

Portfolio Holder Report

The portfolio holder will make a decision on this item after seven days have elapsed (including the date of publication).

Report of:	Portfolio Holder	Date of publication
Mark Billington, Service Director People and Places	Cllr David Henderson, Street Scene, Parks and Open Spaces Portfolio Holder	14 June 2017

Public Space Protection Order (PSPO) Consultation in respect of Dog Control Measures

1. Purpose of report

- 1.1 To approve a consultation process to be undertaken relating to the consolidation of the Council's five Dog Control Orders into Public Space Protection Orders and to consult on a potential new offence which will also form part of the order.

2. Outcomes

- 2.1 To enable public consultation to be undertaken prior to the consideration of a Public Spaces Protection Order for dog control and dog fouling to ensure that continuous dog control measures are in place.

3. Recommendations

- 3.1 That a consultation process be undertaken regarding the replacement of the five existing dog control orders with the proposed Public Space Protection Orders.
- 3.2 That a consultation process be undertaken to consult on a potential new offence to be included in the order, namely, making it an offence to fail to have suitable means to pick up after a dog when requested.

4. Background

- 4.1 The Anti-Social Behaviour, Crime and Policing Act 2014 came into force in October 2014. The Act covers a wide variety of anti- social behaviour and the section of relevance to this report is the Public Space Protection Orders (Chapter 2, Sections 59-74) which will replace the current dog control orders.

Public Spaces Protection Orders are designed to stop individuals or groups committing anti-social behaviour in a public space. They form part of the Anti-Social Behaviour, Crime and Policing Act 2014. Councils can make a Public Spaces Protection Order (PSPO) after consultation with the Police and Crime Commissioner and other relevant bodies.

4.2 The Council must also consult with relevant community representatives as deemed appropriate. This could relate to a specific group, for instance, a residents association, or an individual or group of individuals, for instance, regular users of a park. PSPOs can be enforced by Police Officers, Police Community Support Officers, Council Officers and officers authorised by the council. The maximum duration of a PSPO is three years, but they can last for shorter periods of time where appropriate (Home Office guidance 2014).

4.3 Both the Home Office guidance on the Anti-Social Behaviour, Crime and Policing Act 2014, and the Animal Welfare Act 2006, suggest that local councils will need to consider whether there are suitable alternatives for dogs to be exercised without restrictions to ensure that welfare needs are met. Consideration should also be made on how any restrictions affect those who rely on assistance dogs.

4.4 The existing dog control orders will become redundant in October 2017. It is therefore necessary to review all controls and consider new measures to tackle irresponsible dog ownership in the borough. Residents' concerns within Wyre are predominantly linked to the level of dog fouling and the impact this has on users and the amenity value of our open spaces. Whilst the council does receive reports in relation to the behaviour of dogs, compared to other councils this is minimal.

4.5 Dog-fouling is a significant issue for many local people across the borough. In the three most recent Life in Wyre surveys residents reported significant concerns about dog fouling and irresponsible dog owners (49% in 2016, 51% in 2014 and 48% in 2012). The council also received the following reports through the Contact Centre:

	2015/16	2016/17
Stray Dogs	313	228
Dog fouling	432	417
Bites / behaviour concerns	74	71

4.6 The Council's five existing dog control orders (DCOs) make it an offence to:

- Fail to pick up after your dog;
- To allow your dog into a designated area;
- To fail to keep your dog on a lead in designated areas;
- To fail to put your dog on a lead in designated areas when directed to do so by an authorised officer; and
- To walk more than four dogs on your own in designated areas.

4.7 This report seeks approval to consult on the consolidation of our existing dog control powers within a PSPO and to determine if the introduction of a

new power, which will enhance the Council's ability to deal with irresponsible dog owners, will have the support of the public and other interested bodies. The Council will be seeking to simplify the orders where possible, highlighting clearly where dog owners can go to exercise their dogs fully. However for this to be successful, the key is getting everyone to act responsibly when in charge of a dog(s) recognising that some users of public space are fearful of dogs running around and this includes, on occasion, even other dog walkers. If a dog is running off lead the person in charge needs to be observant to ensure the dog(s) is not causing a nuisance and that any dog fouling can be picked up even if the dog has wandered some distance away. This is particularly significant when one handler has multiple dogs with them.

5. Key issues and proposals

5.1 The DCOs were introduced in 2011 following consultation in which the public and many interested bodies offered their full support for this legislation. It is recognised that some customers have found the existing orders quite complex and through this process, every effort will be made to make the requirements clearer and indicate where dogs can be exercised freely.

5.2 In order to introduce a PSPO the Council has to be satisfied on reasonable grounds that the following conditions are met: that activities carried out in a public place have had, or are likely to have a detrimental effect on the quality of life of those in the locality and that the effect of those activities is, or is likely to be, persistent or continuing in nature and justifies the restrictions imposed.

5.3 This test is considered to be met for the following reasons:

- The Life In Wyre Survey continues to list dog fouling and irresponsible dog owners as being a major concern for our residents.
- The Council receives over 400 complaints per year about dog fouling and handles over 170 strays dogs / and over 70 reports in relation to bites or other unruly behaviour per annum. On top of this the Council is aware of other incidents in areas of open space that go unreported but are voiced on local social media groups.
- If ingested, dog faeces containing the round worm parasite *Toxicara* can cause illness, including partial blindness - young children who often play in dirt, or eat dirt, are particularly at risk.
- Treading or coming into contact with dog faeces is very unpleasant.
- The quality of the bathing waters on our coastline are affected by dog fouling and the erroneous belief that it is acceptable to leave foul on a beach as the sea will wash it away.
- Areas of special scientific interest and natural beauty are becoming blighted by dog fouling and there is a risk to natural habitats and wildlife from dogs out of control.
- Our town and parish councils view dog fouling and being in fear of out of control dogs as a significant problem.

- Although measures taken by the Council have been successful in reducing the incidence of dog fouling, and the expectation that owners should pick up after their dogs is now viewed as being reasonable, there are still a minority of owners who continue to fail to pick up.
- Based on national statistics that there are over 8.5 million dogs in the UK and 24% of households have a dog, it is estimated that there is a minimum of 14,250 dogs resident in Wyre, and in addition to this there are also people who visit the area with their dogs.

5.4 Catching dog owners in the process of allowing their dogs to foul and not picking up is difficult and even harder during the darker months of the year where people believe they cannot be seen.

Officers have therefore explored other options to assist in combatting and tackling irresponsible owners who do not pick up after their dog.

5.5 One option explored was the use of DNA testing and although this is being trialled in some Local Authority areas it is currently considered not to be viable at this time.

Officers will continue to engage with the company pioneering this and officers of Council's who undertook that undertook pilots

5.6 A preferred option is to introduce a new control measure to make it an "offence of failing to produce a device for or other suitable means of removing dog poo and transporting it to a bin (whether or not the dog has defecated) when asked to do so by an authorised officer".

With this offence it is envisaged Authorised Officers could approach dog owners and request them to produce a device for or other suitable means of removing dog poo and transporting it to a bin (whether or not the dog has defecated). If the owner fails to produce this on request then provided the offence is on designated land and the offender is not exempted, by for instance being registered blind, an offence is committed for which a fixed penalty fine of up to £100 may be issued. Failure to pay the fine may result in legal proceedings with a potential fine of up to £1,000 in the Magistrates' Court.

If adopted, the introduction of this new power would be preceded by an educational campaign and the use of an informal approach in the first few months of operation.

5.7 In terms of being responsible and in full control of dogs, there has been much debate with officers and other local agencies, as well as nationally, around the number of dogs it is possible to have full control of by any one individual. Experienced officers of the Council believe that it is very difficult for one person to have full control of more than four dogs; especially off the lead. It could be that each dog runs in a different direction, is hidden from view by bushes, trees etc., making it impossible for the owner / walker to be sure that fouling is not taking place or their dog is not being a nuisance to another dog walker or user of that area. The current Dog Control Orders

place a limit on the maximum number of dogs (four maximum) that can be exercised by one person at a few sites and this has been considered successful. These sites have been linked to where there could be conflict with other users. Based on this, we would welcome feedback as to whether customers believe this should be applied across the administrative area.

- 5.8** Officers of the Council have reviewed the existing orders and sites listed under these and collectively proposed a number of changes based on their experiences, feedback from customers, other agencies and colleagues and have attempted to streamline the orders where possible.

The list of changes can be found at Appendix A.

It is proposed that the exclusion of dogs from playgrounds, Multi Use Games Area (MUGA's), picnic areas, bowling greens, tennis courts, pitch and putt courses, crazy golf course and marked sports pitches remains recognising potential user conflict and increased risk if dog foul is not picked up. Pitches not marked up out of season will be open access. Dogs will also be excluded from areas designated as being of special scientific interest.

Similarly it is proposed a localised seasonal beach ban remains in place during the bathing season. This would equate to a seasonal ban on 1.4300 km of beach, with a further 11.07km open access. The Council recognises that children and dogs should be able to socialise under supervision, but equally some families may choose to come to the beach to be away from dogs. By limiting the ban to the amenity areas only, this leaves wide expanses either side that dogs can roam freely. However there is a concern that there appears to be a misconception that dogs can foul on the beach (and dunes) and there is no requirement to pick it up believing that the sea will 'wash' it away. This is not the case and there is a requirement to pick up foul in all open spaces. Dog foul is reportedly affecting bathing water quality, it is not always washed away and is still a hazard until it is removed. The Council will seek to address this with a campaign working alongside neighbouring coastal authorities, the Love My Beach co-ordinator and many friends groups developed along the coast.

There will still be a requirement for a person in charge of a dog to keep that dog on a lead on all public roads, pavements and grass verges (this does not include all paths / tracks with no vehicular access), which are within four metres of the carriageway and are maintainable at public expense and within all Council car parks, recognizing the risk of being in close proximity to cars and other road traffic, horses or bikes. In particular, Council officers have noticed that dog walkers frequently arrive at a site, open the boot / door and let a dog jump out and run off, whilst the owner then changes their outerwear, locks the car up etc. and unbeknownst to them their dog has already fouled. There are other locations where a dog on a lead is required based on conflict with other users.

Again, there are other sites, were there is a requirement to put a dog on lead on direction e.g. sections of the promenade, this is where there is

potential for conflict with other users and where feedback from other agencies have reported concerns from users.

Whilst no orders are proposed on farmland, the Council would seek to continue to promote responsible dog ownership whilst walking in the countryside and follow the countryside code, especially around lambing time and when birds are nesting.

In all cases, the Council would seek to identify dogs / owners reportedly behaving irresponsibly and if deemed necessary will seek (and have) to put in place acceptable behaviour contracts and community protection notices on a one-to-one basis.

However, the need to allow dogs to have social play time and the associated health benefits of walking and companionship to owners is recognised.

- 5.9** Wyre Council have been approached by Officers of Lancashire County Council (LCC) who own and are responsible for the management of the Fleetwood Nature Reserve site requesting that Orders be placed on this land in an effort to encourage responsible dog ownership. LCC Officers report that they routinely receive complaints about the level of dog fouling and walkers fearful of dogs considered to be out of control. Similarly Wyre Council has also had negative reports about poor practices in this reserve affecting the enjoyment for users and have had cause to undertake enforcement action in relation to irresponsible owners.

Therefore LCC have requested that the following orders be put in place in relation to Fleetwood Nature Reserve:

- Dogs on Leads by Direction Order;
- Fouling of Land by Dogs and Requirement to Produce Device for or Other suitable means of Removing Dog Faeces;
- Maximum Number of Dogs to be exercised by one person.

LCC will be authorised by Wyre Council to utilise their Officers to enforce in this geographic area following the agreed protocol of Wyre Council and a Service Level Agreement would be put in place to reflect this.

- 5.10** The penalty applied under the DCO's is £75. The Council has already agreed in a Portfolio Holder Report, Anti-Social Behaviour, Crime and Policing Act 2014 – Fixed Penalty Notice approved on 9 April 2015 that an offence under the ASB Regulations would be a fixed penalty to the value of £100.
- 5.11** The consultation process will be conducted in accordance with Cabinet Office Guidelines. In order to ensure that Parishes/Town Councils and collective groups/organisations can consider these proposals within their meeting cycle the consultation period will be conducted over a minimum of six weeks. The proposals will also be circulated to a wide variety of interested parties including the Police Crime Commissioner, Lancashire County Council, and Friends of the Parks Groups (where these exist). It will also be open to individual members of the public to respond.

Consultation responses will be promoted through the council's on-line portal. Paper copies will be made available at Council buildings on request. This will be publicised through the web, media and social media outlets.

It is anticipated the consultation will take place during the summer of 2017. The results of the consultation exercise will be used as the basis for a report to Cabinet on the implementation of the PSPO.

- 5.12** To ensure compliance with requirements as set out in the Public Sector Equality Duty (PSED), a full equality and health analysis will be undertaken on completion of the public consultation, forming any future cabinet report seeking approval to introduce PSPOs for dog control.

Initial consideration has been given on the impact of the proposed PSPO restrictions and requirements outlined in this report on the "protected characteristics" group as set out in the Equalities Act 2010. It is envisaged that dog related ASB negatively impacts on the disabled "protected characteristics" group, specifically those with a visual impairment or need for an assistance dog. As such any person who is disabled and in charge of an assistance dog will be exempt from the PSPO provision for requiring them to pick up after their dog. It is also reasonable to appreciate that some people may not be physically able to pick up dog waste or will require access to areas with their dogs and there will continue to be a reasonable approach taken towards assistance / guide dogs.

- 5.13** The maximum duration of a PSPO is three years but they can last for shorter periods of time where appropriate. At any point before expiry, the Council can extend a PSPO by up to three years.

- 5.14** The alternative to making the PSPO is to allow the DCO to lapse without replacement, however the public health and ecological rationale for controls over certain dog behaviours is well understood and generally accepted by the public. PSPOs are intended as a timely and effective tool which may be useful where other tools or remedies are slow or otherwise inadequate.

6. Delegated functions

- 6.1** The matters referred to in this report are considered under the following Executive Function delegated to the Street Scene, Parks and Open Spaces Portfolio Holder (as set out in Part 3 of the Council's Constitution): "To consider arrangements for the design and provision of services for refuse collection, street cleansing, and litter control (including beach and foreshore cleaning) and to determine charges or fees for any relevant services operated within the Portfolio".

Financial and legal implications	
Finance	<p>The costs of the consultation process will be met from within existing budgets.</p> <p>It is anticipated that there will be costs associated with new signage for public space protection orders in the parks and other areas where they need to be displayed and this will be between £5,000 and £12,000. Costs will be met from existing budgets including slippage underspends from 2016/17.</p>
Legal	<p>The consultation process for the proposed PSPO will be conducted in accordance Cabinet Office Guidelines, Home Office Guidance July 2014 and the Anti -Social Behaviour Act 2014 and regulations made thereunder.</p> <p>The proposed PSPO would replace the existing dog control orders. A legal process would need to be followed with the appropriate consultation and these views considered, before any decision is reached by Members of the Cabinet.</p>

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

risks/implications	✓ / x
community safety	✓
equality and diversity	✓
sustainability	✓
health and safety	✓

risks/implications	✓ / x
asset management	✓
climate change	x
data protection	x

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List of background papers:		
name of document	date	where available for inspection
None		

List of appendices

- Appendix A – List of changes to Dog Control Orders
 - Appendix B – Draft PSPO Dog Control
 - Appendix C – Areas that well behaved dogs can run freely
 - Appendix D – Supporting Maps
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List of appendices

Appendix A – List of changes to Dog Control Orders

Appendix B – Draft PSPO Dog Control

Appendix C – Areas that well behaved dogs can run freely

Appendix D – Supporting Maps

Appendix A List of changes to Dog Control Orders

Garstang & Catterall sites

	<u>Current control order</u>	<u>Proposed PSPO for dog control</u>
Canterbury Way	Dogs on leads at all times	Dogs on leads by direction
Derbyshire Avenue	Dogs on leads at all times	Dogs on leads by direction

Over Wyre sites

	<u>Current control order</u>	<u>Proposed PSPO for dog control</u>
Preesall Cemetery	Dog ban area	Dogs on leads at all times
Bob Williamson Park, dog exercise area	Dogs on leads at all times	Dogs on leads by direction

Thornton sites

	<u>Current control order</u>	<u>Proposed PSPO for dog control</u>
Hargreaves street/Holly Road	Dogs on leads at all times	Dogs on leads by direction
Jubilee Gardens	Dogs on leads at all times	Dogs on leads by direction
Kenyon Gardens	Dogs on leads at all times	Dogs on leads by direction
Pheasants Wood	Dogs on leads at all times	Dogs on leads by direction
Swan Drive Open Space	Not currently listed	Dogs on leads at all times
Cleveleys Beach from Café Cove to Wyre boundary	Dog Ban area during season	Dog Ban area during season & Dogs on lead by direction out of season

Poulton sites

	<u>Current control order</u>	<u>Proposed PSPO for dog control</u>
Caldicot Way/Donnington Road	Dogs on leads at all times	Dogs on leads by direction
Poulton Cemetery, Garstang Road	Dog ban area	Dogs on leads at all times
Moorland Road Cemetery	Dog ban area	Dogs on leads at all times

Poulton swimming baths now named Poulton Health & Fitness Centre, (still to remain dogs on leads at all times).

Fleetwood sites

	<u>Current control order</u>	<u>Proposed PSPO for dog control</u>
Euston Gardens	Dog ban area	Dogs on leads at all times
Roundway	Dogs on leads at all times	Dogs on leads by direction
Fleetwood Beach east side of slipway (opposite end of promenade road) eastward to west side of former pier	Dog Ban area during season	Dog Ban area during season & Dogs on lead by direction out of season

Marine Lawn areas now named Mariners Close Open space, to remain as dogs on leads at all times.

Extension of order to restrict the number of dogs exercised by one person across all public open spaces

Appendix B

PROPOSED PUBLIC SPACE PROTECTION ORDERS (“PSPO”) WITHIN THE ADMINISTRATIVE AREA OF WYRE BOROUGH COUNCIL TO CONTROL DOGS

To tackle dog fouling

1. Wyre Council failure to remove dog faeces Public Space Protection Order 2017 (“Proposed PSPO 1”):

The effect of this PSPO is to make it an offence for a person in charge of a dog(s) to fail to remove the dog 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 the persons or authority having control of the land has consented (generally or specifically) to his failing to do so.

Exemption to this Order:

- a) Where the person in charge of the dog is registered as a blind person in a register compiled under s29 of the National Assistance Act 1948; 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 whom he relies or assistance

For the purpose of this Order:

- (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 a 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 for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces;
- (d) 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)

SCHEDULE

Subject to the exception in paragraph 3 below, the Order will apply to all land which is within the administrative area of Wyre Borough Council and which is -

1. Open to the air (which includes land that is covered but open to the air on at least one side); and
2. to which the public are entitled or permitted to have access with or without payment
3. Excepted from the description in paragraph 1 above is land that is placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967

To tackle dog fouling (New Order)

2. Wyre Council Means to Pick Up Public Space Protection Order 2017 (“Proposed PSPO 2”):

The effect of this Proposed PSPO is to make it an offence for a person in charge of a dog(s) on land to which this order applies to fail to produce a device for or other suitable means of removing dog faeces and transporting it to a bin (whether or not the dog has defecated) when asked to do so by an authorised officer

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.

Exemption to this Order:

- (c) Where the person in charge of the dog is registered as a blind person in a register compiled under s29 of the National Assistance Act 1948; or
- (d) 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 whom he relies or assistance

For the purpose of this Order:

- (e) 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;
- (f) each of the following is a “prescribed charity” –
 - (iv) Dogs for the Disabled (registered charity number 700454)
 - (v) Support Dogs (registered charity number 1088281)
 - (vi) Canine Partners for Independence (registered charity number 803680)

SCHEDULE

Subject to the exception in paragraph 3 below, the Order will apply to all land which is within the administrative area of Wyre Borough Council and which is -

1. Open to the air (which includes land that is covered but open to the air on at least one side); and
2. to which the public are entitled or permitted to have access with or without payment
3. Excepted from the description in paragraph 1 above is land that is placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967

3. Wyre Council Dogs on Leads by Direction Order 2017 (“Proposed PSPO 3”):

The effect of this proposed Order is to make it an offence for a person in charge of a dog(s) to fail to put the dog(s) on a lead when directed to do so by an authorised officer on all land to which this Order applies, he does not comply with a direction given him by an authorised officer of the Authority to put and keep a dog on a lead 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.

For the purpose of this Order:

- (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) an authorised officer of the Authority may only give a direction under this 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 disturbance to any other person [on any land to which this Order applies] or the worrying or disturbance of any animal or bird.

SCHEDULE

Description of Land to which Order applies

This Order :-

1. shall apply to the areas of land as listed below, which are open to the air and to which the public are entitled or permitted to have access (with or without payment) within the Borough of Wyre

Garstang/Catterall sites:	Map Ref.
Canterbury Way Garstang	GC1
Derbyshire Ave Garstang	GC2
Garstang Riverside Area	GC3
Over Wyre sites:	
Bilsborrow Recreational Ground	OW1
Bob Williamson Park/Playing Field Hambleton, dog exercise area only	OW2A
Lancaster Ave Gt Eccleston	OW3
Pennine View Playing Fields Gt Eccleston	OW4
Preesall Playing Field	OW5
Shorrocks Avenue Playing Field St Michaels	OW6
Stalmine Playing Field	OW7

Thornton/Cleveleys sites:

Bourne Way Playing Field	TC1
Branksome Avenue	TC2
Church Road Playing Field	TC3
Croasdale Drive Playing Field	TC4
Hargreaves St/Holly Rd	TC5
Jubilee Gardens	TC6
Kenyon Park	TC7
King Georges Playing Field	TC8
North Drive Park	TC9
Pheasants Wood	TC10
The Towers	TC11
Wyre Estuary Country Park	TC12
Cleveleys Beach from Café Cove to Wyre boundary (out of ban season only)	TC13A

Poulton/Carleton sites:

Caldicott Way/Donnington Road	PLF1
Civic Centre Playing Field	PLF2
Compley Ave POS	PLF3
Cottam Hall Playing Field	PLF4
Farnham Way	PLF5
Jean Stansfield/Vicarage Park	PLF6
Tithebarn Park	PLF7

Fleetwood sites:

Eskdale Avenue Park	FWD1
KGV Playing Field	FWD2
Memorial Park	FWD3
Mount Grounds	FWD4
Rossall Ecology Park	FWD5
Roundway	FWD6
Fleetwood Beach east side of slipway opposite end of Promenade Rd eastwards to the west side of the former pier (out of ban season only)	FWD7A
Fleetwood Promenade from opposite Carr Rd to the Five Bar Gate	FWD8
Rossall Beach	
Fleetwood Marsh Nature Park (subject to an SLA with LCC for enforcement)	FWD9

2. This Order does not apply to any land that is placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967.

4. Wyre Council Dogs on Leads Public Space Protection Order 2017
("Proposed PSPO 4"):

The effect of this proposed order is to make it an offence for a person in charge of a dog(s) to fail to keep the dog(s) on a lead on any land to which this Order applies, 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.
- (2) For the purposes 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.

SCHEDULE

1. Subject to the exception in paragraph 3 below, each and every length of road (which term includes pavements or footways) within the administrative area of the Council except public footpaths and bridleways; and
2. Public Open Space Areas, Parks, Recreational/Amenity Areas, Gardens as described below
3. Excepted from the description in paragraph 1 above is land that is placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967.

Description of Land to which Order applies

Garstang/Catterall sites:

	Map Ref.
Catterall Playing Field	GC4
Kepple Lane Playing Field Garstang	GC5
Moss Lane Playing Field Garstang	GC6

Over Wyre sites:

Bob Williamson Park/Playing Field Hambleton	OW2B
Inskip Recreation Area	OW10
Preesall Cemetery	OW11
Smallwood Hey Pilling	OW12
Churchtown Recreation Ground	OW13
Forton Playing Field	OW14
Pilling Memorial Hall Recreation Ground	OW15
Woburn Way Claughton on Brock	OW16
Scotts Green Winmarleigh	OW17

Thornton/Cleveleys sites:

Cleveleys Promenade from Five Bar Gate to Wyre Boundary	TC14
Hawthorne Park	TC15
Skippool Amenity Site	TC16
Swan Drive Open Space	TC17
Tarnway	TC18
Thornton Little Theatre	TC19

Poulton/Carleton sites:

Carrabine Park	PLF8
Wyre Civic Centre Grounds	PLF9
Derby Road/Shirley Heights	PLF10
Garstang Rd Cemetery	PLF11
Moorland Road Cemetery	PLF12
Poulton Health & Fitness Centre	PLF13
Tomlinson Gardens	PLF14

Fleetwood sites:

Euston Park	FWD10
Fleetwood Cemetery	FWD11
Mariners Close Open Space	FWD12
Martindale Park	FWD13
Marine Gardens amenity area (including lakes, pitch & putts)	FWD14
Land between Fleetwood Prom and golf course from Rossall	FWD15
Picnic site to Fairway including bridleway	
Marine Hall Gardens	FWD16
Rossall Picnic Site	FWD17
Fleetwood Promenade from former pier site to opposite Carr Road	FWD18
Westview Park	FWD19
Victoria Street (Pocket Park)	FWD20

5. Wyre Council Dogs Exclusion Public Space Protection Order 2017 (“Proposed PSPO 5”):

The effect of this proposed Order is to make it an offence for a person in charge of a dog(s) if, at any time, he takes the dog onto, or permits the dog to enter or to remain, on any land to which this Order applies 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 this land has consented (generally or specifically) to his failing to do so.

Nothing in this article 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
- (b) is deaf, in respect of a dog trained by the Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance; or
- (c) has a disability which affects his mobility, manual dexterity, physical coordination 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.

For the purpose of this Order:-

- (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; and
- (b) 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).

This Order would apply, namely to the following areas within the administrative area of the Council:

- Any clearly demarcated children’s play areas fenced or not;
- Marked sports pitches
- Bowling greens
- MUGAS
- Tennis courts
- Pitch & Putt Courses

- Crazy Golf Courses
- Areas designated as being of Special Scientific Interest
- Cleveleys Beach from Café Cove to Wyre Boundary (seasonal) May – September – Map Ref. TC13B
- Fleetwood Beach east side of slipway (opposite end of promenade road) eastward to west side of former pier (seasonal) May – September – Map Ref. FWD7B
- Scorton Playing Field – Map Ref. OW18
- Broadwater Wood Fleetwood – Map Ref. FWD21

Schedule

1. Children's play areas shall include:

Any area formally laid out for the provision of play for children and young people. Such an area may be enclosed or open plan but provides fixed, permanent equipment used for playing. Such sites may also include Skate Parks, Goal Ends and Multi-use Games Areas (MUGA's). Where a play area is enclosed, the area of exclusion will include all area's of equipment, together with any hard surface or grassed area included within the perimeter fencing or barriers. Where the play area is open plan the area of exclusion shall include all areas of equipment and their safety surfacing, together with any associated hard surfaces. On open plan sites the exclusion will extend 4 metres from any outer edge of hard standing area forming part of the play area.

2. Marked Sporting Areas shall include:

Any area of grass or hard surfacing designated for the use of outdoor sports or formal recreational activity and includes football, rugby, hockey and cricket pitches, basketball, netball and tennis courts and bowling greens. The area of exclusion will be dependant on the designated activity as follows:-

(a) Football, Rugby and Hockey Pitches;

The area of exclusion will extend across the entire marked-out playing surface extending outwards to provide a safety zone of 1.5 meters beyond any marked touch and/or goal line

(b) Cricket Pitches;

The area of exclusion will include the entire cricket table and the associated wickets (Including any artificial cricket wicket) together with the entire outfield as defined by the marked outfield boundary, extending outwards to provide a safety zone of 2 metres beyond the marked boundary

(c) Basketball, Netball and Tennis Courts;

The area of exclusion will include the entire hard surface, defining the court. Should the area be fenced the exclusion will apply to the entire enclosed area. When the area is open the exclusion will include all marked playing areas, extending outwards to provide a safety zone of 3 metres beyond the marked area.

(d) Bowling Greens

The area of exclusion will include the entire playing surface together with all associate gutters and perimeter paths

6. Wyre Council Maximum Number of Dogs to be exercised by one person Public Space Protection Order 2017 (“Proposed PSPO 6”):

The effect of this Proposed Order is to make it an offence for a person to be in charge of more than four dogs on to land which this Order applies, 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 doing so.

For the purposes 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.

Subject to the exception in paragraph 3 below, this Order will apply to all land which is within the administrative area of Wyre Borough Council and which is -

- 1. Open to the air (which includes land that is covered but open to the air on at least one side); and
 - 2. to which the public are entitled or permitted to have access with or without payment
3. Excepted from the description in paragraph 1 above is land that is placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967

Proposed PSPOs 1 – 6 would not apply where a person in control of a dog:-

- a. has a reasonable excuse for failing to comply with the PSPO, or
- b. is acting with the consent of the owner or occupier of the land that the

The proposed PSPO’s applies to, or any other person or authority which has control of the said land, for example dogs working on the said land with the consent of the land owner.

The offences contained in Proposed PSPOs 1 – 6 would be subject to a maximum fine of level 3 on the standard scale (currently £1,000). Alternatively the opportunity to pay a fixed penalty notice may be offered in place of prosecution.

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

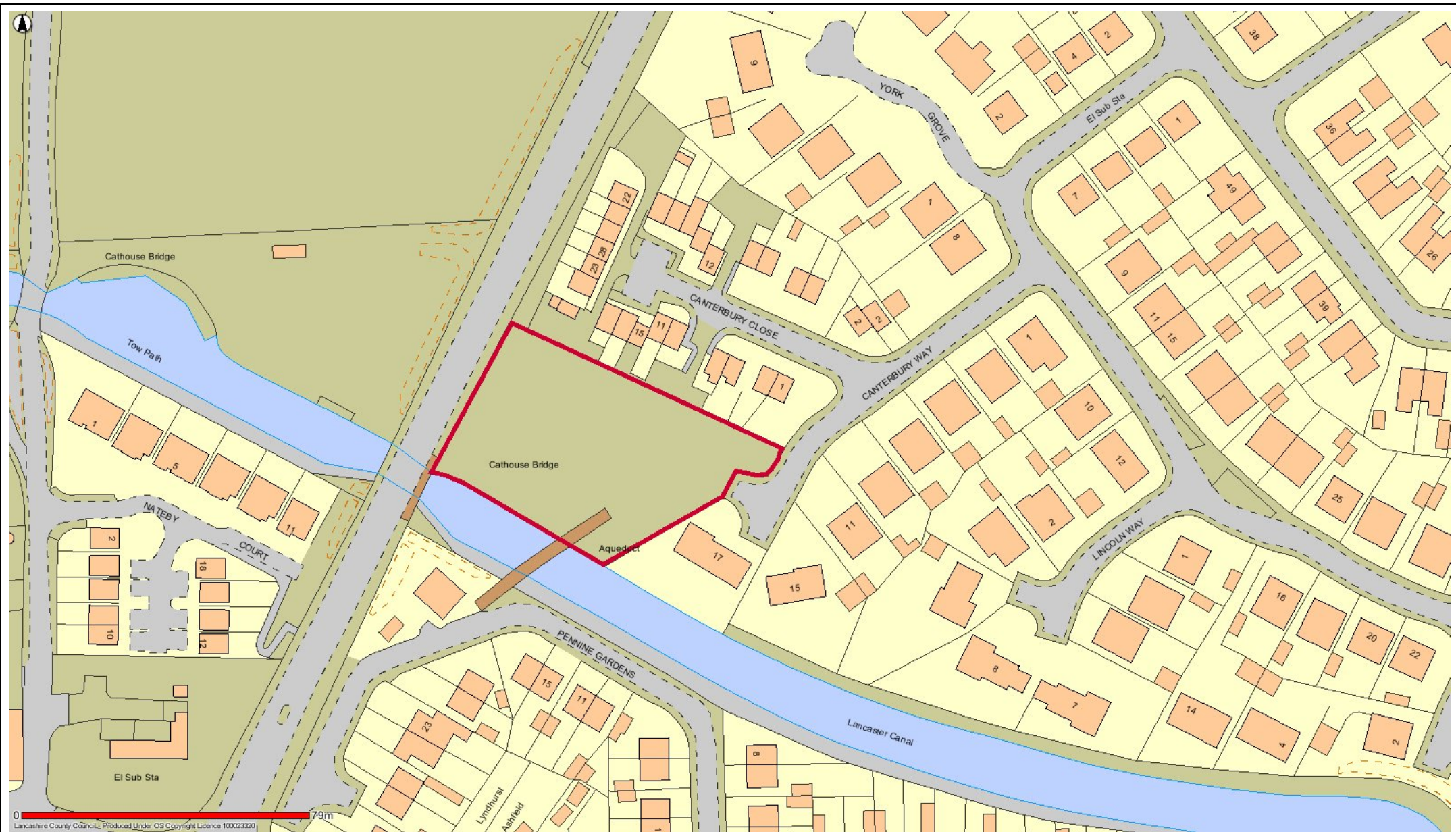
Appendix C – Dogs can be off lead

Garstang/Catterall sites:	Map Ref.
Canterbury Way Garstang	GC1
Derbyshire Ave Garstang	GC2
Garstang Riverside Area	GC3
Over Wyre sites:	
Bilsborrow Recreational Ground	OW1
Bob Williamson Park/Playing Field Hambleton, dog exercise area only	OW2A
Lancaster Ave Gt Ecclestone	OW3
Pennine View Playing Field Gt Ecclestone	OW4
Preesall Playing Field	OW5
Shorrocks Avenue Playing Field St Michaels	OW6
Stalmine Playing Field	OW7
Thornton/Cleveleys sites:	
Bourne Way Playing Field	TC1
Branksome Avenue	TC2
Church Road Playing Field	TC3
Croasdale Drive Playing Field	TC4
Hargreaves St/Holly Rd	TC5
Jubilee Gardens	TC6
Kenyon Park	TC7
King Georges Playing Field	TC8
North Drive Park	TC9
Pheasants Wood	TC10
The Towers	TC11
Wyre Estuary Country Park	TC12
Cleveleys Beach from Café Cove to Wyre Boundary (out of ban season only)	TC13A
Poulton/Carleton sites:	
Caldicott Way/Donnington Road	PLF1
Civic Centre Playing Field	PLF2
Compley Ave POS	PLF3
Cottam Hall Playing Field	PLF4
Farnham Way	PLF5
Jean Stansfield/Vicarage Park	PLF6
Tithebarn Park	PLF7

Fleetwood sites:

Eskdale Avenue Park	FWD1
King George V Playing Field	FWD2
Memorial Park	FWD3
Mount Grounds	FWD4
Rossall Ecology Park	FWD5
Roundway	FWD6
Fleetwood Beach east side of slipway opposite end of Promenade Rd eastwards to the west side of the former pier (out of ban season only)	FWD7A
Fleetwood Promenade from opposite Carr Rd to the Five Bar Gate Rossall Beach	FWD8
Fleetwood Marsh Nature Park	FWD9

arm/ph/st/rp/17/00rh3 Appendices

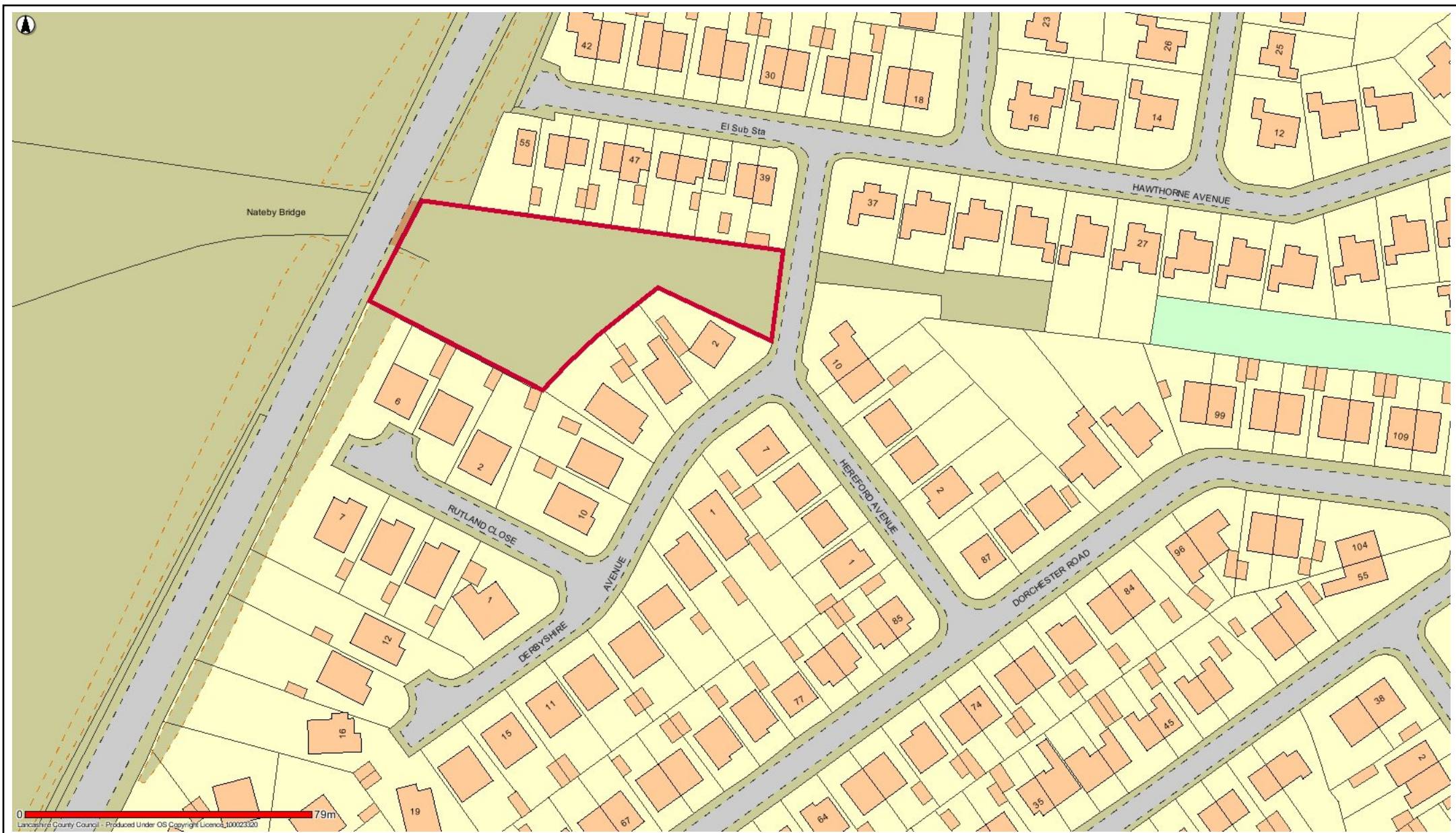


GC1 Canterbury Way Garstang



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GC2 Derbyshire Avenue Garstang



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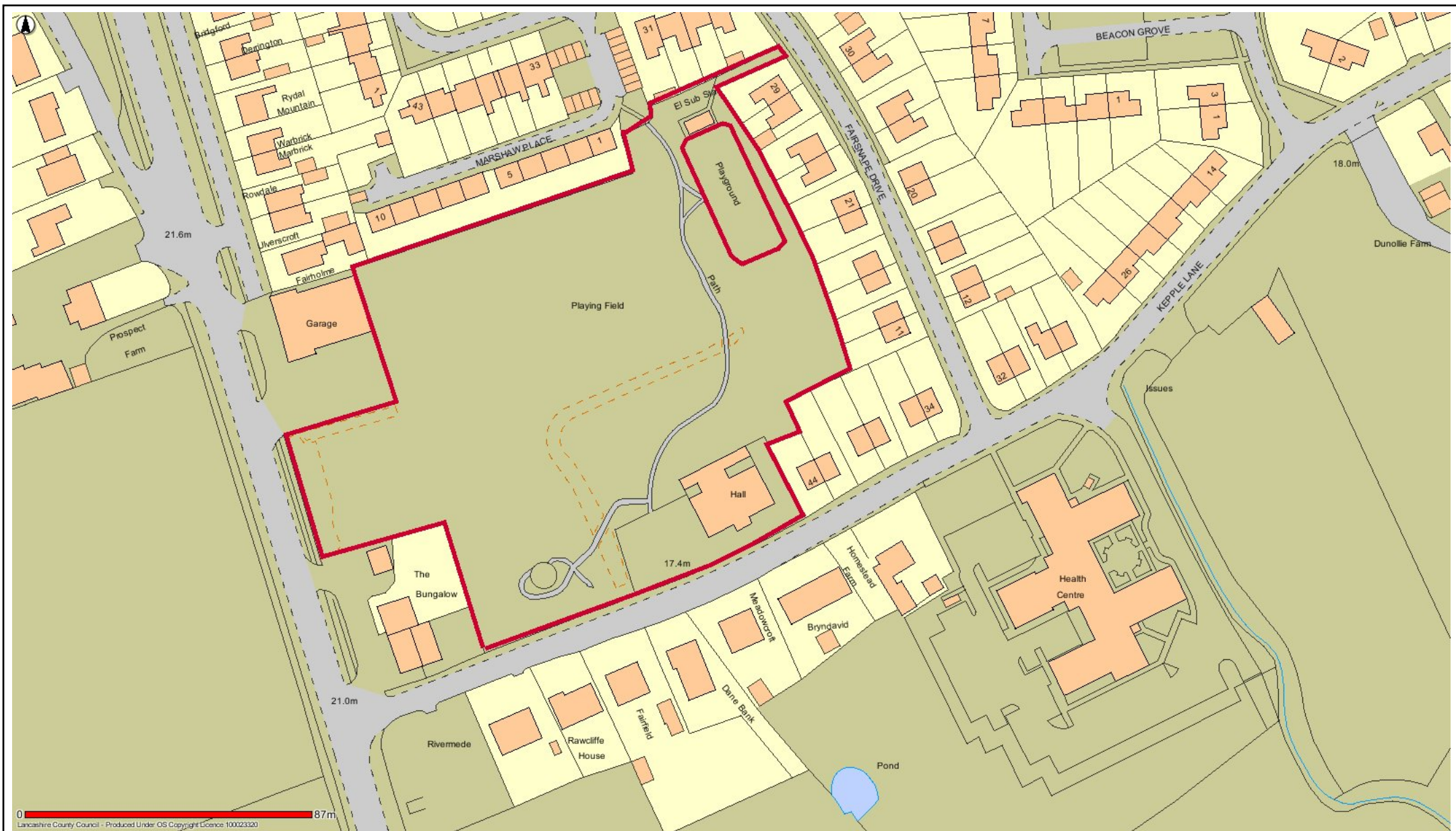


GC4 Catterall Playing Field



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GC5 Kepple Lane Playing Field Garstang



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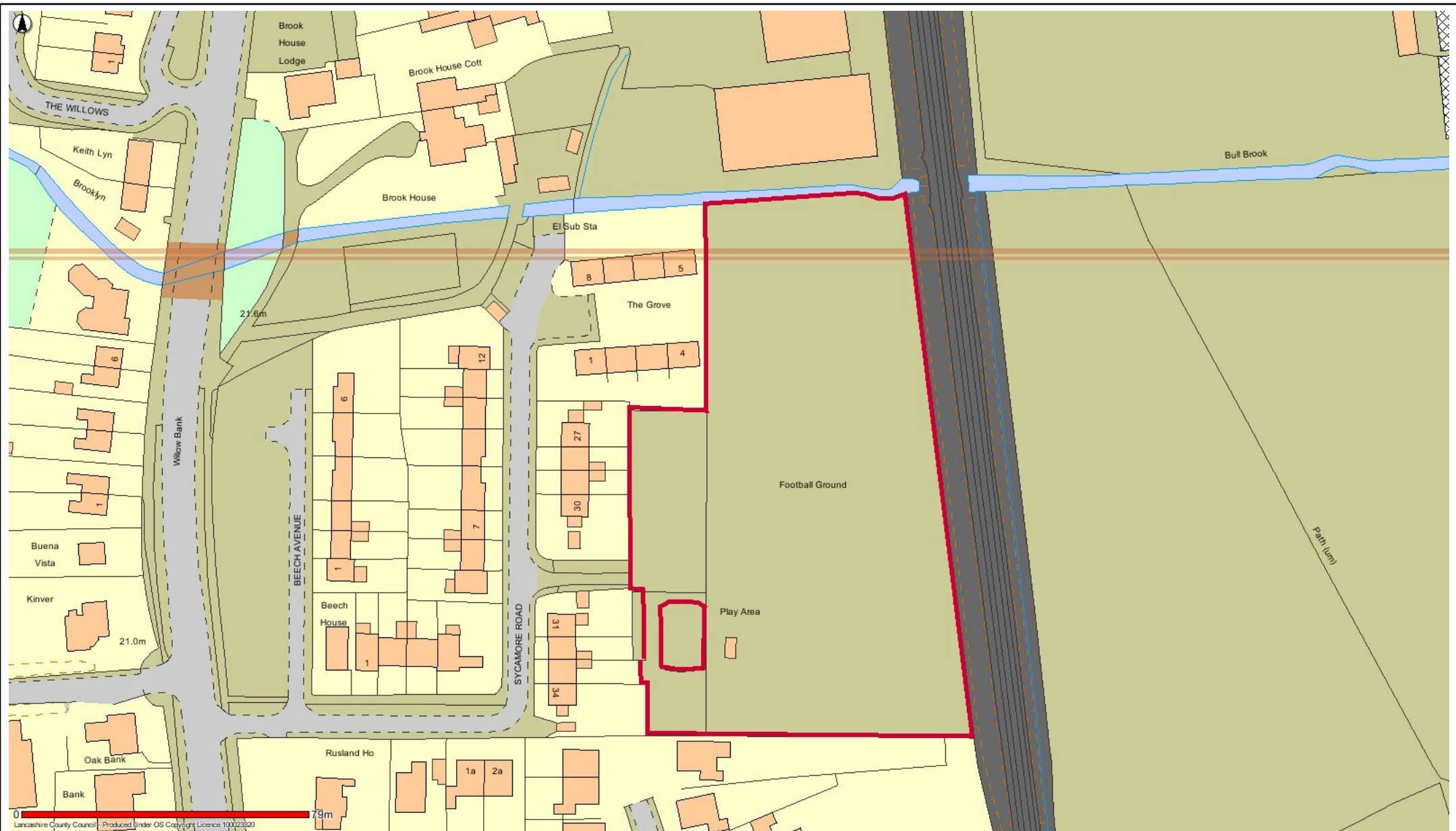


GC6 Moss Lane Playing Field Garstang



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OW1 Bilborrow Recreation Ground



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OW2A Bob Williamson Park/Playing Field Hambleton dog exercise area only



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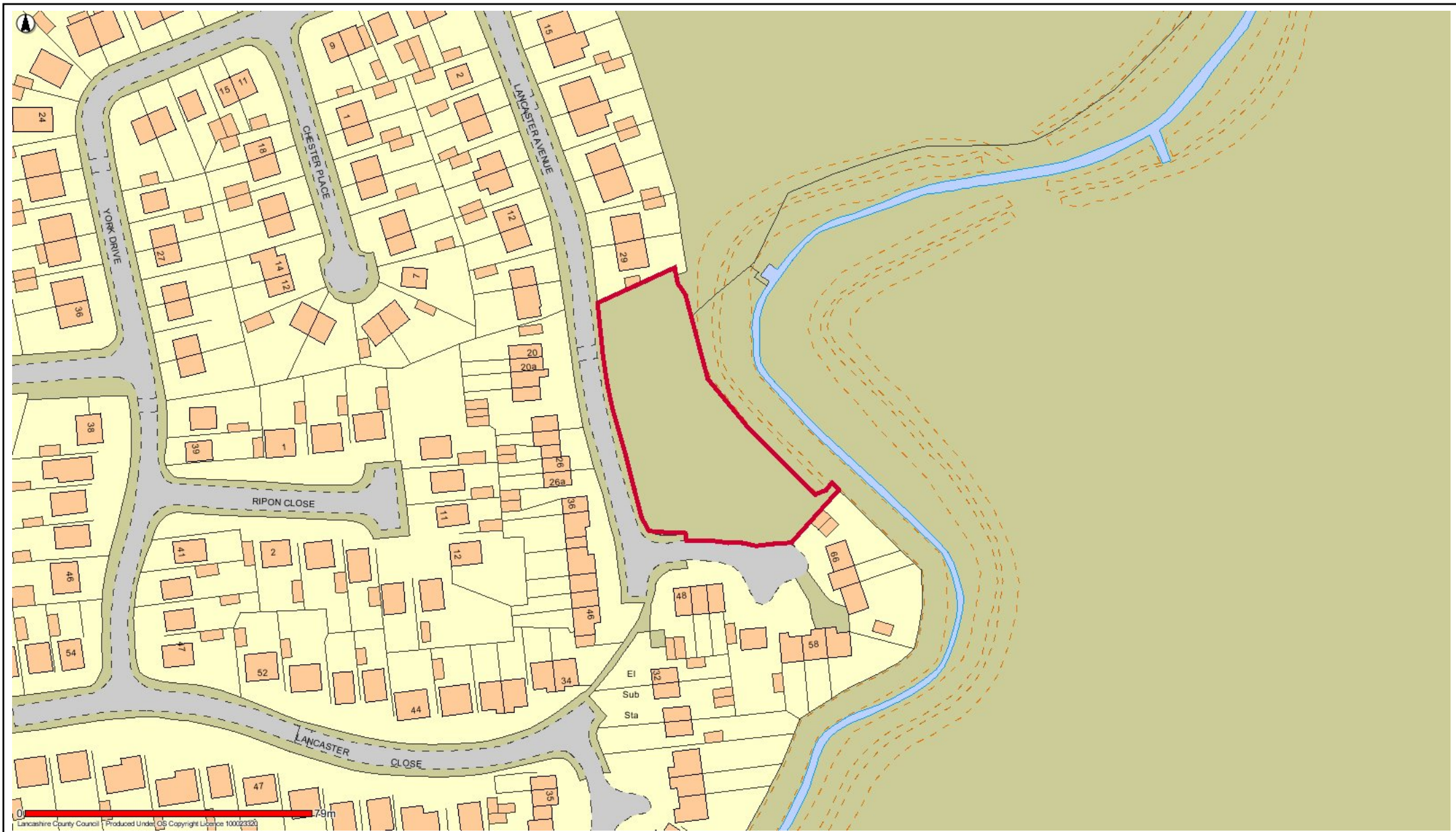


OW2B Bob Williamson Park/Playing Field Hambleton



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OW3 Lancaster Avenue Great Eccleston



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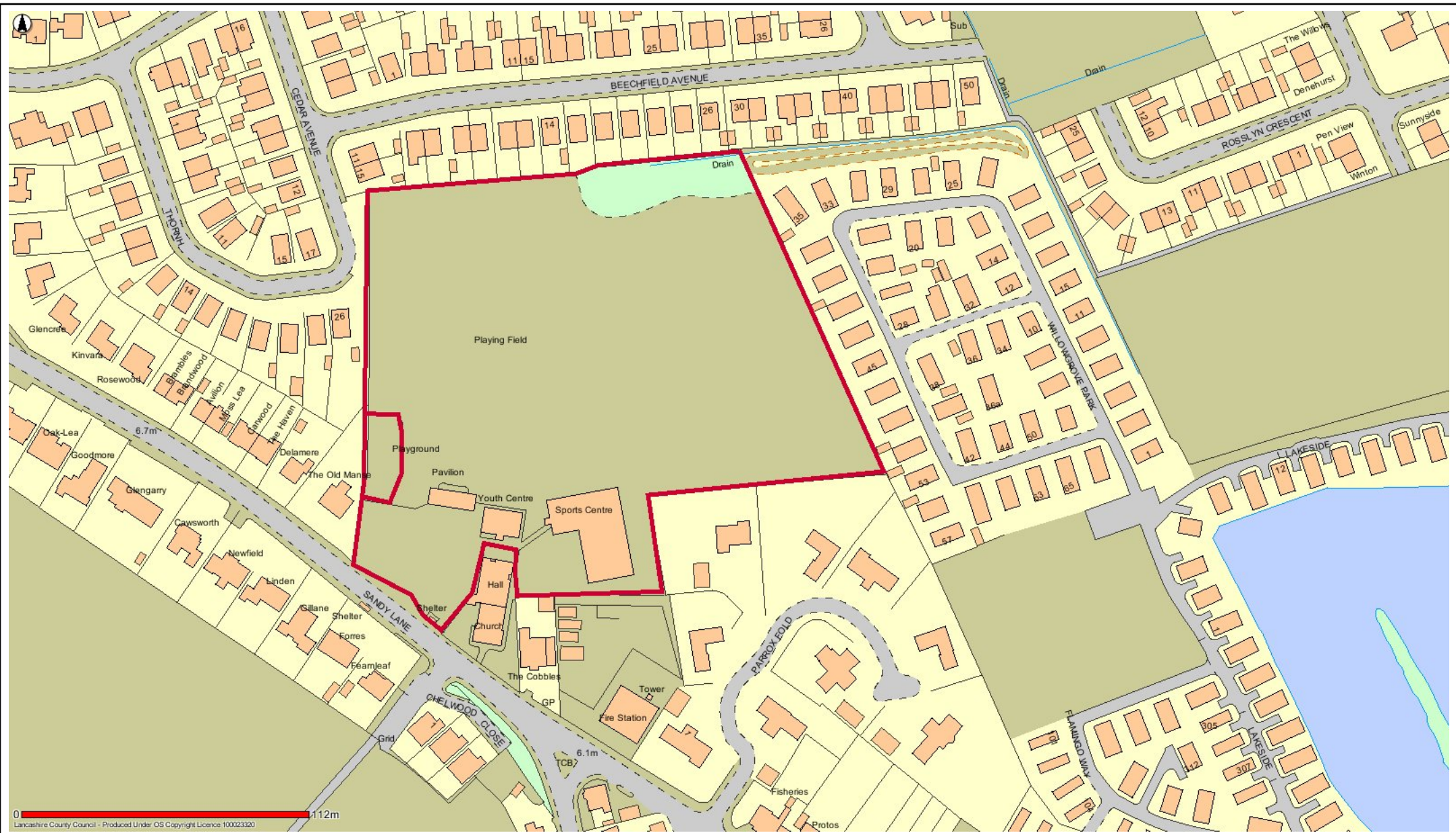


OW4 Pennine View Playing Field Great Eccleston



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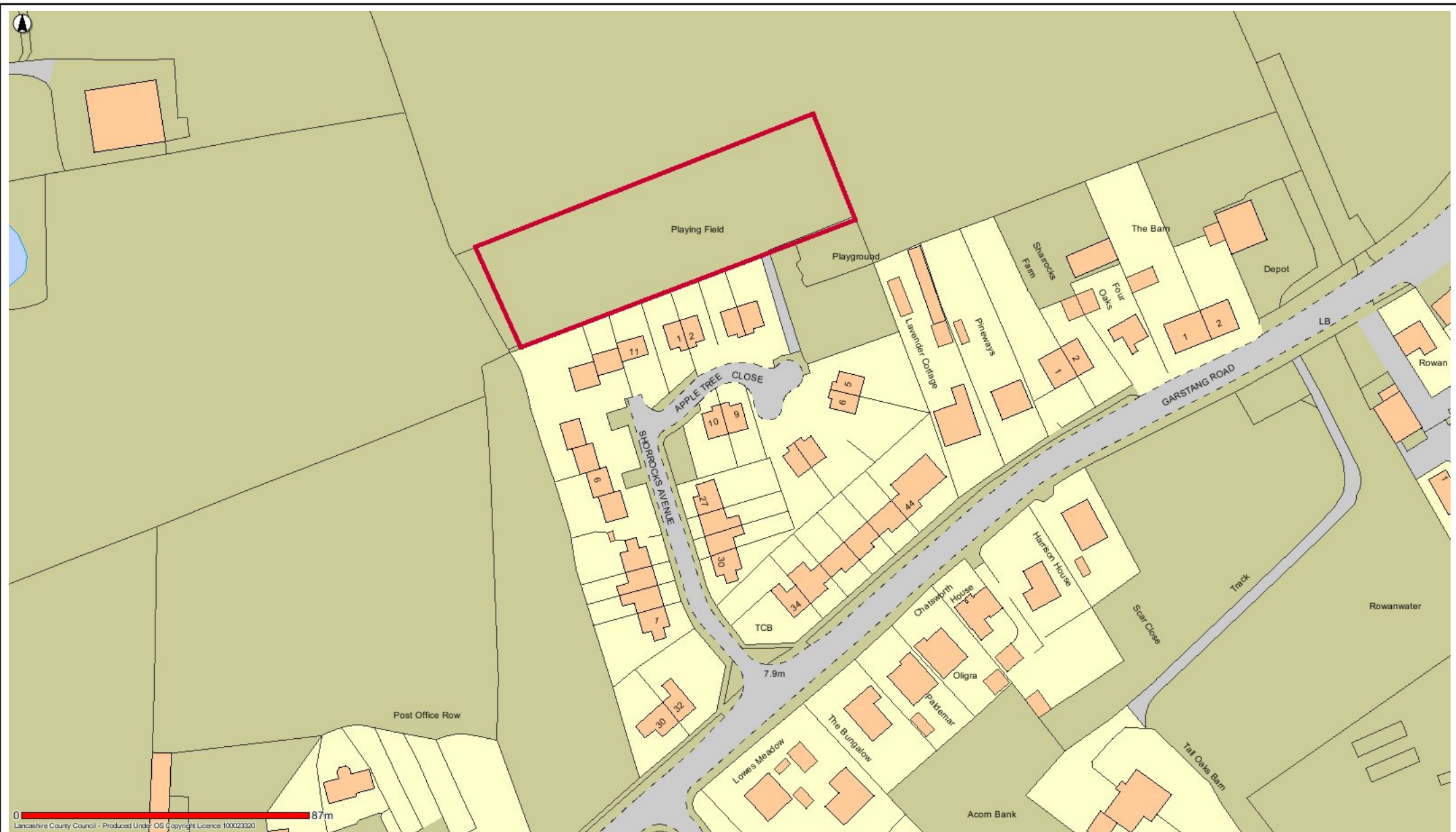


OW5 Presall Playing Field



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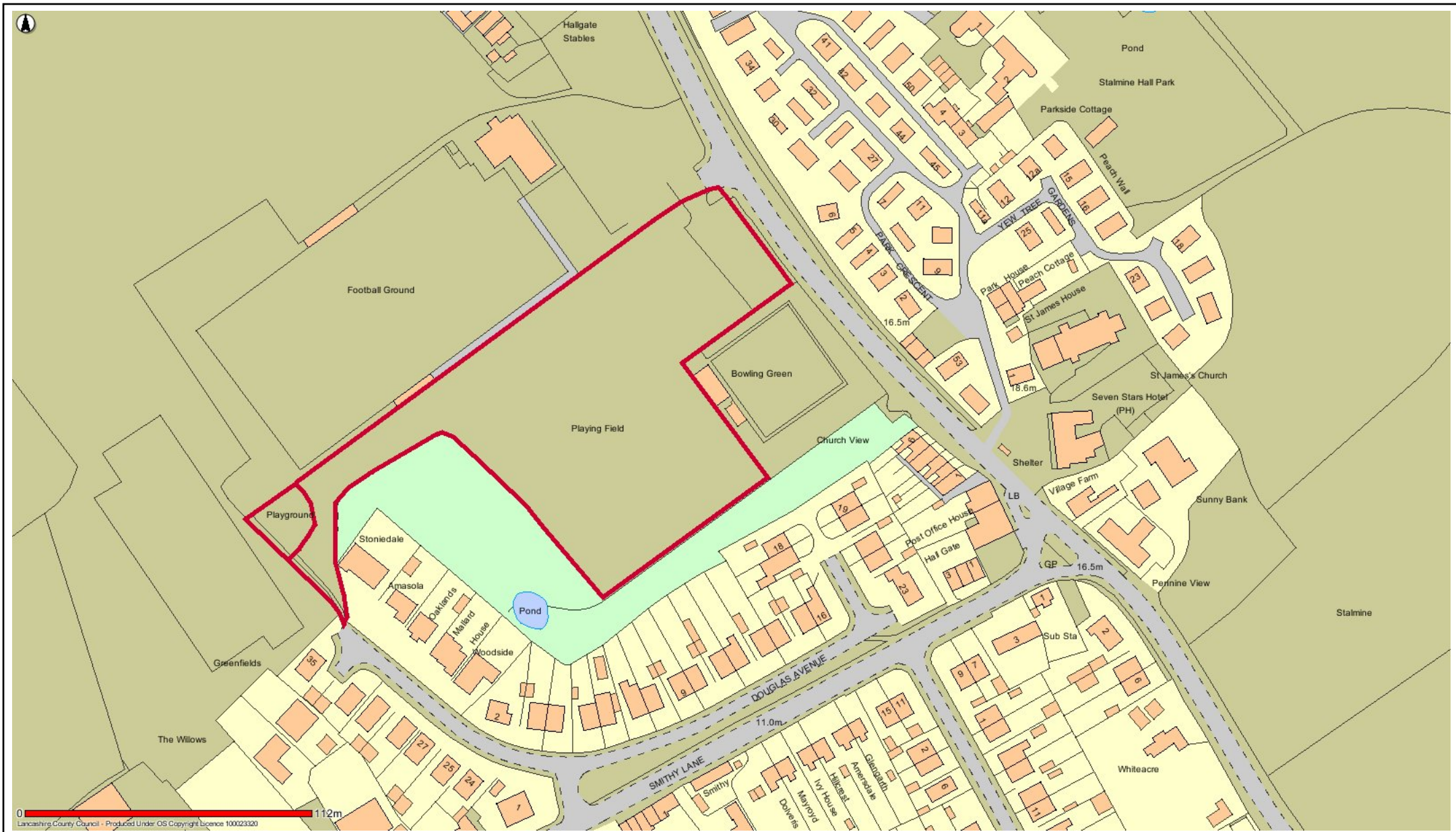


OW6 Shorrock's Avenue Playing Field St Michaels



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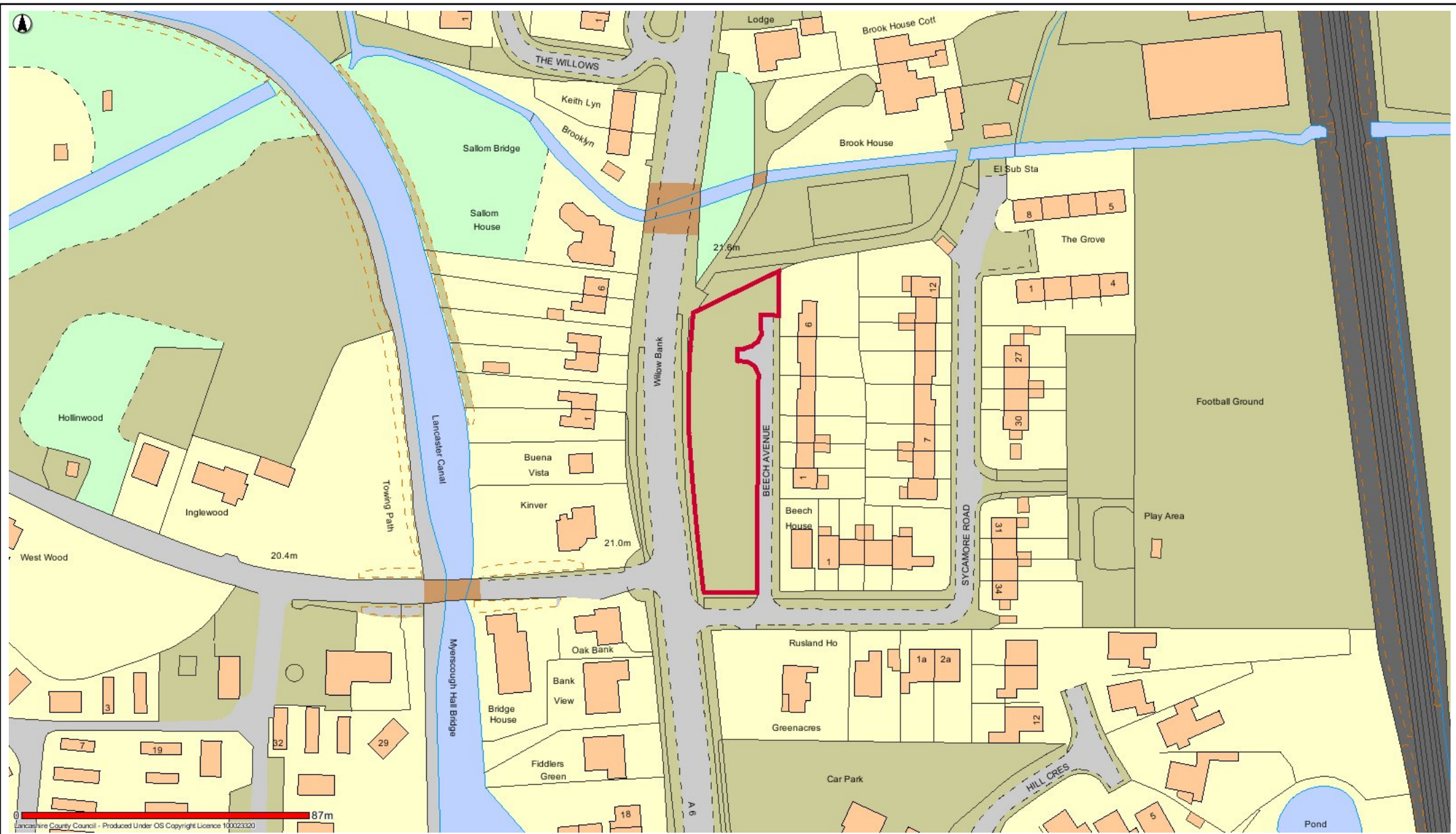


OW7 Stalmine Playing Field



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OW8 Beech Ave/Sycamore Road Bilberron



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OW10 Inskip Recreation Area



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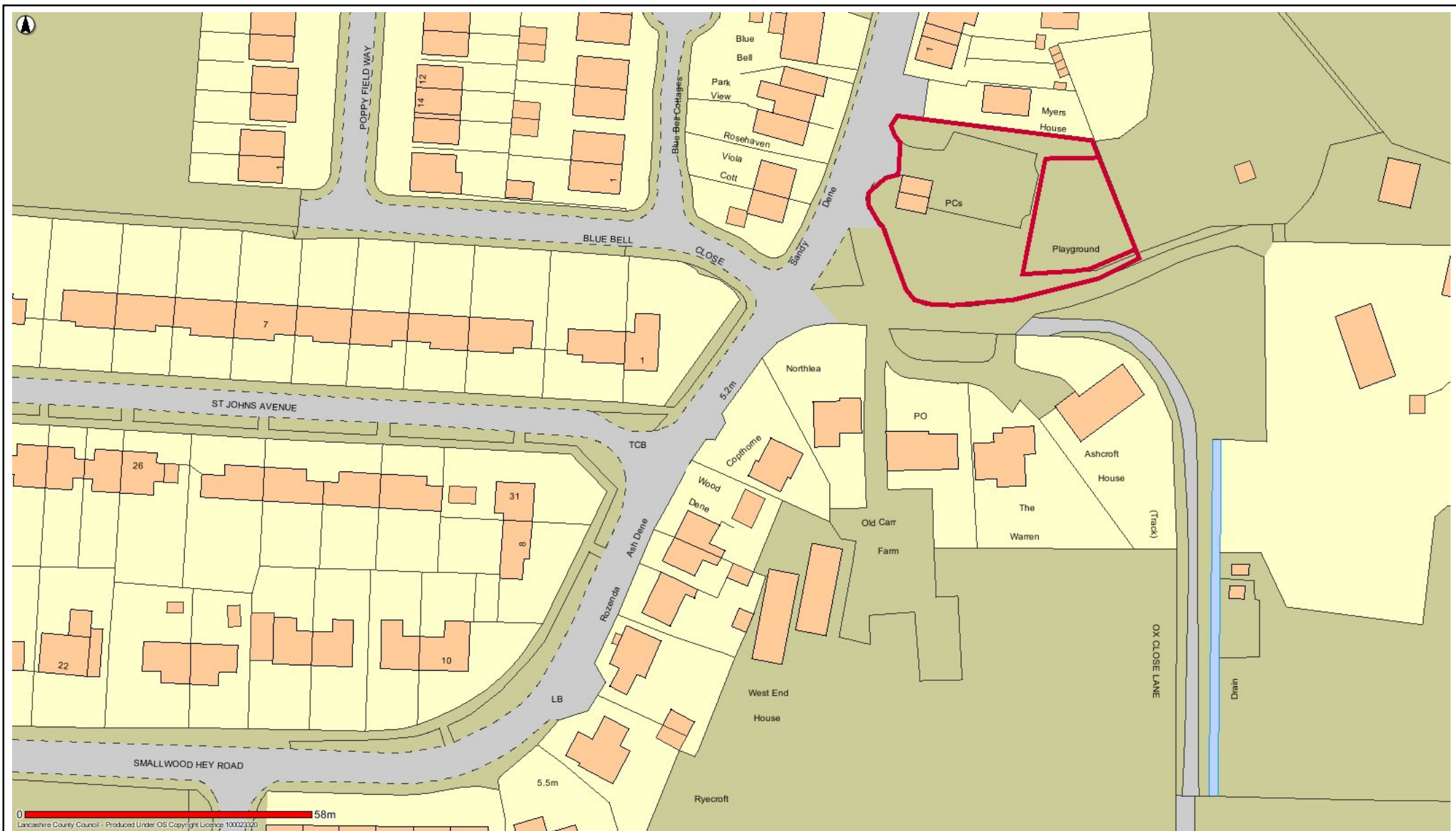


OW11 Preesall Cemetery



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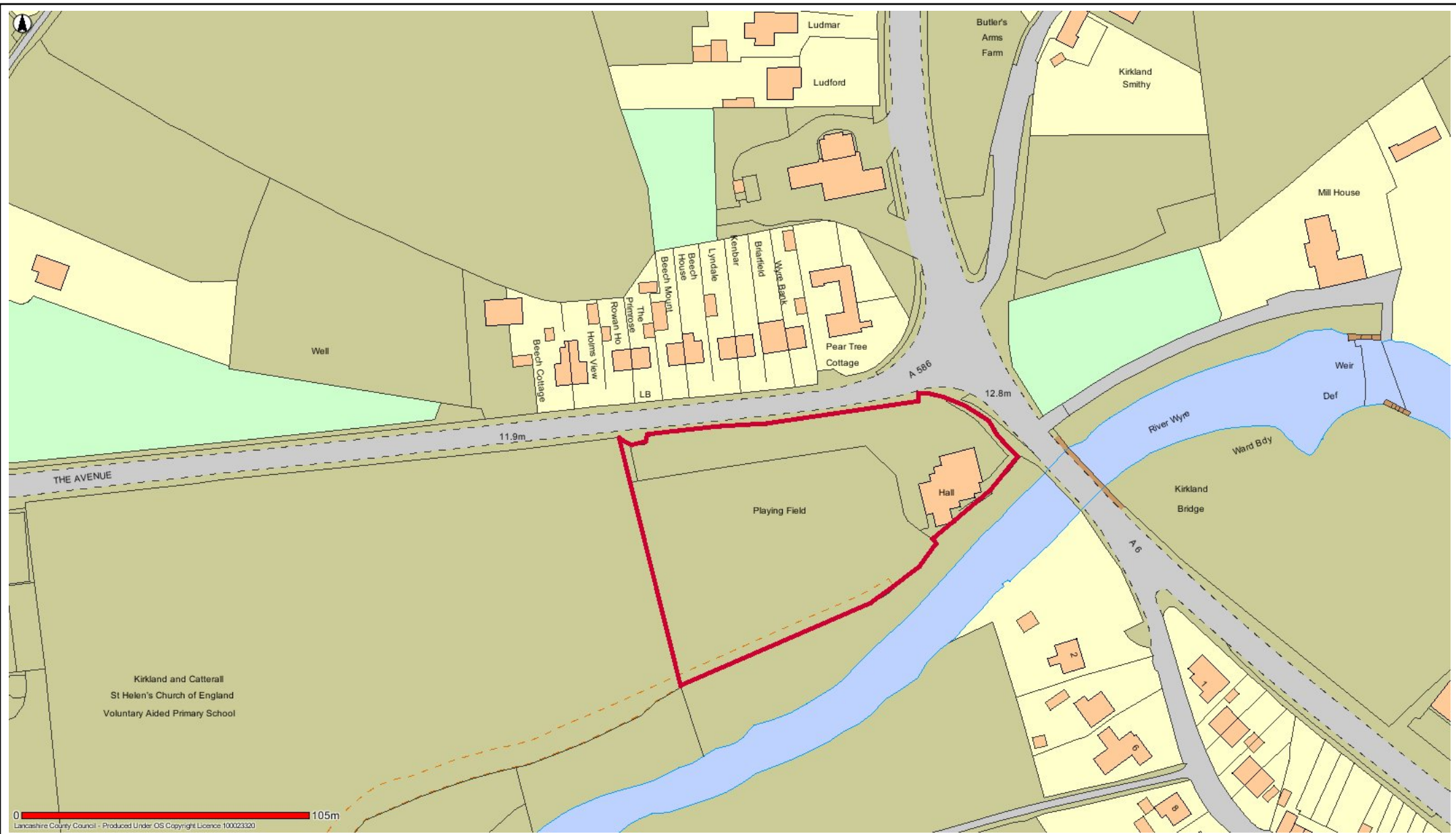


OW12 Smallwood Hey Pilling



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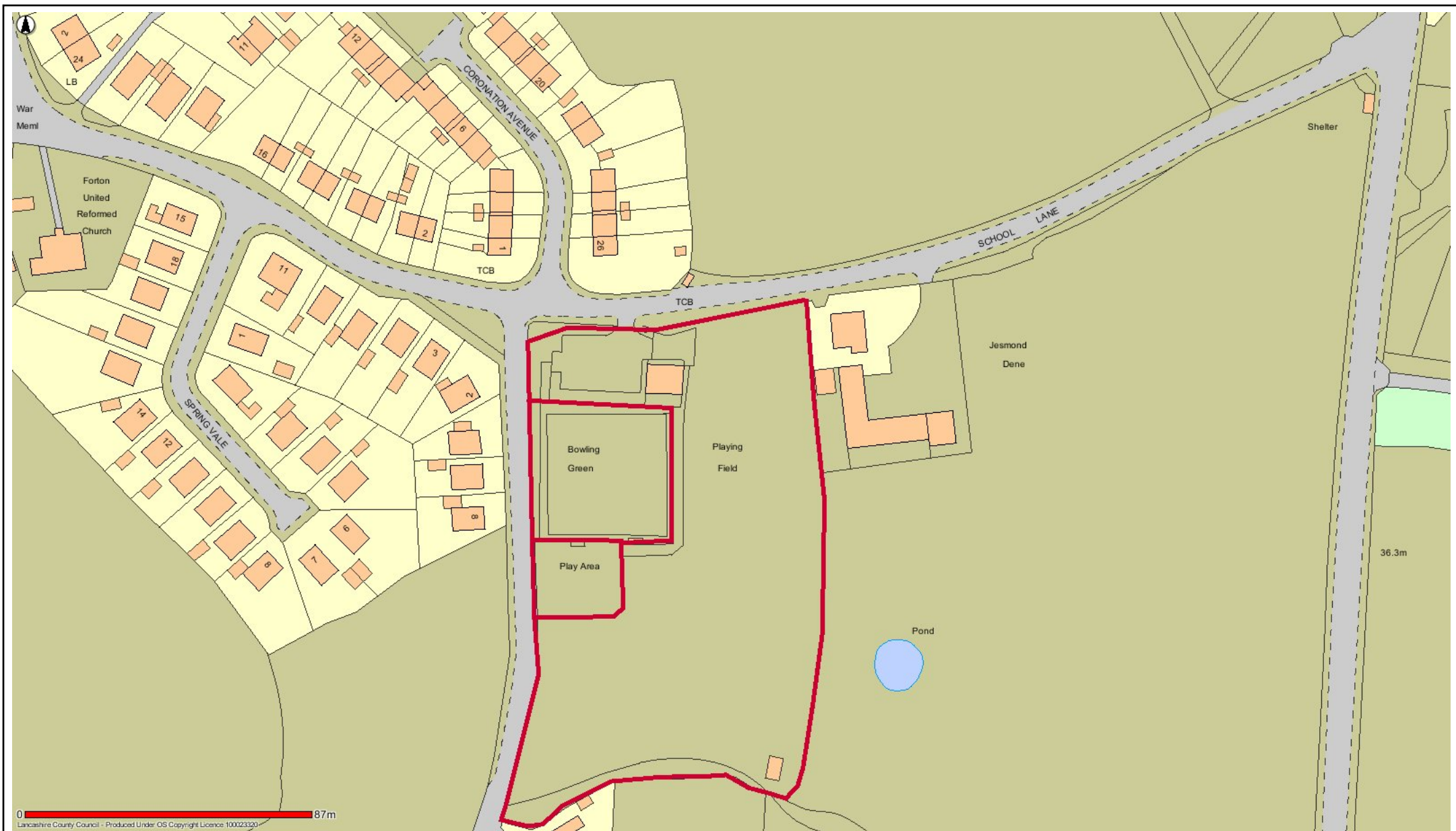


OW13 Churchtown Recreation Ground



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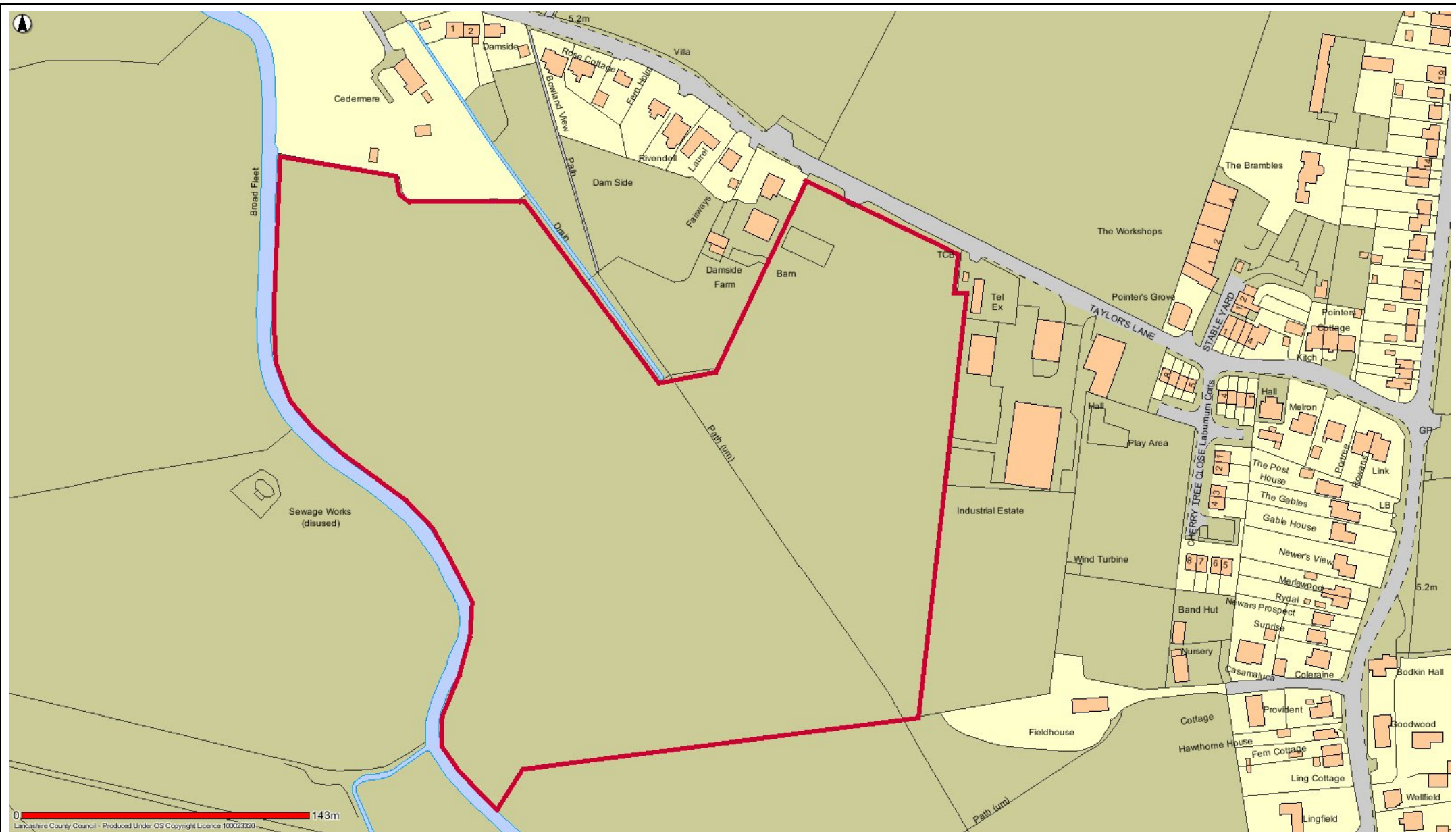


OW14 Forton Playing Field



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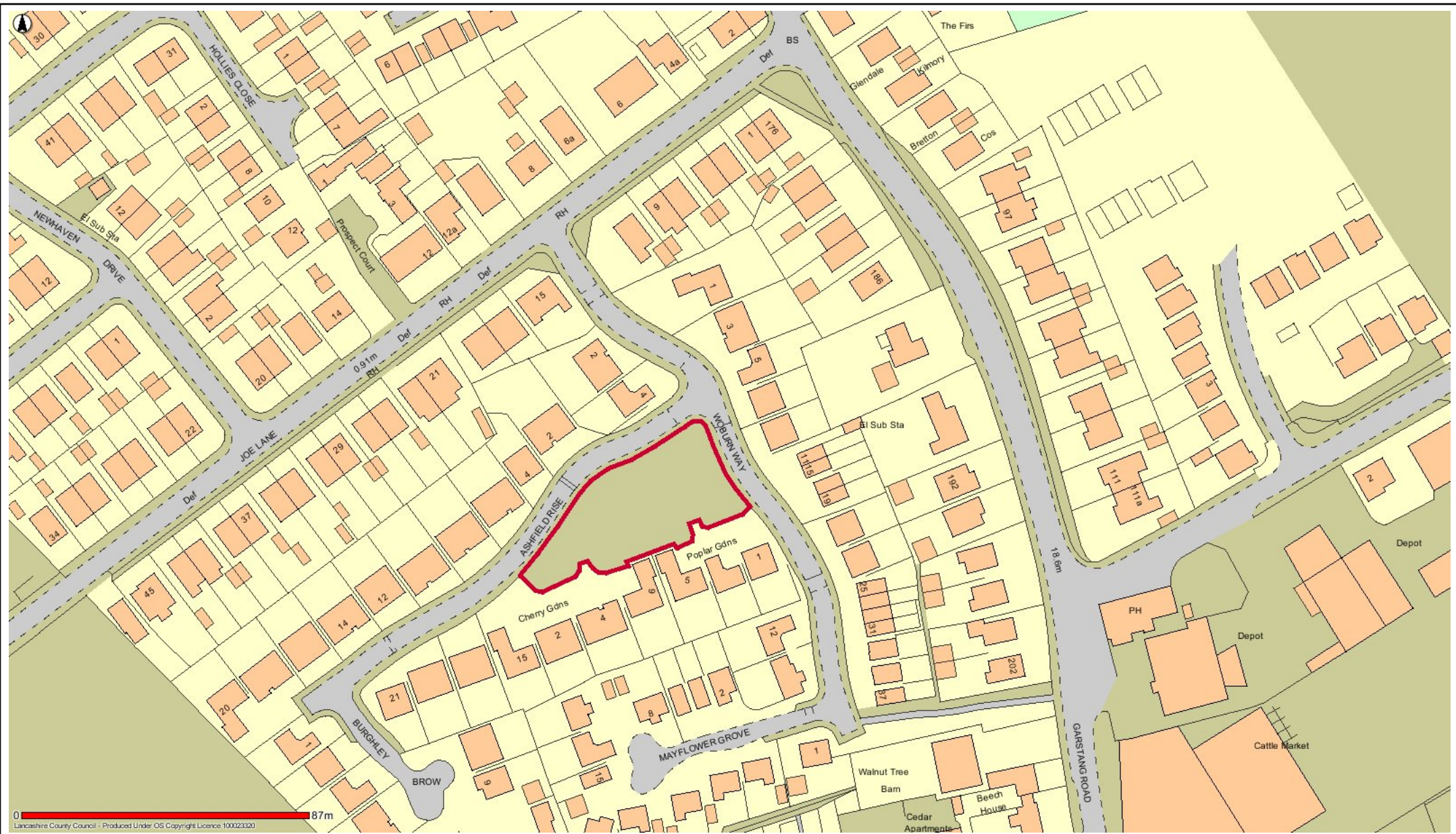


OW15 Pilling Memorial Hall recreation ground



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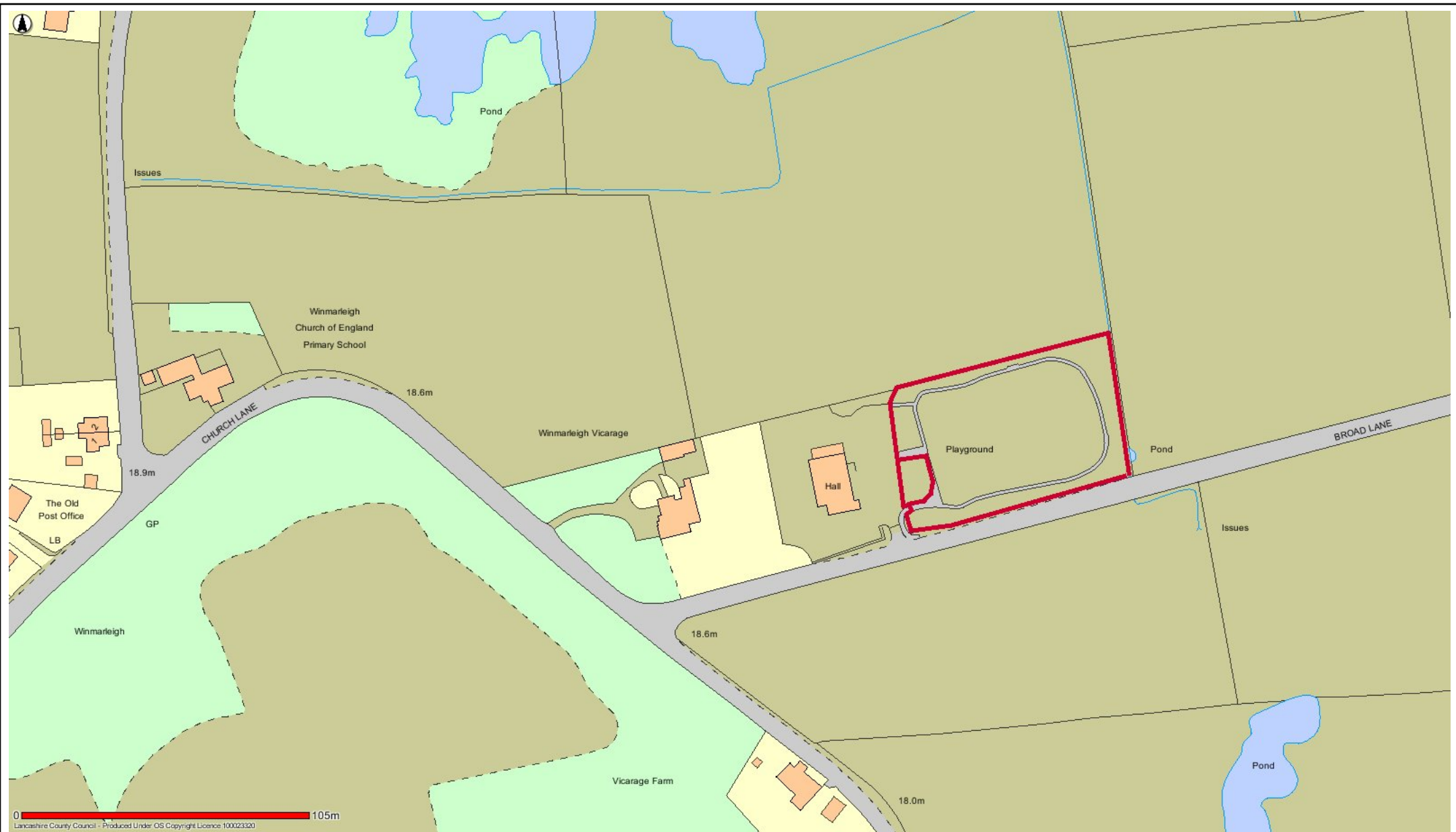


OW16 Woburn Way Cloughton on Brock



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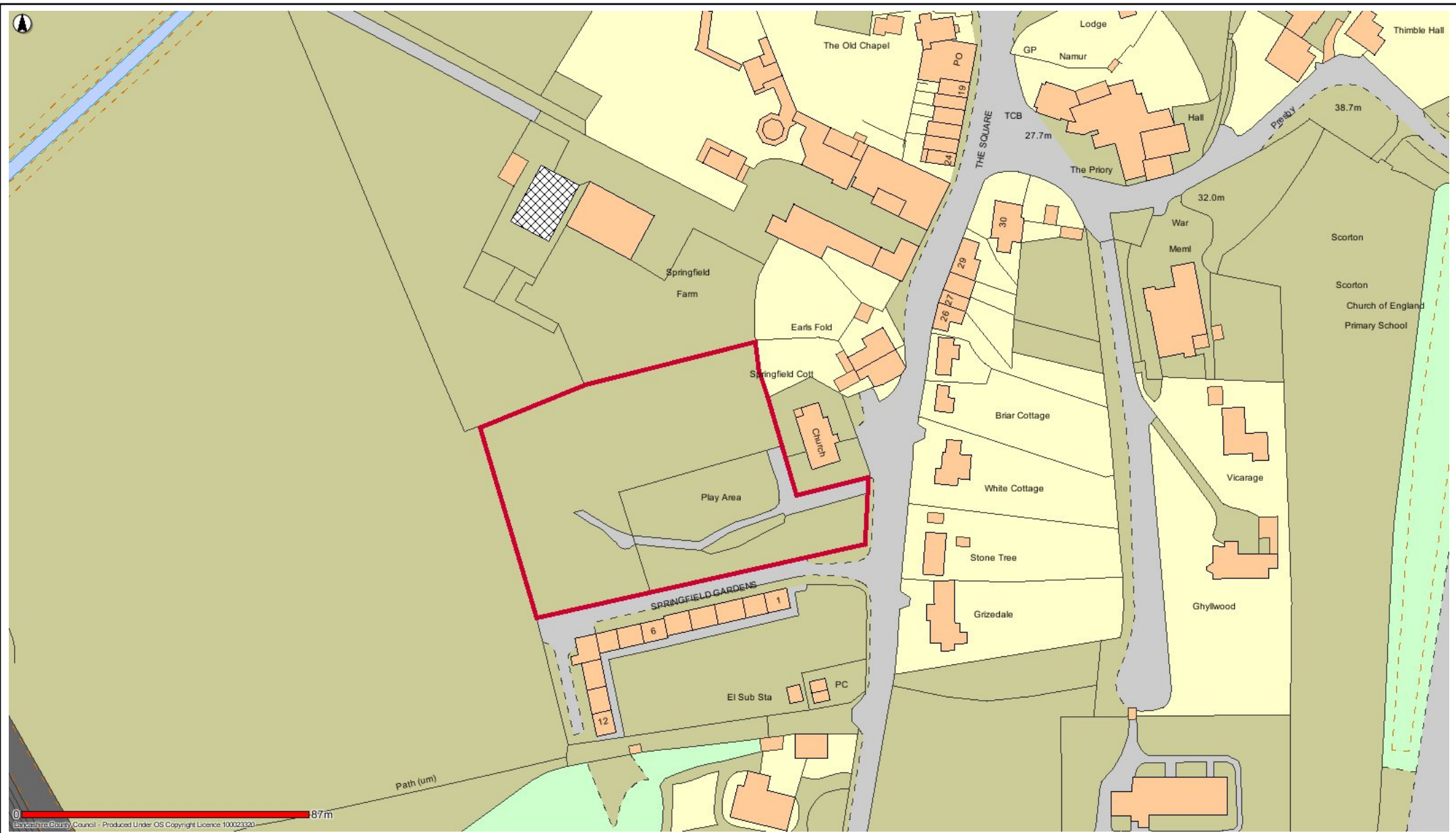


OW17 Scotts Green Winmarleigh



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OW18 Scorton Playing Field



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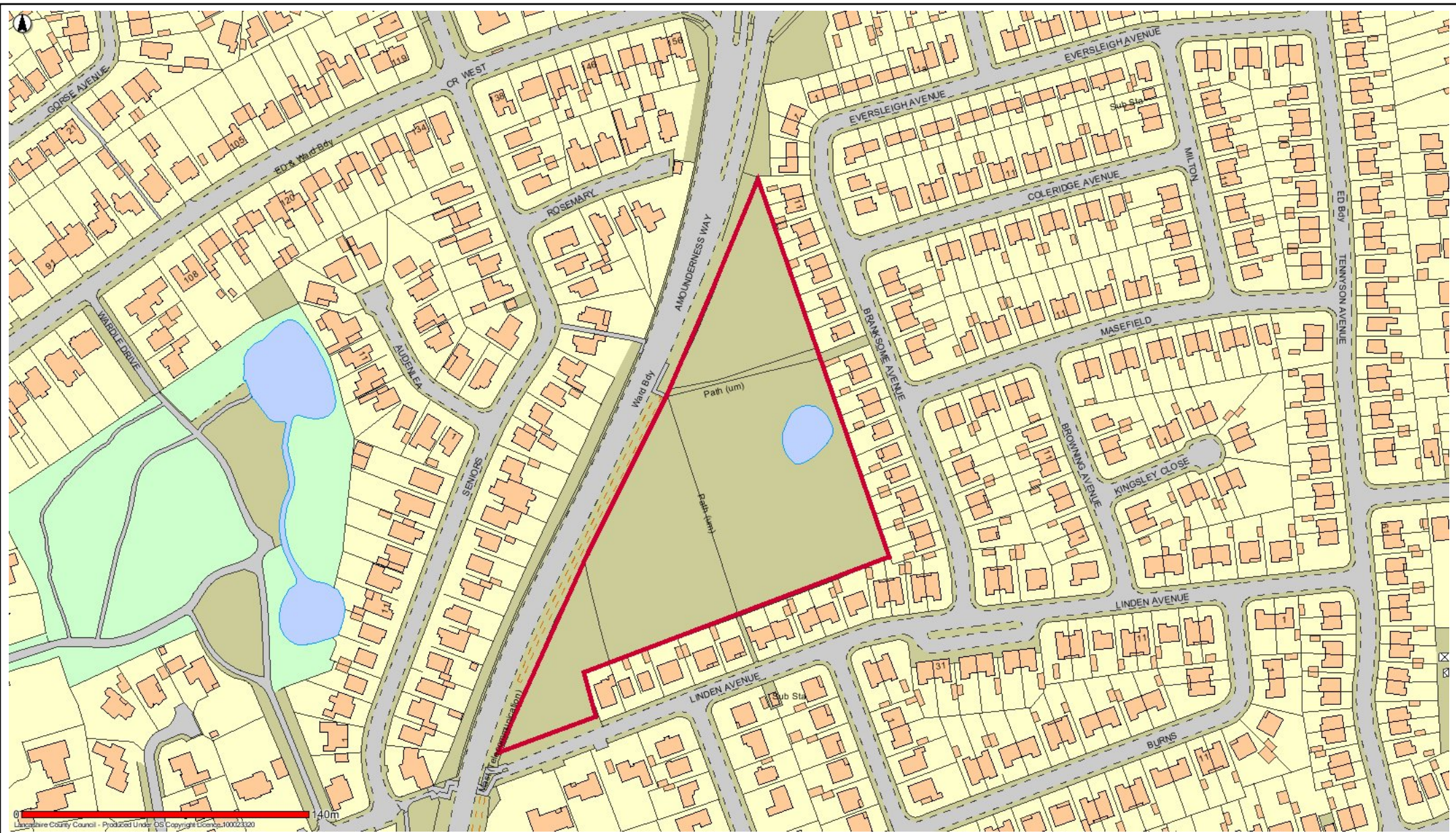


TC1 Bourne Way Playing Field Thornton-Cleveleys



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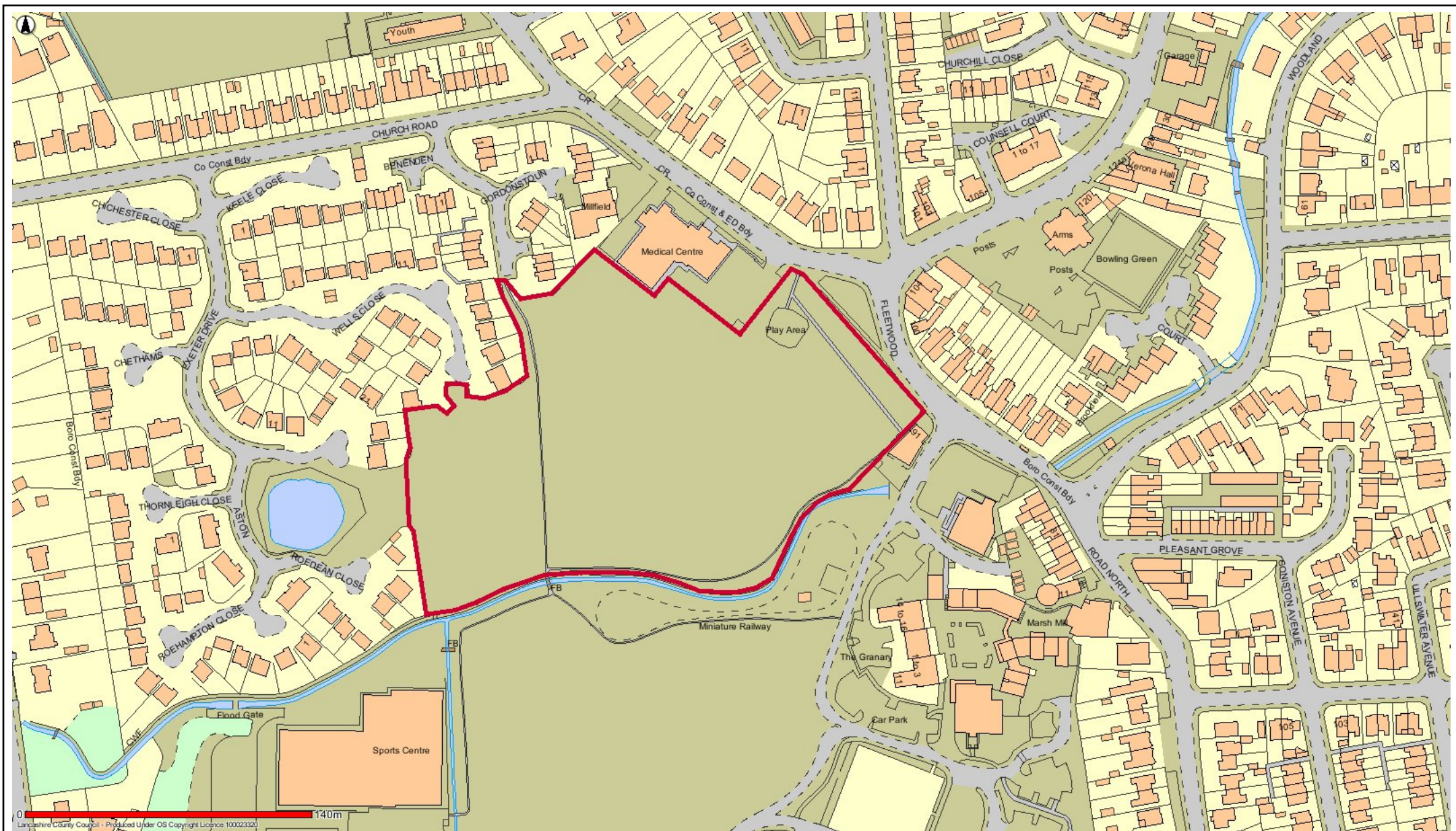


TC2 Branksome Avenue Thornton-Cleveleys



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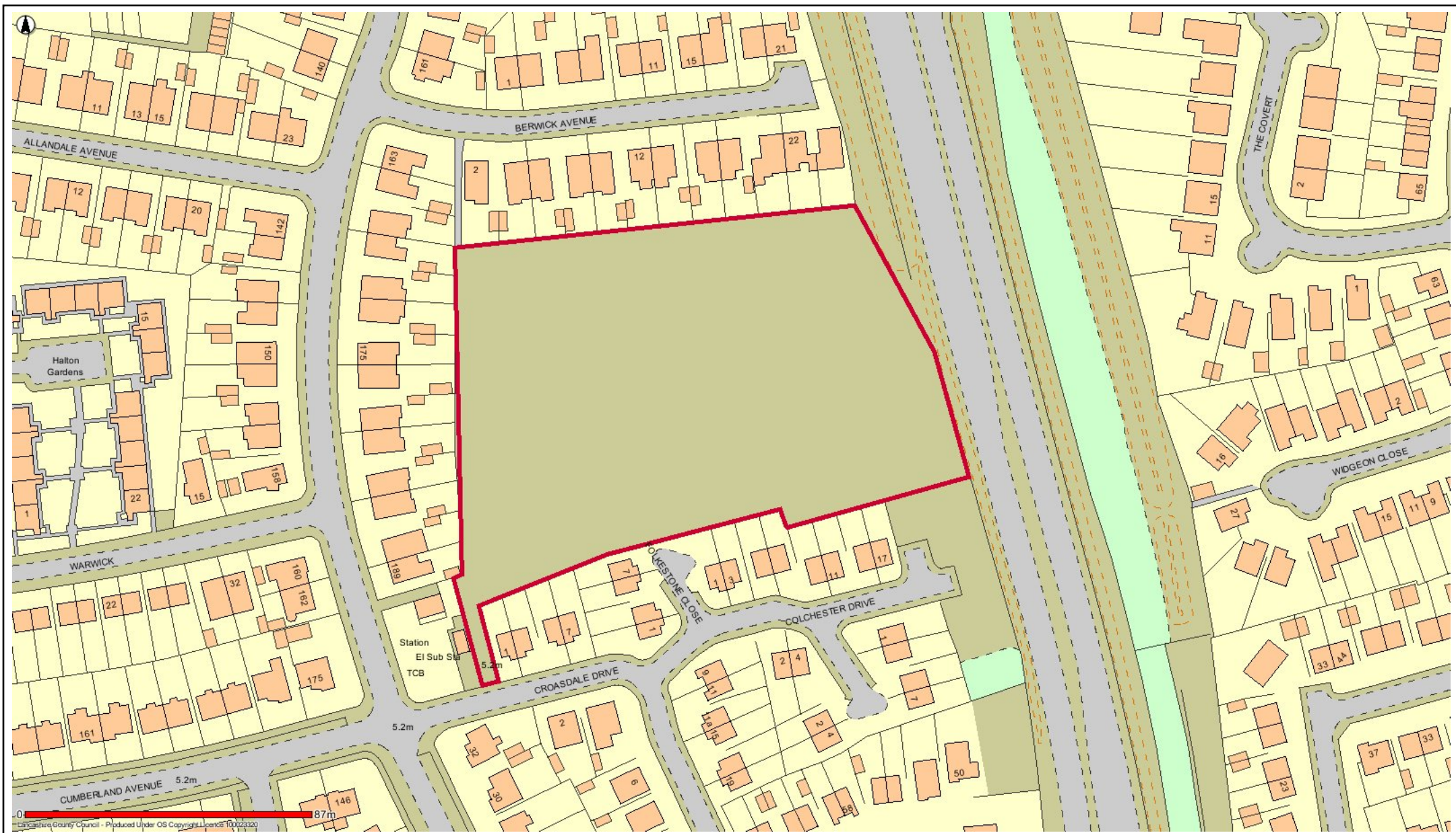


TC3 Church Road Playing Field Thornton



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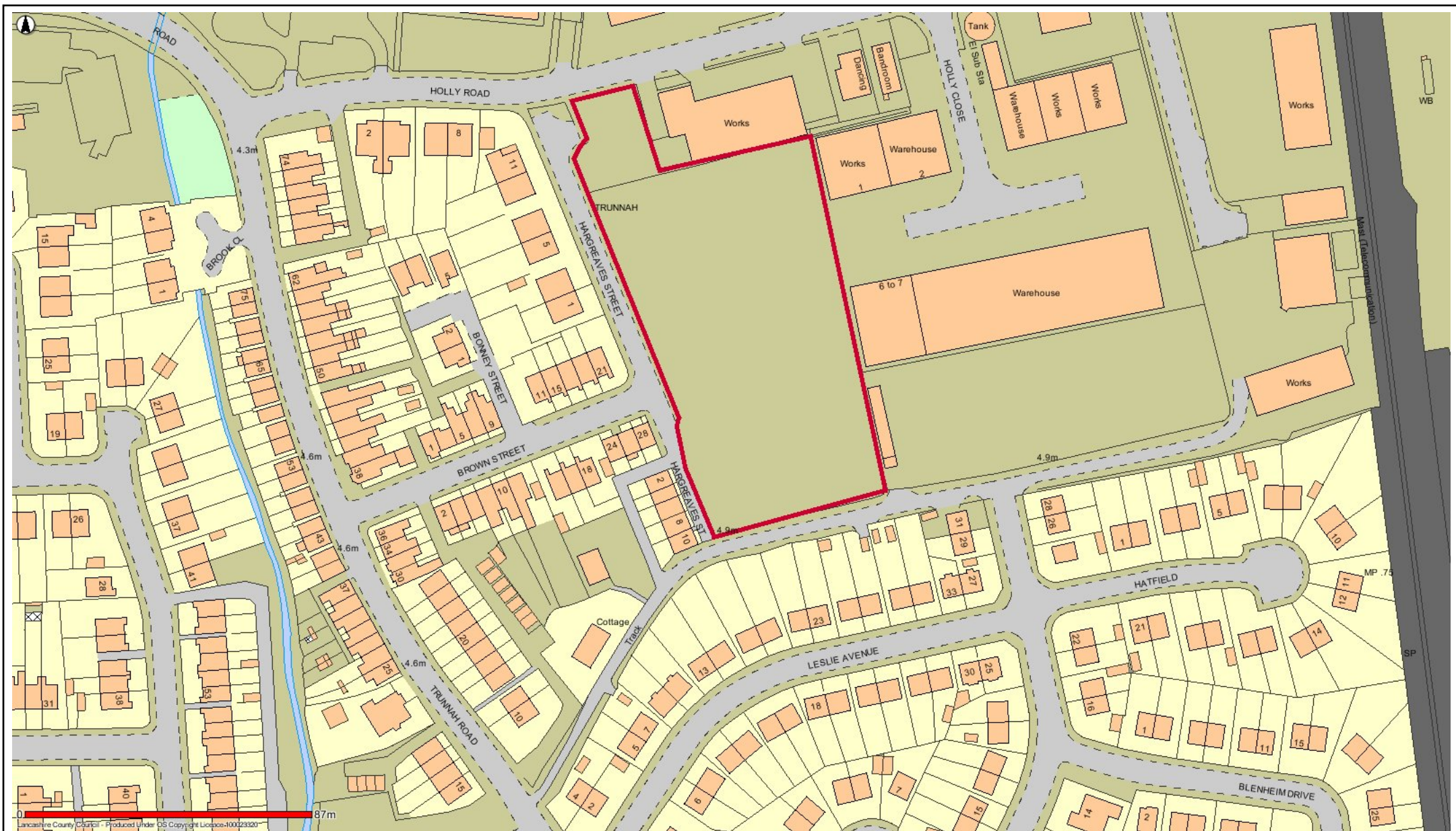


TC4 Crossdale Avenue Playing Field Thornton-Cleveleys



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TC5 Hargreaves St/Holly Road Thornton



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TC6 Jubilee Gardens Cleveleys



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TC7 Kenyon Park Thornton



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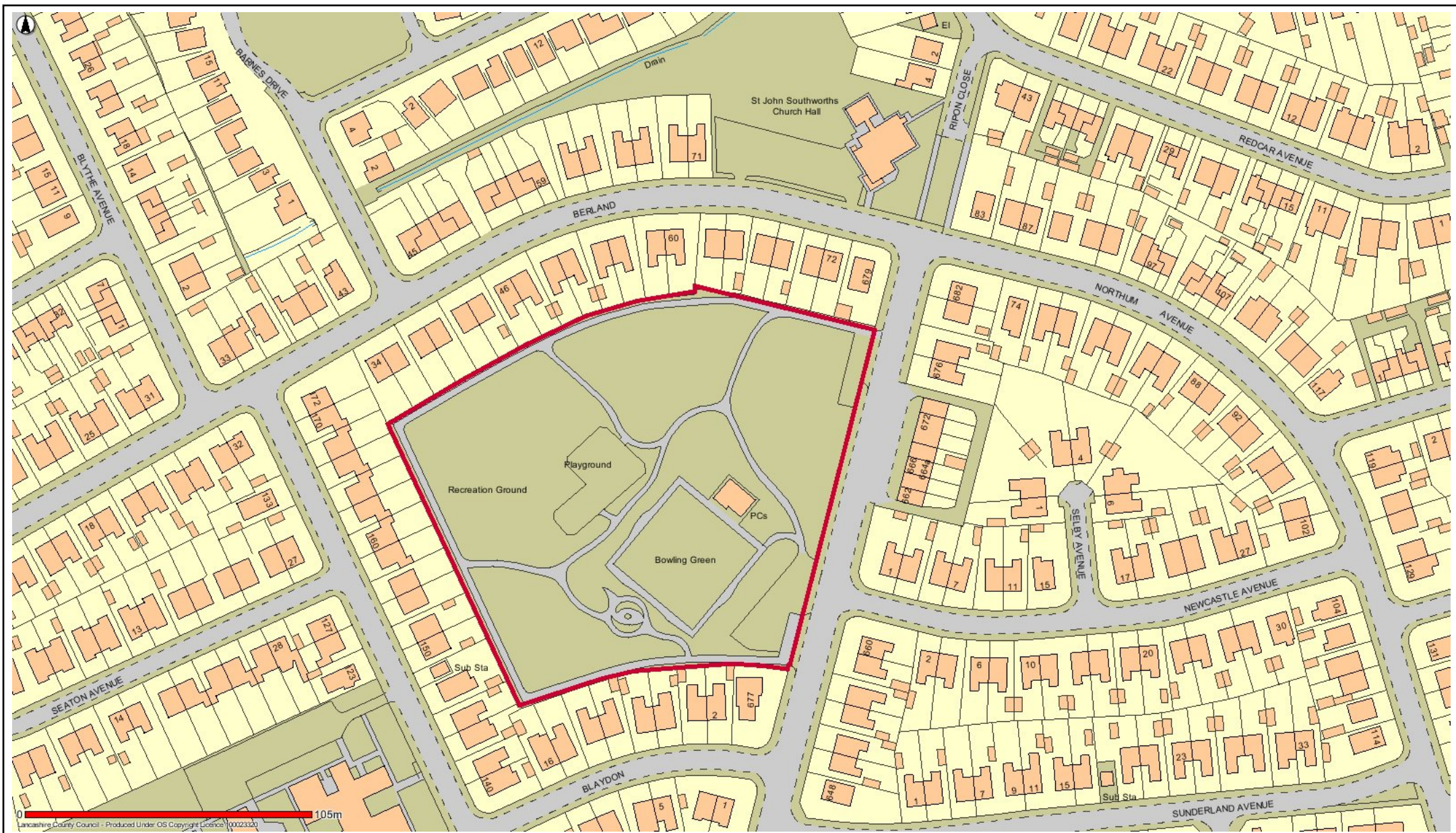


TC8 King Georges Playing Field Thornton



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TC9 North Drive Park Cleveleys



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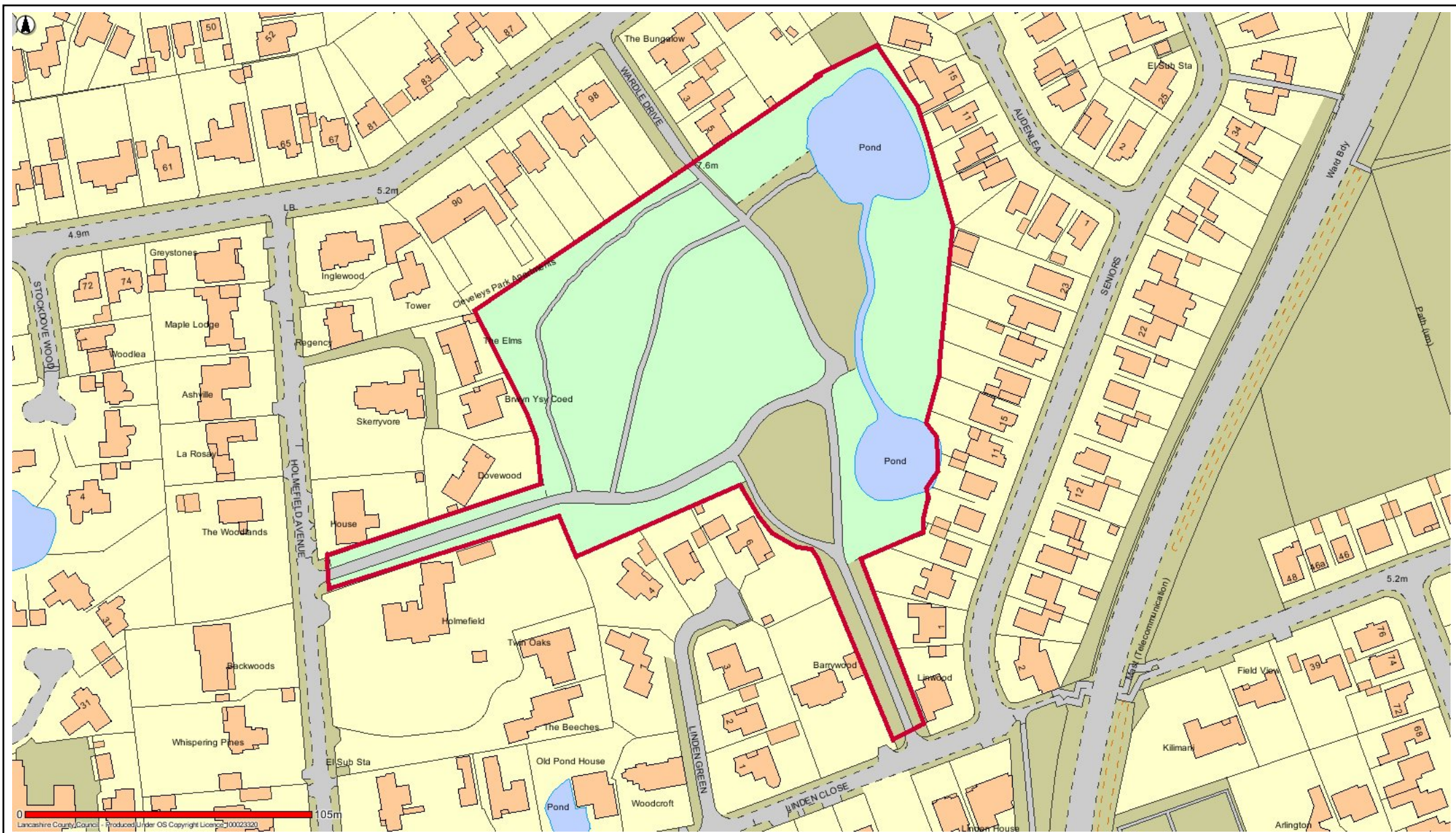


TC10 Pheasant Wood Thornton-Cleveleys



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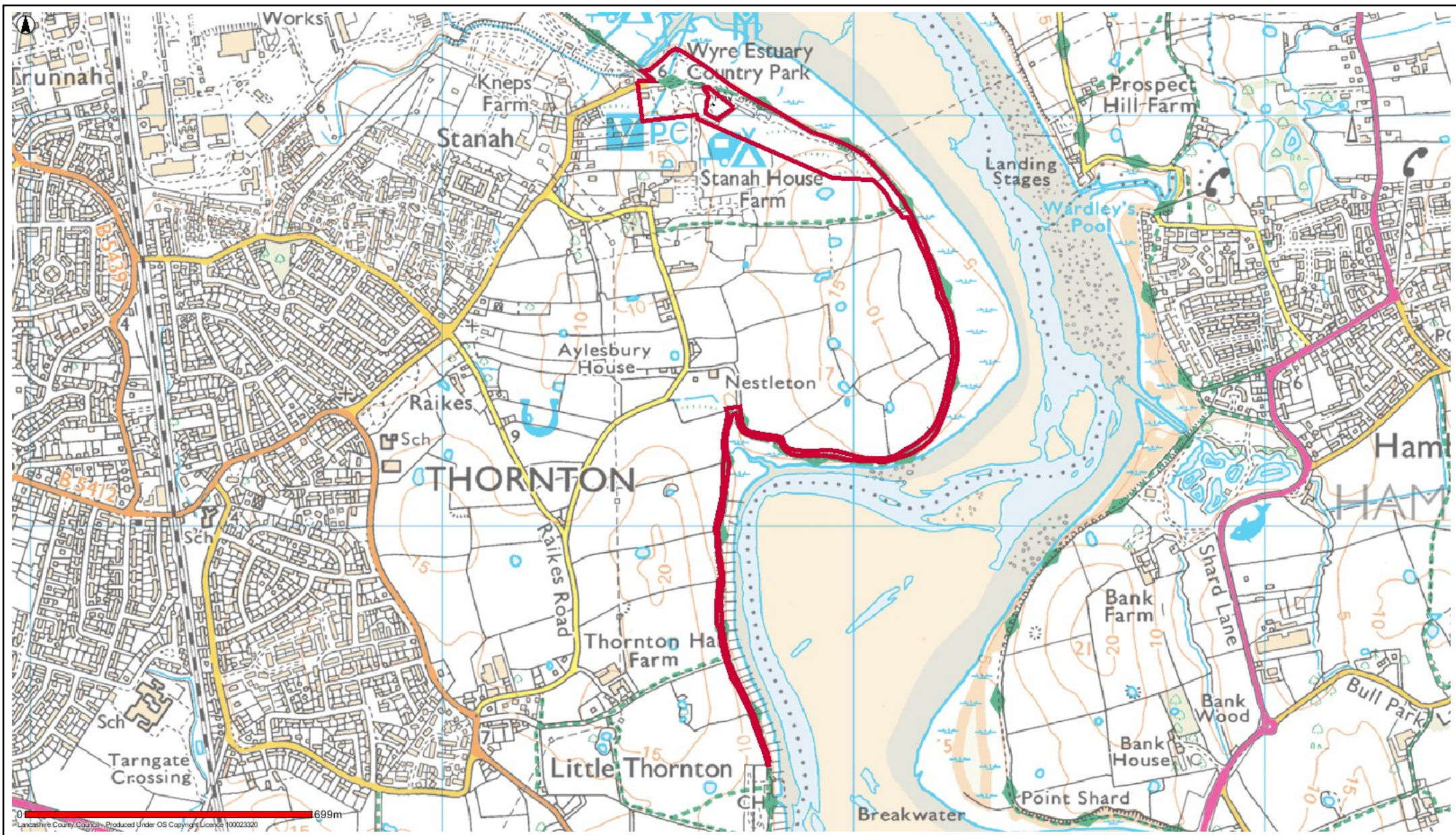


TC11 The Towers Thornton-Cleveleys



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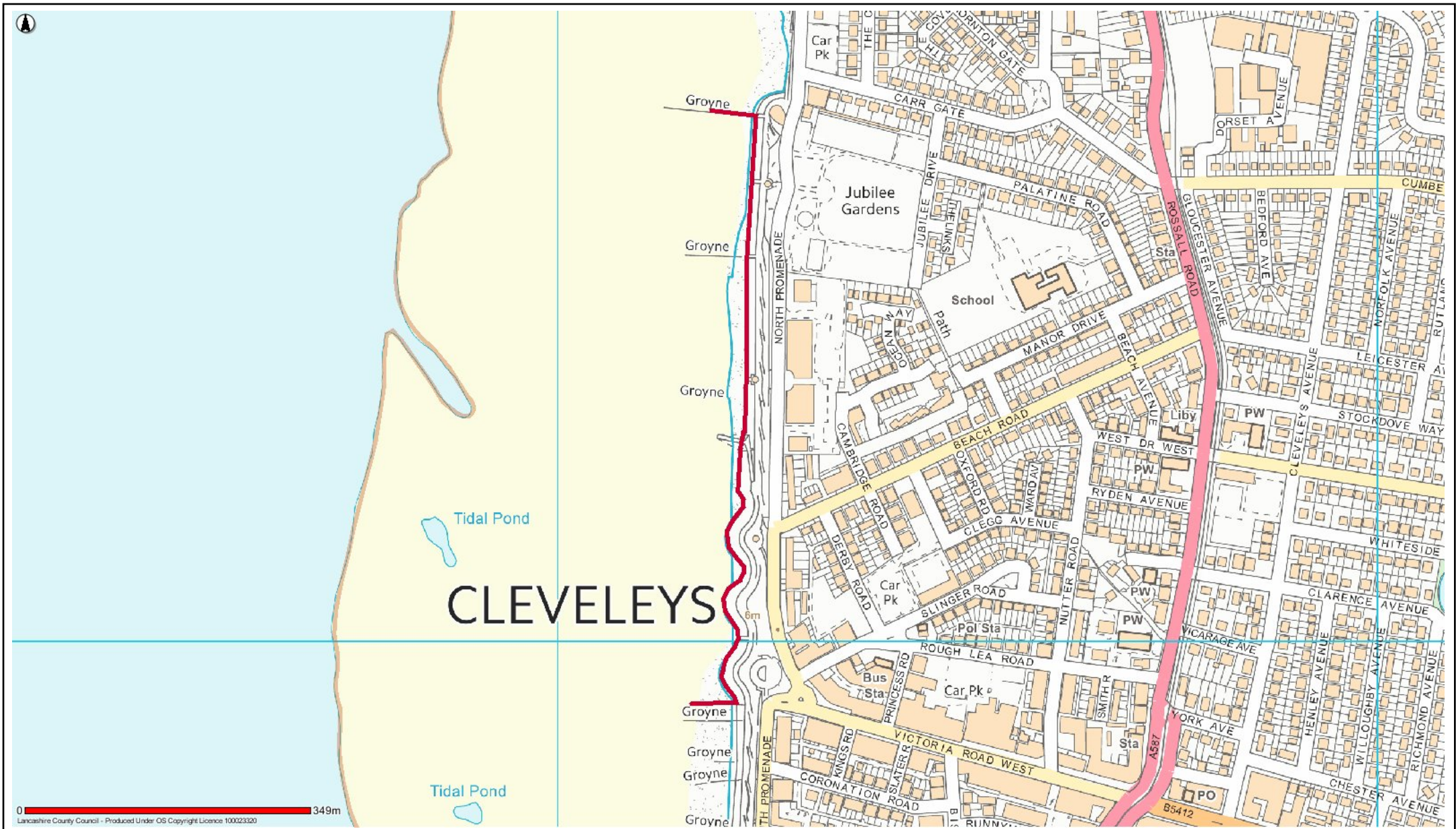


TC12 Wyre Estuary Country Park Thornton



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TC13A Cleveleys Beach from Cafe Cove to top of Victoria Road West (out of ban season only)



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TC13B Seasonal Dog Ban May to September Cleveleys Beach from Cafe Cove to top of Victoria Road West



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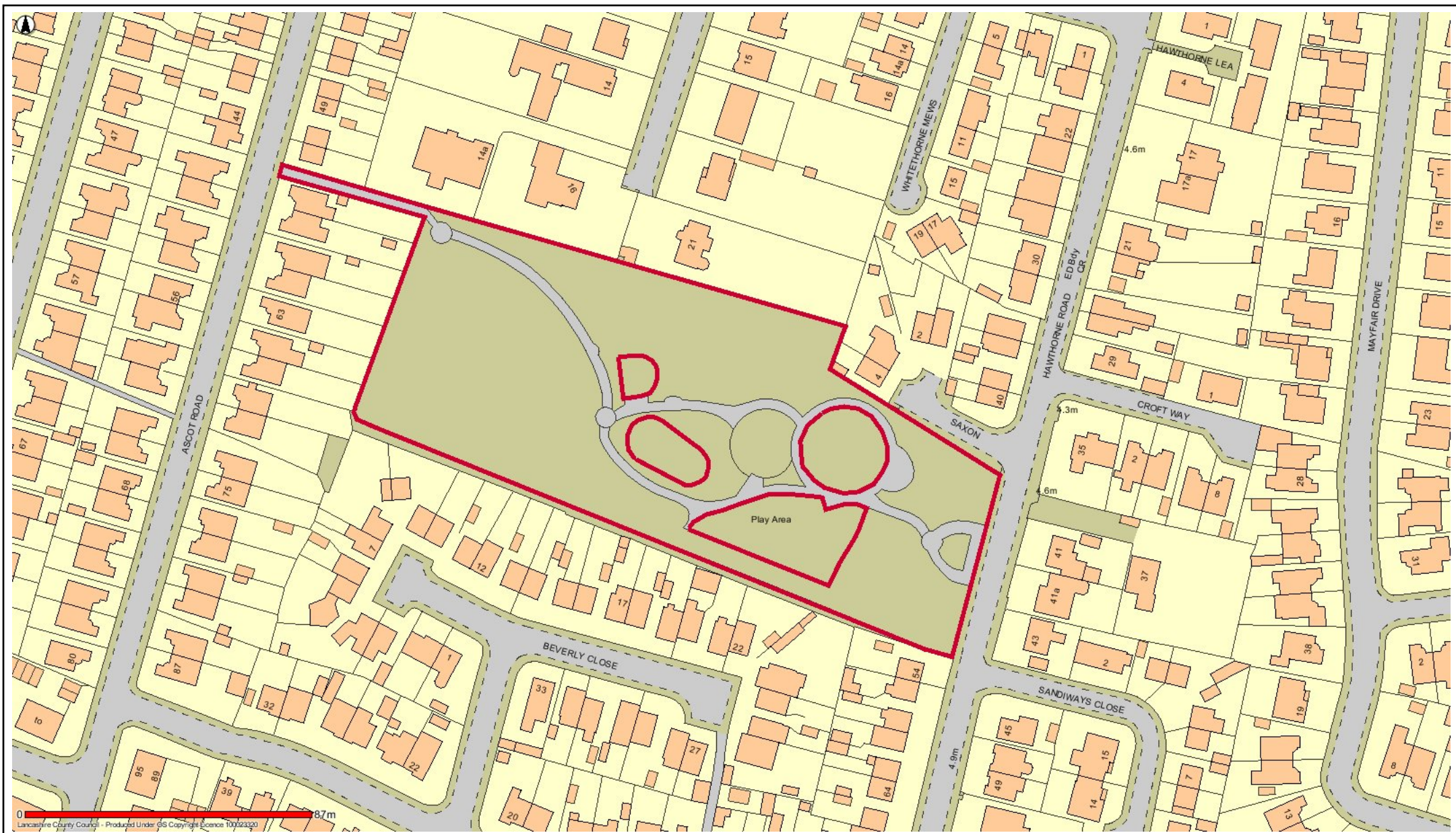


TC14 Cleveleys Promenade from Five Bar Gate Rossall Beach to Wyre Boundary



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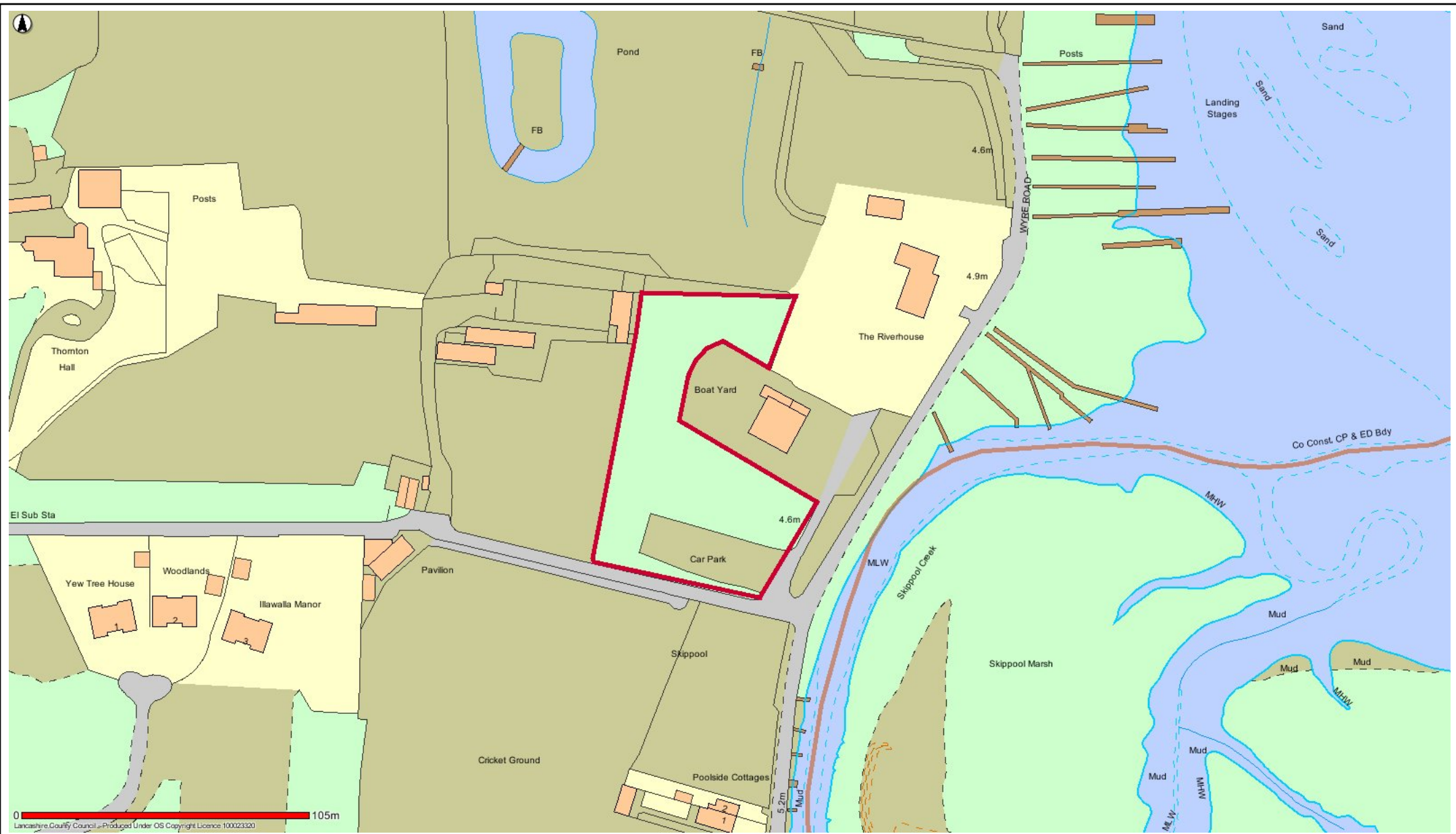


TC15 Hawthorne Park Thornton



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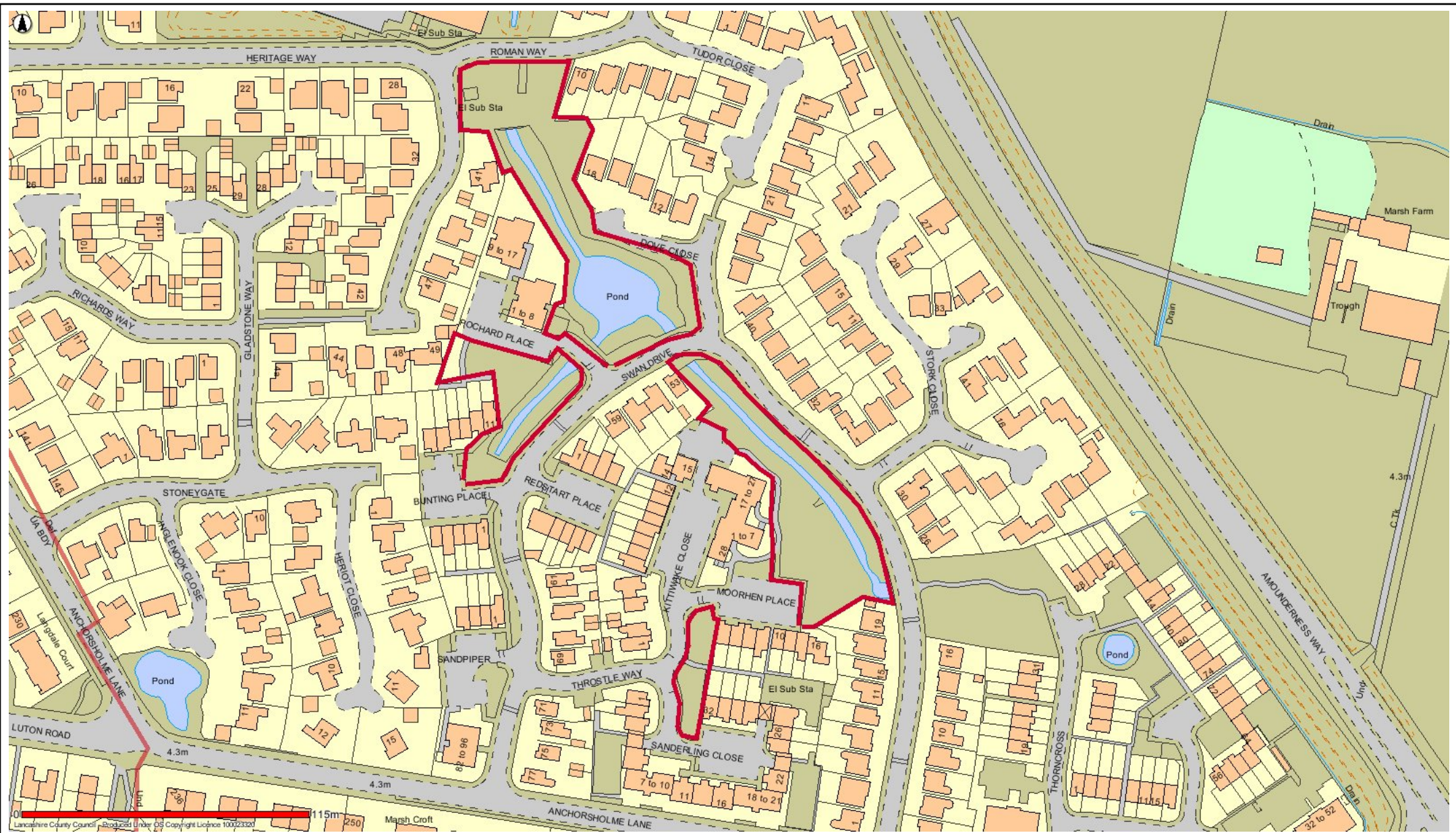


TC16 Skippool Amenity Site



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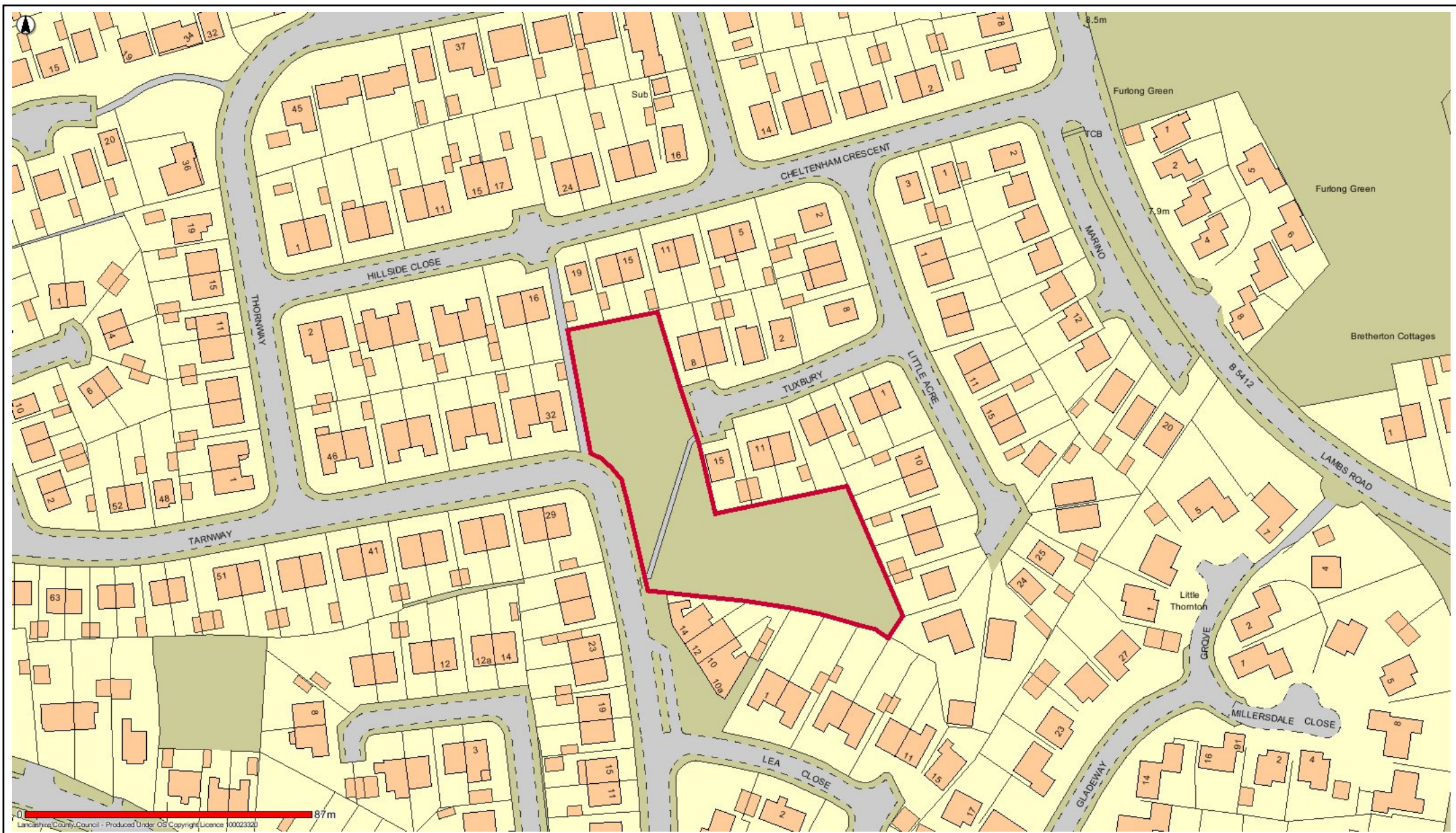


TC17 Swan Drive Open Space



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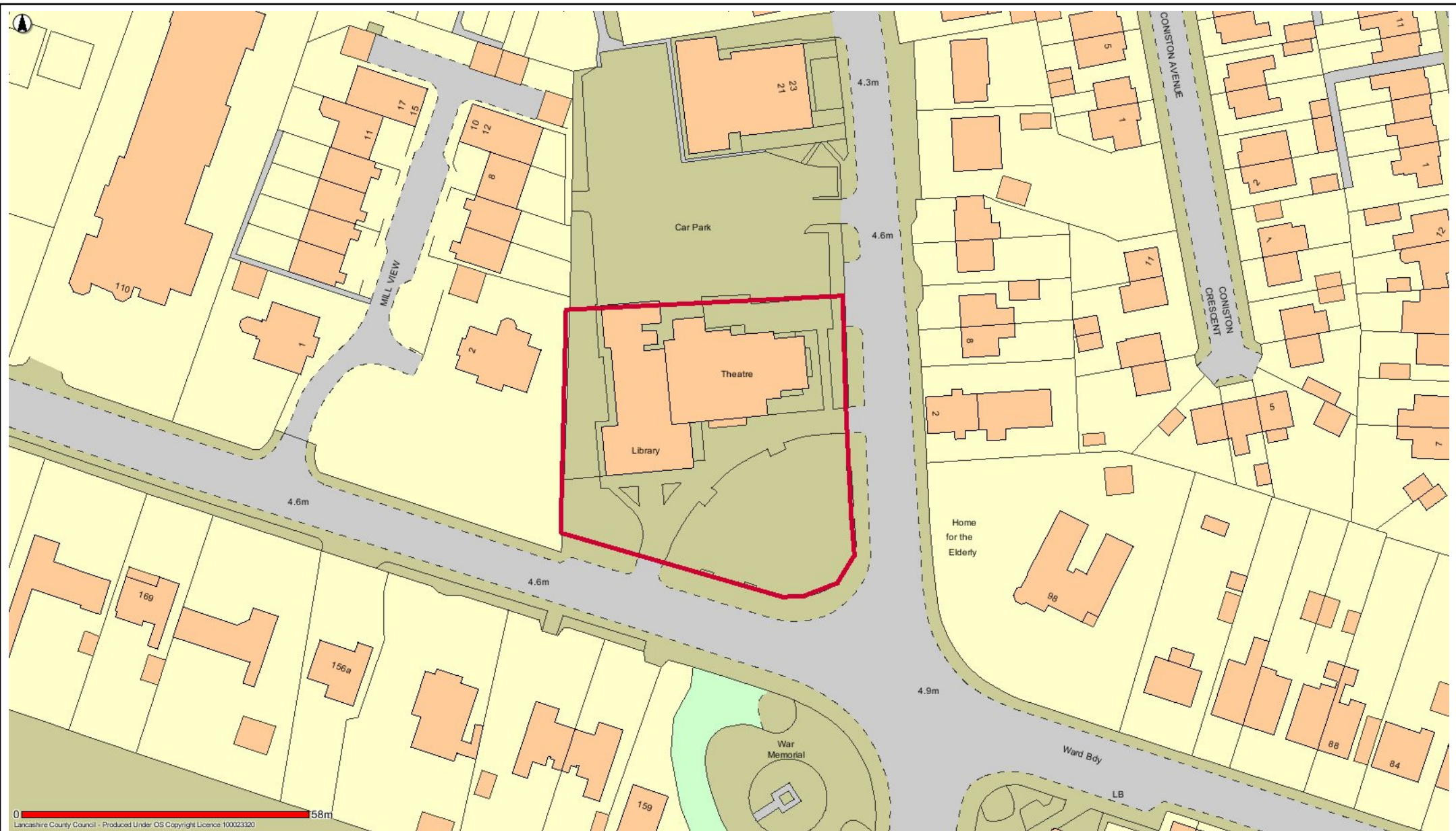


TC18 Tarnway Thornton



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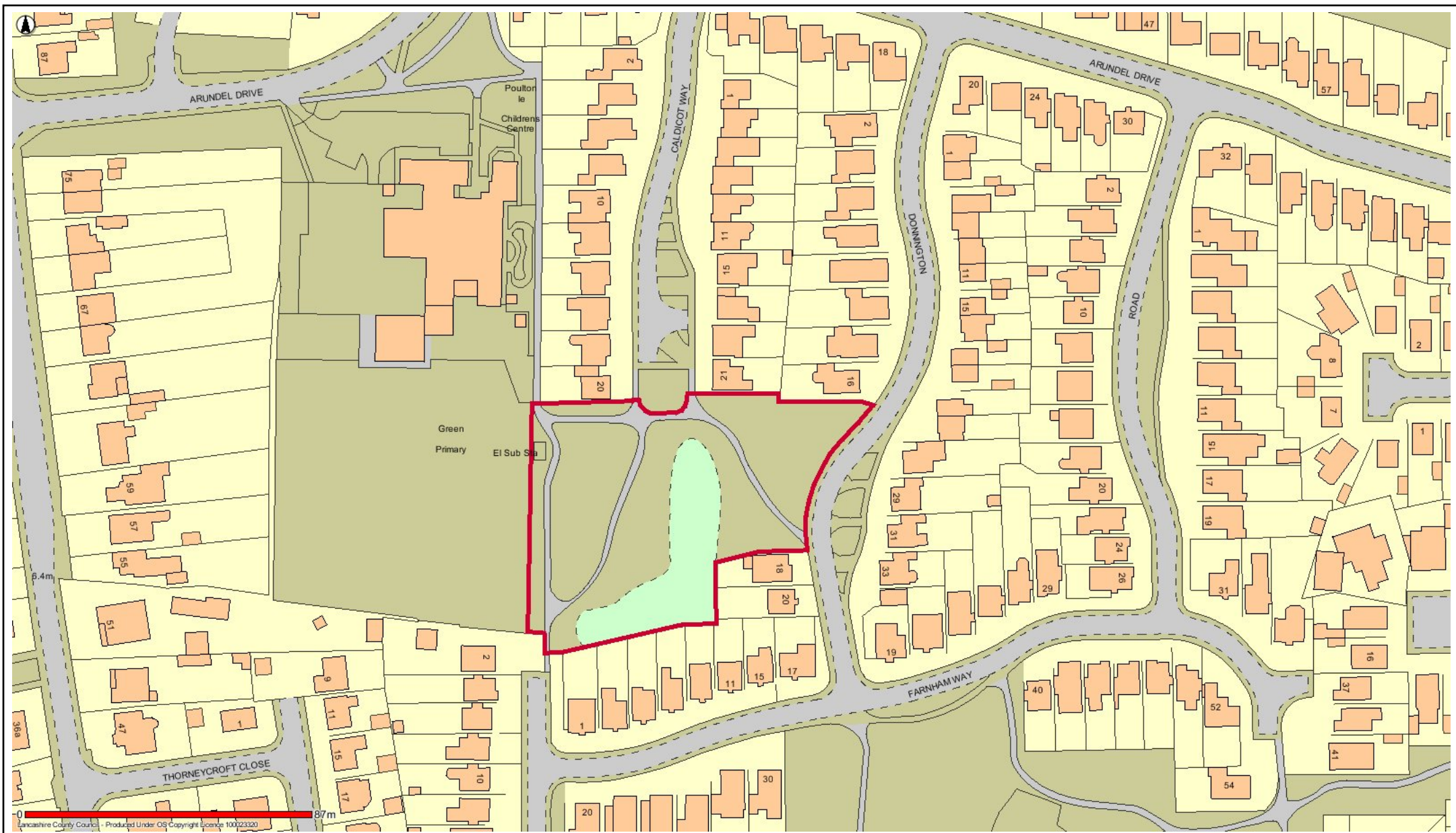


TC19 Thornton Little Theatre



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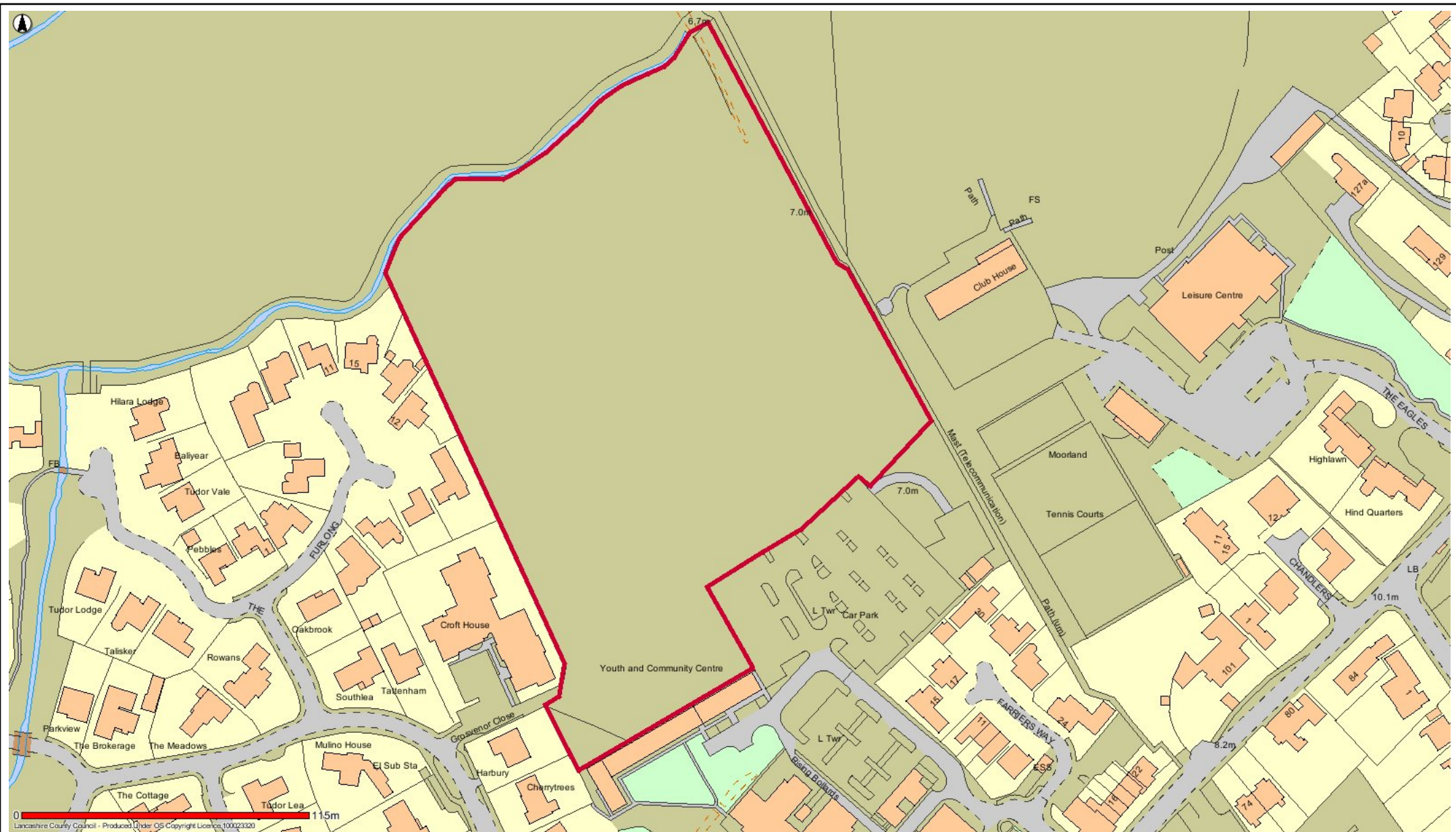


PLF1 Caldicot Way/Donnington Road Carleton



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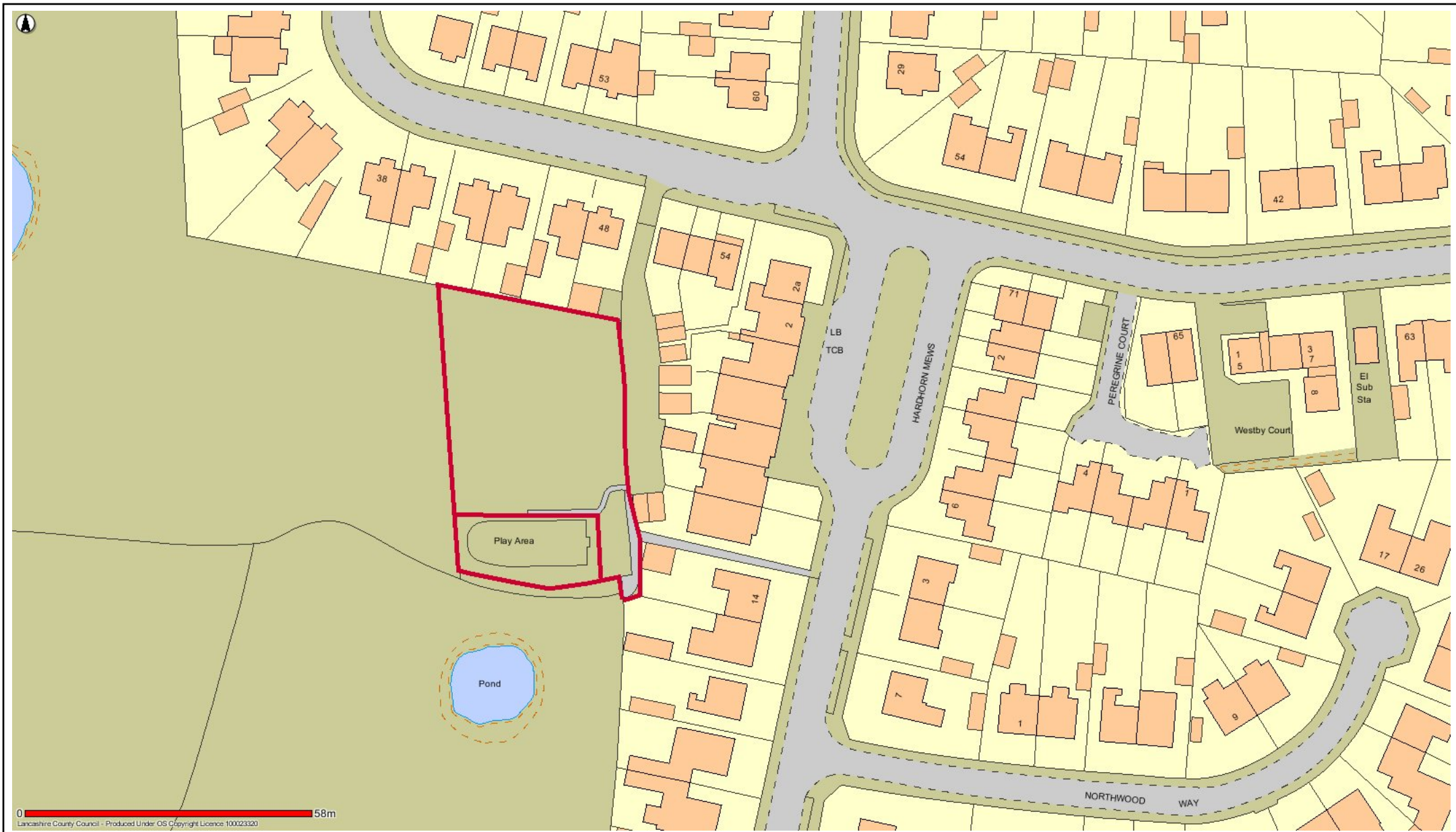


PLF2 Civic Centre Playing Field Poulton-le-Fylde



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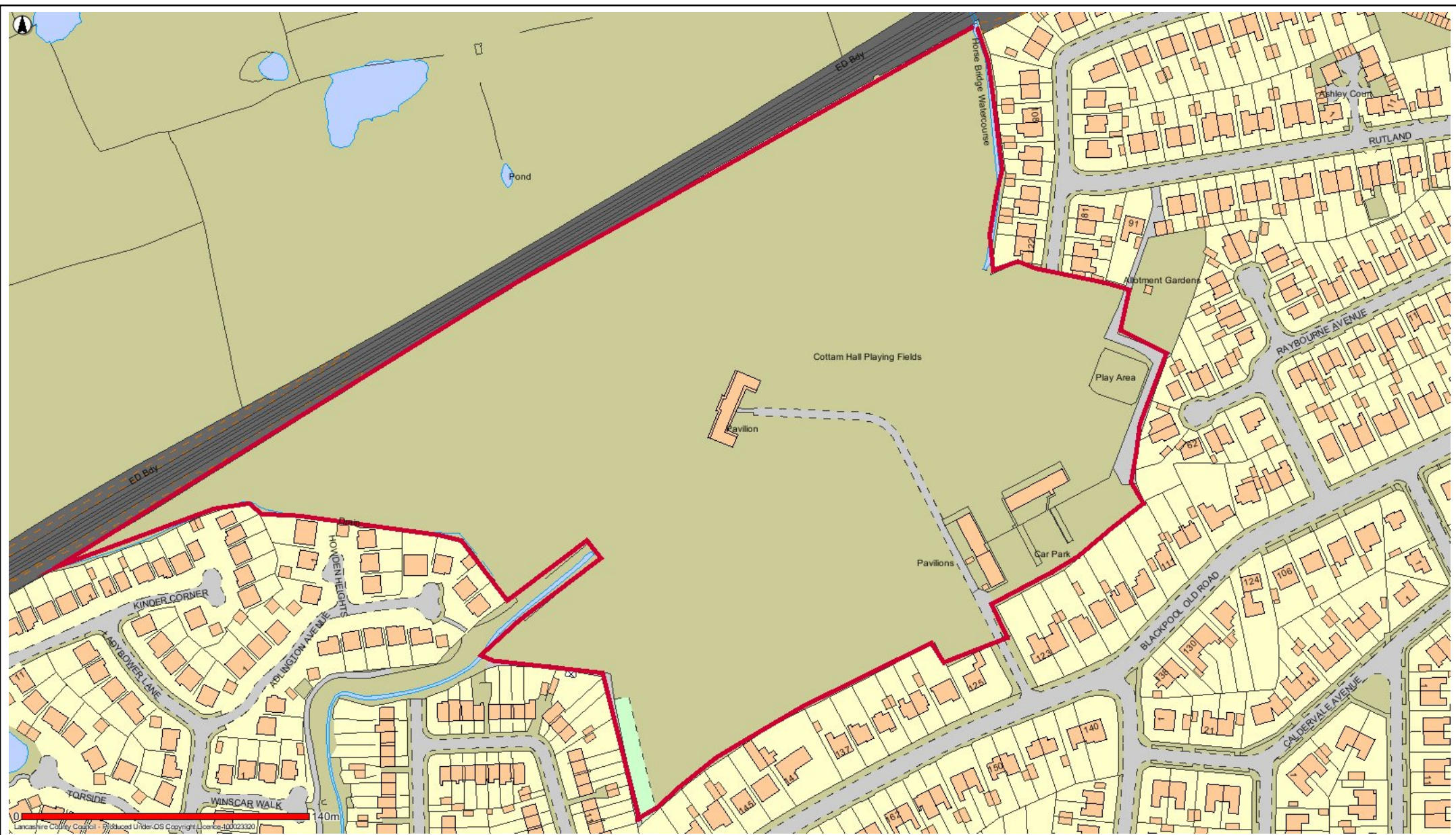


PLF 3 Compley Avenue Poulton-le-Fylde



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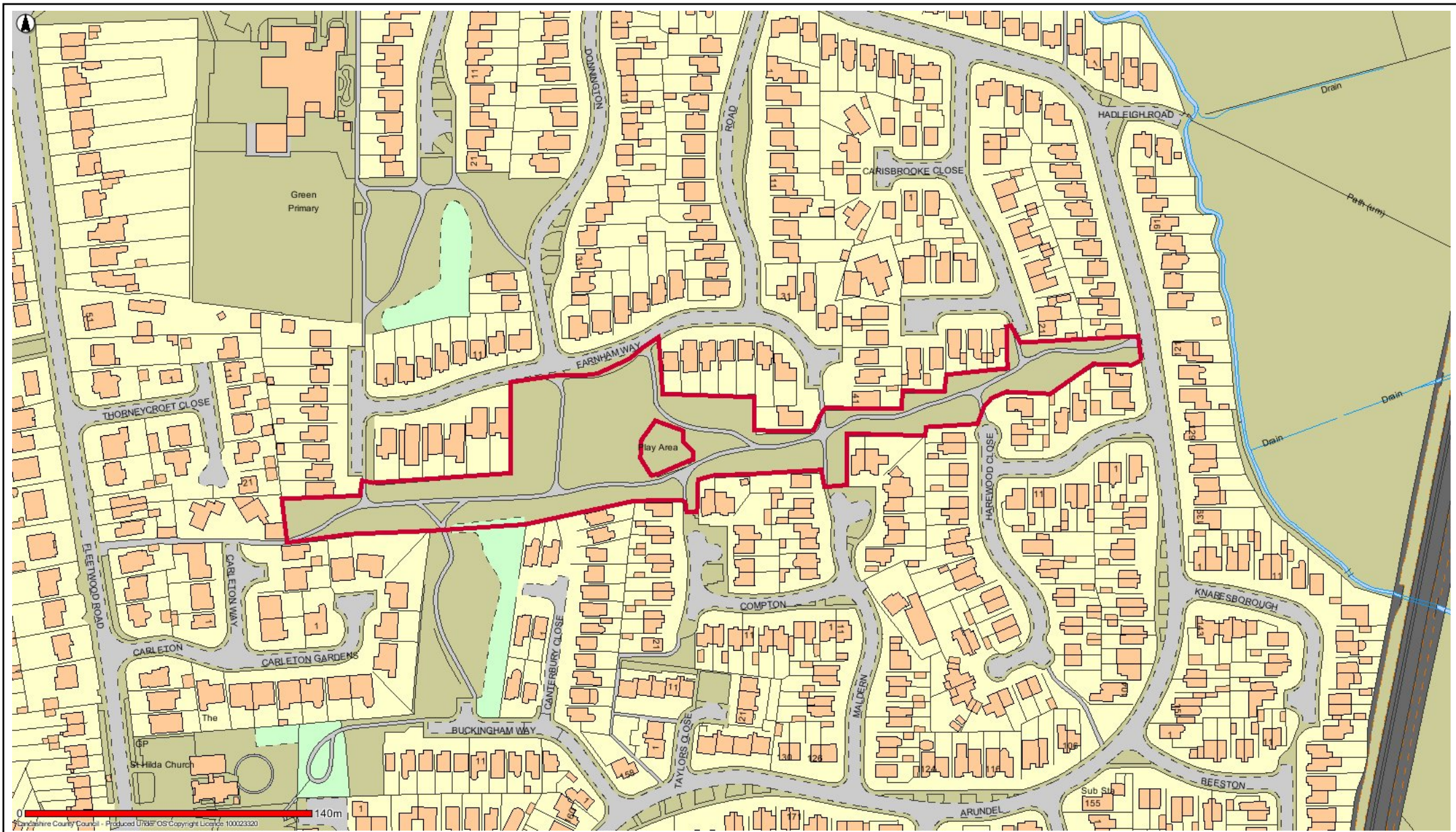


PLF4 Cottam Hall Playing Field Poulton-le-Fylde



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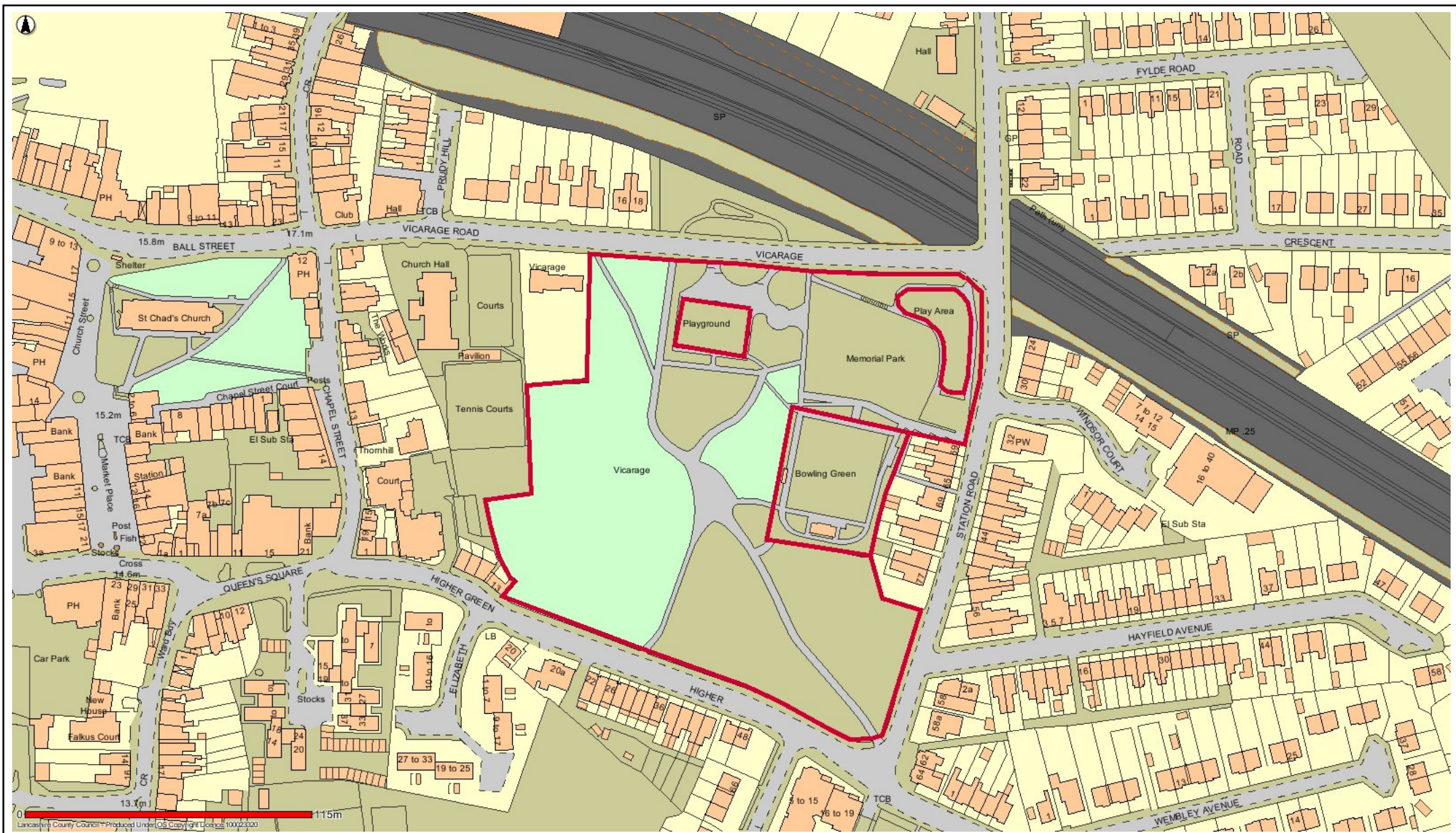


PLF5 Farnham Way Carleton



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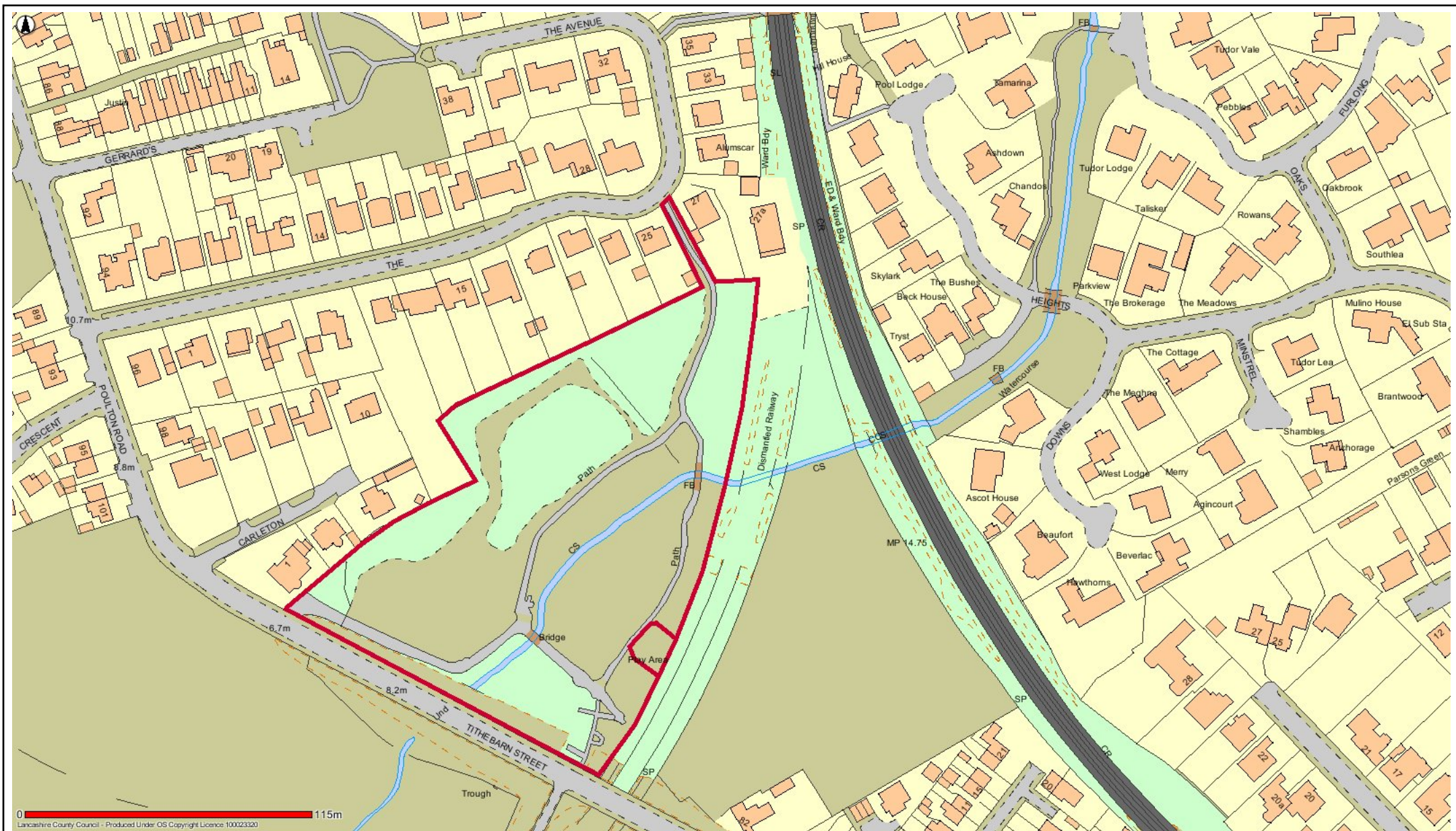


PLF6 Jean Stansfield and Vicarage Park Poulton-le-Fylde



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PLF7 Tithebarn Park Poulton-le-Fylde



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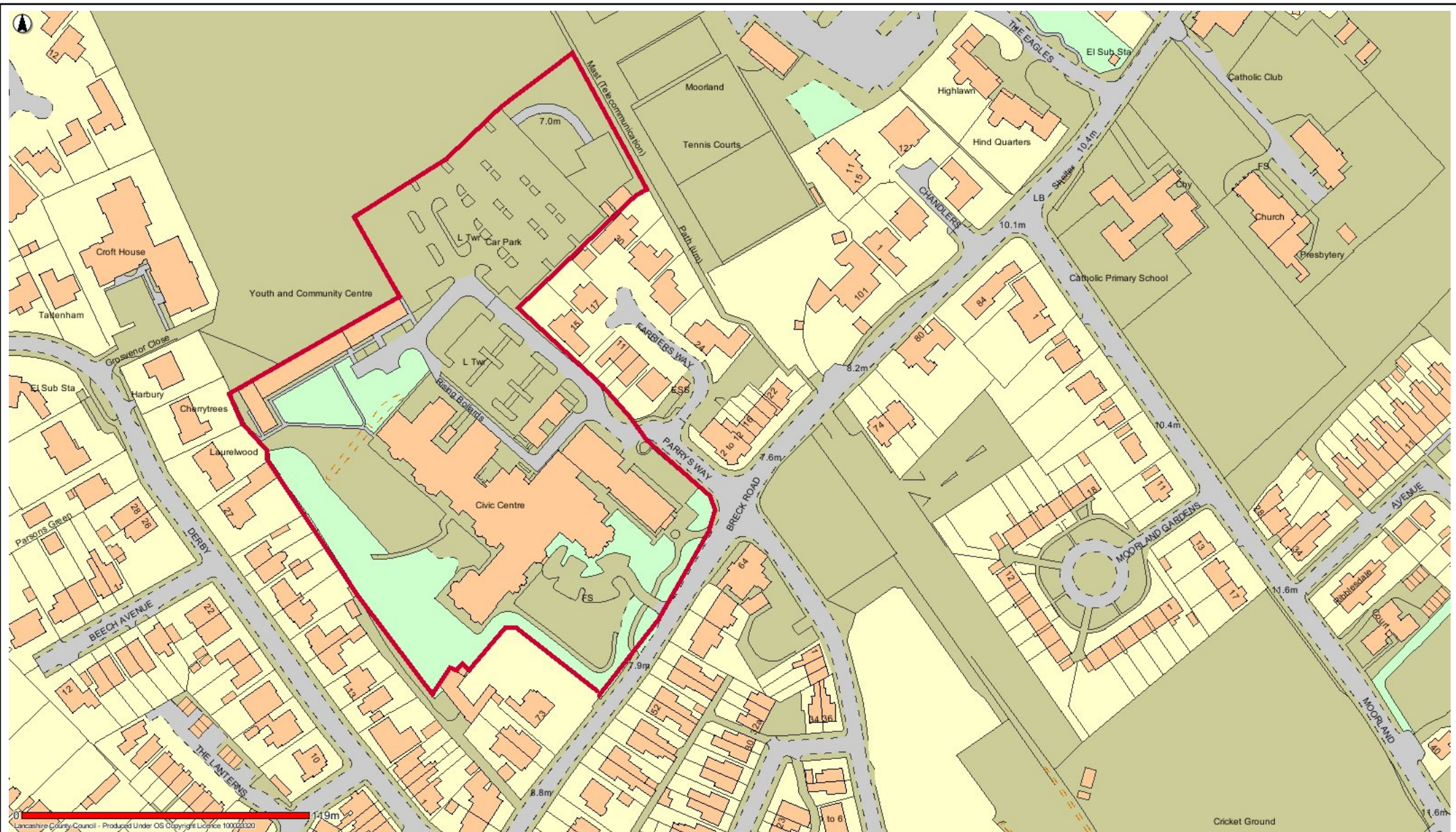


PLF8 Carrabine Park Carleton



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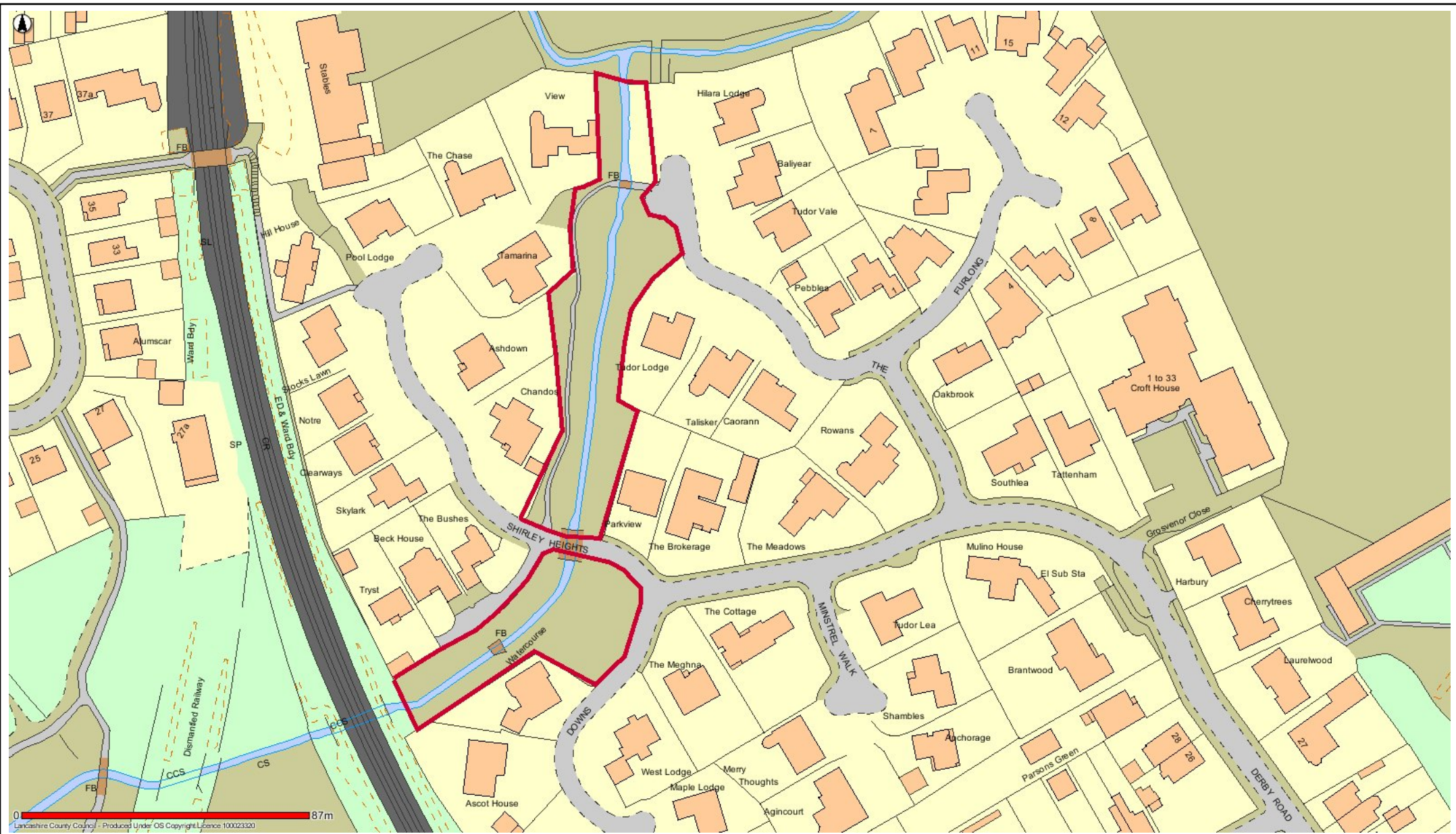


PLF9 Wyre Civic Centre Grounds



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PLF10 Derby Rd/Shirley Heights



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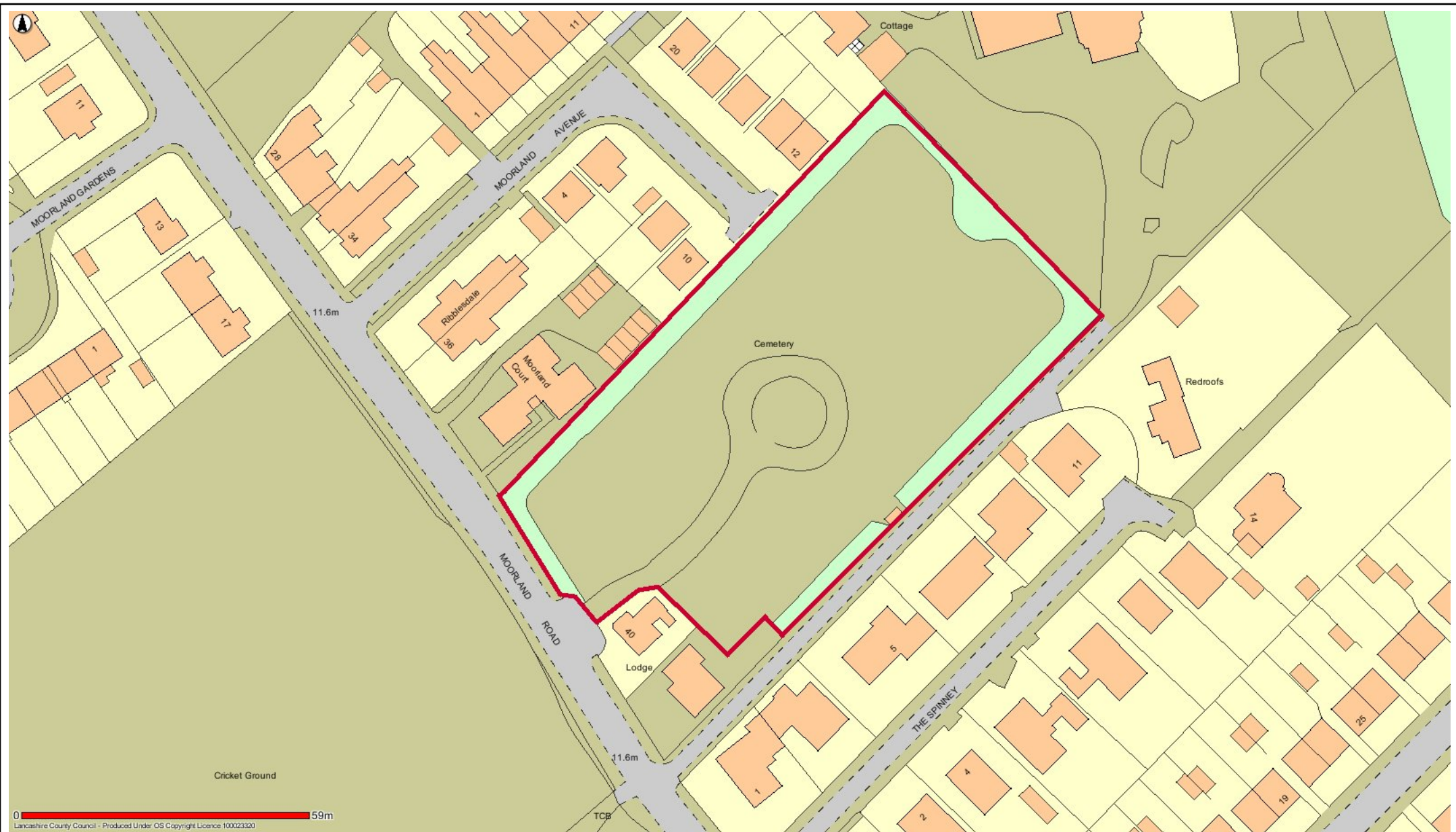


PLF11 Garstang Road Cemetery



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PLF12 Moorland Road Cemetery



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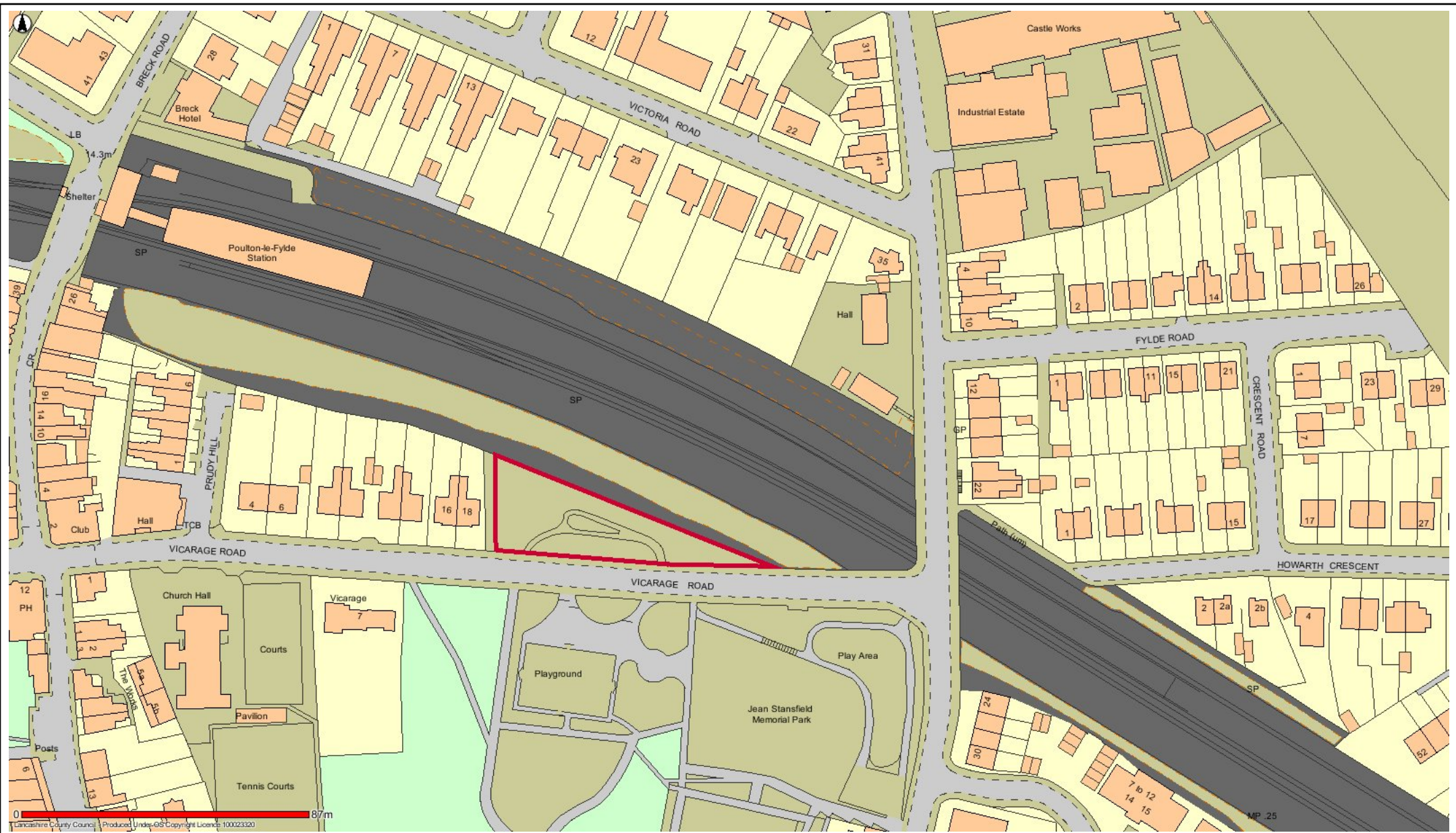


PLF13 Poulton Health and Fitness Centre



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PLF14 Tomlinson Gardens



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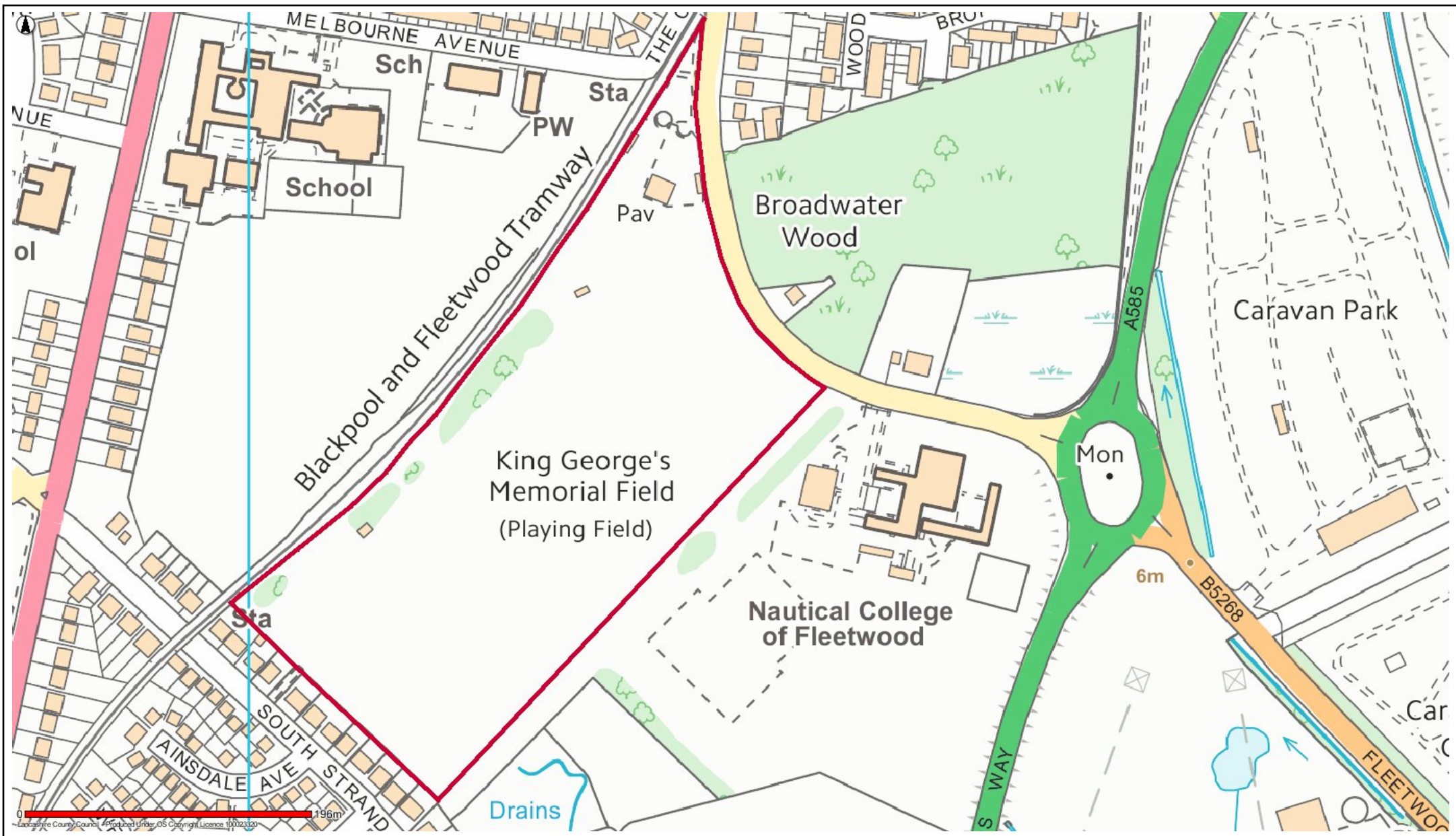


FWD1 Eskdale Avenue Park



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FWD2 King George V Playing Field

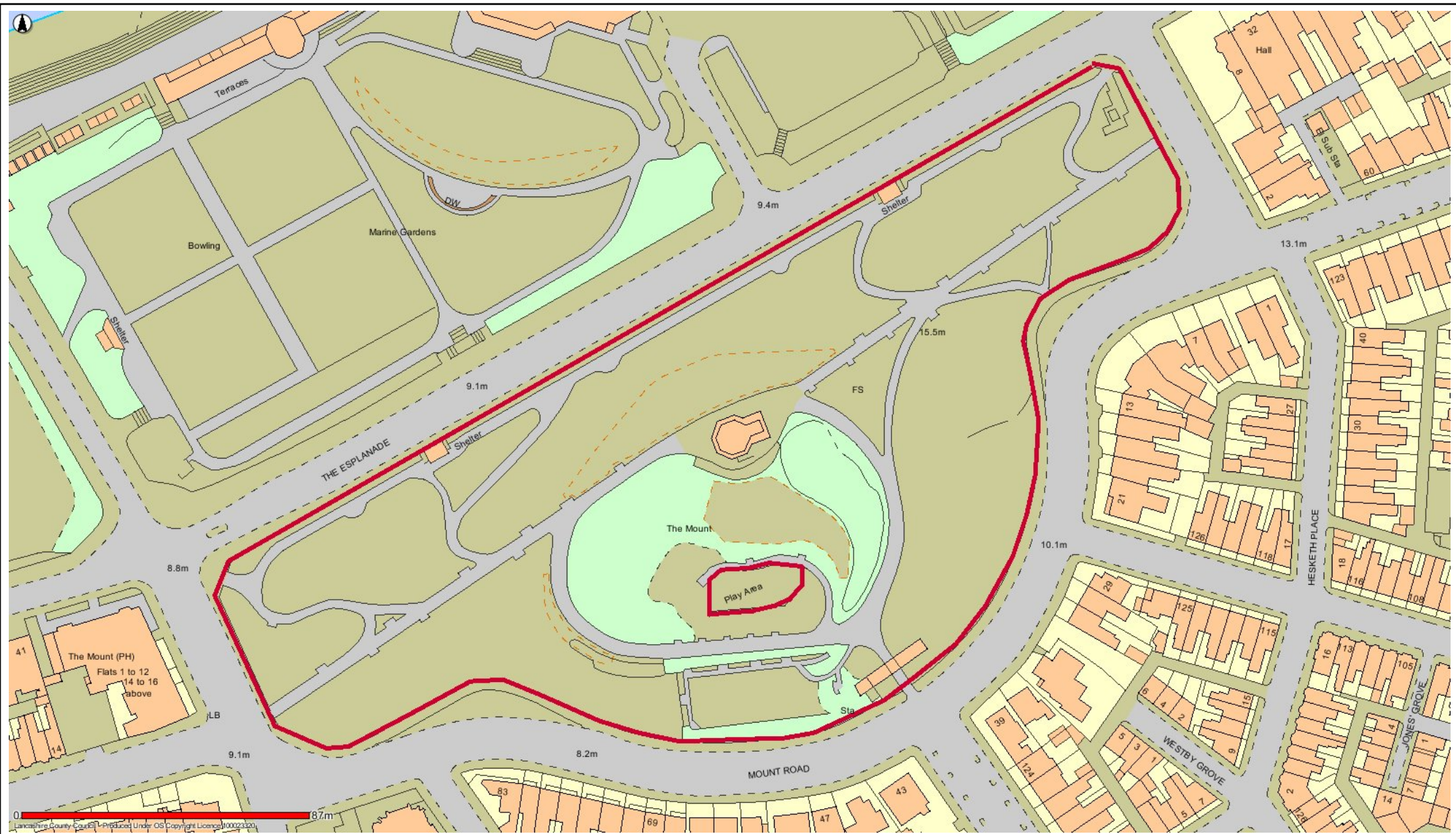


FWD3 Memorial Park



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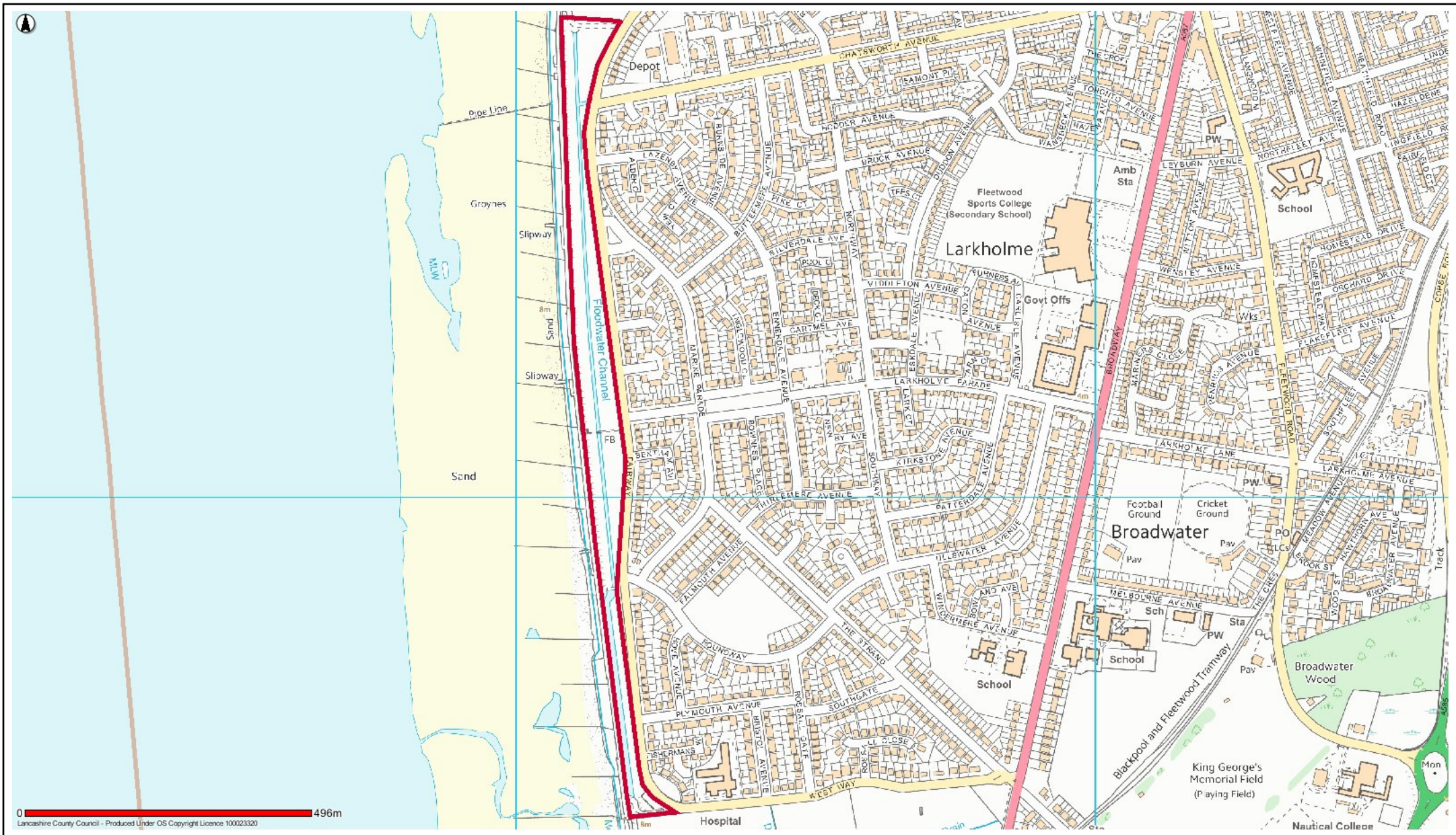


FWD4 The Mount Grounds



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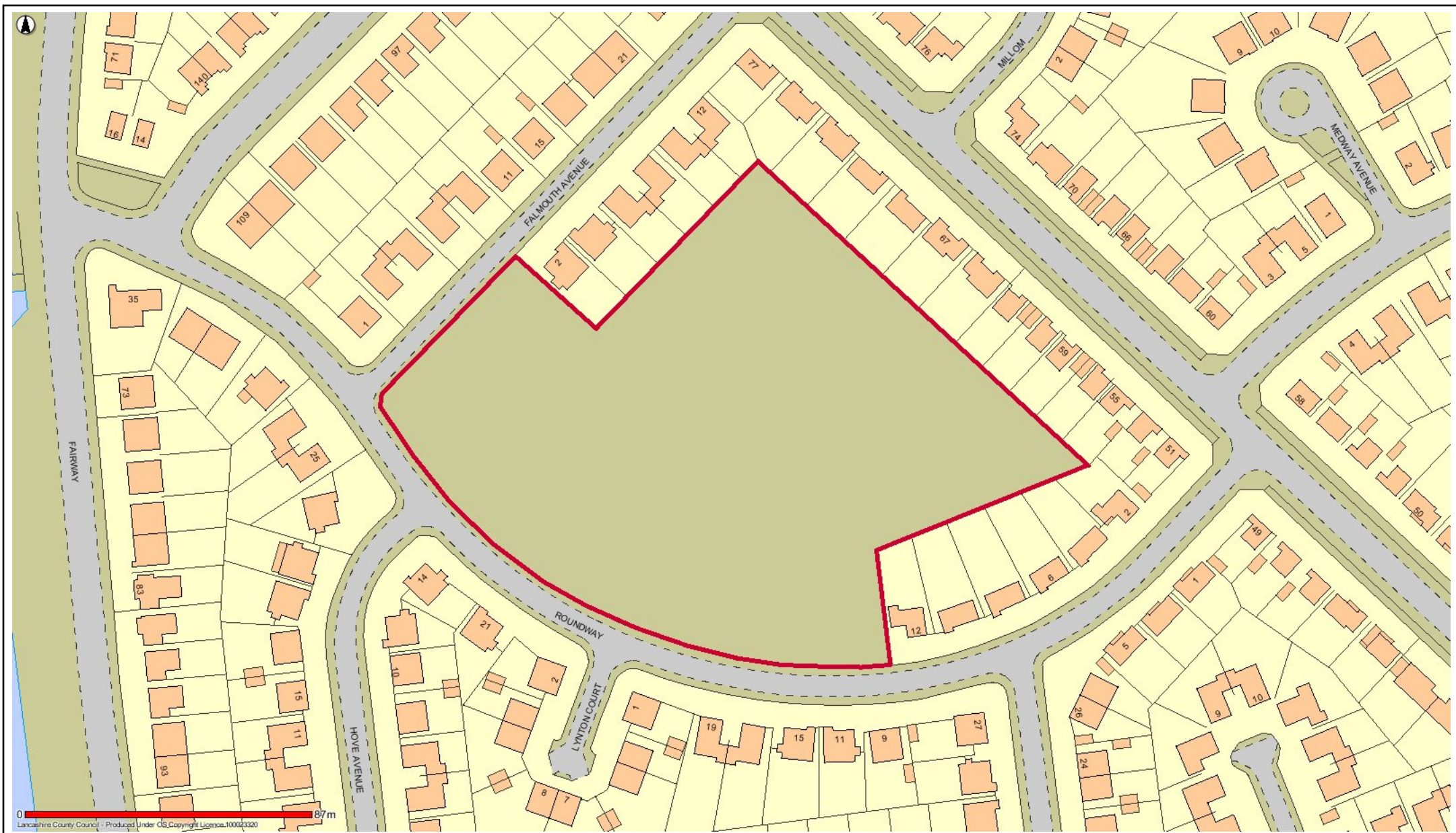


FWD5 Rossall Ecology Park



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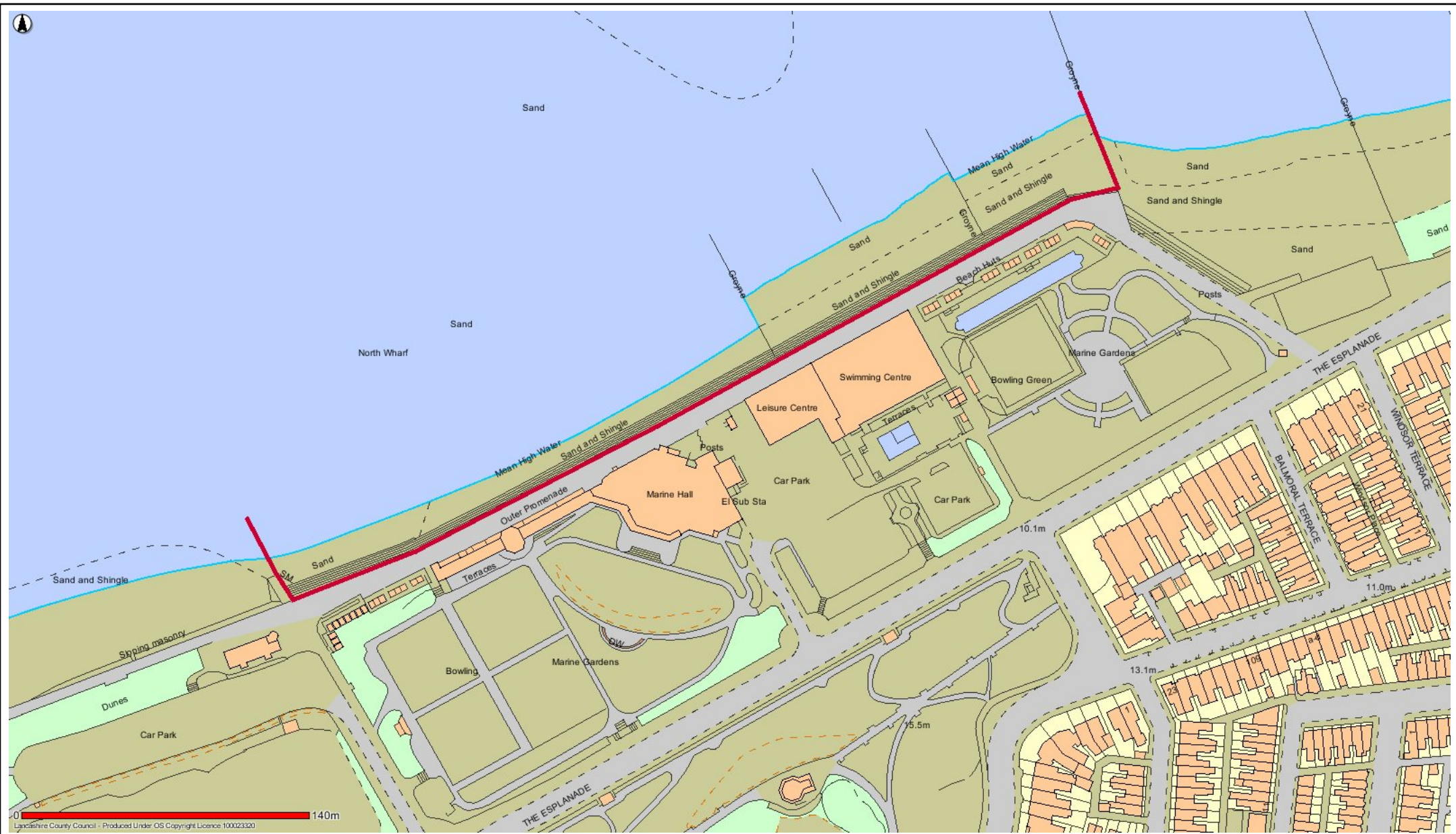


FWD6 Roundway



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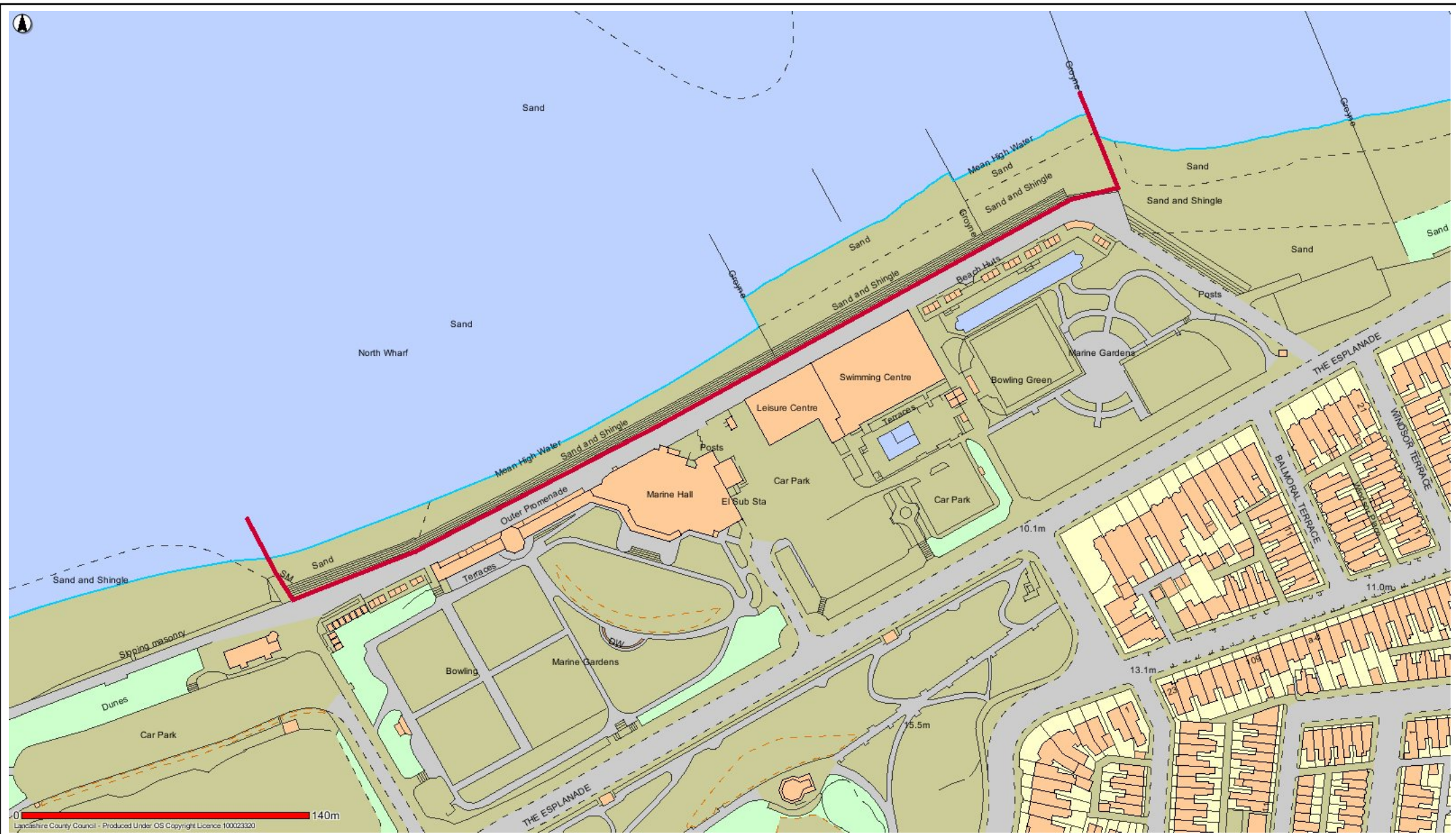


FWD7A Fleetwood Beach east side of slipway eastwards to the west side of the former pier (out of ban season only)



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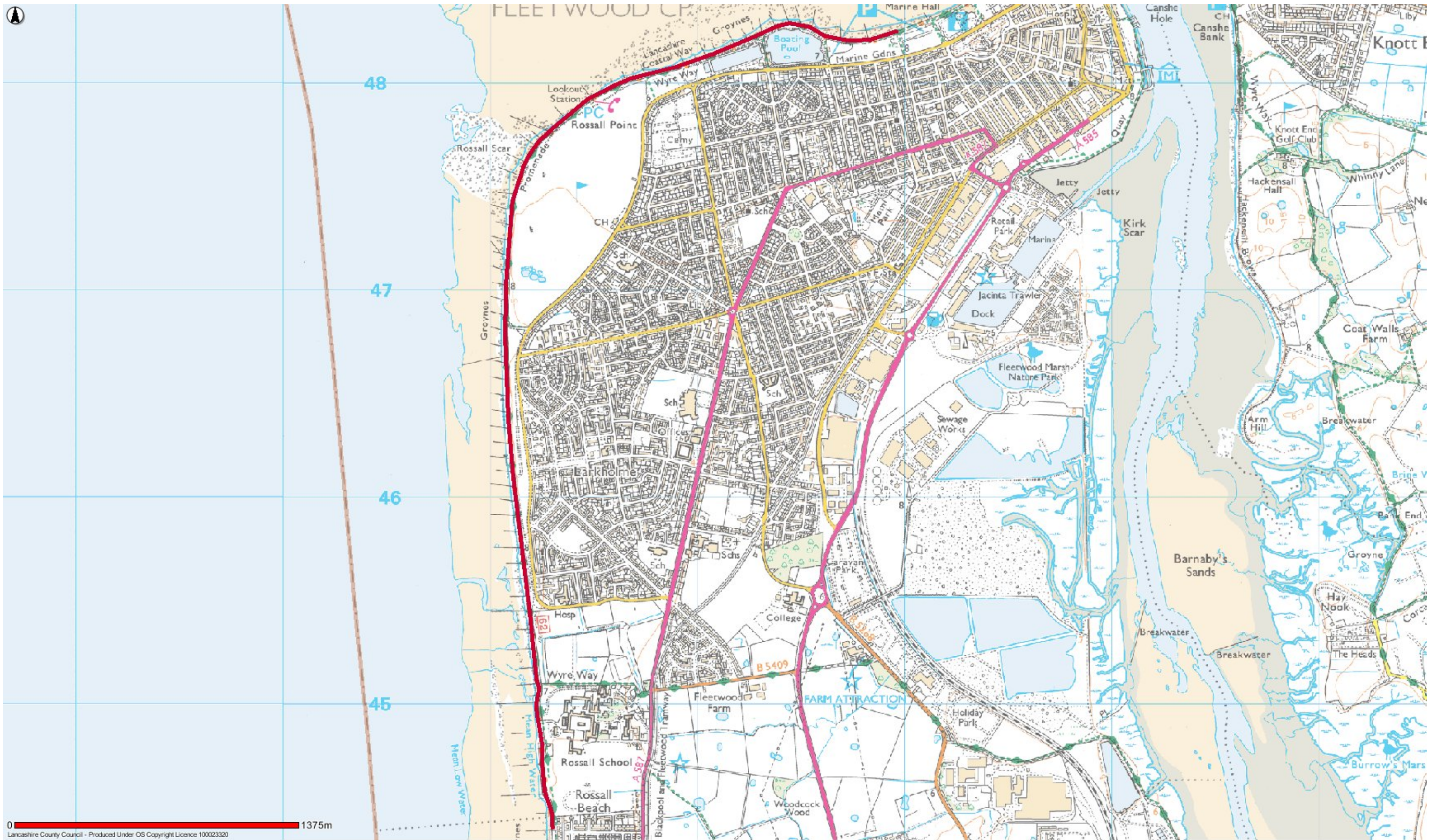


FWD7B Seasonal Dog Ban (May to September) Fleetwood Beach east side of slipway eastward to west side of former pier



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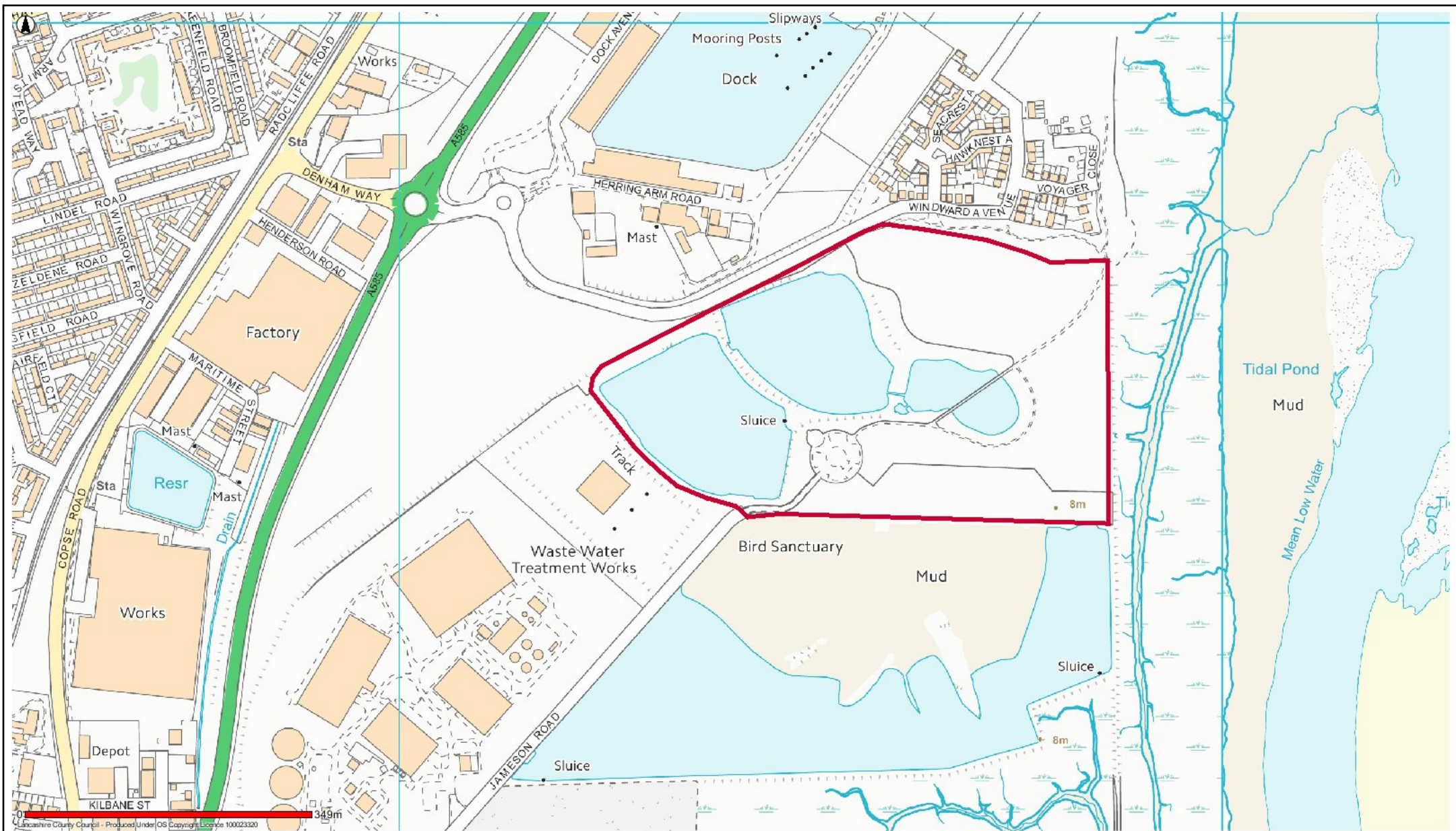


FWD8 Fleetwood Promenade from opposite Carr Road to the Five Bar Gate Rossall Beach



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FWD9 Fleetwood Marsh Nature Park



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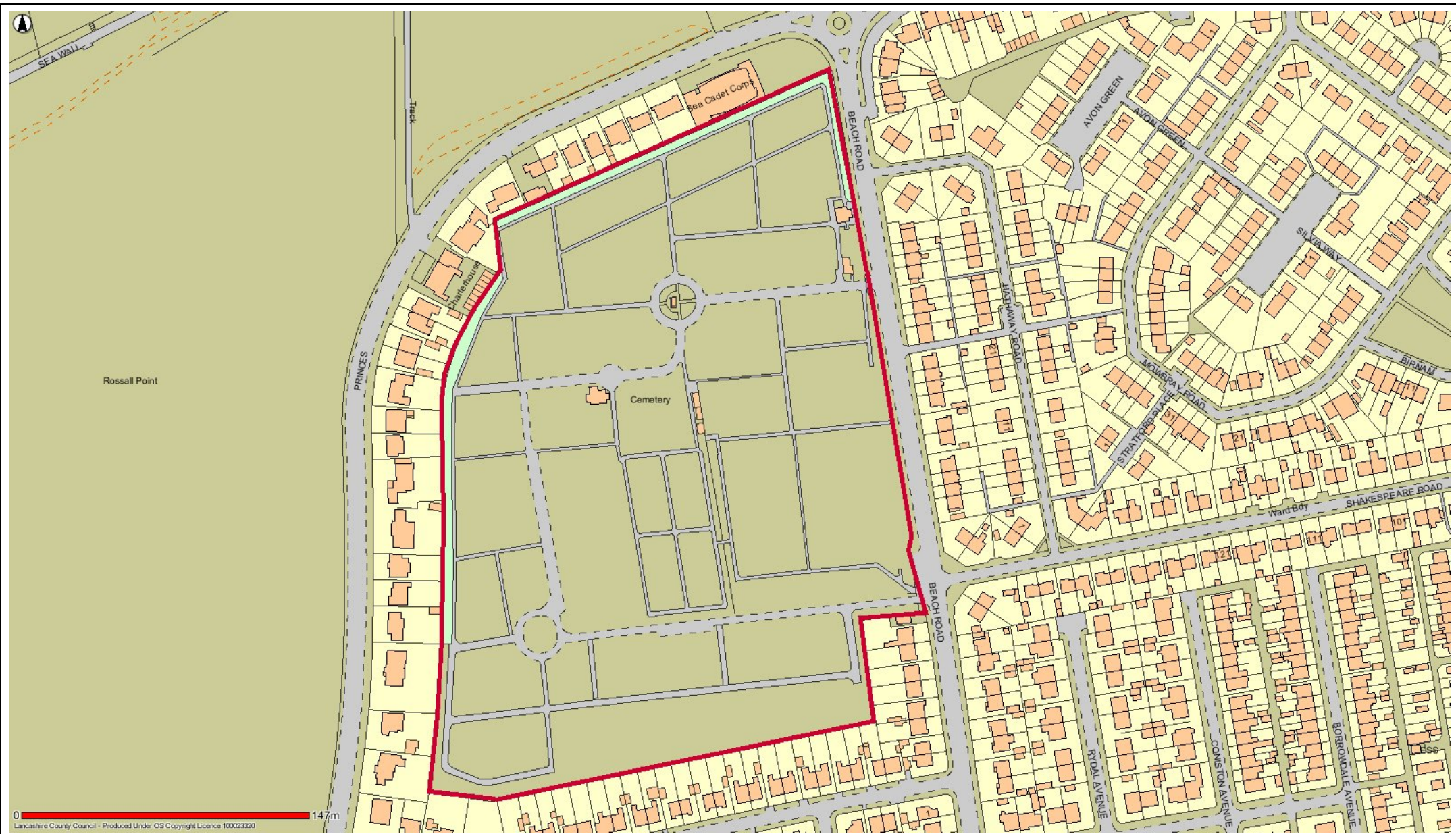


FWD10 Euston Park



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FWD11 Fleetwood Cemetery



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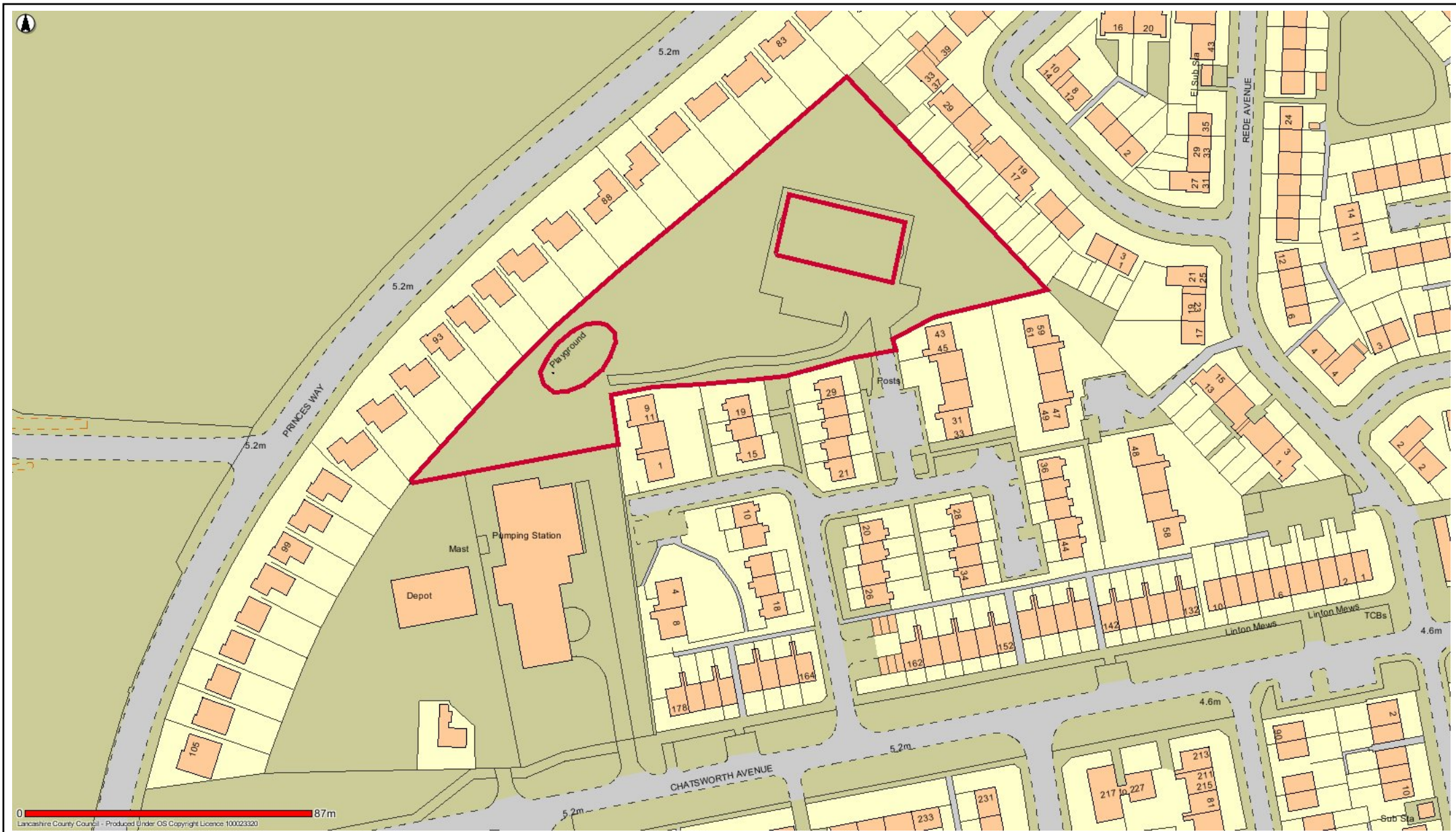


FWD12 Mariners Close Open Space



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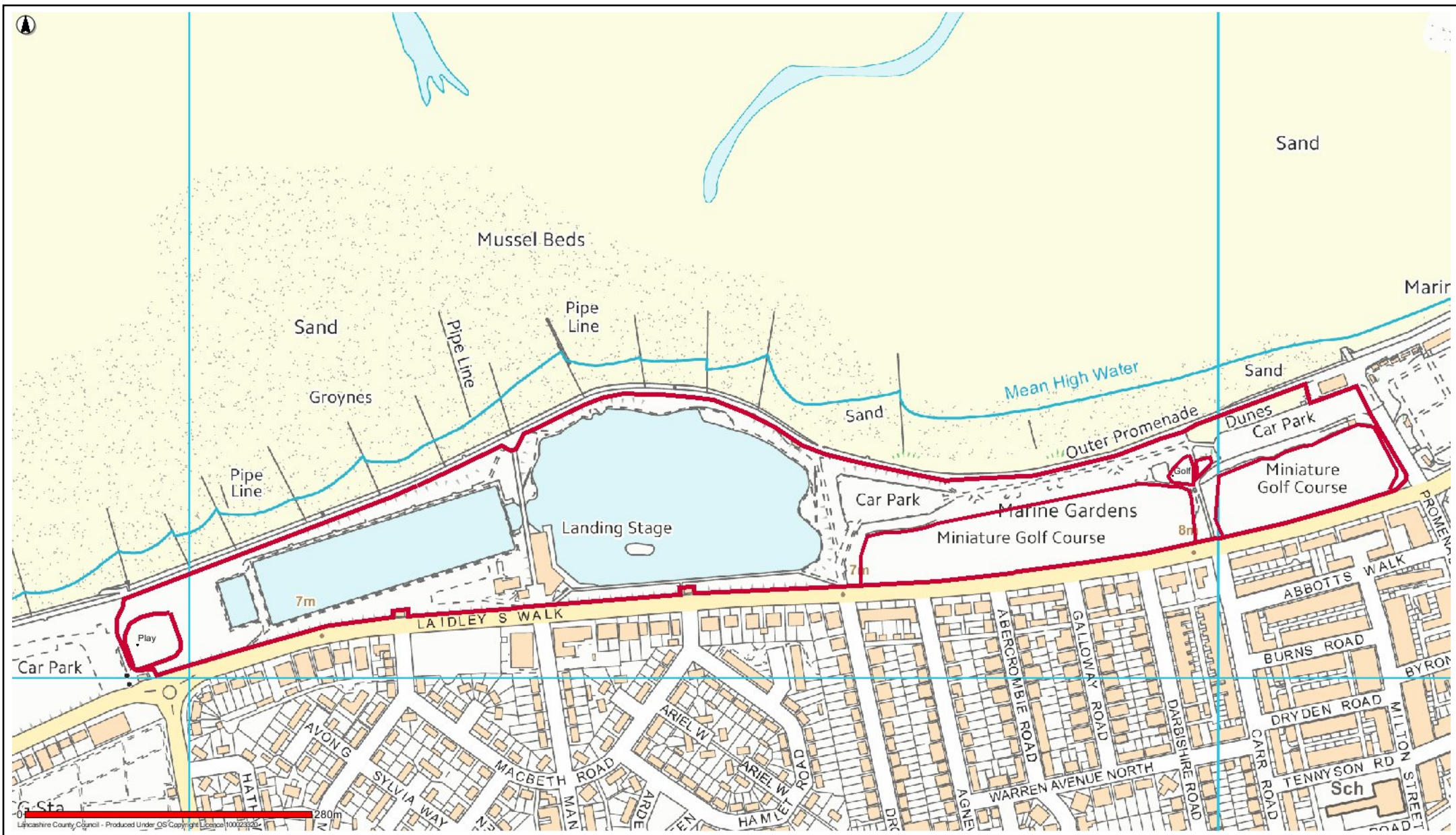


FWD13 Martindale Park



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FWD14 Marine Gardens Amenity Area (including lakes, pitch and putts)



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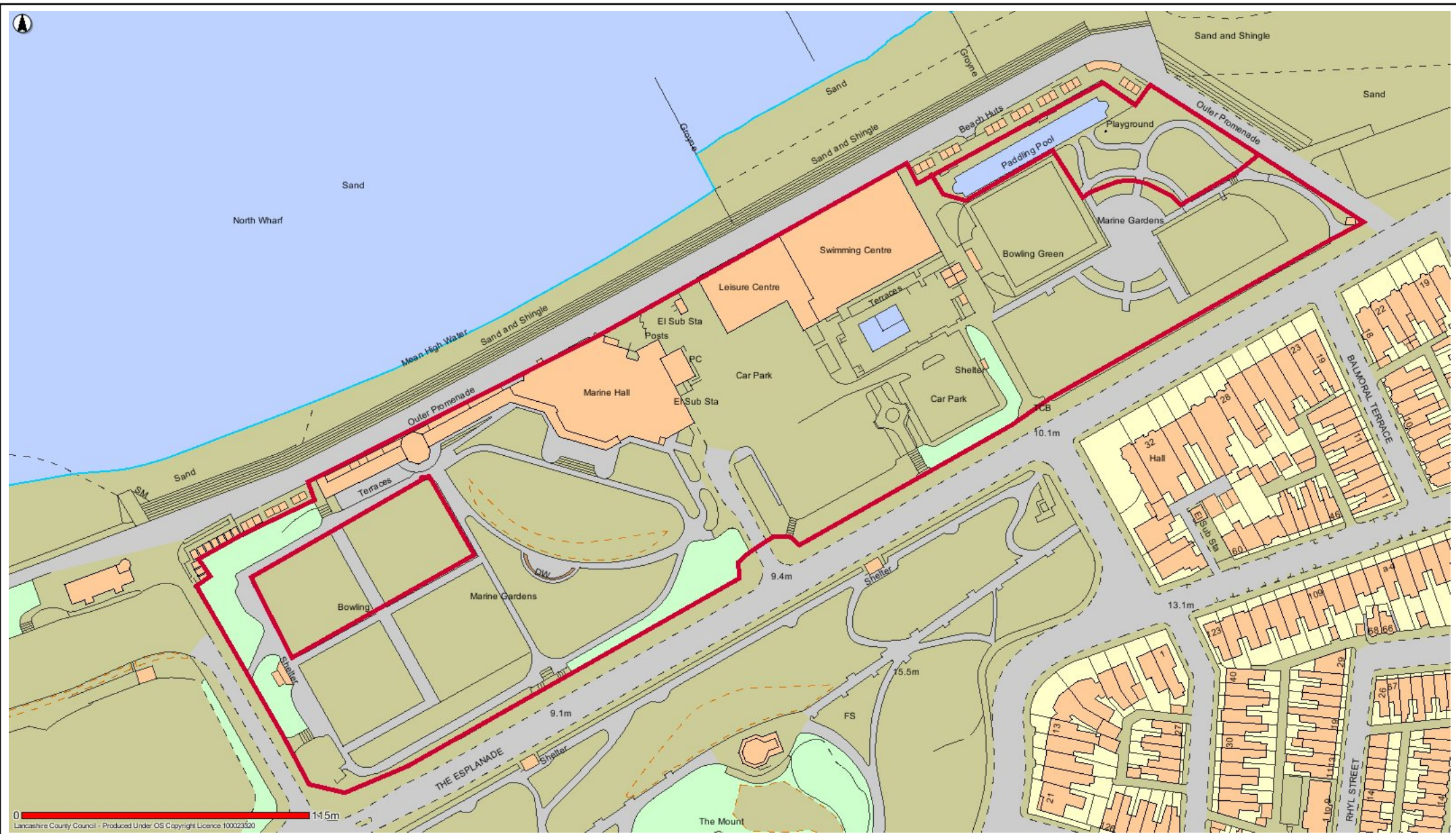


FWD15 Land between Fleetwood Prom and golf course from Rossall Picnic Site to Fairway including brideway



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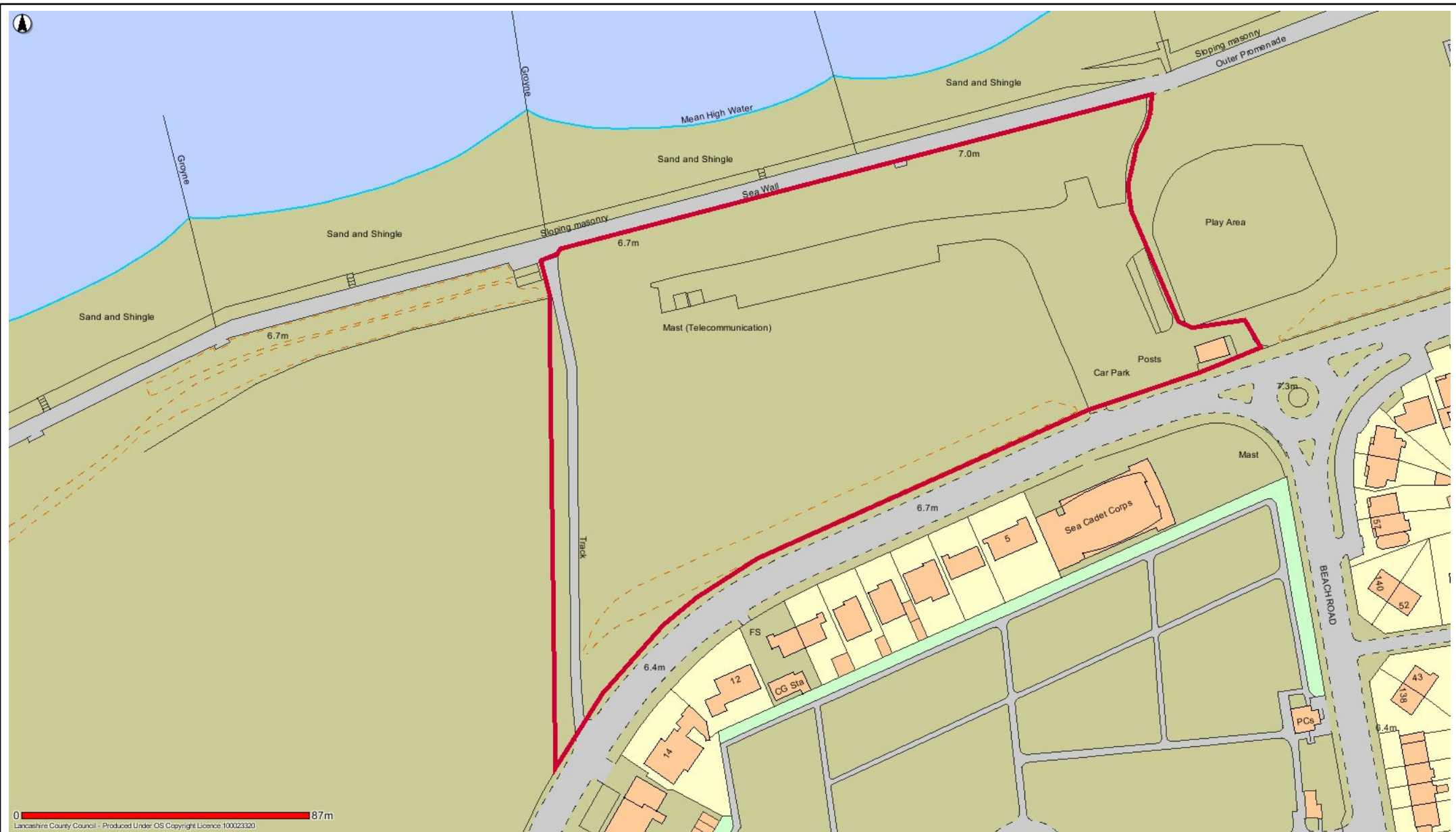


FWD16 Marine Hall Gardens



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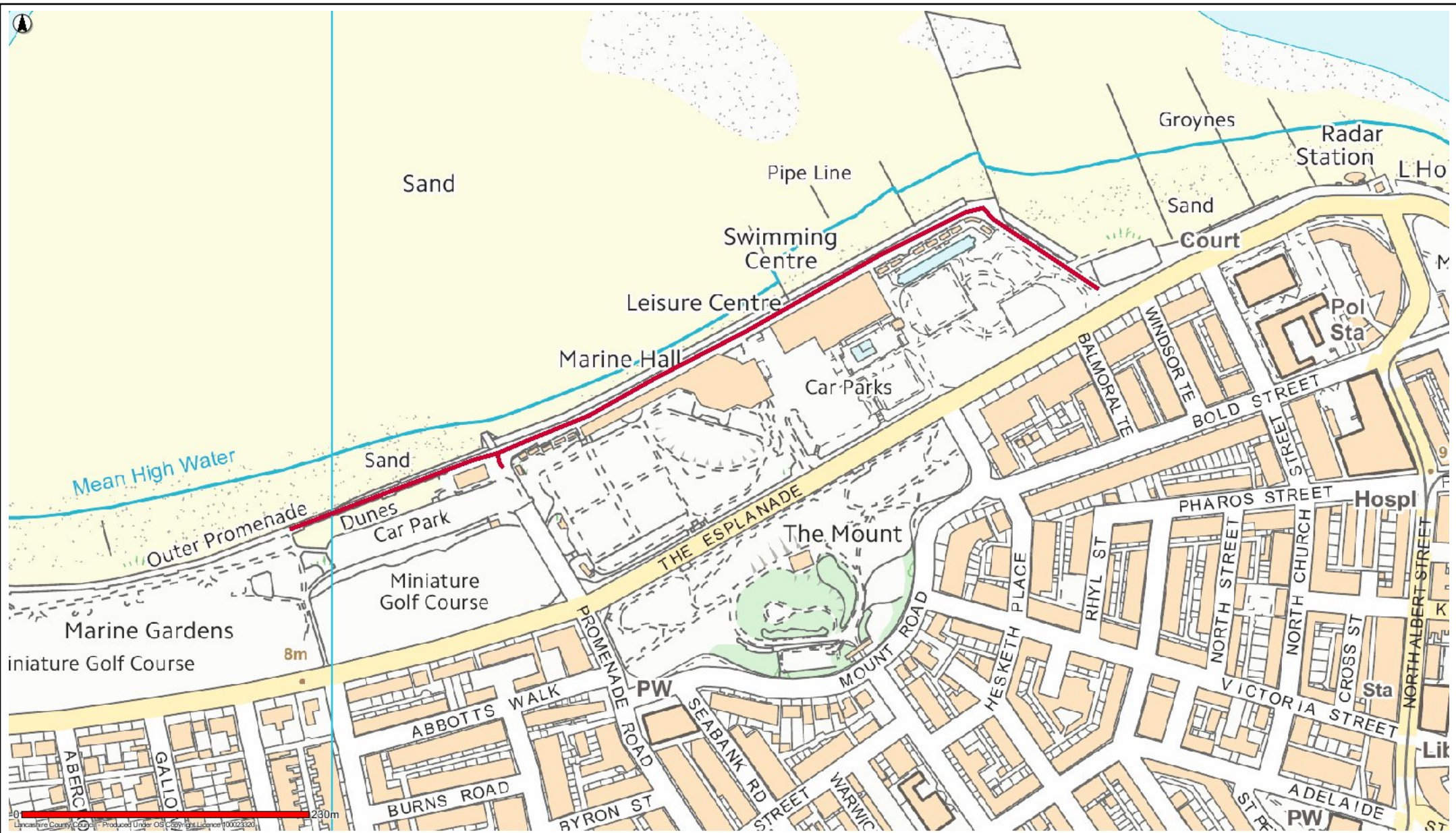


FWD17 Rossall Picnic Site



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FWD18 Fleetwood Promenade from former pier site to opposite Carr Road



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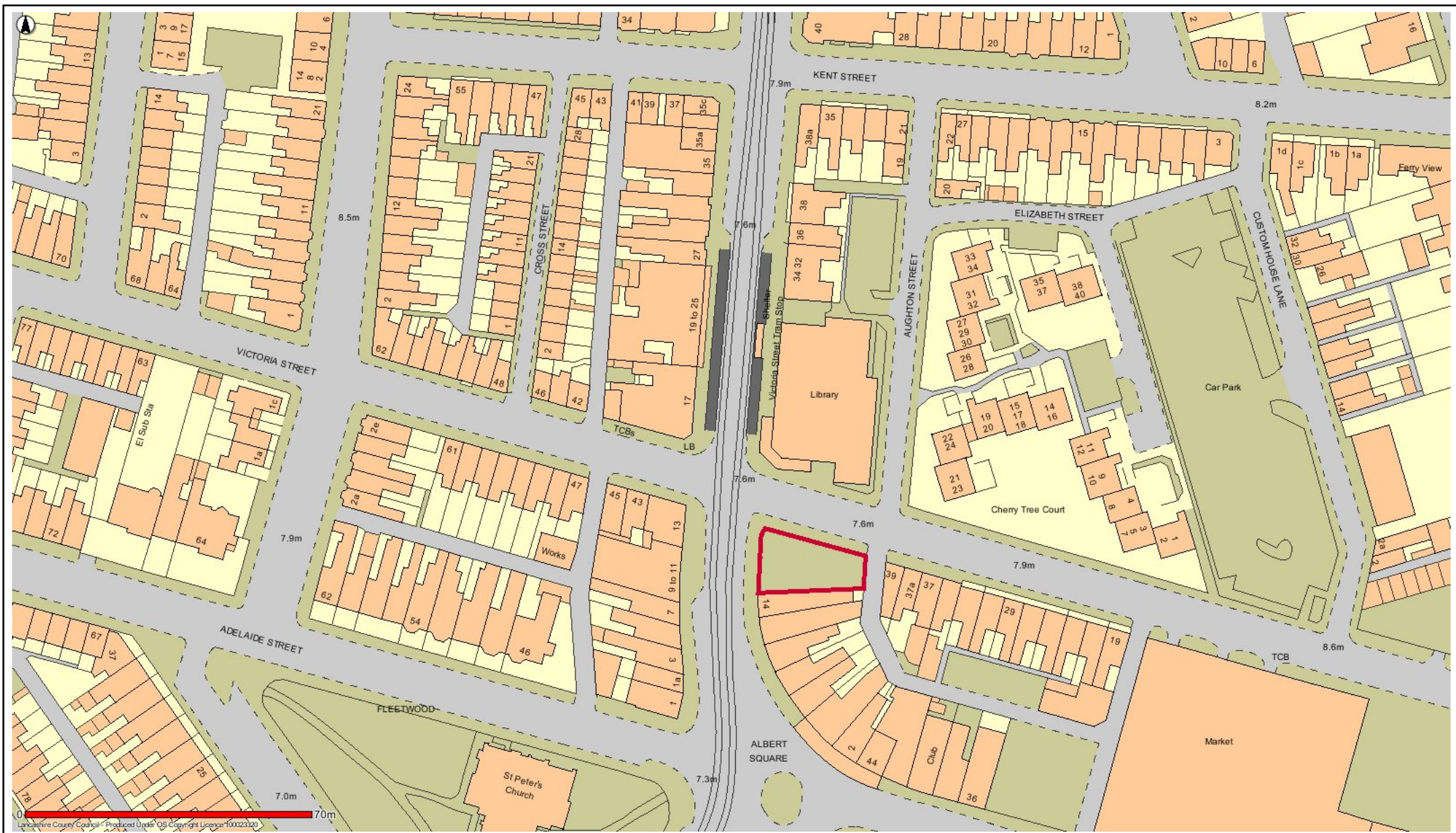


FWD19 Westview Park



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FWD20 Pocket Park (Victoria St)



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FWD21 Broadwater Wood



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