

Public Spaces Protection Order Variation Consultation: ownership of dogs and prohibition of smoking in certain places

Overview

West Northamptonshire Council (WNC) is seeking to vary the Public Spaces Protection Order (Dog Control and Prohibition of Smoking in Public Places) 2022. We want to continue to promote responsible dog ownership and also to prohibit smoking in certain public spaces in West Northamptonshire area. The council is now seeking to vary the Order to cover the Northampton Area and include the requirement to keep dogs on leads in Northampton town centre and also at Upton Country Park Phase 2.

A Public Spaces Protection Orders (PSPO) allow councils to impose restrictions or requirements on public and some privately owned land to which the public have access to, with or without payment of a fee. A PSPO can deal with persistent and unreasonable nuisances and anti-social behaviour that has a detrimental effect on the quality of life for the local community in a particular area. They are intended to help ensure that the public can use and enjoy public spaces and can help to make West Northamptonshire a better and safer place to live, work and visit.

Background

In October 2022, WNC introduced a new PSPO across the Daventry and South Northants Areas. The Order promotes responsible dog ownership and requires no smoking in certain publicly accessible open spaces.

The requirements and restrictions of the PSPO are summarised as follows. Anyone who is in control of a dog (or dogs) in a public place must:

- Pick up after the dog immediately
- Have the appropriate means to pick up after that dog
- Not take or allow the dog/s to enter the following: children's play areas; schools when open and in use by pupils; skate parks; tennis courts; multi-use games areas (MUGAs) and bowling greens
- Keep the dog on a lead when in: Cemeteries; burial sites; graveyards; memorial gardens; allotments; car parks; sports grounds, fields, and pitches, when in use for authorised sporting activity; land near the café area at Daventry Country Park and near schools when open and in use by pupils
- Put the dog on a lead when requested to do so by an Authorised person
- Restrict the number of dogs that can be walked by one person to a maximum of 4 dogs at
 any one time. Consideration is being given to the development of a licensing scheme and
 associated code of conduct for professional dog walkers.

Additionally, the requirements and restrictions also cover:

The smoking of tobacco, tobacco related products, smokeless tobacco products including electronic cigarettes, herbal cigarettes or any illegal substances is prohibited in the following areas:

- Children's play areas
- land outside school entrances and exits when open and in use by pupils
- skate parks
- tennis courts
- multi-use games areas (also known as MUGAs), and
- bowling greens

A £100 fixed penalty notice (FPN) may be issued for failure to comply with any of the requirements or restrictions contained within the PSPO in line with the Anti-Social Behaviour, Crime and Policing Act 2014, section 68(2).

Note: A registered blind person, or a person with a disability affecting their mobility, manual dexterity, or ability to lift, carry or move everyday objects and who relies upon a dog trained by a prescribed charity for assistance would be exempt from any Order.

We have produced some further information on the measures and proposals which can be found as an Appendix to this questionnaire.

Gathering evidence

There is a legal requirement for the council to have evidence to show the need for orders to be adopted, varied, or extended. The activities controlled by the PSPO need to have had, or be likely to have, an unreasonable and detrimental effect on the quality of life of those in the locality and are, or are likely to be, persistent and continuing in nature.

We are using this consultation to gather evidence and information.

How the feedback will be used

The responses to this consultation will be collated and analysed and will be used to help draft the variation to the Order which will then be published and taken to a Cabinet meeting for approval. Should the order be made by Cabinet, it will then be introduced across the entire West Northamptonshire Area with further communications and campaigns to support this.

The feedback we receive during this consultation can form part of the evidence we need to extend and vary the PSPO to cover the whole of West Northamptonshire for a maximum of 3 years, prior to this it will be reviewed.

How to share your views

We are keen to hear from the public, interested parties and organisations. We are inviting you to read further information about the measures and proposals and complete this consultation questionnaire which is also available online at: https://westnorthants.citizenspace.com/place/pspodog-ownership-smoking-prohibition 2023

If you have any queries, comments or would like a copy of this questionnaire in another format (including easy read, or large print) you can contact us by email or telephone. Our contact details are as follows:

Email address: environmentalimprovement.ddc@westnorthants.gov.uk

Telephone: 01327 302260

The consultation will close at midnight on 17 April 2023.

Your opinion is very important to us, so if you would like to have your say, please complete the questionnaire. You do not have to answer all questions if they do not apply, or you do not wish to. There is opportunity to provide comments within part of the survey.

For information about how consultation and engagement responses are managed, please see the consultation and engagement privacy notice available at https://www.westnorthants.gov.uk/service-privacy-notices/consultation-and-engagement-privacy-notice

You can view maps of the areas the proposed varied PSPO would apply to at request using the contact information above:

- Area covered by existing order includes Daventry and South Northants.
- Daventry Area showing villages and towns covered by the existing Order.
- South Northants Area showing villages and towns covered by the existing Order.
- West Northamptonshire Council administrative area proposed to be covered by the varied PSPO - Northampton Area shown within black border.
- Upton Country Park proposed dogs on leads area to be covered by varied PSPO.
- Northampton Town Centre proposed dogs on leads area to be covered by varied PSPO.
- Northampton Area to be covered by the proposed varied Order.

Taking part in the consultation

We want to know how you feel about:

- WNC extending the area covered by the Public Spaces Protection Order (Dog Control and Prohibition of Smoking in Public Places) 2022, to also cover the Northampton Area and,
- Requiring dogs to be kept on leads in Northampton Town Centre, and Upton Country Park Phase 2.

We also want to know if you have been adversely affected by the following in the Northampton Area:

- dog foul left in public places by irresponsible owners,
- off lead and/or out of control dogs walked in public places or
- the smoking of tobacco, tobacco related products, smokeless tobacco products (including
 electronic cigarettes), herbal cigarettes or any illegal substances in the following public
 places; Children's play areas; land outside school entrances and exits when open and in use
 by pupils; skateparks; tennis courts; multi-use games areas, and bowling greens

The proposed varied Order would not apply to anyone who may use an assistance dog which has been trained to assist a person with a disability as defined under section 6 of the Equality Act 2010.

Thank you for taking part.

Questions

The geographic extension of the PSPO

The PSPO (Dog Control and the Prohibition of Smoking in Public Places) 2022, that is in place in the Daventry and South Northants Areas would be extended to cover the Northampton Area.

1)	To what extent do you agree or disagree with this?
	Strongly agree Agree Neither agree nor disagree Disagree Strongly disagree No opinion or don't know
This pla	e to clean up after your dog access a requirement on dog owners and walkers to immediately pick up after the dog they ponsible for.
public of express current footpat Northa	r information: This measure will apply to any place within the Northampton Area to which the or any section of the public has access, on payment or otherwise, as of right or by virtue of sor implied permission, including privately owned land with permitted public access, as is ly the case in the former Daventry and South Northants Areas. This also applies to all public this and bridlepaths. There are many bins specifically for dog waste located in West imptonshire and should there not be one nearby, it is permitted to put dog waste in a public ternatively owners can take it home for disposal with their household waste.
2)	To what extent do you agree or disagree that it's important for dog owners and walkers to clean up after their dog in the Northampton Area of West Northants?
	Strongly agree Agree Neither agree nor disagree Disagree Strongly disagree No opinion or don't know
3)	Have you experienced issues with dog fouling in the Northampton Area within the last 6 months?
	Yes No Not applicable
4)	To what extent do you agree or disagree that it's important to have the means to pick up after your dog when in the Northampton Area?
	Strongly agree Agree Neither agree nor disagree

YesNo

Not applicable

Dogs on leads in specific open spaces

This proposal requires persons in control of a dog to ensure that it is kept on a lead at all times whilst in the following: Cemeteries, burial sites, graveyards, memorial gardens, allotments, car parks to which the public have access to, sports grounds, fields, and pitches when in use for an authorised activity, land near schools when open and in use by pupils, Northampton Town Centre and Upton Country Park Phase 2.

Further information: Allowing dogs to enter cemeteries, burial sites, graveyards and/or memorial gardens and allotments whilst on a lead, means owners could keep their dogs with them to ensure their dog may not be stressed by separation and it may also reduce risk of theft of the dog if it would otherwise be left unattended.

Authorised sporting activity means an organised sporting event such as an amateur football or rugby games, taking place on land which is owned, operated, managed, or maintained by the Council, Parish, Town or Community Council or any amateur sporting club. This proposal seeks to prevent dogs from running onto pitches during play and spoiling enjoyment for other users of the public open space.

Where there are is a high prevalence of children, such as in schools, it is sensible to place dogs on a lead to ensure proper control and to minimise the chance of a dog fouling in the immediate area and it being trodden into buildings.

Requiring dogs to be walked on leads in Northampton town centre and at Upton Country Park has reduced the number of dog related incidents in these areas.

- 8) To what extent do you agree or disagree that dogs should be kept on a lead in all the following locations within the Northampton Area:
- Cemeteries
- Burial sites, Graveyards, memorial gardens
- Allotments
- Car parks
- Sports grounds, sports fields and pitches when in use for authorised sporting activity
- school entrances/exits when open and in use by pupils
- Northampton town centre and Upton Country Park [link map]

Strongly agree
Agree
Neither agree nor disagree
Disagree
Strongly disagree
No opinion or don't know

- 9) Have you had any issues where dogs have been off the lead in any of the following locations within the Northampton Area:
- Cemeteries, burial sites, graveyards, memorial gardens
- Allotments
- Car parks
- Sports grounds, sports fields and pitches when in use for authorised sporting activity

Northampton town centre and Upton Country Park	
☐ Yes☐ No☐ Not applicable	
Dogs on leads by direction This measure requires those responsible for the dog or dogs to place them on a lead when asked to do so by an authorised person.	
Further information: For animal welfare reasons, it is advantageous for dog owners to be able to exercise their dogs off lead in open spaces. WNC recognises that most dog owners act responsibly and keep their dogs under the appropriate level of control when they are out. However, if they are not properly supervised and controlled, dogs that are allowed off a lead in public areas can cause nuisance or even injury to members of the public or other animals and could cause road traffic accidents. In such circumstances, we believe the option should exist for authorised person to requi a dog to be put on a lead. Authorised persons will carry appropriate identification. This proposal will help WNC to deal with any behaviour by a dog that is likely to cause annoyance of disturbance without introducing overly restrictive measures on all dogs and dog owners at all times. This flexible approach will also allow officers to address issues that arise in any area at any time during the lifetime of the Order. 10) To what extent do you agree or disagree that persons in charge of a dog must put the dog	
on a lead if asked to do so by an authorised officer when in the Northampton Area? Strongly agree Agree Neither agree nor disagree Disagree Strongly disagree No opinion or don't know	
11) Have you had any issues where dogs have been off lead and not under proper control by the person responsible for them anywhere in the Northampton Area?	
☐ Yes☐ No☐ Not applicable	
Maximum number of dogs permitted to be walked at any one time This measure will limit the maximum number of dogs walked by any one person at any one time	

• Educational settings, for example school grounds, entrances and exits when open or in use

Conversations are currently taking place with representatives of professional dog walkers and consideration is being given to the development of a licensing scheme and associated code of conduct for professional dog walkers.

to 4. This applies to those who professionally walk dogs including charities, and dog owners,

unless they are permitted by the council to walk more.

Further information: This could potentially apply to all dog walkers; those who walk dogs professionally and dog owners, unless expressly permitted or authorised by WNC.

A maximum number of 4 dogs has been recommended in <u>Professional Dog Walker Guidelines</u> produced by The Pet Industry Federation, RSPCA, and The Dogs Trust.

Dogs Trust research from 2010 shows that 95% of dog owners have up to 3 dogs. Therefore, the number of dogs taken out on to land by one individual would not normally be expected to exceed four dogs.

The intended effect of limiting the number of dogs to be taken onto a public place to 4 will help minimise risks associated with 'pack mentality', and to reduce the impact on pedestrians and other dog walkers, whilst still affording those with multiple dogs and/or those who walk dogs on behalf of others the opportunity to exercise their dogs.

·	To what extent do you agree or disagree that persons in charge of a number of dogs should not be allowed to walk any more than 4 dogs at any one time in the Northampton Area unless expressly permitted or authorised by WNC?
	Strongly agree Agree Neither agree nor disagree Disagree Strongly disagree No opinion or don't know
-	Have you had any problems caused by a number of dogs being walked at the same time by one person in the Northampton Area?
	Yes No Not applicable

Prohibition of smoking in certain public open spaces

This requirement disallows smoking (of any kind including electronic and herbal) in the following areas: Children's play areas, land near schools when open and in use by pupils, skate parks, tennis courts, multi-use games areas, and bowling greens.

Further information: In Northamptonshire there are approximately 96,000 smokers, with the County seeing more than 7,000 hospital admissions, 300,000 GP appointments and more than 1,000 smoking related deaths each year. As part of The Council's commitment to public health in Northamptonshire, we need to do all we can to reduce exposure to second-hand smoke and make smoking less visible to children.

Children's play areas, playgrounds, educational institutions, skateparks, tennis courts, multi-use games areas, bowling greens, (fenced or otherwise) are all public places for residents to visit and use to maintain and enjoy a healthy lifestyle, this can be supported with the banning of smoking in these areas.

A no smoking requirement has already been adopted across all Country Park play areas in West and North Northamptonshire and across Daventry and South Northants. A common approach across the whole of West Northamptonshire to include the Northampton Area should give residents certainty and clarity of the requirement. The prohibiting of smoking in these areas will help reduce littering of cigarettes and associated items and will help keep open spaces safer, cleaner, and greener for all.

- 14) To what extent do you agree or disagree that all persons are prohibited from smoking tobacco, tobacco related products, smokeless tobacco products including electronic cigarettes and herbal cigarettes or any illegal substances in the Northampton Area in all the following locations, whether fenced or otherwise:
- Children's play areas
- Land near an entrance or exit of a school when open and in use by pupils
- Skateparks
- Tennis courts
- Multi-use games areas
- Bowling greens

Strongly agree
Agree
Neither agree nor disagree
Disagree
Strongly disagree
No opinion or don't know

- 15) Have you had any issues where there have been persons smoking tobacco, tobacco related products, smokeless tobacco products including electronic cigarettes and herbal cigarettes or any illegal substances within the following locations in the Northampton Area, whether fenced or otherwise:
- Children's play areas
- Land near an entrance or exit of a school when open and in use by pupils
- Skateparks
- Tennis courts
- Multi-use games areas
- Bowling greens

Yes
No
Not applicable

Breach of the PSPO

The maximum fixed penalty charge for breaches of the PSPO permitted by the Act is £100 which can help act as an effective deterrent against non-compliance of the PSPO. Any enforcement including the issuing of fixed penalty notices will be undertaken in line with the Council's Enforcement Policy. The penalty charge for breach of the current WNC PSPO is £100, and this will now apply to all of West Northamptonshire.

16) To what extent do you agree or disagree that the fixed penalty charge should be set at £100 in the Northampton Area, in order to match the charge in the former Daventry and South Northants Areas?

Further comments

23) If you have any comments to make about the PSPO, dog related issues or smoking, then please tell us here:

Common themes

Your comment can refer to anything related to this order. Below shows a list of common themes that may help you in providing your comments.

Proposals or themes relating to dogs:

☐ No opinion or don't know

- Dog fouling
- Dog owners having the appropriate means to pick up after their dog
- Areas that dogs are excluded from such as play areas, schools, skate parks, tennis courts, multi-use games areas, bowling greens
- Requiring dogs to be kept on leads in cemeteries, memorial gardens, allotments, car parks, sports pitches, land near school entrances and exits.
- Dogs to be placed on lead when directed by a Council Authorised person
- Number of dogs being walked by a person at any one time
- Exemption from the existing WNC PSPO requirements i.e., if disabled, using assistance dog
- Proposal to vary the PSPO for dogs on lead in Northampton town centre
- Proposal to vary the PSPO for dogs on lead in Upton Country Park Phase 2
- Out of control dogs
- Irresponsible dog ownership (generally)
- Professional dog walkers

- Licensing schemes relating to the number of dogs permitted to be walked by one individual. i.e., possible professional dog walker licensing or animal boarding/day care licensing
- Dog waste bins/bags
- Length of dog leads
- Dog welfare concerns

Proposals or themes relating to smoking:

 Prohibiting of smoking or vaping in areas i.e., play area, land near school entrances and exits, skateparks, tennis courts, multi-use games areas, Bowling Greens

General themes:

- Geographic area covered by the PSPO
- Proposal to extend the existing PSPO to the Northampton Area
- Enforcement of the PSPO
- Fine/penalty charge related to the PSPO
- Education or signage of the PSPO requirements and prohibition
- Current PSPO in Daventry and South Northants

If you have any comments to make about the PSPO, dog related issues or smoking, then please tell us here:

My comment refers to:		
Comment:		

About you

This survey is submitted anonymously; however, we want to know more about you to have an understanding of our respondents.

24) Are you? Please select all that apply
A Daventry resident A Northampton resident Employed in the Daventry Area Employed in the South Northants Area Employed in the Northampton Area A visitor to Daventry Area A visitor to Northampton Area A visitor to South Northants Area An owner or representative of a Local business A councillor or representative for a town/parish council A representative of a community or voluntary group Other (please give details below):
25) Do you have any dogs yourself (including assistance dog/s)?
□ Yes
□ No
Prefer not to say
26) Do you have an Assistance Dog?
□ Yes
□ No
☐ Prefer not to say
27) Do you have any disability or health conditions that restricts your ability to walk and clean up after your dog?
□ Yes
□ No
☐ Prefer not to say
28) If you have your own dog or dogs (including assistance dog/s), how many do you have?
☐ I don't have a dog
\square 2
\square 3

 Dog related business Non-dog related business Other, please specify below Please select only one item Other, please specify 	
34) If you regularly walk dogs as part of your role, how many do you usually wa	alk?
 1 2 3 4 5 6 More than 6 I do not walk dogs as part of my role Would rather not say or not applicable 	
35) Does your organisation operate in the West Northamptonshire administrat	tive area?
☐ Yes☐ No☐ Not applicable	
More about you	
As an organisation, we collect specific demographic information from individuals wh our consultations or complete surveys to build up an accurate understanding of the consultations or complete surveys to build up an accurate understanding of the consumer that we serve so that services and policies can be delivered to meet the needs of every ensure that everybody has an opportunity to have their voice heard. Please feel free to leave any questions which you do not wish to answer. If you are rebehalf of an organisation, please leave this section blank. Any information you chose to provide will be treated confidentially and in accordance protection legislation.	communities erybody and esponding on
36) How would you describe yourself?	
 □ Male □ Female □ Other, please state below □ Prefer not to say □ Other, please state: 	

Prefer not to say

Please return completed questionnaire to:
PSPO Variation Consultation
West Northamptonshire Council
The Guildhall
St Giles' Square
Northampton
NN1 1DE

Thank you for taking part in this consultation