

PSPO Evidence Report

Introduction

Public Spaces Protection Orders ('PSPOs') were introduced by S.59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (this section came into force on 20 October 2014).

PSPOs are an order created in relation to area's within the local authority's jurisdiction, where activities are taking place that are, or are likely to be, detrimental to the local community's quality of life. PSPOs impose conditions or restrictions on people within that area, such as restrictions on Dog Control. A Breach of a PSPO is an offence punishable by a fixed penalty notice and/or prosecution in the Magistrates Court.

Leicester City Council adopted and implemented a Public Spaces protection Order (PSPO) for Dog Control on 1st December 2016. A PSPO remains live for a maximum of 3 years at any one time but can be extended for a further 3 years. In order to extend the authority has to be able to evidence that extending PSPO is necessary to prevent occurrence or recurrence of the activities identified in the order or an increase in the frequency or seriousness of those activities set out in the order.

There are no limits to the number of extensions applied to a PSPO by the local authority.

The PSPO applies to all Leicester City Council owned land and consist of 3 Dog Control orders.

1. Dog exclusion sites
2. Dog fouling
3. Dog on leads.

Copies of the current PSPO orders can be found within the appendix of this report.

Purpose of report

To provide an evidence-based review of the current Public Spaces Protection Order adopted by Leicester City Council for Dog Control. This report provides the evidence required to apply a further 3-year extension to the current PSPO for Dog Control applied to Leicester City.

Evidence Collated

This report brings together all available information in relation to customer reports, enquiries, complaints received, and fixed penalty notice enforcement action undertaken by the authority in relation to dog control for the period 01/12/2016 – 01/06/2019.

Leicester City Council Customer Enquiries

Love Leicester Reporting App 01/12/16-01/06/19

01/12/16- 01/12/17 = 137 Dog Control Reports (Fouling)

02/12/17 – 01/12/2018 = 76 Dog Control (Fouling)

02/12/2018 – 31/05/2019 – 35 Dog Control (Fouling)

Total Dog Control (Fouling) Customer Reports = 248

Evidence Period = 30 Months

Average Dog Control fouling reports received per month = 8.26

My Account Reporting App 10/03/17 - 01/06/19

10/03/17- 01/06/19 = 637 reports (456 Dog Noise & 181 Dog Fouling)

Total Dog Control (Fouling) Customer Reports = 181

Evidence Period = 26 Months

Average Dog Control fouling reports received per month = 6.96

Leicester City Council Customer Complaints

Formal Complaints 01/12/16- 01/06/19

Aggressive Dog x 1

Dog Fouling x 8

Total Formal Complaints = 9

Average Formal Complaints per month = 0.3

Leicester City Council Fixed Penalty Notices

Fixed Penalty Notices Issued 01/12/16-01/06/19

Leicester City Council has 2 teams of warranted officers whose role involves enforcement of legislation and issuing fixed penalty notices in relation to the PSPO for Dog Control. These teams are Park warden & City Wardens.

PSPO Failed to Remove Faeces	31
PSPO Permitting Dog to Enter Land Excluding Dogs	8

Total FPN enforcement undertaken = 39

Evidence Period = 30 Months

Average FPN issued per month = 1.3

Dog Exclusion Zones

This Order applies to **all** play areas, ball courts, tennis courts and recreation areas listed below together with those cemeteries within the administrative area of Leicester City Council as listed within the PSPO Dog Exclusion, appendix III.

Parks & Open Spaces – Where dogs can be exercised

Whilst dogs are excluded from being exercised within play areas, ball courts, tennis courts and the recreation areas listed above together cemeteries within the administrative area of Leicester City Council. Some of the sites still offer areas open to dog exercise for example Victoria Park. There are over 100 parks and open spaces in the city that provide areas where dogs can be exercised.

Conclusion

The report identifies sufficient evidence to enable the authority to be satisfied on reasonable grounds that extending PSPO is necessary to prevent occurrence or recurrence of the activities identified in the order or an increase in the frequency or seriousness of those activities set out in the order.

The introduction of the PSPO for Dog Exclusion has enabled enforcement of dog exercising in exclusion areas via the Parks Warden teams to ensure these areas are used for the activities they are designed for. The PSPO extension is required to enable this enforcement of appropriate usage of these areas to continue.

The introduction of PSPO for Dogs on Leads has enabled enforcement of responsible dog ownership where dogs have been deemed to be not under the control of the owner and be a risk to other site users. The PSPO extension is required to enable this enforcement to continue to ensure we can provide safe parks and open spaces for all site users.

The evidence demonstrates there has been legal enforcement undertaken to address dog fouling in the city. However, it also demonstrates that dog fouling remains an issue. The PSPO for Dog Fouling is required to enable this issue to be continually addressed and legally enforced.

LEICESTER CITY COUNCIL

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

PUBLIC SPACE PROTECTION ORDER

DOG CONTROL - FOULING

NOTICE IS HEREBY GIVEN that Leicester City Council has made the above Order in accordance with the legislation as stated in the title. The effect of the Order is as specified below.

This Order comes into force on the **01st December 2016**

This Order applies to the land specified in the Schedule below.

Offence

If a dog defecates at any time on the land to which this Order applies and a person who is in charge of the dog at the time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless:

- (a) he has a reasonable excuse for failing to do so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

Nothing in this article applies to a person who:

- (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- (b) has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift; carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.

For the purpose of this article:

- (a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
- (b) placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land;
- (c) being unaware of the defecation (whether by reason of not being in the

vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces;

- (d) each of the following is a “prescribed charity”:
- (i) Dogs for the Disabled (registered charity number 700454);
 - (ii) Support Dogs (registered charity number 1088281); and
 - (iii) Canine Partners for Independence (registered charity number 803680).

Penalty

A person who is guilty of an offence under this Order shall be liable to receive a Fixed Penalty Notice of £100 and/or on summary conviction be liable to a fine not exceeding level 3 on the standard scale (£1,000)

Any queries regarding the Order should be made to customer services helpline on (0116) 4541000 or email parks@leicester.gov.uk.

Dated this: 01st December 2016

Kamal Adatia

City Barrister and Head of Standards

Legal Services Division

4th Floor

Rutland Wing

City Hall

115 Charles Street

Leicester

LE1 1FZ

SCHEDULE

(Description of Land to which Order applies)

This Order applies to all land within the administrative area of Leicester City Council and which is :-

- (a) Open to the air (which includes land that is covered but open to the air on at least one side); and
- (b) 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.

Appendix II – PSPO Dogs on Leads

LEICESTER CITY COUNCIL

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

PUBLIC SPACE PROTECTION ORDER

DOG CONTROL – DOGS ON LEADS

NOTICE IS HEREBY GIVEN that Leicester City Council has made the above Order in accordance with the legislation as stated in the title. The effect of the Order is as specified below.

This Order comes into force on the **01st December 2016**

This Order applies to the land specified in the Schedule below.

In this Order “an authorised officer of the Authority” means an employee of Leicester City Council who is authorised in writing by Leicester City Council for the purpose of giving directions under this Order.

Offence

A person in charge of a dog on the land to which this Order applies shall be guilty of an offence, if, at any time, he does not comply with a direction given by an authorised officer of the Authority to put and keep a dog on a lead unless:

- (a) he has a reasonable excuse for failing to do so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

For the purpose of this article:

- (a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
- (b) an authorised officer of the Authority may only give a direction under this Order to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or to any animal or bird.

Penalty

A person who is guilty of an offence under this Order shall be liable to receive a Fixed Penalty Notice of £100 and/or on summary conviction be liable to a fine not exceeding level 3 on the standard scale.

Any queries regarding the Order should be made to customer services helpline on (0116) 4541000 or email parks@leicester.gov.uk.

Dated this: 01st December 2016

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SCHEDULE

(Description of Land to which Order applies)

This Order applies to all land within the administrative area of Leicester City Council and which is:-

- (a) Open to the air (which includes land that is covered but open to the air on at least one side); and
- (b) 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.

Appendix III – PSPO Dog Exclusion

LEICESTER CITY COUNCIL

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

PUBLIC SPACE PROTECTION ORDER

DOG CONTROL - EXCLUSION

NOTICE IS HEREBY GIVEN that Leicester City Council proposes to make the above Order in accordance with the legislation as stated in the title. The effect of the Order is as specified below.

This Order comes into force on **29th March 2017 at 08.00am**.

The Order applies to the land specified in the Schedule attached.

1. Offence

A person in charge of a dog shall be guilty of an offence if, at any time, he/she takes the dog onto, or permits the dog to enter or to remain on, any land to which this Order applies unless:

- (a) he/she has a reasonable excuse for doing so; or
- (b) the owner, occupier or other person or authority having control of this land has consented (generally or specifically) to his/her doing so.

2. Exclusions

Nothing in this article applies to a person who:

- (a) is either registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948, or who is “severely sight-impaired” or “sight impaired” under the Care Act 2014;
- (b) is deaf, in respect of a dog trained by the Hearing Dogs for Deaf People (registered charity number 293358) and upon which he/she relies for assistance; or
- (c) has a disability which affects his/her mobility, manual dexterity, physical coordination, or ability to lift carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he/she relies for assistance.

3. Definitions

For the purpose of this article:

(a) a person who habitually has a dog in his/her possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog; and

(b) each of the following is a prescribed charity:

(i) Dogs for the Disabled (registered charity number 700454);

(ii) Support Dogs (registered charity number 1088281)

(iii) Canine Partners for Independence (registered charity number 803680)

(iv) Assistance Dogs UK (registered charity number 1119538) JG/LD/061/63203

(v) Dog Assistance in Disability (registered charity number 1098619)

(vi) Dogs for Good (registered charity number 1092960)

(vii) Guide Dogs (registered charity number 209617)

(viii) Hearing Dogs for Deaf People (registered charity number 293358)

(ix) Medical Detection Dogs (registered charity number 1124533)

(x) Support Dogs (registered charity number 1088281) .

Xi Any charity created subsequent to this Order coming into force which covers the issues detailed in clause 3(a) above.

4. Penalty

A person who is guilty of an offence under the Order shall be liable to receive a Fixed Penalty Notice of £100 and/or on summary conviction be liable to a fine not exceeding level 3 on the standard scale (£1,000).

5. Queries

Any queries regarding the Order should be made to customer services helpline on (0116) 454 1000 or email parks@leicester.gov.uk.

Dated this day of 29th March 2017

Kamal Adatia

City Barrister and Head of Standards

Legal Services Division

4th Floor

City Hall

115 Charles Street

Leicester

LE1 1FZ

SCHEDULE

(Description of Land to which Order applies)

This Order applies to all play areas, ball courts, tennis courts and recreation areas listed below together with those cemeteries within the administrative area of Leicester City Council as listed below:-

Ward	Site Name	Site Address	Dog Exclusion Area/Fenced
	Play Areas, Ball Courts Etc		
Abbey	Abbey Grounds (Main Area)	Abbey Park	Yes
Abbey	Abbey Grounds (Pets Corner)	Abbey Park	Yes
Abbey	Bewcastle Grove	Bewcastle Grove (Hadrian Rd. Pos)	Yes
Abbey	Border Drive Site 01	54 Garth Avenue	Yes
Abbey	Border Drive Site 02	44-78 Jersey Road	Yes
Abbey	Border Drive Site 03	1-35 Millwood Close	
Abbey	Border Drive Site 04	45-67 Millwood Close	Yes
Abbey	Border Drive Site 05	46-64 Pytchley Close	Yes

Abbey	Oakwood Road	Off Blackbird Road	Yes
Abbey	St.Helens Close	17-20 St. Helens Close	Yes
Aylestone	Gilmorton Avenue (Main Area)	Gilmorton Avenue	Yes
Aylestone	Gilmorton Avenue Ballcourt	Gilmorton Avenue	Yes
Aylestone	Montrose Spinney (Infant)	Alvacote Rd	Yes
Beaumont Leys	Astill Park	Bennion Road	Yes
Beaumont Leys	Chancel Road	opp. Infants school	Yes
Beaumont Leys	Home Farm	Home Farm Close	Yes
Belgrave	Garfield Street	Opposite 25 Garfield Street	Yes
Belgrave	Garfield Street Ballcourt	Garfield Street	Yes
Belgrave	Loughborough Road	19 Linford Street	Yes
Belgrave	Martin Street (Infant Area)	Next To Pub	Yes
Belgrave	Orchardson Avenue Ballcourt	Orchardson Avenue,,St. Marks	Yes
Belgrave	St Marks Open Space	Open Space, Catherine Junior School	Yes
Belgrave	Thurcaston Road	Belgrave Gardens	Yes
Belgrave	Cossington Street Ballcourt	Cossington Street	Yes
Braunstone Park & Rowley Fields	Bendbow Rise	Side of Oak Centre	Yes
Braunstone Park & Rowley Fields	Bronte Close	Bronte Close / Boynton Road	Yes
Braunstone Park & Rowley Fields	Manor House N/C	Compton Road	Yes
Castle	Clarendon Park Road	229 Clarendon Park Road	Yes
Castle	Nelson Mandela Park Ballcourt	Welford Road, Next To HM Prison	Yes
Castle	St. George's Pocket Park	St George Street	Yes
Castle	Victoria Park (Main Area/outside cafe)	Victoria Park	Yes
Castle	Victoria Park Ballcourt	Granville Road	Yes
Charnwood	Overton Road Ballcourt	Overton Road	Yes

Coleman	Humberstone Park (Main Area)	Humberstone Park	Yes
Evington	Coleman Road	Coleman Rd / Broad Ave Junction	Yes
Evington	Evington Park	Evington Park	Yes
Evington	Humberstone Park (Infant Area)	Humberstone Park	Yes
Evington	Lily Marriott Gardens (Infant Area)	Oxon Way, Off Rowlatts Hill Road	Yes
Fosse	Fosse Recreation Ground Ballcourt	Wentworth Road	Yes
Fosse	Stephenson Drive	Corner of Stephenson Dr./Fosse Rd. North	Yes
Fosse	Vernon Street	14 Hoby Street	Yes
Humberstone & Hamilton	Elmtree Close	Side of 5 Elmtree Close	Yes
Humberstone & Hamilton	Humberstone Recreation Ground	Keyham Lane	Yes
Humberstone & Hamilton	Netherhall Road (Infant Area)	Netherhall Road	Yes
Humberstone & Hamilton	Speedwell Drive	46 Speedwell Dr., Off Sandhills Ave. Hamilton	Yes
Knighton	Chiltern Green	Chiltern Green	Yes
Knighton	Knighton Park (Infant)	By Tennis Courts	Yes
Knighton	Knighton Park (Junior)	By Tennis Courts	Yes
Knighton	Southernhay Avenue	Southernhay Road	Yes
New Parks	Ryder Road	62 Ryder Road	Yes
North Evington	Ash Street (Infant Area)	29 Redwood Walk	Yes
North Evington	Attingham Close	Rear of 16-19 Buscot Close	Yes
North Evington	Bridge Road Gardens	Corner Bridge Rd, Leicester St	Yes
North Evington	Hastings Road	Hastings Road	Yes
North Evington	Overton Road	Side of 61 Overton Road	Yes
North Evington	Upper Charnwood Street	Corner of Vulcan Road/Charnwood Street	Yes
Rushey Mead	Appleton Park (Infants Area)	Wetherby Road	Yes

Rushey Mead	Jesse Jackson Park	29 Nagle Grove	Yes
Rushey Mead	Rushey Fields	Rushey Fields Rec. Grd.	Yes
Saffron	Aylestone Recreation Ground	42 Macauley St	Yes
Saffron	Aylestone Recreation Ground Ballcourt	Macauley Street	Yes
Saffron	Elston Fields (Infant Area)	Elston Fields	Yes
Saffron	Hazel Street	Opposite Primary School	Yes
Saffron	Meadow Gardens	Opposite Linwood Centre	Yes
Saffron	Thirlmere Gardens (Infant Area)	Walnut Street	Yes
Spinney Hills	Crown Hills	Gwendolen Road / Crown Hills School	Yes
Spinney Hills	Spinney Hill Park (Main Area)	Park Vale Road	Yes
Spinney Hills	Spinney Hill Park Ballcourt	Park Vale Road	Yes
Spinney Hills	Atlas Close Ballcourt	Atlas Close	Yes
Stoneygate	Cedar Road	Opposite 56-58 Cedar Road	Yes
Stoneygate	Cedar Road Ballcourt	Cedar Road	Yes
Stoneygate	Medway Street School	St. Stephens Road	Yes
Stoneygate	Onslow Street	Opposite 12-22 Onslow Street	Yes
Thurncourt	Willowbrook Park (Infant Area)	Thurncourt Road	Yes
Troon	Christopher Drive	Rear of 19-31 Christopher Drive	Yes
Troon	Stanier Drive	off Barkbythorpe Road	Yes
Westcotes	Bede Park	off Western Boulevard	Yes
Westcotes	Dane Street	Andrewes Street	Yes
Western	Battersbee Road	Next To Working Mens Club	Yes
Western	Lamen Road	corner of Holmwood Drive	Yes
Western	Pindar Road	Pindar Road	Yes
Western	Ryder Road Ballcourt	Ryder Road	Yes
Western	Western Park (Main Area)	Western Park	Yes
Western	Western Park Infant	Western Park	Yes

Western Park	Western Park (Skateboard Area)	Western Park	Yes
Wycliffe	Maidstone Road	Opposite 166-190 Maidstone Road	Yes
Wycliffe	Melbourne Street Ballcourt	Melbourne Street, Highfields	Yes
Wycliffe	St.Matthews 1 (13-27 Kashmir Road)	13-27 Kashmir Road St Matthews	Yes
Wycliffe	St.Matthews 10 (118-132 Everest Court)	118-132 Everest Court	Yes
Wycliffe	St.Matthews 11 (14-28 Everest Court)	14-28 Everest Court St. Matthews	Yes
Wycliffe	St.Matthews 12 (74-88 Everest Court)	74-88 Everest Court St. Matthews	Yes
Wycliffe	St.Matthews 2 (185-199 Kashmir Road)	185-199 Kashmir Road St. Matthews	Yes
Wycliffe	St.Matthews 3 (77-84 Chester Close)	77-84 Chester Close St.Matthews	Yes
Wycliffe	St.Matthews 4 (217-223 Kashmir Road)	217-223 Kashmir Road St. Matthews	Yes
Wycliffe	St.Matthews 5 (309-323 Kashmir Road)	309-323 Kashmir Road St. Matthews	Yes
Wycliffe	St.Matthews 6 (389-403 Kashmir Road)	389-403 Kashmir Road St. Matthews	Yes
Wycliffe	St.Matthews 7 (37-44 Chester Close)	37-44 Chester Close St. Matthews	Yes
Wycliffe	St.Matthews 8 (405-419 Kashmir Road)	405-419 Kashmir Road St. Matthews	Yes
Wycliffe	St.Matthews 9 (485-499 Kashmir Road)	485-499 Kashmir Road St. Matthews	Yes
Wycliffe	St.Matthews Park, Kamloops Crescent	Kamloops Crescent	Yes
Wycliffe	St.Peters (1-31 Mensa Close)	1-31 Mensa Close St. Peters	Yes
Wycliffe	St.Peters (19 Mercury Close)	19 Mercury Close	Yes
Wycliffe	St.Peters (2 Mercury Close)	2 Mercury Close St. Peters	Yes
Wycliffe	St.Peters (35 Vostock Close)	35 Vostock Close St. Peters	Yes
Wycliffe	St.Peters (4 Vostock Close)	4 Vostock Close St. Peters	Yes

Wycliffe	St.Peters (44 Polaris Close)	44 Polaris Close St. Peters	Yes
Wycliffe	St.Peters (45 Taurus Close)	45 Taurus Close St. Peters	Yes
Wycliffe	St.Peters (61 Vostock Close)	61 Vostock Close St. Peters	Yes
Wycliffe	St.Peters (78 Atlas Close)	78 Atlas Close St. Peters	Yes
Wycliffe	St.Peters (Gordon House, Pegasus Close)	Gordon House, Pegasus Close St. Peters	Yes
Wycliffe	St.Peters (NHO, 1-7 Hydra Walk)	Housing Office, Hydra Walk St. Peters	Yes
Wycliffe	Stoughton Street South	Opposite 1-5 Stoughton Street South	Yes
Wycliffe	Stoughton Street South Ballcourt	Stoughton Street South	Yes
Wycliffe	Taylor Road	Opposite Primary School	Yes
Wycliffe	Wesley Hall	Hartington Road	Yes
	Cemeterys		
Belgrave	Belgrave Cemetery	Red Hill Way, Leicester LE4 3EX	Yes
Beaumont Leys	Gilrose Cemetery	Groby Rd LE3 9QG	Yes
Saffron	Saffron Hill Cemetery	Stonesby Ave, Leicester LE2 6TY	Yes
Castle	Welford Road cemetery	Welford Road, Leicester, LE2 6BB	Yes
	Tennis Courts		
Abbey	Abbey Park x5	Abbey Park Road, Leicester, LE4 5AQ	Yes
Aylestone	Aylestone Playing Fields x2	Braunstone Lane East, LE3	Yes
Aylestone	Aylestone Hall Gardens x2	Hall Lane, Leicester LE2 8FS	Yes
Evington	Evington Park x6	The Common, Leicester, LE5 6DF	Yes
Evington	Humberstone Park x4	Humberstone Road, Leicester, LE5 4DG	Yes
Knighton	Knighton Park x2	Palmerston Way, Leicester, LE2 3YQ	Yes
Humberstone & Hamilton	Monks Rest Gardens x5	Vicarage Lane, Leicester, LE5 1DB	Yes
Abbey	Mowmacre Sports Ground x3	Thurcaston Road, Leicester, LE4 2PJ	Yes

Rushey Mead	Rushey Fields x4	Harrison Road – LE4 7AD	yes
Castle	Victoria Park x4	Granville Road, Leicester, LE1 7RY	Yes
Western	Western Park x6	Hinckley Road, Leicester, LE3 0WA	Yes
	Pets Corner		
Abbey	Abbey Park	Abbey Park Road, Leicester, LE4 5AQ	Yes
	Outdoor Gym Areas		
Knighton	Knighton Park	Palmerston Way, Leicester, LE2 3YQ	Yes