412  | 20% |
| No reply | 12   | na  |

**Q7** The council is planning on introducing an offence if at any time within a dog ban area, a person in charge of a dog does not comply with a direction given to him by an authorised officer of the council or police officer to put and keep the dog on a lead. Do you agree?

**Agree? Number Percentage**

|          |      |     |
|----------|------|-----|
| Yes      | 1862 | 91% |
| No       | 181  | 9%  |
| No reply | 12   | na  |

**Maximum number of dogs which a person may take onto land**

**Q8** Would you like to see the introduction of a new control under the PSPO to restrict the number of dogs that can be walked by a single individual on or off the lead. Do you agree?

**Agree? Number Percentage**

|            |      |     |
|------------|------|-----|
| Yes        | 1173 | 57% |
| No         | 608  | 30% |
| Don't know | 266  | 13% |
| No reply   | 8    | na  |

**Q8a** If yes, how many dogs do you think the single individual should walk on or off a lead at any one time?

**Number Number Percentage**

|       |     |     |
|-------|-----|-----|
| 3     | 588 | 50% |
| 4     | 267 | 23% |
| 5     | 24  | 2%  |
| 6     | 18  | 2%  |
| Other | 272 | 23% |

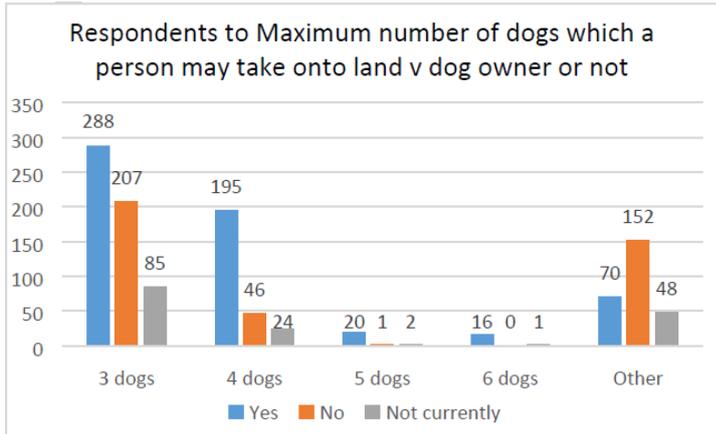
**Q9** What is your post code?

1810 postcodes provided

**Q10** Are you a dog owner/walker?

**Agree? Number Percentage**

|               |      |     |
|---------------|------|-----|
| Yes           | 1273 | 63% |
| No            | 504  | 25% |
| Not currently | 236  | 12% |
| No reply      | 42   | na  |

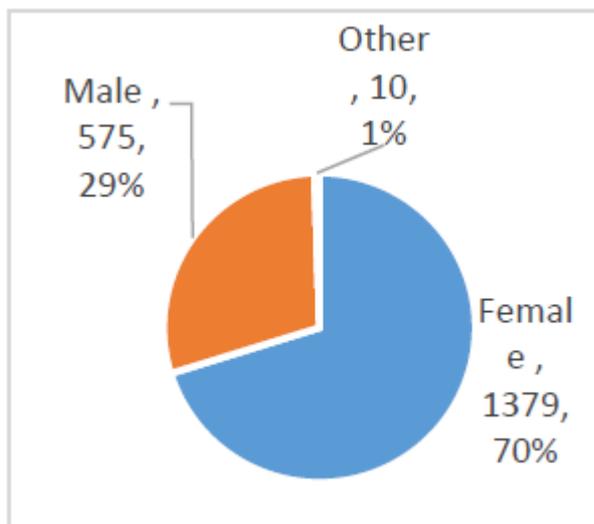


**Q11 Does your work involve you caring for dogs?**

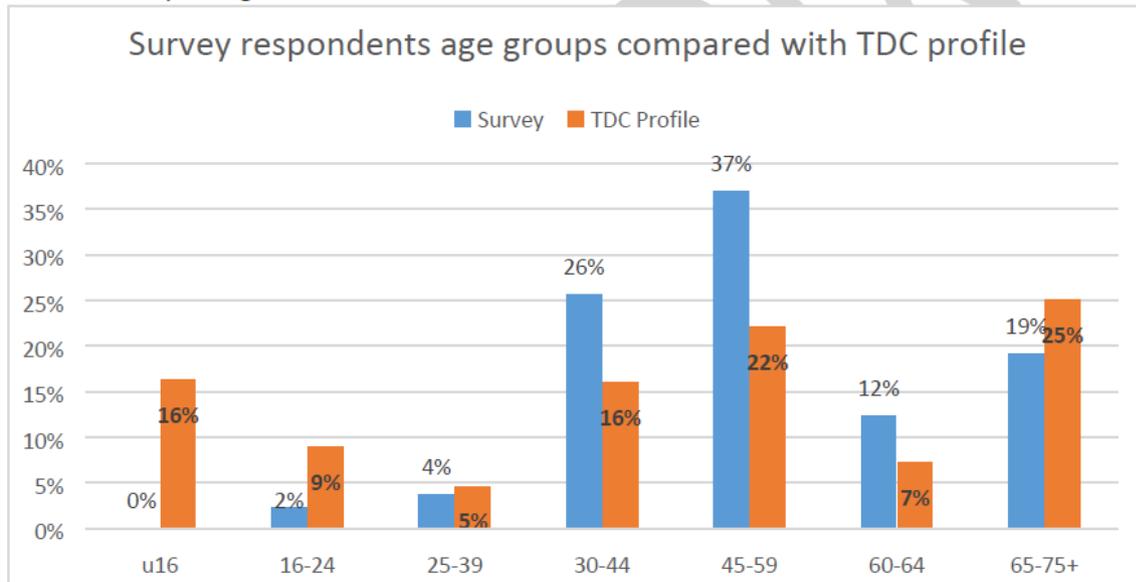
|                   | Number | Percentage |
|-------------------|--------|------------|
| Boarding          | 31     | 7%         |
| Dog walking for £ | 28     | 6%         |
| Pet sales         | 6      | 78%        |
| Training          | 18     | 1%         |
| Vet services      | 20     | 4%         |
| Other             | 368    | 4%         |

**Q12 What is your gender?**

|        | Number | Percentage | TDC profile |
|--------|--------|------------|-------------|
| Male   | 575    | 29%        | 48%         |
| Female | 1379   | 70%        | 52%         |
| Other  | 10     | 1%         | na          |



**Q13 What is your age?**



**Q14 Do you consider yourself to have a limiting long term illness or condition that requires you to have an assistance dog provided by a recognised charity?**

**Agree? Number Percentage**

|          |      |       |
|----------|------|-------|
| Yes      | 17   | 0.8%  |
| No       | 1984 | 99.2% |
| No reply | 27   | na    |