

# Proposed Transfer of Orders to Public Space Protection Orders relating to Control of Dogs and Consumption of Alcohol

## Consultation Questionnaire

Please reply  
by  
Sunday 23  
July 2017



## **Background to consultation**

In October 2014, the Anti-social Behaviour Crime & Policing Act 2014 (the Act) introduced new powers relevant to tackling Anti-Social Behaviour. In addition, the Act makes changes to existing legislation and Cheshire West and Chester Council is required to review existing Orders that were made under previous legislation, and replace them with Public Space Protection Orders (PSPOs). PSPOs can be used to regulate activities in particular public places that can have a detrimental effect on the local community. They can help by giving local councils and local police additional powers to tackle anti-social behaviour in specific locations.

The existing Orders that will be affected by this change relate to:

- the consumption of alcohol in a public place (covering all of Cheshire West and Chester)
- dog fouling (covering all of Cheshire West and Chester)
- areas where dogs are excluded (Chester area only)
- areas where dogs need to be kept on a lead (Chester area only).

The Act provides that the Orders identified below will automatically transfer to PSPOs in October 2017. In order to ensure that they continue in force for a further maximum period of three years, a public consultation must be carried out prior to 20th October 2017.

The Orders to be transferred are:

- Designated Public Spaces Protection Orders (DPPOs) made under section 13(2) of the Criminal Justice & Police Act 2001 (to restrict the consumption of alcohol)
- Dog Control Orders under Chapter 1 of Part 6 of the Clean Neighbourhoods and Environment Act 2005 (including dog fouling).

## **What we are consulting on**

The review of the above Orders is taking place due to national legislative changes. Cheshire West and Chester Council is carrying out a public consultation to determine the views of the general public and other interested bodies on the existing Orders, with a view to renewing them on a like for like basis. This will ensure that the new legislation does not change or limit the existing powers and restrictions in place.

## **How your views will be used**

The outcome of the public consultation will be considered by Cabinet in Autumn 2017.

## How to share your views

The consultation period closes on Sunday 23 July 2017. There is a range of ways to express your views:

- Complete this survey and post it back to the address below
- Email: [DogsAndAlcoholOrders@cheshirewestandchester.gov.uk](mailto:DogsAndAlcoholOrders@cheshirewestandchester.gov.uk)
- Telephone: 0300 123 8 123
- Write to: Research and Intelligence Team, Cheshire West and Chester Council, 4 Civic Way, Ellesmere Port, CH65 0BE

## How to complete this questionnaire

- Please read the 'Background to consultation' information before answering the questions
- Please use a black or blue pen
- Please read the questions carefully as sometimes you are asked to cross (X) one box and sometimes you can choose more than one
- Some questions ask you to write your comments in a box
- Answer the next question unless asked otherwise
- If there are any questions that you do not wish to answer, please feel free to leave them blank.

**Completing the questionnaire is voluntary and all the information you provide will be treated in the strictest of confidence. No information will be released that could identify an individual or organisation.**

**Please note that you need to be aged 16 or over to take part in this survey.**

### Accessing Cheshire West and Chester Council information and services.

Council information is also available in audio, braille, large print or other formats. If you would like a copy in a different format, in another language or require a British Sign Language interpreter, please email us at: [equalities@cheshirewestandchester.gov.uk](mailto:equalities@cheshirewestandchester.gov.uk)

Telephone: **0300 123 8 123**

Textphone: **18001 01606 275 757**

Email: **[equalities@cheshirewestandchester.gov.uk](mailto:equalities@cheshirewestandchester.gov.uk)**

Web: **[www.cheshirewestandchester.gov.uk](http://www.cheshirewestandchester.gov.uk)**

## Section 1: Consumption of Alcohol

The consumption of alcohol in Cheshire West and Chester is currently restricted by three separate DPPOs and the recent Chester City PSPO.

DPPOs enabled authorities to designate public places where restrictions on public drinking apply, and can only be used in areas that have experienced alcohol related disorder or nuisance. The Orders are breached when individuals fail to comply with a direction to surrender their alcohol to a police officer or designated enforcement officer. The three DPPOs that are in place, together with the Chester City PSPO, ensure that the whole borough is protected.

Please note that, practically speaking, the transfer will see **no difference** in the regulation and enforcement of the consumption of alcohol in a public place in Cheshire West and Chester, and the Transfer of the DPPOs to PSPOs will have no bearing on the Cumulative Impact Policy (CIP) that applies to Chester City Centre. The CIP regulates the impact of a large number of licensed premises concentrated in one area.

Please note that if the transfer to a PSPO does not take place and the DPPOs expire, it will mean that Police Officers and Community Safety Wardens will not have the power to remove alcohol from those that are causing or likely to cause anti-social behaviour.

**Q1) Cheshire West and Chester Council is proposing that when the current DPPOs transfer to Public Space Protection Orders (PSPOs) in October 2017, they remain in place for the maximum three years during which time they will be further reviewed. Current enforcement of any breaches of the DPPOs will remain the same under the new PSPOs.**

**Do you agree with the proposal?**

Yes I agree

No I don't agree

Don't know

**If you do not agree, please tell us why in the box below**

## Section 2: Dog Control Orders

This section covers the topics of:

- Dog fouling
- Areas of exclusion for dogs and areas where dogs are to be kept on a lead (Chester area only).

### Dog fouling

The Dog Fouling Order makes it an offence for a person not to remove any faeces deposited by their dog from all land which is open to the air and to which the public are entitled or permitted to have access, whether or not warning signs are displayed. The only exception to this is Forestry Commission land or other land where the owner has given permission that faeces need not be removed. This is a borough-wide restriction (subject to the exceptions stated). Enforcement is usually carried out by means of issuing a Fixed Penalty Notice (FPN). The penalty level is set by local authorities within certain parameters and it was recently reviewed and increased from £75 to the maximum permitted level of £80. Despite ongoing campaigns, initiatives and enforcement, data concerning the number and nature of complaints received by the Council indicates that the failure to remove dog faeces is still an issue of concern to residents. Transferring to a corresponding borough-wide PSPO would enable enforcement to continue to take place as it currently does.

**Q2) The proposal is that the borough-wide Dog Control Order known as the Cheshire West and Chester Council (Fouling of Land by Dogs) (General) Order 2012 ('the Dog Fouling Order'), transfers to a PSPO and remains in place for the maximum three years during which time it will be further reviewed. Under the PSPO, enforcement will continue to be carried out by means of issuing a Fixed Penalty Notice (FPN). The penalty level will remain at £80.**

**Do you agree with the proposal?**

Yes I agree

No I don't agree

Don't know

**If you do not agree, please tell us why in the box below**

**Areas where dogs are excluded or to be kept on a lead**

The other Dog Control Orders (applicable to Chester only) impose a range of restrictions or requirements, with associated offences, such as the offence of not keeping a dog on a lead in a specified location or permitting a dog to enter land from which dogs are excluded. A comprehensive review and consultation will take place in the following 12 months to identify potential additional locations that should be subject to restrictions, and/or any potential additional measures. The PSPO may then be amended to include those additional locations/additional measures.

**Q3a) It is proposed that these Orders are transferred to PSPOs for 12 months, and that during those 12 months, a further full and wide-ranging consultation is carried out in relation to potential additional measures to be included in them. Current enforcement of any breaches of the above Dog Control Orders will remain the same under the new PSPOs.**

**Do you agree with the proposal?**

Yes I agree

No I don't agree

Don't know

**If you do not agree, please tell us why in the box below**

**Q3b) The full and wide-ranging consultation referred to in Q3a will also consider those sites where the current Orders are no longer enforceable due to changes made to the landscape or where community needs have changed.**

**Are there any particular sites in the Chester area that you think should be specifically reviewed in the next phase? (Please see Appendix 1 for a current list of dog control areas in the Chester area).**

Yes

No

**If you answered 'yes', please give details in the box below**

**Q4) The Northwich, Winsford, and Ellesmere Port and Neston areas have Byelaws in place which are not affected by the requirement to renew Control Orders by October 2017. However, replacement of these Byelaws will be included in the wider consultation to be undertaken over the following 12 months.**

**Are there any particular sites in these areas that you think should be specifically reviewed in the wider consultation?**

Yes

No

**If you answered 'yes', please give details in the box below**

### Section 3: About you

Completing this section is voluntary and all the information you provide will be treated in the strictest of confidence. No information will be released that could identify an individual or organisation.

**Q5) Are you.....?**

Male

Female

Prefer not to say

**Q6) Which age group do you belong to?**

16 - 29

30 - 59

60+

Prefer not to say

**Q7) In what respect are you completing this questionnaire?** Please select all that apply

- I am a resident of Cheshire West and Chester
- I am an elected Member of Cheshire West and Chester Council
- I am a local Town or Parish Councillor
- I am a representative of a voluntary or community organisation – please state below
- Other – please state below

**Q8) Please tell us your postcode**

**Q9) Thinking about the last 12 months, which of the following, if any, applies to you in Cheshire West and Chester? Please select all that apply**

- I regularly walk dogs in parks
- I regularly visit parks or play areas with children
- I've been affected by people being drunk or rowdy in public places
- I've experienced a problem with dog fouling
- I've experienced a problem with dogs in a park or play area

**Thank you for completing this questionnaire. Please return this form to the following address: Research and Intelligence Team, Cheshire West and Chester Council, 4 Civic Way, Ellesmere Port, CH65 0BE.**

**Please ensure we receive your response no later than Sunday 23rd July 2017.**

## **Appendix 1: Dog Control Areas in Chester Area**

### **Areas where dogs are excluded**

#### **Blacon, Chester City and Sealand**

Cairns Crescent Play area, Blacon  
Canterbury Road Playground, Blacon Hall  
Graham Road Playground, Blacon Lodge  
Graham Road Play Area (Extended)  
Poets Park, Meynall Place Playground, Blacon Hall  
Saxon Way Playground, Blacon Hall  
Sherwood Road Playground, Blacon Hall  
Treborth Road Play Area, Blacon  
Western Avenue Play Area, Blacon  
Wordsworth Crescent Playground, Blacon Hall (play area on King George V Playing Fields)

Water Tower Gardens Playground, Walls Avenue, Chester

The Cop Playground, Sealand Road, Chester

#### **Hoole, Kingsway, Newtown and Upton**

Alexandra Park Playground, Hoole  
Dicksons Drive Field (Play Area only)  
Hoole Lane Playground – Adjacent to School  
Walker Street Playground, Hoole

Lime Wood Fields Playground, Kingsway

Francis Street Park – Home Zone, Newtown  
St Anne's Street Playground and Field, Newtown

The Heywood's Playground, Dukes Manor Estates, off Liverpool Road  
Wealstone Lane Playground, Wealstone Lane, Playing Fields, Upton

#### **Boughton, Christleton, Huntington and Vicars Cross**

Alma Street Playground, Boughton  
Cherry Grove Recreation Ground Playground, Boughton  
Sandy Lane Playground, Boughton and Boughton Heath  
Vaughans Lane Playground, Boughton Heath  
Westward / Hereward / Neville /Kingsley Road Playground (rear), Boughton

Capesthorne Road Play Area, Christleton  
Little Heath Road Playground, Christleton

Caldy Valley Play area, Adjacent to Neighbourhood Church, Huntington  
Jubilee Field Play area, Meadow Lane, Huntington

Queens Road Playground, Vicars Cross  
Melrose Park, Pentland Close Playground, Vicars Cross  
Thackeray Drive Playground, Vicars Cross

### **Elton, Mickle Trafford and Guilden Sutton**

Redwood Drive Play Area, Elton  
Sorbus Close Play Area, Elton

Holly Close Play Area, Mickle Trafford  
Springfield Park Play Area, Mickle Trafford

Guilden Sutton Parish Playing Field, Guilden Sutton  
Hill Top Road Play area, behind Village Hall, Guilden Sutton

### **Ashton Hayes, Barrow, Duddon and Tarvin**

Ashton Hayes Toddlers Playing Field  
Ashton Hayes Playground, behind Village Hall, Ashton Hayes

Barrow Playing Field Playground, Barrow

Duddon Close Play Area, Duddon

King George V Field Play area, Tarvin

### **Handbridge, Hough Green and Lache**

Appleyards Lane Playground, Handbridge  
Edgar Park Playground, Handbridge  
Prenton Place Playground, Handbridge

Westminster Park Extended Play Area

Oak Road/Sycamore Field Playground, Lache

### **Dodleston, Farndon and Pulford**

Church Croft Playground, Dodleston

Quarry Hill Playground, Farndon  
Skate Park, Barton Road, Farndon

Pulford Playing Field Playground, Pulford

### **Malpas and Tattenhall**

Back Lane Play Area, Nomansheath  
Tilston Road Play area, Malpas

Castlefields Play Area, Tattenhall

## **Areas where dogs should be on a lead**

### **Chester City and Sealand**

Grosvenor Park, Chester

Water Tower Gardens, Chester

### **Hoole and Upton**

Alexandra Park, Hoole

Chemistry Pits Play Area, Upton

Marl Heyes Field, Upton

Wealstone Lane Playing Fields, Upton

### **Huntington and Vicars Cross**

Jubilee Field, Meadow Lane, Huntington

Thackeray Drive Playing Field, Vicars Cross

### **Tarvin**

King George V Playing Field, Tarvin

Millennium Garden, Tarvin (by Health Centre)

### **Malpas and Tattenhall**

Malpas Recreation Ground

Millfield, Tattenhall

Recreation Club Tattenhall – Cricket & Football pitches

Tattenhall Park Play Area by Tattenhall Park Primary School

### **Handbridge and Hough Green**

Edgar's Field, Handbridge

Westminster Park (fenced-in area east of car park)

### **Dodleston and Farndon**

Church Croft Playing Field, Dodleston

Churchyard, Farndon

Farndon Recreation Ground

Riverside, Farndon (upstream of Dee Bridge)

## **Appendix 2: Information about Reporting Incidents and Complaints**

### **Anti-Social Behaviour and Out of Control Dogs**

To report incidents of anti-social behaviour, or dangerous out of control dogs, please contact Cheshire Police using the following methods:

#### **By phone - in an emergency**

If you need urgent assistance you should always **dial 999**. Cheshire Police aim to answer within 10 seconds.

If you are deaf, hard of hearing or have a speech impediment you can:

- use a text phone to call the Typetalk emergency line on **18000**
- send an **emergency text message** - find out how to register your phone to enable this at the following address-  
[http://www.emergencysms.org.uk/registering\\_your\\_mobile\\_phone.php](http://www.emergencysms.org.uk/registering_your_mobile_phone.php)

#### **By phone – not in an emergency or a general enquiry**

If you don't need urgent assistance, or have a general enquiry, you should **dial 101** (Cheshire Police's non-emergency number).

Calls to 101 cost 15 pence per call from landlines and mobiles - no matter how long you're on the phone.

If you are deaf, hard of hearing or have a speech impediment, you can contact the police using a text phone through Typetalk for non-emergency situations on **18001 101**.

**Crimestoppers** is an independent charity that works with police forces throughout the UK that people can use to pass on information about a crime anonymously. They can be contacted by telephone on 0800 555 111 (24 hours a day, 7 days a week).

### **Dog Fouling**

You can report dog fouling to the Council via the following methods:

- Telephone: 0300 123 8 123
- Twitter: @go\_cheshirewest
- Calling into any customer service centre.

You can request a street clean-up using the "Report It" page at [www.cheshirewestandchester.gov.uk](http://www.cheshirewestandchester.gov.uk) or by downloading the Smyle app.