

## Public Space Protection Order (PSPO) for dog control

### Frequently Asked Questions (FAQs)

#### 1) What is a Public Space Protection Order?

A Public Space Protection Order, also known as a PSPO, is a new power available under the Anti-Social Behavior, Crime and Policing Act 2014.

An order can be used to control certain activities in a specified area if two conditions are met:

- that the activities have had, or are likely to have, a detrimental effect on those in the locality
- that the effect is, or is likely to be, persistent and continuing nature and is or is likely to be such as to make those activities unreasonable and that restrictions are justified.

#### 2) What does the PSPO for dog control actually mean for people living in or visiting County Durham?

The countywide PSPO makes it **an offence** in County Durham to:

- 1) allow a dog to foul without picking it up (already an offence and continues to be an offence under the PSPO).
- 2) allow a dog to stray (i.e. it will be an offence to allow a dog to wander/roam loose/exercise without a responsible dog owner present)
- 3) fail to put a dog on a lead when asked to do so by an authorised officer (e.g. by a council officer or Durham Constabulary)
- 4) allow dogs in designated fenced off fixed play areas (i.e. dogs are not allowed in specified areas where slides, swings and/or other climbing equipment is contained by a fence).

### **3) Why are you implementing a Public Space Protection Order for dog control?**

The Antisocial behaviour, Crime and Policing Act 2014 brought in more powers, including replacing existing Dog Control Orders. The PSPO for dog control allows us to extend our powers and encourage responsible dog ownership. In turn, this will help make County Durham an even cleaner, greener, healthier and safer place in which to play, live, work or visit by:

- reducing the number of dog fouling incidents across the county
- reducing the number of dogs allowed to stray/collected and make it easier to return dogs to their owners by checking dogs are microchipped
- prevent incidents to enable powers to request dogs are placed on leads when directed to do so by an authorised officer
- making fenced off play areas safe and welcoming for children to enjoy
- improving the local community, environment and health and wellbeing for all.

### **Consultation**

In addition, we carried out a public consultation prior to implementing the PSPO (September to December 2016) and the majority of people, over 80% of respondents, positively agreed with implementing the PSPO stating it will encourage responsible dog ownership.

### **4) How will the PSPO be enforced?**

Authorised officers from Durham County Council and Durham Constabulary can enforce the Order.

A Fixed Penalty Notice (FPN) of £100 will be issued if any of the PSPO conditions are breached. The FPN is reduced to £60 if paid within 10 working days. Failure to pay will lead to prosecution and being liable to a fine not exceeding £1,000.

### **5) When would you prosecute a dog owner rather than issue a Fixed Penalty Notice?**

Prosecution might be appropriate for repeat offenders, or if the offence is so serious that it merits prosecution. For example: a dog owner that allows their dog to be dangerously out of control, despite being directed by an officer to put it on a lead, may risk prosecution, rather than being issued with a Fixed Penalty Notice. Failure to pay the Fixed Penalty Notice would result in prosecution.

### **6) Where does the requirement to pick up after my dog apply?**

The PSPO states that a person in charge of the dog must *“remove dog faeces from any land to which is open to the air and to which the public have access”*.

Therefore, the requirement to clean up after your dog *“from any land to which is open to the air and to which the public have access to”* is a legal definition.

It means you must pick up your dog's foul outdoors in parks and on open spaces, on the footpath, highway, bridleways or any other area which someone else could reasonably be expected to access. This excludes your own private front or back garden but includes outdoor communal areas in a flat complex.

### **7) Why might I have to put my dog on a lead if a council officer or police officer tells me to?**

Requiring dogs to be kept on leads in designated areas likely reduces the risk of dog fouling occurring and ensures dog walkers keep their dogs under control for the safety of yourself, your dog and the safety of others.

The vast majority of parks and open spaces are free of restrictions and only if an authorised officer considers a dog, or dogs, to be out of control, or causing alarm or stress, will the owner of a dog be instructed to put and keep a dog on a lead

### **8) Why does the PSPO exclude dogs from fenced off fixed play sites?**

#### **Health**

The exclusion of dogs from certain sites, such as fenced off children's play areas, is important in ensuring the health of children in what we consider to be a safe and welcoming environment in which children play.

Dog fouling can cause blindness from the disease toxocariasis, which is spread from animals to humans through infected dog foul.

Children should be free to play on the equipment without the fear of treading in or coming into contact with dog faeces.

#### **Safety**

Dogs taken into children's play areas may become aggressive if startled and we need to ensure the safety of children in play environments.

### **9) I am the only adult with my child/children and my dog. What will I do with my dog if I want to access the fenced off play site to assist my child/children on the play equipment?**

Dogs can be securely tied to fences, provided they do not pose a health and safety risk to other children and members of the public. Any dog foul must be picked up and securely disposed of in a suitable bin.

Alternatively, your dog can be exercised at another time when you are not accessing a fenced off play site.

## **10) What if my dog is picked up as a stray?**

### **First stray offence**

If a dog is found straying and is collected by a council neighbourhood warden, the dog will be scanned to check for a microchip. If the dog is chipped and the details are up-to-date, the dog will be returned to its owner by the neighbourhood warden. From April 2016, it became law that all dogs must be microchipped. To get your dog microchipped free of charge call Stray Aid on 0300 999 4247 or visit [www.strayaid.org.uk](http://www.strayaid.org.uk) for more details.

### **If the dog is not microchipped, it will be taken to Stray Aid:**

#### **a) If we find the dog owner within 7 days:**

The dog owner will need to collect the dog from Stray Aid, East Pasture Farm, Durham, DH6 4EL. Education advice will be provided explaining responsible dog ownership, the law requiring the dog is microchipped and the PSPO offences should they allow the dog to stray again. A £100 Fixed Penalty Notice may be issued for allowing the dog to stray. Failure to pay the Fixed Penalty Notice will lead to prosecution.

#### **b) If we do not find the owner after 7 days:**

After 7 days, the dog ownership will change to ourselves and then onto Stray Aid ([www.strayaid.org.uk](http://www.strayaid.org.uk)). It is therefore very important to get your dog microchipped and ensure the chip details are up-to-date on an approved chip database so the dog can be returned to its rightful owner.

### **Where a dog has been found straying and taken to Stray Aid by a member of the public and is microchipped**

Stray Aid will contact the registered owner to inform them their dog is being held at the kennels. It will be the responsibility of the dog owner to collect their dog from Stray Aid, East Pasture Farm, Durham, DH6 4EL. Education advice will be provided explaining responsible dog ownership and the PSPO offences should they allow the dog to stray again.

### **Subsequent/repeat stray offences**

If the same dog is found straying again/repeatedly, then authorised officers have the power to issue a £100 Fixed Penalty Notice or a Community Protection Notice/Community Protection Warning or process for prosecution as appropriate.

## **11) I use an assistance dog – will the PSPO criteria apply to me?**

The PSPO **does not apply** to a person who is registered as blind or to disabled persons who uses a trained assistance dog.

## **12) When will the PSPO be implemented and enforced from?**

The PSPO for dog control will be implemented and enforced **from 1 June 2017**.

## **13) Are other councils implementing PSPOs for dog control?**

Yes, many other local government authorities have already implemented PSPOs for dog control, including neighbouring councils such as Sunderland City Council (as an example).

## **14) Is the PSPO for dog control information published or advertised so people know about it?**

Yes, we will let people know about the PSPO through a range of media including:

- information available on Durham County Council's website: [www.durham.gov.uk/dogcontrol](http://www.durham.gov.uk/dogcontrol)
- press releases will be issued to the media
- information will be published on Durham County Council's social media platforms, including Facebook ([www.facebook.com/durhamcouncil](http://www.facebook.com/durhamcouncil)) and Twitter ([www.twitter.com/durhamcouncil](http://www.twitter.com/durhamcouncil))
- posters and postcards will be displayed in Durham County Council's public buildings (libraries, leisure centres and Customer Access Points)
- stickers will be placed on street lighting columns
- signage will be erected at the fenced off fixed play sites where the PSPO will impact
- information will be included in Durham County Council's resident magazine 'Durham County News'. This magazine is distributed to every household in the county.

## **15) What if I have a question about the PSPO for dog control that is not answered in this document?**

Please get in touch explaining your query: either by email [help@durham.gov.uk](mailto:help@durham.gov.uk) quoting 'Public Space Protection Order for dog control' in the subject line or call 03000 261 000 during office hours (8.30am-5pm Monday to Thursday and 8.30am – 4.30pm Fridays).