



Northumberland

County Council

COMMITTEE : **ASHINGTON AND BLYTH LOCAL AREA COUNCIL**

DATE: **16TH NOVEMBER 2022**

Petition requesting a dog ban on the playing fields at Hirst Park, Ashington (2nd report)

Report of: Paul Jones, Director of Local Services

Cabinet Member: Cllr J Riddle, Environment and Local Services

Purpose of report

An earlier report was brought to the Committee in April. This follow up report is to provide further data, context and options in respect of dog fouling at Hirst Park's playing fields and the petition received early in 2022.

Recommendations

It is recommended that members consider the report and:

a) note that a dog control Public Space Protection Order (PSPO) is already in place that bans dog fouling of land across the whole of publicly accessible land in Northumberland and acknowledge that enforcement action can be taken against dog owners at Hirst Park who do not clean up after their dogs;

b) consider whether the Council should commence a six-month evidence gathering period to determine whether dog fouling/dog control problems at Hirst Park are such as to determine whether the introduction of a new PSPO dog exclusion zone at the Park is both necessary and proportionate;

c) note that the Council's capacity to enforce rules on dog fouling and dog control are limited, and that, unless increased resources can be directed to enforcement, dog fouling by irresponsible owners will tend to continue at sites where existing rules are not followed;

d) support the installation of additional signage at Hirst Park reminding dog owners of the penalties for not picking up and asking residents to report details of irresponsible owners to the Council's Animal Welfare Team and Environmental Enforcement Team;

and

e) support the increased promotion of positive behaviour among local dog owners by running Green Dog Walking events at Hirst Park and by providing information and raising awareness through the Friends of Hirst Park Facebook page.

Link to Corporate Plan

This report is relevant to the “We want you to love where you live” priority included in the NCC Corporate Plan 2020-2021.

Key issues

- 1.1 Hirst Park is one of a number of cherished local parks owned and managed by Northumberland County Council. The park has recently undergone significant capital improvement with funding and support from the Heritage Lottery Fund, Ashington Leisure Partnership and Ashington Town Council.
- 1.2 The football pitches at Hirst Park are of significant historic importance, having been home turf for local football legends Jackie Milburn and Jack and Bobby Charlton. The pitches are currently home to Ashington Town Football Club who field numerous youth teams including under 10's, juniors and girls teams.
- 1.3 Hirst Park is popular with dog owners who regularly walk and exercise their dogs in the park. The playing fields offer dog owners a more open setting than is the case in the more formal areas of the park.
- 1.4 A dog control Public Space Protection Order (PSPO) is in place across the whole of all publicly accessible land in Northumberland. Enforcement Officers are already able to impose penalties on dog owners at Hirst Park who do not pick up after their animals.
- 1.5 Six months of evidence gathering of park environmental quality surveys together with additional enforcement patrols would be needed as a minimum to determine whether the application of a Public Space Protection Order (PSPO) to ban dogs from the area enclosing the playing pitches at Hirst Park can be evidenced as necessary and proportionate.
- 1.6 Banning dogs from an area of public open space would exclude from that area the majority of dog owners who act responsibly and clear up after their dogs.

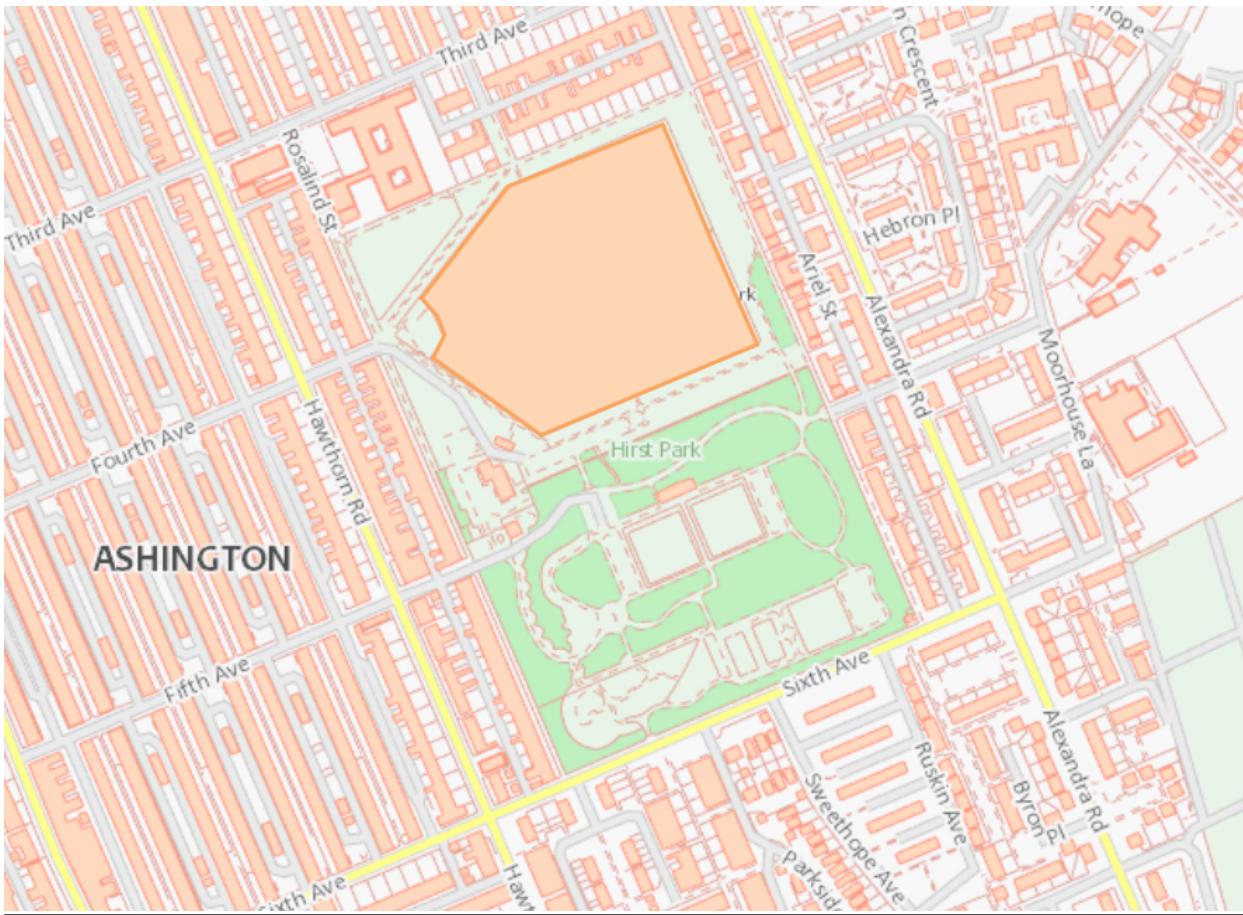


Fig 1: Hirst Park with playing field area shaded orange.

Background

- 2.1 Whilst most dog owners pick up after their dogs, some owners continue to allow their dogs to foul on and around NCC green spaces, parks and other sites. At Hirst Park there continues to be a significant amount of dog faeces on the playing fields.
- 2.2 The playing fields at Hirst Park are used by Ashington Town Football Club who field a number of teams, including teams of younger players. The continuing presence of dog faeces on the playing surfaces is of considerable concern to the football club as it presents a safety risk to players who can come into close contact with dog waste whilst playing or training. To reduce the risk of exposure, the club (like all other clubs playing on open sites) conduct an inspection of the playing surface prior to use in order to identify and remove dog waste. Representatives of Ashington Town Football Club retrieve an average of 35 deposits of dog faeces per weekend.
- 2.3 A request for an e-petition was received by Northumberland County Council on 17th January 2022 and an e-petition entitled 'Make Hirst Park Playing fields a no dog area' was opened for signatures on the 19th of January 2022. The statement accompanying the petition was as follows:

Over 200 young people between 8 and 17 use Hirst park playing fields every week to enjoy organised grass roots football. Each week coaches pick up over 30 doggy

bags full of dog mess before and during games to ensure NFA requirements are met and to keep our young people safe. The lack of respect from dog owners and unwillingness to clean up after their dogs is becoming a major concern. Please make this a no dog area and keep gates locked so the children of Ashington and surrounding areas can enjoy playing football at the heart of Ashington without this hazard.

The petition closed on 22nd February having gained 278 signatures.

- 2.4 During late summer 2022, NCC staff and members of Ashington Town Football Club have provided counts of the amount of dog waste deposited on the playing surfaces and surrounding areas within the perimeter fence. Recorded counts are as follows:

Week 1 – 70
Week 2 – 57
Week 3 – 59
Week 4 – 75
Week 5 – 70
Week 6 – 59

- 2.5 Colleagues in Public Protection have provided the data below on the number of dog fouling complaints and fixed penalty notices served at Hirst Park since 2018.

Year	Complaints	FPNs issued
2022 (to date)	0	0
2021	0	0
2020	1	0
2019	3	1
2018	3	3

- 2.6 Enforcement activity is, first and foremost, directed towards areas where complaints are received. Public Protection have not received complaints relating to dog fouling at Hirst Park over the course of the last two years; consequently, visits by enforcement officers which may have taken place have not been recorded (something which does happen when linked to a complaint).

- 2.7 In previous years when complaints generated enforcement officer visits, a number of penalty notices were served.

NCC are currently consulting on the renewal of the dog control PSPO (there is a statutory requirement to review and reconsult every three years on the PSPO which was originally introduced in 2010/11) which imposes a ban on dog fouling across the county, includes a seasonal dog ban at Newbiggin Beach and Blyth Beach and bans dogs from enclosed and equipped children's play areas. The consultation for the renewal of the current PSPO went out to consultation on the 21st of October. The consultation period ends on the 9th of December. Once renewed, the PSPO will be in place until a further renewal in January 2026.

Because of timing an additional ban for Hirst Park cannot be added to this consultation. If evidenced as necessary (see above) it would require a separate consultation process and could be subject to judicial review.

3. **Options for consideration and discussion**

3.1 The following are suggested options for the control of dogs and dog fouling at Hirst Park.

Option 1 – close the gates in the perimeter fence such that access to and use of the playing pitch area is available only to football clubs, other activity groups and NCC park and maintenance staff.

This option is contrary to a covenant in the site's deeds which states that the whole park 'shall be used as a recreation ground' for the public. Without seeking the release of this covenant we would not be at liberty to unilaterally close off a section of the park.

In addition, to close off an area of public open space would be contrary to the practice of the Council elsewhere, where requests to annex parts of parks and sites are usually refused.

It has been stated that NCC are already able to ban dogs from an enclosed area within a park. This is true of enclosed children's play areas (where a dog ban already applies under the county's current Public Space Protection Order), but this would not apply to the area containing the football pitches at Hirst Park.

Hirst Park's byelaws do not provide for the exclusion of dogs and do not, in any case, encompass the playing fields at Hirst.

Option 2 – commence six months of evidence gathering of park environmental quality surveys together with additional enforcement patrols to determine whether the application of a Public Space Protection Order (PSPO) to ban dogs from the area enclosing the playing pitches at Hirst Park is evidenced as necessary and proportionate.

In order to impose a PSPO, the requirements set out below (from section 59 of the Antisocial Behaviour, Crime and Policing Act 2014) must be met.

1. *A local authority may make a public spaces protection order if satisfied on reasonable grounds that two conditions are met.*
2. *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.*
3. *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.*

The above conditions are generally met for dog fouling and this has enabled the Council to evidence the need for the existing county-wide PSPO that covers dog fouling on publicly accessible land in Northumberland.

A PSPO for the additional restriction of an exclusion of all dogs can only be introduced once evidence has been collected that such an exclusion zone is needed in the terms of the legislation. Exclusion zones are supposed to be exceptional and only introduced where the evidence shows one is needed. So far that evidence does not exist for Hirst Park.

Given that the current PSPO for dog control has already started the consultation process any additional PSO ban at Hirst would require a new PSPO. This would entail a further consultation process which is administration intensive. However, before that occurs evidence would need to be collected that justified it. Public Protection colleagues suggest that should be six months of park environmental quality surveys together with additional enforcement patrols.

Also please note that dog charities monitor the introduction of dog exclusion zones. So, any proposed new exclusion zone at Hirst Park could be subject to judicial review. This again emphasises the need for strong supportive evidence.

A site specific PSPO at Hirst Park would not enable the Council to close the gates around the playing field in order to physically prevent use by dog walkers (see notes on option 1).

Ultimately, the Council's resources available for the enforcement of any PSPO restrictions are limited. Visitors to the park currently disinclined to clean up after their dogs (despite the risk of fines) would be unlikely to adhere to an additional restriction.

4. Other options to control dog fouling at Hirst Park playing fields.

- 4.1 As per the recommendations made in the previous report, the Council could install new and additional signage to advise and warn dog owners of the existing PSPO and invite residents and visitors to submit reports of dog fouling. Council staff could also facilitate or undertake events to raise awareness among dog owners and local residents.

Implications

Policy	None.
Finance and value for money	The cost of installing additional signage can be met through existing budgets
Legal	Enforcement Officers can operate using powers conferred by the existing PSPO

Procurement	None.
Human Resources	Enforcement staff already patrol the area and we will target enforcement activity using intelligence gathered from the community to help identify the routines of regular offenders
Property	The site is owned and managed by the County Council.
Equalities (Impact Assessment attached) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	None.
Risk Assessment	None.
Crime & Disorder	None.
Customer Consideration	A ban is likely to encounter strong opposition from stakeholders and stakeholder groups. Local support and information from the community to identify the routines of offenders is invaluable in supporting effective enforcement activity
Carbon reduction	None.
Health and Wellbeing	Dog fouling on playing pitches brings potential harmful effects on the health and wellbeing of participants and is likely to provide a downward pressure on the number of people taking part in outdoor sport.
Wards	Hirst.

Background papers:

None.

Report sign off:

Authors must ensure that officers and members have agreed the content of the report:

	Full Name of Officer
Monitoring Officer/Legal	SB
Executive Director of Finance & S151 Officer	JW
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