



# Northumberland County Council

## Notice of Consultation:

### Proposal to make a Public Spaces Protection Order for the control of dogs

#### Anti-social Behaviour, Crime and Policing Act 2014, Part 4

**TAKE NOTICE** that **Northumberland County Council** (*“the Council”*) proposes to make a new **Public Space Protection Order** (*“PSPO”*) under section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 (*“the 2014 Act”*) for the control of dogs in its area.

#### The Proposed PSPO:

- 1 The proposed PSPO will be entitled **The Northumberland County Council (Dog Control) Public Spaces Protection Order** and it is intended that it will come into force on **Friday 31 January 2020**.
- 2 This new PSPO will replace the existing PSPO which shall cease to have effect as from 30 January 2020 in accordance with the provisions of section 60 of the 2014 Act.
- 3 The proposed PSPO will have substantially the same effect as the existing PSPO, these effects being:

(a) **The fouling of land by dogs**

To make it an offence for a person in charge of a dog which defecates on any land which is open to the air and to which the public are entitled or permitted to have access to (with or without payment) including any land which is covered but which is open to the air on at least one side to fail to remove the faeces from the land forthwith.

(b) **The exclusion of dogs from land**

To make it an offence for any person in charge of a dog to take or allow that dog into any area it is excluded from, namely:

- (i) all enclosed children’s play areas within the administrative county of Northumberland at any time;
- (ii) The area of beach at Newbiggin-by-the-Sea as shown hatched black on a plan annexed to the proposed PSPO at any time from 01 May to 30 September inclusive;

- (iii) The area of beach at Blyth as shown hatched black on a plan annexed to the proposed PSPO at any time from 01 May to 30 September inclusive;

(c) **Dogs on leads**

To make it an offence for any person in charge of a dog to fail to keep that dog on a lead of not more than 1.5 metres in length at all times on any land which:

- (i) is used as a memorial, burial ground, cemetery or garden of remembrance together with any forecourt, terrace, yard or walkway providing access, and together with adjoining verges, landscaped areas and gardens; and
- (ii) is a designated carriageway (A or B classified roads) together with the adjoining footpaths and verges of such carriageways.

(d) **Dogs on leads by direction**

- (i) To make it an offence for any person in charge of a dog to fail to put and keep that dog on a lead of not more than 1.5 metres in length when directed to do so by an authorised officer or agent of the Council or by a police officer in respect of any land which is open to the air and to which the public are entitled or permitted to have access to (with or without payment) including any land which is covered but which is open to the air on at least one side and
- (ii) Any such direction may only be given if restraint of the dog is necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any other person on any land to which the PSPO applies or the worrying of any animal or bird.

4 The effect of the PSPO will further make it an offence for a person in charge of a dog and who appears to be in breach of any provision of the PSPO to:

- (a) fail to confirm their full name, address and date of birth when asked to do so by an authorised officer of the Council or by a Police officer; or
- (b) knowingly make any misstatement to the officer requesting such information.

5 The provisions of the PSPO will not apply:

- (a) where a person in control of a dog has a reasonable excuse for failing to comply with the terms of the PSPO; or

- (b) where the owner, occupier or other person or authority having control of the land in question has consented (generally or specifically) to the activities which would otherwise be a breach of the PSPO.
- 6 The new PSPO will also simplify the provisions relating to assistance dogs so that the requirements of the PSPO, insofar as they relate to the fouling of land by dogs or the exclusion of dogs from land (as the case might be), will now not apply to a person who has a disability (within the meaning prescribed by section 6 of the Equality Act 2010) and is in charge of an Assistance Dog which has been trained to assist any such person.
- 7 Any person found guilty of an offence of failing to comply with the terms of the PSPO will be liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1,000).
- 8 Alternatively, an opportunity to discharge liability to conviction may be offered by an authorised officer by allowing payment of a fixed penalty of £100 (reduced to £80 if paid within 7 days).

## Consultation

- 9 Before making the PSPO, the Council must carry out the necessary consultation in accordance with the provisions of section 72(3) of the 2014 Act and this Notice is given as part of that consultation procedure.

- 10 The full text of the proposed PSPO together with the maps showing the extent of the exclusion areas referred to in paragraphs 3(b)(ii) and (iii) above will be available for public inspection until **Friday 29 November 2019** during office hours at:

Northumberland County Council  
County Hall, Morpeth, NE61 2EF

or online by visiting: <http://bit.ly/PSPO2020>

- 11 Any representations or comments on the terms of the proposed PSPO should be sent to:

Stephen Hall  
Senior Animal Welfare & Environmental Enforcement Officer  
Northumberland County Council  
Animal Welfare & Environmental Enforcement  
Housing & Public Protection Service  
Stakeford Depot  
East View  
Choppington  
NE62 5TR

or by email to: [dogcontrolconsultation@northumberland.gov.uk](mailto:dogcontrolconsultation@northumberland.gov.uk)

so that they are received by no later than **Friday 06 December 2019**.

- 12 The Council will consider all representations and comments received before deciding whether or not to make the PSPO.

Dated this 25<sup>th</sup> day of October 2019

Housing & Public Protection Service  
Northumberland County Council  
County Hall  
Morpeth  
NE61 2EF