



Environment Overview and Scrutiny Committee

Date:	Tuesday, 15 January 2019
Time:	6.00 p.m.
Venue:	Committee Room 1 - Wallasey Town Hall

This meeting will be webcast at
<https://wirral.public-i.tv/core/portal/home>

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AGENDA

1. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST / PARTY WHIP

Members are asked to consider whether they have any disclosable pecuniary interests and/or any other relevant interest in connection with any item(s) on this agenda and, if so, to declare them and state the nature of the interest.

Members are reminded that they should also declare whether they are subject to a party whip in connection with any item(s) to be considered and, if so, to declare it and state the nature of the whipping arrangement.

2. DOGS PUBLIC SPACE PROTECTION ORDER (Pages 1 - 38)

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SPECIAL ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE

15 JANUARY 2019

REPORT TITLE	Proposed Dog Control Public Spaces Protection Order
REPORT OF	Mike Cockburn Lead Commissioner – Environment Strategy & Partnerships

REPORT SUMMARY

The proposed dog control measures have been developed in response to extensive resident feedback expressing concern at the levels of dog fouling and dog nuisance in Wirral. It is clear that this feedback is related to a small minority of dog owners and is by no means a reflection of the behaviour of many thousands of dog owners in the borough.

The Ipsos Mori Residents Survey in 2017 found once again that dog fouling was a major concern among residents. The Residents Survey analysis report said:

“We know that the appearance of the borough is very important to Wirral residents. Area cleanliness is a key driver to local area satisfaction and also of the Council representing value for money, so it is important to understand what shapes perceptions of litter issues. Dog fouling comes out as the top issue across the board, with all constituencies bar Wirral West naming it as the top issue in their area.” Ipsos Mori, 2017.

Members of all parties will also be aware that this is an issue which prompts hundreds of complaints from residents every year, either direct to the Council, on social media, through the local press or through Member surgeries and community outreach. These proposals are a key part of our response to this feedback, and a genuine effort to keep defined areas of Wirral’s parks, beaches and open spaces completely free of dog fouling and dog nuisance.

It is proposed that Cabinet be requested to approve the establishment of the Wirral dog control public spaces protection order and measures for a period of 3 years from 1 April 2019, as set out in **Appendix 1** and to instruct officers to make arrangements for the dog control public spaces protection order to be enforced through the provisions of the Environmental Enforcement Contract.

This matter affects all Wards within the Borough.

The decision will be a ‘key decision.’

RECOMMENDATION

Committee is recommended to:

Consider proposals for the Dog Control Public Spaces Protection Order and provide comments to the Cabinet Member – Environment.

SUPPORTING INFORMATION

1.0 REASONS FOR THE PROPOSED MEASURES

The evidence base compiled and the outcomes of the recent public and stakeholder consultation exercise highlight that there is a need in Wirral to address irresponsible dog ownership and levels of dog nuisance and aggression. The Council has identified that a dog control PSPO will provide a framework to address irresponsible dog ownership and the nuisance caused by dogs, leading to an improved experience of Wirral's open spaces for all.

Establishing the dog control PSPO, as set out in this report, will benefit Wirral's local communities and help support safe and healthy neighbourhoods, through:

- Increasing responsible dog ownership and the promotion of excellent dog care and control.
- Creating high levels of enjoyment and user experience of Wirral's open space environment for all users.
- Providing a safe environment for all users of Wirral's open spaces, including dog owners and their pets.

2.0 OTHER OPTIONS CONSIDERED

The Council has previously put in place a range of measures and initiatives to address dog control and nuisance issues such as dog fouling, these have included public awareness campaigns on dog fouling and the 'We're Watching You' social experiment exercise. However, despite these campaigns and the deterrent of dog fouling enforcement in operation for the past 2 years, some dog owners have continued to behave irresponsibly and not pick up after their dog fouling, thus adversely affecting the local environment.

The number of reported dog attacks in Wirral has increased in recent years. There were 23 attacks in 2012 but this rose to 170 attacks in 2017. Last year's figure is projected to be exceeded this year, with 18 attacks occurring in the 3 months between April and July. Therefore, the option of no change and continuing with the same interventions and initiatives would not enable the Council and its partners to reduce dog attacks, or effectively address anti-social behaviour caused by irresponsible dog ownership.

The Council considered a range of options and proposals for future dog control measures and included these in the public consultation exercise. Subsequently, a number of the proposed measures have been removed for a number of reasons from the recommended dog control PSPO.

3.0 BACKGROUND INFORMATION

3.1 Overview of use of PSPOs for dog control

Public Space Protection Orders (PSPOs) are being used by many local authorities across England to tackle local anti-social issues. The measures contained in the Council's proposed dog control PSPO are not unusual or the first of their kind. Numerous examples exist nationwide of PSPOs being established by local authorities to tackle dog related issues. There are also examples of local authorities, such as Daventry District Council, seeking to

renew their PSPOs following perceived impact and public support in addressing anti-social behaviour and dog control issues.

Within the Liverpool City Region, Sefton Council and Knowsley Council introduced dog control PSPOs in the last year following consultation exercises. The approach taken by both authorities was to gather evidence to justify 'blanket cross borough measures' for all facilities such as marked sports pitches, tennis courts and bowling greens.

There is limited case law against PSPOs; however London Borough of Richmond was successfully challenged in the High Court in April this year due to insufficient evidence and disproportionate dog control measures established.

3.2 Dog Control

The evidence base compiled demonstrates that there have been concerning levels of reported incidents of dog attacks and acts of dog aggression on people and other dogs across Wirral for a number of years. **The evidence base was published in full in July via the Council's website and can be viewed using the following link to the [supporting information](#).**

Evidence compiled includes Merseyside Police figures for reported dog attacks, Wirral Council's own record of reported dog incidents, reported dog attacks on guide dogs and impact statements that provide further details of dog attacks/aggression from a range of professionals, including the Council's Head of Environmental Health, Dog Welfare Officer and a number of Parks and Countryside staff members, who encounter such issues on a regular basis when conducting their duties in the borough's parks and playing fields.

The control measures proposed will enable the Council to set out clear expectations for the control of dogs. It is the Council's view that improved control of dogs through the measures of the PSPO will reduce the number of dog attacks and improve people's feeling of safety and confidence when using Wirral's open spaces. The controls will enable enforcement officers to request that a dog observed acting aggressively or causing a nuisance is put on an appropriate lead immediately. Failure to do this using an appropriate lead will be an offence.

The evidence base has also identified a number of locations and facilities situated across the borough, where incidents of dog nuisance and fouling have taken place despite the type of activity and provision requiring a dog-free environment. Such facilities include a number of marked sports pitches during the defined playing season and children's play areas. The Council has reviewed each marked sports pitch location to identify those suffering from incidents of dog nuisance and fouling to identify sites for inclusion in the PSPO.

3.3 Dog Fouling

Evidence suggests that Wirral residents feel strongly that dog fouling is a blight on their local environment and something that affects their quality of life. Tackling dog fouling is something that residents want to see happen as highlighted in the Council's resident's survey of 2017 (62% of residents believe that dog fouling is a problem in their local area).

The evidence base was published in full in July via the Council's website and can be viewed using the following link to the [supporting information](#).

Concern about dog fouling and its effect in the community appears to have strengthened over recent years, with more people stating dog fouling is a problem than the position in 2015 (54% in 2015) through the Council's first resident' survey. This is despite the Council enhancing and increasing enforcement action against dog owners who fail to pick up after their dog, by including it in the first Environmental Enforcement Contract via variation in 2016. Since dog fouling enforcement became part of the Environmental Enforcement Contract, over 500 fixed penalty notices have been issued across the borough for dog fouling offences.

3.4 Proposed Scope of Dog Control PSPO

It is proposed that the dog control PSPO will be made up of a number of dog control measures, some of which relate to existing offences and by-laws, whilst others will be new measures of dog control. Such controls have been proposed in response to data and information relating to dog-related incidents. Such incidents have caused hurt, damage and distress to residents, visitors, children, dog owners and their pets, including assistance dogs performing their duty. It is Wirral Council's position that the establishment of an effective dog control PSPO will reduce the number of such incidents and related anti-social behaviour in the future and enhance people's enjoyment of Wirral's open spaces through transformed dog ownership and control.

Following the conclusion of the consultation exercise in July, it was decided to withdraw seasonal dog free zones on the five identified beaches, due to the strong response against the measures within the consultation exercise. The Council promoted this withdrawal through local media and through a video message from the Cabinet Member for Environment on the Council's website.

Following a full review of the PSPO evidence base and the outcomes of the consultation exercise, it is proposed that the following measures **will be contained** within the PSPO (as set out in the document in **Appendix 1**):

- The fouling of land by dogs.
- Means of disposal on a person if observed not picking up their dog's fouling.
- Number of dogs walked by an individual.
- The exclusion of dogs from listed land locations.
- Dogs on leads at all times at listed locations.
- Dogs on lead by direction.

The following proposed measures **will not be included** within the PSPO:

- Seasonal dog free zones on the five listed beaches.
- Dogs on leads at all times in public areas of allotments sites

The locations across Wirral where the dog control PSPO's measures will be specifically applied are set out in spreadsheet in **Appendix 2** of this report.

3.5 Borough Wide Application of the Dog Control PSPO

It is proposed that the dog control PSPO will apply to all public land within the geographical boundary of the Metropolitan Borough of Wirral and private land (by agreement with the land owner). The borough-wide application of the dog control PSPO and some of the measures such as dog fouling and dogs on lead by instruction, has been determined through analysis

of data and information relating to incidents across Wirral of dog violence, threatening and anti-social behaviour by dogs, nuisance and disturbance caused by lack of dog control and the unthoughtful actions of a minority of dog owners in not picking up their dog's fouling. For marked sports pitches, a location by location review exercise was undertaken to identify the 12 locations where the dog exclusion measure will be applied during the specified season. These locations were identified using an evidence threshold of at least 4 instances of reported dog nuisance, dog fouling or dog fouling enforcement occurring on site within the previous 2 years (from the start of the consultation exercise in June 2018). The review exercise included identifying the nearest alternative dog walking locations from those where the exclusion measure will apply on marked sports pitches with limited on site unrestricted dog walking space.

It is proposed that the dog control PSPO will be in place and enforced for three years from the date of implementation. The three year period for the PSPO's duration is required to fit with the Council's long term objective of driving behaviour change in the way people relate to their local environment and dog ownership and control. The Council acknowledges that behaviour change is a long term project and that the deterrent of active enforcement must be applied for some years in order to see demonstrable change, including more responsible dog ownership, through deployment of the PSPO's measures.

4.0 FINANCIAL IMPLICATIONS

4.1 Operational Costs

The implementation and coordination of the dog control PSPO will be met within existing resources from a number of service areas. The communications and promotions campaign that will be delivered prior to and following the PSPO's implementation will utilise the Love Wirral branding and funding.

There will be no costs incurred by the Council for the provision of enforcing the measures of the dog control PSPO as set out in the Environmental Enforcement Contract, other than for the officer time taken to liaise with the contractor and manage the contract. The Council will incur the cost of initial training the enforcement contractor's officers will receive on dog behaviour and equalities issues.

4.2 Capital Funding

The dog control PSPO will require the support of a signage scheme to be installed at each of the locations that are subject to the PSPO's measures. It is proposed that the signage scheme will be supplemented by notices and public information to enhance public understanding of the PSPO and alternative locations for unrestricted dog walking. It is proposed that the signage scheme and supporting notice boards will be funded through the Council's approved capital programme. An indicative cost of £50,000 has been identified for the scheme; however this is prior to tender for supply and subject to the PSPO measures decided upon.

5.0 LEGAL IMPLICATIONS

5.1 What is a Public Space Protection Order?

A PSPO is a local authority power introduced by the Anti-Social Behaviour, Crime and Policing Act 2014. A PSPO can be made if, on reasonable grounds, the local authority is satisfied that 2 conditions are met. The first condition is that:

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

The second condition is that the effect, or likely effect, of the activities:

- a) is, or is likely to be, of a persistent or continuing nature,
- b) is, or is likely to be, such as to make the activities unreasonable, and
- c) justifies the restrictions imposed by the notice.

PSPOs can last for up to three years once approved. An existing PSPO can be varied and it can be extended more than once. Orders can be enforced by council officers and delegated third party partners, police officers and police community support officers through delegated authority. A breach of the order is a criminal offence and can be dealt with through the issuing of a Fixed Penalty Notice (FPN) to discharge the offender's liability for the offence or a fine of up to £1000 on prosecution.

5.2 What powers does the Council have at present?

Existing powers to deal with dog control include tackling offenders who allow their dogs to foul and not remove their dog's fouling straight away by issuing a £50 FPN. There are also existing byelaws in place which exclude dogs from specified areas within Wirral including children's' play areas and cemeteries.

The introduction of the proposed offences on dog control issues, within the framework of a PSPO, would ensure a consistent approach and enable authorised or delegated officers to deal with offences in a timely manner to the benefit of local communities across Wirral. A byelaw that prohibits an activity regulated by a PSPO is of no effect in relation to the restricted area during the currency of the order.

5.3 Consultation

The Anti-Social Behaviour, Crime and Policing Act sets out the requirements for consultation. It states "the necessary consultation" means consulting with:

- a) the chief officer of police and the local policing body;
- b) whatever community representatives the local authority thinks it appropriate to consult;
and
- c) the owner or occupier of land within the restricted area.

The consultation process and outcomes are set out in section 8 of this report in the summary report at **Appendix 3**.

5.4 Legal Challenge

An interested person has the right to challenge the imposition of a PSPO within 6 weeks by way of application to the High Court. The grounds on which an application may be made are:

- a) that the local authority did not have power to make the order, or to include particular prohibitions or requirements imposed by the order;
- b) that a requirement under the relevant Chapter within the Act was not complied with in relation to the order or variation.

Any person who is prosecuted for the alleged breach of the PSPO may also challenge the validity of the PSPO. It is important therefore to be satisfied that each of the prohibitions and requirements being sought within the PSPO can be reasonably justified.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

The coordination and management of the dog control PSPO will be undertaken by a number of Council services using existing resources. The management functions required range from managing the enforcement arrangements through the Environmental Enforcement Contract and contractor performance, on site liaison with local stakeholders and ongoing promotion and public awareness campaigning and monitoring the medium and long term impacts of the PSPO.

The Strategy and Partnerships team will work with a range of colleagues and the enforcement contractor to undertake the reviews of the PSPO, including the recommended 12 month review following implementation.

7.0 RELEVANT RISKS

The headline risks identified with the establishment of a dog control PSPO for Wirral are outlined below, along with their mitigation:

- 7.1 Risk – The PSPO and its measures cannot be enforced due to inadequate provisions.
Mitigation – The dog control PSPO will be robust and its implementation will be subject to a detailed plan of execution, which will include the installation of a signage scheme and clear instruction to the enforcement contractor.
- 7.2 Risk - An inadequately delivered public awareness and promotion campaign of the PSPO's implementation fails to raise public awareness.
Mitigation – The Council's Communications Team will lead the delivery of a comprehensive promotion campaign before and following the PSPO's implementation. The Council will work with both local and national stakeholders to raise awareness of the PSPO's establishment and will promote unrestricted dog walking locations as part of this. The Council will act upon information and intelligence received about dog control and nuisance issues.
- 7.3 Risk – Dog owners believe the PSPO's measures are so restrictive they adversely affect their ability to exercise their pets, Wirral gains a reputation for not being dog friendly.
Mitigation – The PSPO's promotion campaign will highlight Wirral being one of the best places in the country to own a dog with miles and miles of unrestricted open

space to exercise dogs. The Council will work with local stakeholders and groups to promote unrestricted dog walking locations across Wirral.

- 7.4 Risk – The Council’s enforcement contractor gains a reputation for being overzealous and not applying a reasonable approach to dog control, leading to complaints and appeals.

Mitigation – The Council’s environmental enforcement contract, enforcement policy and protocols set out clear expectations for the application of interpreting and enforcing the dog control PSPO’s measures. The enforcement contractor’s officers will receive training and briefing delivered by the Council prior to the establishment of the PSPO.

- 7.5 Risk – The enforcement contractor fails to adequately plan and deploy officer resource to provide any impact on the level of issues and incidents that are occurring.

Mitigation – The Council’s environmental enforcement contract provisionally includes the enforcement of the dog control PSPO and as such sets out resource requirements in the event that the PSPO was established. The Council has put in place contract monitoring arrangements and the PSPO will be included within this framework established.

8.0 ENGAGEMENT / CONSULTATION

8.1 The Council carried out a full public consultation and stakeholder engagement exercise over a 6 week period from 4th June – 15th July 2018. Statutory consultees including the Chief Constable of Merseyside Police, the Police and Crime Commissioner’s Office, landowners in Wirral and national and local stakeholders, were specifically consulted as part of the exercise. The summary report of the consultation and stakeholder engagement exercise can be viewed at **Appendix 3**.

8.2 The Council delivered a comprehensive communication programme to give all interested parties and individuals notice of the consultation exercise. The communications programme was delivered prior to and during the consultation exercise. The Council was also able to utilise social media to interact with residents and other parties about the proposed dog control measures during the exercise. This included clarifications and myth busting.

8.3 The headlines of the consultation exercise delivered through an online survey are as follows:

- 8975 responses to the online survey (73% of which were dog owners).
- The Council received over 200 written submissions about the PSPO proposals from residents and other parties.
- Results of questions about proposed dog restrictions:

	Yes	No
Children's playgrounds	80%	16%
Marked and fenced sports pitches	61%	33%
Tennis courts and bowling greens (all year round)	75%	20%
West Kirby beach	26%	72%
Meols beach	23%	73%
Moreton beach (Leasowe Bay)	22%	74%
Wallasey beach	23%	74%
New Brighton beach	26%	72%
Fenced areas around the lakes in Birkenhead Park (see map)	43%	47%

- Requirement for dogs to be on a lead in certain areas:

	Yes	No
Designated picnic areas	65%	31%
A and B classed public roads and highways	72%	23%
Public car parks	69%	27%
The grounds of cemeteries and crematoria	77%	19%
Communal areas within the grounds of allotment sites	54%	32%

- 81% agree with proposal to issue an FPN where the request to put a dog on a lead (if they were acting in an aggressive or threatening manner or disturbing others, regardless of location) is not acted upon.
- 42% have experienced dogs acting aggressively towards them, their family or their dog in Wirral.
- 82% agree with the FPN for dog fouling being raised to the same level (£100) as a littering FPN.

8.4 Petition Received

During the course of the public consultation exercise, the Council received a petition of signatures, "Petition Opposing PSPOs", and written deputation from 2 campaigning groups - 'Wirral Good Dogs' and 'Peaceful Protest – Wirral Dog Bans' in response to the Council's proposals for the dog control PSPO, stating within a joint covering letter 'the new rules are draconian and unjustified and will shut off these shared spaces to dog owners – something that will have a detrimental impact on our sense community.' The petition amounted to 15,033 signatures.

In addition, an online petition on change.org, "Stop the proposed PSPO being enforced across the Wirral", has obtained 15,286 signatures (as of 19th September 2018).

The numbers of signatures quoted are correct at the time of writing this report.

As the "Petition Opposing PSPOs" received over 3,000 signatures, it was therefore eligible to be heard by Council, as per the Council's petition scheme. The petition was

subsequently received by Council at its meeting on 15 October 2018, with the lead petitioners addressing Council.

9.0 EQUALITY IMPLICATIONS

An Equality Impact Assessment (EIA) of the proposed dog control PSPO has been completed. The EIA considered the implications of the proposed dog control PSPO on identified protected groups. The main issues identified were establishing required and appropriate exemptions to the PSPO's measures and ensuring the impact of restrictions imposed through the PSPO are managed and that alternative unrestricted dog walking venues are identified and promoted.

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APPENDICES

Appendix 1 – Proposed Dog Control Public Spaces Protection Order
Appendix 2 – Proposed Locations for the Application of PSPO Measures
Appendix 3 – Consultation and Stakeholder Engagement Summary Report

REFERENCE MATERIAL

- Anti-Social Behaviour, Crime and Policing Act 2014, Section 59
- 'Out of Order – The Impact of Access Restrictions on Dogs and Their Owners' - The Dog Kennel Club 2017
- The Equalities Act 2010
- Local Government Association Guidance on PSPOs February 2018

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
No previous Council history	

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WIRRAL COUNCIL

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014, SECTION 59

Public Spaces Protection Order 2019 - Dog Control

This Public Spaces Protection Order is made by Wirral Council under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014

1. Citation

- (i) This Order may be cited as **The Wirral Council Dog Control Order**.

2. Duration of The Wirral Council Dog Control Order

- (i) The Wirral Council Dog Control Order will remain in force for a period of 3 years from the commencement date given in paragraph 4(i) below.
- (ii) Before the expiry of The Wirral Council Dog Control Order, Wirral Council may extend the duration of it if satisfied on reasonable grounds that doing so is necessary to prevent occurrence or recurrence after that time of the activities listed at Paragraph 4(iii) below, or if it is satisfied on reasonable grounds that doing so is necessary to prevent an increase in the frequency or seriousness of the activities listed in Paragraph 4(iii) below after that time.
- (iii) The Wirral Council Dog Control Order may be extended more than once.

3. Definitions

Throughout The Wirral Council Dog Control Order:

- (i) reference to “The Act” is to The Anti-Social Behaviour, Crime and Policing Act 2014;
- (ii) a person who habitually has a dog in his or her possession shall be taken to be ‘in charge of’ that dog at any time unless it is shown that at that time some other person is in charge of that dog;
- (iii) reference to ‘the restricted area’ in respect of any requirement or prohibition contained in Schedules 1-6 of The Wirral Council Dog Control Order is to the area defined in the applicable Schedule;
- (iv) reference to ‘public place’ is to any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission;

- (v) reference to ‘authorised officer’ is to an officer or agent of Wirral Council authorised for the purposes of the Act, or to a police officer;
- (vi) reference to ‘Interested Person’ is to an individual who lives in the restricted area or who regularly works in or visits that area.
- (vii) Reference to ‘suitable means of disposal’ is to a bag, device or other receptacle which would be appropriate for the disposal of dog faeces which is in the possession of the person in charge at the time of a request by an authorised officer.

4. Effect

- (i) The Wirral Council Dog Control Order comes into force on [.....] [.....] 2019¹.
- (ii) The Wirral Council Dog Control Order is made because Wirral Council is satisfied on reasonable grounds that the two conditions prescribed by section 59 of the 2014 Act are met, namely:
 - a. activities carried on in a public place within the authority’s area have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried on in a public place within that area and that they will have such an effect; and
 - b. the effect, or likely effect of the activities:
 - i. is, or is likely to be, of a persistent or continuing nature;
 - ii. is, or is likely to be, such as to make the activities unreasonable, and
 - iii. justifies the restrictions imposed by The Wirral Council Dog Control Order.
- (iii) The activities referred to at paragraph 4(ii) above are:
 - a. the fouling of land by dogs (see Schedule 1)
 - b. the carrying of means for the proper disposal of dog faeces (see Schedule 2)
 - c. dogs being on certain land at any time (see Schedule 3)
 - d. dogs not being on leads on certain land at all times (see Schedule 4)
 - e. dogs not being on leads when exhibiting certain behaviours (see Schedule 5); and
 - f. large number of dogs being walked by one person (see Schedule 6)
- (iv) Schedules to The Wirral Council Dog Control Order identify the restricted area for each activity, and:
 - a. prohibit specified things from being done by persons carrying on the activity identified (in the case of the restricted areas identified in Schedule 3); and
 - b. require specified things to be done by persons carrying on the activity identified (in the case of the restricted areas identified in Schedules 1, 2, 4, 5 and 6)

¹ Insert applicable date

- (v) The prohibitions and requirements imposed by The Wirral Dog Control Order are ones that Wirral Council has determined are reasonable to impose in order to prevent the detrimental effect continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

5. Offence of failing to comply with The Wirral Council Dog Control Order: section 67 of the Act

- (i) It is an offence for a person, without reasonable excuse:
 - a. to do anything that that person is prohibited from doing by The Wirral Council Dog Control Order; or
 - b. to fail to comply with a requirement to which that person is subject under The Wirral Council Dog Control Order.
- (ii) A person guilty of an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (iii) A person does not commit an offence under section 67 of the Act by failing to comply with a prohibition or requirement that the local authority did not have power to include in The Wirral Council Dog Control Order.
- (iv) An authorised officer may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 67 of the Act in relation to The Wirral Council Dog Control Order.
- (v) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty not exceeding £100 to Wirral Council.

6. Variation & Discharge of The Wirral Council Dog Control Order: section 61 of the Act

- (i) Wirral Council may, in appropriate circumstances, vary The Wirral Council Dog Control Order by increasing or reducing the restricted areas and/or by altering or removing a prohibition or requirement included in The Wirral Council Dog Control Order, or by adding a new one.
- (ii) Wirral Council may discharge The Wirral Council Dog Control Order at any time.

7. Challenging the Wirral Council Dog Control Order: section 66 of the Act

- (i) Under section 66(1) of the Act an Interested Person may apply to the High Court to question the validity of The Wirral Council Dog Control Order, or the validity of any variation of it, on the grounds specified in section 66(2) of the Act, namely:

- a. that Wirral Council did not have power to make The Wirral Council Dog Control Order, or any subsequent variation of it, or to include particular prohibitions or requirements imposed by The Wirral Council Dog Control Order (or any subsequent variation of it); or
 - b. that a requirement under Chapter 2 of Part 4 of the Act was not complied with in relation to The Wirral Council Dog Control Order, or any subsequent variation of it.
- (ii) Under section 66(3) of the Act any application to challenge the validity of The Wirral Council Dog Control Order, or any subsequent variation of it, must be made by an Interested Person within the period of 6 weeks beginning with the date on which The Wirral Council Dog Control Order is made, or the date on which any subsequent variation is made.

THE COMMON SEAL of	[]
Wirral Council was this [X] day of	[]
[XXXX] 2019 ² hereto affixed in the	[]
presence of:-	[]

.....³
*[Name and Title of person signing]*⁴
Duly Authorised Officer of Wirral Council

² Insert date

³ Insert signature

⁴ Insert details

WIRRAL COUNCIL
Public Spaces Protection Order 2018 - Dog Control

Schedule 1
The Fouling of Land by Dogs

The Restricted Areas

- (i) Any public place within the Wirral Council local government area shown edged red on Map A annexed to The Wirral Council Dog Control Order.

The Requirements

- (ii) If a dog defecates on land within the restricted area defined in Schedule 1 at any time then a person who is in charge of that dog shall remove the faeces from the land forthwith unless:
 - a. that person 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 to him / her failing to do so.
- (iii) For the purpose of enforcing the provisions of The Wirral Council Dog Control Order any person who reasonably appears to an authorised officer to be in charge of any dog to which the provisions of The Wirral Council Dog Control Order apply, shall on request immediately provide their full name, address and date of birth to that authorised officer unless:
 - a. that person 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 to him / her failing to do so.

Additional Matters

- (iv) For the purpose of Schedule 1:
 - a. placing faeces in a receptacle on land provided for that purpose, or for the disposal of waste, shall be sufficient removal from the land;
 - b. being unaware of the defecation (whether by not being in the vicinity or otherwise) shall not be a reasonable excuse for failing to remove the faeces;
 - c. not having a device or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces.

Exemptions

- (v) A person who is blind.

(vi) A person in charge of a dog which defecates if that dog is a marked assistance dog.

WIRRAL COUNCIL
Public Spaces Protection Order 2018 - Dog Control

Schedule 2

The carrying of means for the proper disposal of dog faeces

The Restricted Areas

- (i) Any public place within the Wirral Council local government area shown edged red on Map A annexed to The Wirral Council Dog Control Order.

The Requirements

- (ii) A person in charge of a dog in the Restricted Areas fails to demonstrate that they have suitable means of disposal upon the request of an authorised officer in circumstances where the authorised officer has determined that that person has breached any of the Schedules contained within this Order.

Exemptions

- (iii) The offence does not apply to a person who:
 - a. is registered as a blind or deaf person, if the dog they are in charge of is a trained dog upon which that person relies for assistance (dogs must be clearly marked as assistance dogs); or
 - b. has a disability which substantially affects that person's mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, if the dog they are in charge of is a trained dog upon which that person relies for assistance (dogs must be clearly marked as assistance dogs).

WIRRAL COUNCIL
Public Spaces Protection Order 2018 - Dog Control

Schedule 3
The Exclusion of Dogs from Land

The Restricted Areas

- (i) All enclosed children's playgrounds, ball courts, multi-use games area, kickabouts and wheel parks listed in Schedule A to The Wirral Council Dog Control Order
- (ii) All enclosed tennis courts listed in Schedule A to The Wirral Council Dog Control Order
- (iii) All bowling greens listed in Schedule A to The Wirral Council Dog Control Order
- (iv) All fenced areas around Birkenhead lakes, being the areas edged red on Map B annexed to The Wirral Council Dog Control Order
- (v) The defined football and cricket pitch areas only within all marked football and cricket pitches listed in Schedule A to The Wirral Council Dog Control Order

The Prohibitions

- (vi) A person in charge of a dog shall not at any time take that dog onto, and shall not at any time allow that dog to enter onto, any land within the restricted areas described in paragraphs (i) and (iv) of Schedule 3.
- (vii) Any person in charge of a dog shall not allow that dog to enter onto any land within the restricted areas described in paragraph (v) of Schedule 3 between the following dates only:
 - a. in the case of football pitches between 1st August and 31st May inclusive each year; and
 - b. in the case of cricket pitches between 1st April and 30th September inclusive each year
- (viii) The Prohibitions at (iv) and (v) above shall apply to any person unless, in any case:
 - a. that person has a reasonable excuse for doing what is prohibited by Schedule 3; or
 - b. the owner, occupier or other person or authority having control of the land has consented to that person doing what is prohibited by Schedule 3.

The Requirement

- (iv) For the purpose of enforcing the provisions of The Wirral Council Dog Control Order any person who reasonably appears to an authorised officer to be in charge of any dog to which the provisions of The Wirral Council Dog Control Order apply, shall on request immediately provide their full name, address and date of birth to that authorised officer unless:
 - a. that person 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 to him / her failing to do so.

Exemptions

- (v) A person who is blind.
- (vi) A person in charge of a dog if that dog is a marked assistance dog.

WIRRAL COUNCIL
Public Spaces Protection Order 2018 - Dog Control

Schedule 4
Dogs on Leads at all Times

The Restricted Areas

- (i) All cemetery and crematoria (together with any access walkways / terraces and adjoining verges, landscaped areas and gardens) listed in Schedule A to The Wirral Council Dog Control Order
- (ii) The two enclosed designated picnic areas listed in Schedule A to The Wirral Council Dog Control Order

The Requirements

- (iii) A person in charge of a dog on any land within the restricted areas described in Schedule 4 shall at all times keep that dog on a lead of not more than 2 metres in length unless:
 - a. that person 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 to him or her failing to do so.
- (iv) For the purpose of this Schedule a ‘lead’ is defined as any rope, cord, leash or similar suitable item used to tether, control and/or restrain a dog and to ensure that the dog remains under the close control of the person in charge of the dog.
- (v) For the purpose of enforcing the provisions of The Wirral Council Dog Control Order any person who reasonably appears to an authorised officer to be in charge of any dog to which the provisions of The Wirral Council Dog Control Order apply, shall on request immediately provide their full name, address and date of birth to that authorised officer unless:
 - a. that person 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 to him / her failing to do so.

Exemptions

- (vi) None.

WIRRAL COUNCIL
Public Spaces Protection Order 2018 - Dog Control

Schedule 5
Dogs on Lead by Direction

The Restricted Areas

- (i) Any public place within the Wirral Council local government area shown edged red on Map A annexed to The Wirral Council Dog Control Order.

The Requirements

- (ii) A person in charge of a dog on any land within the restricted area described in Schedule 4 shall immediately comply with a direction given to him or her by an authorised officer to put and keep the dog on a lead of not more than 2 metres in length unless:
 - a. that person 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 to him or her failing to do so.
- (iii) For the purpose of this Schedule a lead is defined as any rope, cord, leash or similar suitable item used to tether, control and/or restrain a dog and to ensure that the dog remains under the close control of the person in charge of the dog.
- (iv) An authorised officer may only give a direction under Schedule 5 to put and keep a dog on a lead if such restraint is reasonable to prevent behaviour by the dog which is causing, or is likely to cause, a detrimental effect on the quality of life of those in the locality.
- (v) For the purpose of enforcing the provisions of The Wirral Council Dog Control Order any person who reasonably appears to an authorised officer to be in charge of any dog to which the provisions of The Wirral Council Dog Control Order apply, shall on request immediately provide their full name, address and date of birth to that authorised officer unless:
 - a. that person 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 to him / her failing to do so.

Exemptions

- (vi) None.

WIRRAL COUNCIL
Public Spaces Protection Order 2018 - Dog Control

Schedule 6
Number of Dogs Walked by an Individual

The Restricted Areas

- (i) Any public place within the Wirral Council local government area shown edged red on Map A annexed to The Wirral Council Dog Control Order.

The Prohibition

- (ii) Within the restricted area described in Schedule 6 a person must not walk more than 6 dogs at any time unless:
 - a. that person has a reasonable excuse for doing so; or
 - b. the owner, occupier or other person or authority having control of the land has consented to that person doing so.

Exemptions

- (iii) None.

MARKED SPORTS PITCHES

DEFINITION: Perimeter of marked pitch is identified, clearly marked and defined by a sprayed or painted white line

DATES ACTIVE: Football pitches will be marked and in use from 1st August until 31st May every year. Cricket outfields will be marked and in use from 1st April until 30th September every year. A list of sites in use will be issued each year to define those sites that will be subject to PSPO controls. When not in use the PSPO controls will not be enforced. Only the area of the marked pitch will be subject to the PSPO controls and only within the stated dates.

Wallasey Constituency	POST CODE	PITCH TYPE	Ample on site dog walking space	Restricted space for on site dog walking	Alternative Unrestricted Dog Walking Options	Number of attacks/nuisance incidents reported to Police or Council between June 2016-June 2018	Number of fouling incidents reported or FPNs issued on field or in area between June 2016-June 2018
Belvidere Road, Liscard	CH45 4RY	1no. senior football, 2no. rugby pitch		Restricted	The Breck (approx 10 mins walk)	0	4
Central Park, Liscard	CH44 8AA	3no. senior football, 3no. 9v9 football, 1no 5v5 football, 2no cricket pitch	*			3	3
Harrison Park, New Brighton	CH45 3HL	2no senior football	*			0	6
Leasowe Road Playing Fields, Leasowe	CH46 2RH	1no. senior football, 2 no. x 9v9 football	*			0	8
Lingham Park, Moreton	CH46 6BW	4no. senior football		Restricted	Grassed area adjacent to football pitches and Moreton Linear park (approx 10 mins walk)	0	6
Tower Grounds, New Brighton	CH45 2JY	1no. 9v9 football	*			1	3
Upton Park, Moreton	CH46 0QL	2no. senior football	*			1	3
Wirral West Constituency	POST CODE	PITCH TYPE					
Arrowe Park, Woodchurch	CH49 1SX	5no. senior football, 5no. 9v9 football, 2no. 7v7 football, 2no x 5v5 football	*			0	6
Wirral South Constituency	POST CODE	PITCH TYPE					
Higher Bebington, Bebington	CH63 2PT	1no. senior football		Restricted	Park split into two sections, ample space in the top of the park	0	12
Mayfields Playing Fields, New Ferry	CH62 1DF	1no. senior football, 2no. 9v9 football, 1no. 7v7 football, 1no. 5v5 football	*			0	4
Plymyard Playing Fields	CH62 8AU	6no. senior football, 3no. 9v9 football, 1no. 7v7 football, 1no. 5v5 football.		Restricted	Allport Common (approx 8 minutes walk), or Torr Park (approx 10 minutes walk)	2	6
Birkenhead Constituency	POST CODE	PITCH TYPE					
Birkenhead Park	CH43 8SA	2no. senior football, 1no. rugby pitch, 2no. cricket pitch	*			5	42

BOWLING GREENS

Site	Postcode	Type			Proposed Dog Controls		
Arrowe Park	CH49 5LW	Bowling Green			Exclusion All Year Round		
Ashton Park	CH48 4DH	Bowling Green			Exclusion All Year Round		
Birkenhead Park	CH41 4HY	Bowling Green			Exclusion All Year Round		
Bromborough Rec	CH62 2DY	Bowling Green			Exclusion All Year Round		
Central Park	CH44 0BS	Bowling Green			Exclusion All Year Round		
Coronation Park	CH49 2PW	Bowling Green			Exclusion All Year Round		
Harrison Park	CH45 3HL	Bowling Green			Exclusion All Year Round		
Heswall	CH60 0AF	Bowling Green			Exclusion All Year Round		
Higher Bebington Park	CH63 2PT	Bowling Green			Exclusion All Year Round		
Irby Park	CH61 4UF	Bowling Green			Exclusion All Year Round		
Lingham Park	CH46 7TB	Bowling Green			Exclusion All Year Round		
Marine Park	CH45 2LX	Bowling Green			Exclusion All Year Round		
Meols Park (Meols Lwr Green)	CH47 6AF	Bowling Green			Exclusion All Year Round		
Meols Parade Gardens	CH47 3AH	Bowling Green			Exclusion All Year Round		

Newton Park	CH48 8BG	Bowling Green			Exclusion All Year Round		
Poll Hill	CH60 7SW	Bowling Green			Exclusion All Year Round		
Quarry Rec	CH45 5EN	Bowling Green			Exclusion All Year Round		
Queens Park	CH47 5AF	Bowling Green			Exclusion All Year Round		
Saughall Grange	CH46 6DZ	Bowling Green			Exclusion All Year Round		
Victoria Gardens	CH48 0QT	Bowling Green			Exclusion All Year Round		
Victoria Park	CH62 6PU	Bowling Green			Exclusion All Year Round		

FENCED OFF CHILDRENS PLAYGROUNDS / BALL COURTS / MULTI USE GAMES AREAS (MUGAs) / KICKABOUTS / WHEEL PARKS

PSPO Control = exclusion of dogs all year round within the fenced areas.

Site	Postcode	Type			Proposed Dog Controls		
Arrowe Park	CH49 5LW	Kickabout			Exclusion All Year Round		
Arrowe Park - Main Swing Site	CH49 5LW	Childrens Playground			Exclusion All Year Round		
Arrowe Park - Toddlers Site	CH49 5LW	Childrens Playground			Exclusion All Year Round		
Arrowe Park	CH49 5LW	Ball Court (Tennis)			Exclusion All Year Round		
Ashton Park	CH48 4DU	Childrens Playground			Exclusion All Year Round		
Ashton Park	CH48 4DU	Ball Court (Tennis)			Exclusion All Year Round		
Ashton Park	CH48 4DU	MUGA			Exclusion All Year Round		
Bedford Road/New Chester Rd	CH42 1NH	Childrens Playground			Exclusion All Year Round		
Beechwood Park	CH43 7ZW	Childrens Playground			Exclusion All Year Round		
Beechwood Recreation Centre	CH43 7ZU	MUGA			Exclusion All Year Round		
Bidston Green Drive	CH43 7YP	Kickabout			Exclusion All Year Round		
Birkenhead Park	CH41 4HY	Childrens Playground			Exclusion All Year Round		
Birkenhead Park	CH41 4HY	Ball Court (Tennis)			Exclusion All Year Round		
Bridle Road	CH44 7BG	Childrens Playground			Exclusion All Year Round		
Bromborough Recreation Ground	CH62 2DY	Childrens Playground			Exclusion All Year Round		
Brookhurst Park - The Chase	CH63 0EX	Childrens Playground			Exclusion All Year Round		
Carrington Road	CH46 1PJ	Childrens Playground			Exclusion All Year Round		
Carr Lane Recreation Ground	CH47 4AZ	Childrens Playground			Exclusion All Year Round		
Central Park	CH44 0BS	Childrens Playground			Exclusion All Year Round		
Central Park	CH44 0BS	MUGA			Exclusion All Year Round		
Coronation Park	CH49 2PW	Childrens Playground			Exclusion All Year Round		
Coronation Park	CH49 2PW	Ball Court (Tennis)			Exclusion All Year Round		
Demesne Street	CH44 6PU	Childrens Playground			Exclusion All Year Round		
Ditton Lane	CH46 3SE	Childrens Playground			Exclusion All Year Round		
Duck Pond Lane	CH42 8PQ	Childrens Playground			Exclusion All Year Round		
Earlston Gardens	CH45 5DX	Childrens Playground			Exclusion All Year Round		
Eastham	CH62 9AP	Wheel Park			Exclusion All Year Round		
Eastham Rake	CH62 9AD	Childrens Playground			Exclusion All Year Round		
Eaton Place	CH42 9QG	Childrens Playground			Exclusion All Year Round		
Fender Skatepark	CH43 7ZU	Wheel Park			Exclusion All Year Round		
Fulford Park	CH46 0SH	Childrens Playground			Exclusion All Year Round		
Gautby Road	CH41 7DH	Kickabout			Exclusion All Year Round		
Gayton	CH60 1XG	Wheel Park			Exclusion All Year Round		
Gayton Park Playarea	CH60 1XG	Childrens Playground			Exclusion All Year Round		
Harrison Park	CH45 3JH	Childrens Playground			Exclusion All Year Round		
Harrison Park	CH45 3JH	MUGA			Exclusion All Year Round		
Harrison Park	CH45 3JH	Ball Court (Tennis)			Exclusion All Year Round		
Higher Bebington Recreation Ground	CH63 2PT	Childrens Playground			Exclusion All Year Round		
Higher Bebington Recreation Ground	CH63 2PT	Ball Court (Tennis)			Exclusion All Year Round		
Ilchester Park	CH41 7AF	Childrens Playground			Exclusion All Year Round		
Ilchester Park	CH41 7AF	MUGA			Exclusion All Year Round		
Irby Recreation Ground	CH61 4UF	Childrens Playground			Exclusion All Year Round		
Irby Recreation Ground	CH61 4UF	Ball Court (Tennis)			Exclusion All Year Round		

Kelsall Avenue	CH62 9BB	Childrens Playground			Exclusion All Year Round		
Lincoln Street	CH41 8HP	MUGA			Exclusion All Year Round		
Lingham Park	CH46 7TB	Childrens Playground			Exclusion All Year Round		
Lingham Park	CH46 7TB	Wheel Park			Exclusion All Year Round		
Luke Street	CH44 6JP	MUGA			Exclusion All Year Round		
Marfords Park	CH63 0PJ	Childrens Playground			Exclusion All Year Round		
Marine Park	CH45 2LX	Ball Court (Tennis)			Exclusion All Year Round		
Mayer Park	CH63 7PL	Childrens Playground			Exclusion All Year Round		
Meols Parade Gardens	CH47 3AH	Ball Court (Tennis)			Exclusion All Year Round		
Meols Parade Gardens	CH47 3AH	Ball Court (Basketball)			Exclusion All Year Round		
Meols Parade Gardens	CH47 3AH	Kickabout			Exclusion All Year Round		
Meols Recreation Ground	CH48 6AE	Childrens Playground			Exclusion All Year Round		
Mersey Park	CH42 5NL	Childrens Playground			Exclusion All Year Round		
Mersey Park	CH42 5NL	MUGA			Exclusion All Year Round		
Moreton Linear Park	CH46 7SN	Childrens Playground			Exclusion All Year Round		
New Chester Road	CH42 2BL	MUGA			Exclusion All Year Round		
New Ferry Park	CH62 5AS	Childrens Playground			Exclusion All Year Round		
Newton Park	CH48 8BG	Childrens Playground			Exclusion All Year Round		
Pembroke Court	CH41 9BJ	MUGA			Exclusion All Year Round		
Prenton Hall Road	CH43 0TD	Childrens Playground			Exclusion All Year Round		
Price Street	CH41 8DU	Childrens Playground			Exclusion All Year Round		
Quarry Recreation Ground	CH45 5EN	Childrens Playground			Exclusion All Year Round		
Quarry Recreation Ground	CH45 5EN	MUGA			Exclusion All Year Round		
Queens Park	CH47 5AF	Childrens Playground			Exclusion All Year Round		
Rappart Road	CH44 6QD	Kickabout			Exclusion All Year Round		
Ridgeway Park	CH61 5XB	Childrens Playground			Exclusion All Year Round		
Rose Brae	CH41 5EQ	Childrens Playground			Exclusion All Year Round		
Rycroft Playarea - The Grove	CH44 4BG	Childrens Playground			Exclusion All Year Round		
Saughall Grange	CH46 6DZ	Ball Court (Tennis)			Exclusion All Year Round		
The Grove Recreation Ground	CH47 2DS	Childrens Playground			Exclusion All Year Round		
The Puddydale	CH60 7SG	Childrens Playground			Exclusion All Year Round		
The Tower Grounds	CH45 2LT	Childrens Playground			Exclusion All Year Round		
The Tower Grounds	CH45 2LT	Wheel Park			Exclusion All Year Round		
The Woodlands Park	CH41 2SH	Childrens Playground			Exclusion All Year Round		
Thornton Hough Village Green	CH63 1JU	Childrens Playground			Exclusion All Year Round		
Thorsway	CH42 3UY	Childrens Playground			Exclusion All Year Round		
Tollemache Road Rec Ground	CH41 0DL	Childrens Playground			Exclusion All Year Round		
Top Park	CH63 5LA	Childrens Playground			Exclusion All Year Round		
Top Park	CH63 5LA	MUGA			Exclusion All Year Round		
Torr Park	CH62 0BL	Childrens Playground			Exclusion All Year Round		
Torr Park	CH62 0BL	Ball Court (Tennis)			Exclusion All Year Round		
Twickenham Drive	CH46 2QA	Childrens Playground			Exclusion All Year Round		
Union Street	CH 42 3TL	MUGA			Exclusion All Year Round		
Upton Park	CH46 9RB	Childrens Playground			Exclusion All Year Round		
Urmson Road	CH45 7LF	Childrens Playground			Exclusion All Year Round		
Vale Park	CH45 1ND	Childrens Playground			Exclusion All Year Round		
Victoria Park	CH42 5PE	Childrens Playground			Exclusion All Year Round		
Vulcan Street	CH41 7AJ	Childrens Playground			Exclusion All Year Round		
Wallacre Road	CH44 2DX	Childrens Playground			Exclusion All Year Round		
Warwick Park	CH49 6NQ	Childrens Playground			Exclusion All Year Round		
Wheatland Lane	CH44 7LD	Childrens Playground			Exclusion All Year Round		
Whitfield Common	CH60 5RX	Childrens Playground			Exclusion All Year Round		
Woodchurch Leisure Centre	CH49 8EU	MUGA			Exclusion All Year Round		
Yew Tree Green	CH46 8UJ	Childrens Playground			Exclusion All Year Round		
Yew Tree Green	CH46 8UJ	MUGA			Exclusion All Year Round		

PICNIC AREAS

Picnic Areas within the sites listed below as defined on the maps for the sites.

Demarcation of zones on sites will be done by a variety of means to suit the site. A mixture of maps, signs, stickers, stencils and colour coded posts will be used.

Site	Postcode	Type			Proposed Dog Controls		
Wirral Country Park	CH61 0HN	Picnic Area			Dogs on Leads		
Wirral Country Park Campsite	CH61 0HN	Picnic Area			Dogs on Leads		

CEMETRIES AND CREMETORIUMS

Site	Postcode	Type			Proposed Dog Controls		
Bebington Cemetery (Town Lane)	CH63 5QX	Cemetery			Dogs on Leads		
Flaybrick Cemetery	CH41 0DG	Cemetery			Dogs on Leads		
Frankby Cemetery	CH48 1NG	Cemetery			Dogs on Leads		
Grange Cemetery	CH48 7EE	Cemetery			Dogs on Leads		
Landican Cemetery & Crematorium	CH49 5LW	Cemetery and Cremetorium			Dogs on Leads		
Plymyard Cemetery	CH62 8AU	Cemetery			Dogs on Leads		
Wallasey Cemetery (Rake Lane)	CH45 5DE	Cemetery			Dogs on Leads		

APPENDIX 3

PUBLIC SPACES PROTECTION ORDER – DOG CONTROL PUBLIC CONSULTATION SUMMARY REPORT DECEMBER 2018

1.0 EXECUTIVE SUMMARY

- 1.1** The Council is committed to creating a high quality user experience of Wirral's open space environment as part of the pledge to create an attractive local environment for Wirral residents. Wirral is widely regarded as one of the best places in the country to own and exercise dogs. The Council recognises that the vast majority of dog owners in Wirral are highly responsible, cherishing their pets but also being very aware of their impact on others and the environment. However it is recognised that over time irresponsible dog ownership in Wirral has adversely affected people's enjoyment of the environment, including dog owners and their pets.
- 1.2** In response to this the Council and partners worked together to develop proposals for a range of dog control measures to address the level of dog related incidents and make the open space environment safer.
- 1.3** A full public consultation and stakeholder engagement exercise was carried out, to seek views on the proposed dog control measures.
- 1.4** This report presents a summary of the feedback from the consultation exercise about the proposed dog control measures.

2.0 BACKGROUND AND KEY ISSUES

- 2.1** The Council's 'Loving our Environment' Strategy was approved in December 2015, to encourage residents to take pride in their local community and increase personal responsibility, to keep Wirral 'clean and green'. This includes measures to drive behaviour change, including education and a zero tolerance approach to littering and not picking up dog fouling.
- 2.2** The Council carried out a resident Insight survey in 2015 and again in 2017 and dog fouling continues to rate highly as a priority with residents, with 56% considering it to be a problem in their area in 2015, rising to 62% in the 2017 survey.
- 2.3** The Council and its partners investigated the level of incidents that have occurred as a result of irresponsible dog ownership, preparing an evidence base setting out the scale of dog incidents and issues and their impact on Wirral residents and visitors. As a result of this, the Council developed proposals for a range of dog control measures, to address the level of dog related incidents and make the open space environment safer.

2.4 The consultation exercise took place from 4th June to the 15th July 2018. The exercise consisted of an online survey and an easy read version that was distributed extensively for residents to complete. The exercise resulted in 8975 individual responses to the survey, together with a series of submitted letters, emails and petitions.

3.0 CONSULTATION METHODOLOGY

3.1 The consultation contained a number of options that the Council was proposing to introduce, with opportunity to comment or propose other locations that had not been listed:

1. All people walking a dog would have to carry a supply of bags. If people don't pick up after their dog and they have no bags they will be fined £100.
2. Anyone seen walking more than 6 dogs would be given a fine of £100.
3. Areas where dogs would not be permitted:
 - Children's playgrounds (all year round)
 - Marked sports pitches (during the playing season)
 - Tennis Courts and Bowling Greens (all year)
 - Dog free zones on 4 bathing beaches – West Kirby, Meols, Moreton and Wallasey and New Brighton, which is a popular beach with visitors (between May and September).
 - Within fenced areas around Birkenhead Park lakes, to protect wildlife.
4. Areas where dogs must be kept on leads:
 - Picnic areas.
 - Pavements next to A and B roads.
 - Public car parks.
 - Cemeteries and crematoria.
 - Communal areas within allotment sites.
5. Put dogs on a lead by instruction.
6. Increasing the level of dog fouling FPN fine from £50 to £100, to bring it in line with the FPN for littering.

3.2 The consultation was made available online via an external platform and was also delivered in easy read paper format to libraries, one stop shops, constituency contacts, Wired, Mencap, Wirral Evolutions and on request for those unable to use computer. Returned paper surveys were inputted manually into the online consultation.

3.3 A detailed set of frequently asked questions (FAQ) were posted online, along with maps showing the proposed beach locations and the proposed areas in Birkenhead Park. The FAQs included information on:

- Why is a public spaces protection order for the control of dogs required;
- How would these rules be enforced; would the dog controls apply to assistance dogs;
- Would the rules apply 24/7;
- Could I report anyone I see breaking the PSPO;
- Where can dog poo be disposed of;
- Rather than carrying dog poo around with me during my walk, can I leave bags to pick up on my return;

- Would you have powers to stop and search me for a bag;
- What if I ran out of bags;
- Would dogs be allowed on beaches;
- Could I still walk to Hilbre Island;
- Could I walk my dog around the marine lake in West Kirby;
- Would dogs be allowed in parks including country parks;
- Would dogs be allowed in children's play areas;
- Could I take my dog with my child to the park;
- Could I take my dog to watch my child play football;
- Would dogs be allowed on sports pitches;
- Would dogs be allowed on golf courses;
- Would dogs be allowed on bowling greens and tennis courts;
- Could I leave my dog tied up to the railings/fence/post if I go into a dog free zone without them;
- What is classed as a dog lead;
- Would dogs have to be kept on leads all the time;
- Would dogs need to be kept on a lead at the park;
- Would dogs be allowed in cemeteries;
- Could my dog run free off the lead to get exercise;
- What areas could I be asked to put my dog on a lead;
- Why would I be asked to put my dog on a lead if I was in an area where they didn't have to be?

- 3.4** The Council has built up an extensive database of email addresses from residents, partners and other stakeholders who have opted to provide their details to receive information about Council services and consultations. This database received an email about the proposed dog control PSPO and consultation process.
- 3.5** Posters and cards were distributed through Constituency contacts, advertising the consultation.
- 3.6** The Council's website was also used extensively throughout the consultation, with a home page presence promoting the consultation and providing access to it. The consultation was highlighted on the Council's internal intranet page for Council employees. The Council's various social networking profiles (Facebook and Twitter) were also used to promote the consultation and throughout to dispel any myths.
- 3.7** Adverts were placed in the local media and the Cabinet Member for the Environment was invited to talk on local radio about the proposals.
- 3.8** The consultation ran from Monday 4th June 2018 until Sunday 15th July 2018.
- 3.9** An external company, Hitch Marketing Ltd., was commissioned to engage with members of the public at six locations (the beaches with proposed restrictions and Birkenhead Park) to encourage them to take part in the survey. From the

4th June to the 15th July, they carried out 18 x 3-hour shifts split across the locations and following timeslots: 9am - 12pm, 1pm - 4pm and 5pm - 8pm.

- 3.10** In addition to the consultation, approx. 200 emails and letters were received, mostly following a template produced by an online campaign.

4.0 PETITIONS RECEIVED

- 4.1** One petition related to the proposed dog control public space protection order has been received):

‘Stop the proposed PSPO being enforced across the Wirral’ – 15,286 signatures (as of 19th September 2018)

- 4.2** The numbers of signatures quoted are correct at the time of writing this report.

- 4.3** The ‘Stop the proposed PSPO being enforced across the Wirral’ Petition received over 3,000 signatures and as per the Council’s petition scheme, it is therefore eligible to be heard by Council.

5.0 ANALYSIS OF RESULTS

- 5.1** The Council used online software to capture all responses and provide analysis of the quantitative aspect of the consultation questions. Responses which are completed online go directly into the system and any easy read paper survey responses received are manually inputted into the same system, using clear protocols.

- 5.2** All responses to the individual questions posed were analysed regardless of whether questionnaires were fully or partially completed.

- 5.3** The comments sections have been reviewed and analysed by the project team to identify common themes and suggestions. All of these comments are also available in full online at the Council website at:
<https://www.wirral.gov.uk/environmental-problems/dog-control-orders>.

- 5.5** 8975 responses were received.

- 5.6** 73% of respondents are dog owners.

- 5.7** **Response to Question 1** (All people walking a dog would have to carry a supply of bags. If people don’t pick up after their dog and they have no bags they will be fined £100).

5.7.1 Table to show responses:

To what extent do you agree or disagree with this proposal?		
Answer Choices	Responses	
Strongly agree	39.29%	3454
Agree	25.71%	2260
Neither agree nor disagree	6.23%	548
Disagree	11.61%	1021
Strongly disagree	17.15%	1508
Any additional comments:		3751
	Answered	8791
	Skipped	184

5.7.2 Summary of themes from comments:

- The proposed fine is not enough.
- The proposed fine is too much.
- Only effective if it's going to be enforced.
- Some respondents thought that this was a “stop and search”, rather than an additional check when someone didn't pick up after their dog in the first place, and commented that this would be unfair.
- Dog owners should be prepared to clean up after their pets.
- Unforeseen circumstances can leave you with no bags.

5.8 Response to Question 2 (Anyone seen walking more than 6 dogs would be given a fine of £100)

5.8.1 Table to show responses:

To what extent do you agree or disagree with this proposal?		
Answer Choices	Responses	
Strongly agree	31.29%	2699
Agree	21.80%	1880
Neither agree nor disagree	15.17%	1308
Disagree	15.14%	1306
Strongly disagree	16.60%	1432
	Answered	8625
	Skipped	350

5.8.2 When asked “Have you experienced an individual walking a large number of dogs, on or off the lead that has caused you, your family or your dog concern in Wirral?”

Answer Choices	Responses	
Yes	20.19%	1740
No	78.67%	6779
Don't know	1.14%	98
	Answered	8617
	Skipped	358

5.9 Response to Question 3 (Would you like to see the introduction of a new rule to prevent dogs from entering the following areas?)

5.9.1 Table to show results of areas proposed preventing dogs from entering:

Specified Area	Yes	No	Don't know
Children's playgrounds (all year)	80%	16%	3%
Marked and fenced sports pitches (during defined playing seasons)	61%	33%	6%
ennis courts and bowling greens (all year round)	75%	20%	5%
Dog free zone on West Kirby beach (between 1 May to 30 September each year)	26%	72%	3%
Dog free zone on Meols beach (between 1 May to 30 September each year)	23%	73%	3%
Dog free zone on Moreton beach (Leasowe Bay) (between 1 May to 30 September each year)	22%	74%	3%
Dog free zone on Wallasey beach (between 1 May to 30 September each year)	23%	74%	3%
Dog free zone on New Brighton beach (between 1 May to 30 September each year)	26%	72%	3%
Fenced areas around the lakes in Birkenhead Park	43%	47%	10%

5.10 Response to Question 4 (Would you like to see the introduction of a new rule requiring dogs to be kept on a lead within the following locations?)

5.10.1 Table to show results of areas proposed where dogs must be on a lead:

	Yes	No	Don't know
Designated picnic areas	65%	31%	4%
A and B classed public roads and highways	72%	23%	5%
Public car parks	69%	27%	5%
The grounds of cemeteries and crematoria	77%	19%	4%
Communal areas within the grounds of allotment sites	54%	32%	14%

5.10.2 Respondents were also asked for suggestions of any other locations where they felt that there should be a requirement for dogs to be on a lead.

Suggestions include:

- All public parks
- Bidston Hill
- Wirral Way
- Open farm areas
- Outside schools
- Shopping centres
- Dee Estuary - bird and toad breeding areas

- Arno - rose garden
- New Brighton prom
- Paths shared with cyclists
- West Kirby prom
- Storeton Quarry
- Bridle ways and some byways
- Eastham (Carlett Park) woods and public grasslands areas
- Anywhere that children play

5.11 Response to Question 5 (Put dogs on a lead by instruction)

5.11.1 Table to show responses:

To what extent do you agree or disagree with this proposal?		
Answer Choices	Responses	
Strongly agree	48.59%	3855
Agree	32.06%	2544
Neither agree nor disagree	6.87%	545
Disagree	5.00%	397
Strongly disagree	7.47%	593
	Answered	7934
	Skipped	1041

5.11.2 When asked “Have you ever experienced a dog acting aggressively towards you, your family or your dog in Wirral?”

Answer Choices	Responses	
Yes	42.25%	3351
No	57.75%	4580
	Answered	7931
	Skipped	1044

5.12 Response to Question 6 (To what extent do you agree with the Council with raising the fine to be equal to that of a litter fine?)

5.12.1 Table to show responses:

To what extent do you agree with the Council with raising the fine to be equal to that of a litter fine?		
Answer Choices	Responses	
Strongly agree	55.48%	4379
Agree	26.26%	2073
Neither agree nor disagree	6.64%	524
Disagree	5.46%	431
Strongly disagree	6.16%	486
Any additional comments:		2388
	Answered	7893
	Skipped	1082

5.12.2 Summary of themes from comments:

- £100 too high – should be £25
- £100 too low – should be £250
- Dog fouling would need to be enforced
- More litter bins required
- Should be the same as for litter
- Signs to make visitors aware of rules and enforcement
- The Council should supply bags

5.13 Letters and emails received

5.13.1 Over 200 letters and emails were received by Councillors and the Council. These raised a number of concerns and comments, which are summarised below:

- Dogs and walking are good for mental health – will the restrictions cause a negative impact on those people who are not able to get to alternative locations to let their dog off lead?
- Dog walking also helps prevent social isolation – will restrictions lead to more people becoming isolated?
- Residents who don't drive – what if they live near a park with a total restriction?
- No list of alternative open areas where dogs can exercise in relation to the banned areas, specifically the sports pitches.
- The proposed measures will negatively impact on tourism.
- Why is the Council not targeting the litter – especially the litter left by sports teams using the pitches?
- Dog walkers often also collect litter.
- Health and wellbeing of dogs if they are not allowed to run and play off lead.
- 6 dogs is far too many - 2 or 3 max in parks and residential areas.
- Need to make sure that enforcement actually happens, otherwise people will just ignore the PSPOs.
- The proposed measures will target responsible dog owners.
- Weekend / bank holiday restrictions only on the beaches.
- Locations of beach bans not used by general public – generally just dog walkers; they will become no go areas.
- Suggest some restrictions are introduced at West Kirby and New Brighton beaches, but no restrictions at the other beaches.
- Dogs on leads on beaches?
- Kingdom security targeting vulnerable people.

5.13.2 All written responses and submissions have been produced and made available for Cabinet to scrutinise.

6. CONCLUSION

- 6.1** There is strong support for most of the proposed measures such as raising the fine in line with litter (to £100), ensuring means of disposal, instruction for a dog to be placed on a lead if causing nuisance or distress and keeping children safe by not permitting dogs to enter enclosed play and sports areas.
- 6.2** The consultation exercise has shown that there are proposals that have little support, such as the ban on five sections of Wirral's beaches and these will not be taken forward at this time.
- 6.3** The overall nature of the comments demonstrates that common sense measures are acceptable and indeed welcome to ensure that all can enjoy Wirral's outdoors. However, the Council should ensure that suitable alternatives are highlighted if the proposed restrictions result in significant areas where dogs would not be permitted to run free; and more needs to be done to help prevent litter as well as dog fouling.

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