

## DOG FOULING

From the Dog Warden  
Hi Richard

Unfortunately the research carried out by Mr Dowsett is only partially correct

I will send you an email shortly that you can share with him regarding the legal position if you wish to do so – I will remove my mobile number from that one as requests made from residents are best made centrally to our Triage team so they can be logged for action

If you wish to remind residents via your Facebook page of the consequences of not picking up dog foul you can use the image below if it would help



Public rights of way are not my speciality but I would anticipate the closure of one is a long and costly process that is unlikely to succeed where the footpath is in use and where the persistent crime is environmental crime rather than higher level crimes – Richard Ankers / Pete Atkinson may be better able to comment on this area. In my (totally unqualified) opinion, if dog fouling was a reason to close public footpaths, the lockdown increase of abandoned dog foul across the country would lead to every footpath in England being closed.

Happy to chat if it would help. Happy to attend a Council meeting if your councillors would like to discuss further – I have previously done this for another Parish Council who started their meeting ½ hour early for a private zoom type meeting

Happy for you to share this email with your Threapwood Councillors

Best Regards

**Nicki**  
**Nicki Rose**

Hi Richard

Parish Councils do still have the power to make Byelaws as outlined on Gov.uk by the Ministry of Housing, Communities and Local Government (MHCLG) and Model Byelaw set 2 covers pleasure grounds, public walks and open spaces. It is notable that this model set does not contain reference to dog control. It is my understanding that byelaws are made by the local council or other body, but do not come into force until they have been approved (confirmed) by the relevant government department. The Gov.uk site specifically states that MHCLG do not confirm any byelaws relating to dogs as "These activities can be addressed through Public Space Protection Orders which are the policy responsibility of the Home Office".

I am not sure to which other English Parish Council Mr Dowsett refers but, in my opinion, they are acting outwith their authority if they have recently introduced Byelaws on dog control. I think it is far more likely that they have an old Byelaw in place that has not been updated OR that their principal authority has failed to introduce a Public Spaces Protection Order. More broadly, the creation of a Byelaw is considered a remedy of last resort – the example quoted by the Nation Association of Local Councils is that a Byelaw should not be considered to prevent parking on a greenspace area if the same result can be obtained by placing white painted stones / a low fence on the edge of the space to prevent vehicle access. It is worth mentioning that the standard of evidence required by the police or Cheshire West and Chester authorised officers to prosecute an offence against a Byelaw may be difficult for a Parish Council to supply. A Parish Council can bring a prosecution under Section 222 of the Local Government Act 1972 for breach of a Byelaw but, this could be a costly process involving the use of a solicitor and may not be best use of limited funds.

The Anti-Social Behaviour, Crime and Policing Act 2014 introduced new powers to address anti-social behaviour, including the use of Public Spaces Protection Orders (PSPOs). Parish and Town councils are not able to make these PSPOs and are advised instead to discuss these matters with the principal authority – in this case Cheshire West and Chester - to ensure a single approach on dog control issues within the local community. It should be remembered that a PSPO provision can only be considered following consultation with interested parties and where we can show evidence of a problem and that any provision is a proportionate response to that problem. We also need to consider the costs of introducing and enforcing any schemes. Cheshire West and Chester have PSPOs in place relating to dog control.

The PSPOs currently in force on all land to which the public have access are:

1. To pick up dog foul
2. To not allow dogs to enter the following areas:
  - A Fully Enclosed Children's Play Areas which contains Play Equipment
  - A Fully or Partially enclosed Multi Use Games Areas (MUGAs)
  - A Tennis Court
3. If in charge of a dog, have with them the means to pick up dog faeces

4. At the request of an authorised officer place the dog on a lead with a maximum length of 2m and keep it on that lead as directed to do so by the authorised officer. The 2m length can be a fixed, clipped or locked length

5. Not walk more than 6 dogs at any one time, whether on behalf of a business or otherwise

All of the above requirements carry a maximum fine of £1000 or can be dealt with by Fixed Penalty Notice.

The problem of dog foul not being picked up / collected bags being discarded appears to have increased substantially during lockdown. This not a problem limited to areas in Cheshire West and Chester and appears to be linked to an increase in dog ownership and an increase in dogs being walked in their local areas as part of people's daily exercise allowance whilst they are working from home.

Environmental Crime of this nature is particularly difficult to enforce as it is rarely carried out whilst other people are present.

Despite the restrictions and additional work required by officers as a result of Covid-19, we are still undertaking patrols to areas where high levels of dog fouling are reported. In order to target the right areas we need the issues to be reported,. This can be done by email using [regulatoryservices@cheshirewestandchester.gov.uk](mailto:regulatoryservices@cheshirewestandchester.gov.uk) . We find that the best response can be expected from our patrols where residents are able to provide meaningful intelligence such as the time of day the problem is occurring and descriptions of individual and / or dogs who are suspected of contributing to the problem.

Requests for cleansing can be reported to Streetcare at <https://www.cheshirewestandchester.gov.uk/residents/contact-us/report-it/dog-animal-fouling.aspx>.

As lockdown eases, we will be looking to undertake more community engagement and to look at how best we can combat issues such as littering and dog fouling by seeking help from our residents. It is hoped that such measures will lead to an improvement in responsible dog ownership and a reduction in dog fouling issues as we move forward.

Regards

***Nicki***  
**Nicki Rose**  
**Regulatory Services**  
**Cheshire West and Chester Borough Council**

## From Mr Dowsett

Good afternoon,

On a number of occasions previously I have raised the issue of dog fouling on the path behind us at the top of Greaves Lane East. So far your advice has amounted to suggesting we put up a sign.

Yet again we have discovered dog faeces on the path by both of our gates. We have lost count of the number of instances now. I have to state that we believe that this is being done deliberately and defiantly by someone who objects to us putting up "no fouling" signs. It is a repeated incident.

I have to point out that we purchased this land 1 year ago. The public footpath now crosses our land so is now part of our gardens. Dog walkers are therefore deliberately allowing their pets to foul our garden where our children walk and play. It is not just antisocial, it is not just disgusting, it is also a deep breach of local community trust and a health hazard for our children. This path as well as the top of Greaves Lane East appears to be used by dog walkers as a convenient toilet with blatant disregard for residents and particularly our children. Yet our requests for support from the Parish Council have been met with a very tame response. Yes we have put up signs.

We believe we are the victims of a deliberate and provocative attempt to intimidate us by persons unknown given the pattern of behaviour and its location. Therefore we are asking directly for your support, not just in words but in deeds. You have it in your power to pass by-laws specifically for this kind of behaviour, for example. You are able to contact residents and exert some influence.

We are no longer prepared to accept this disgusting state of affairs. We consider this to be a threat to the health and well-being of ourselves and particularly our children. Unless swift action is taken we will take steps to deny access to this path through the CWAC process, based on health & safety grounds.

We ask the following:

1. That you clarify what laws are in place already.
2. That you pass a by-law banning fouling on the village roads and footpaths.
3. That you publicise your condemnation of this behaviour.
4. That you provide us with contact details of the community Police so that we can raise it with them.

We look forward to a response.

M and C DOWSETT (and children).