

**DITTISHAM PARISH COUNCIL**  
**Incorporating the Hamlet of Capton and the Manors of Bozomzeal and Coombe**

**Subject – Dog Fouling & PSPOs**

**Author – A Thom, Clerk**

**Date - September 2020**

## **1. Background**

DPC has received complaints from residents about increased dog fouling in the village – the complaints indicate that this increased over the summer with increased visitors, but the recent complaints pre-date that period.

This is an issue because it is unpleasant, and because it is hazardous – SHDC’s website states - We know that the majority of dog owners are responsible, and we appreciate your efforts - thank you! Unfortunately there is a small minority of dog owners or walkers who do not clean up after their dogs.

## **2. DPC’s Responses to Date**

**2.1 Posters** – new SHDC posters to be sourced and Cllr Lloyd will post. DPC has used this method in the past. SHDC will also put stickers on the bins. From the notices sent by SHDC (two sources, basically same versions) the most relevant seems the **dog on lead one to use on the roads**.

**2.2** DPC supported the renewal of the **Public Space Protection Orders** and the proposed addition that dog walkers must carry dog bags or other container to collect dog waste.

**2.3** Cllr Nightingale has written an **article** for the parish website and Facebook, and ?parish magazine.

Cllr Nightingale’s article reports -

*Neospora is the leading cause of abortion in cows in the UK, and that One estimate of the cost to the average herd is £3000/year.*

*It’s not just Neospora – there’s also Tapeworm.*

*Again the eggs are shed in the infected dog’s poo – which can then be eaten by sheep.*

*Tapeworms aren’t good for the sheep of course and can make them ill or kill them, but perhaps most significantly tapeworm cysts form in the sheep’s tissues. If there are too many then the sheep is rejected at the slaughterhouse. Which means that a year’s work has been wasted.*

It may be of interest that Sune’s Facebook post on this subject has reached 16,626, had 1,257 engagements and 147 shares.

## **2.4 Relocation of Dog Poo Bins requested by DPC**

SHDC’s response to DPC’s request on 7 October Agenda as follows -

1. Installation of a dog poo bin on eastern side of entrance to Ham Lane - relocated from bus stop. Requested southwest corner of The Ham – not possible.

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2. To move bin at northeast corner of The Ham to path near green Dittisham Sailing Club box.
3. To move the current Level Car Park bin to near road on north east side of car park.
4. To remove the broken bin located near the bus stop and the small bin in the same area, and install in their place, at the bus stop, one standard public bin.

#### **Costs -**

50-250 pounds each for installation of relocated bins - higher end if into grass and and a new concrete base is required.

**ie three relocation costs.** No charge for the purchase and installation of the bin at the bus stop.

### **3. Legal and Administrative Context**

#### **3.1 Parish councils: fixed penalty notices**

[<https://www.gov.uk/guidance/parish-councils-fixed-penalty-notice>]

As a parish council, you can issue fixed penalty notices (FPNs) for the following offences:

- Litter (includes dog poo in a bag but not dog fouling)
- graffiti
- fly-posting

You can use your existing staff to issue FPNs but parish councillors must not act as enforcement officers.

**3.2 Public Space Protection Orders (2017) – Excerpts.** See also complete order provided with this email.

#### **A. Fouling**

1. Subject to the exception in 1(iii) [*Except land that is placed at the disposal of the Forestry Commissioner under section 39(1) of the Forestry Act 1967*] this article applies to all land which is in the administrative area of the Council and which is:
  - Open to the air (which includes land that is covered but open to the air on at least one side); and
  - To which the public are entitled or permitted to have access (with or without payment).

#### **B. Dogs on leads**

1. This article applies to all areas covered by Rule 56 of the Highway Code i.e., on the road, or on the pavement, or on a path shared with cyclists or horse riders
2. Areas with retail premises designated as zone 1 under the Environmental Protection Act 1990 i.e., where there are 2 or more commercial / shop premises
3. Car Parks
4. Cemeteries and Churchyards
5. Any fenced, hedged or walled pond, area of water or nature reserve
6. Marked sports fields whilst organised sport is in progress
7. Formal gardens shown in Appendix 1 and listed as:

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- Royal Avenue Gardens, Dartmouth
- Kingsbridge Quayside and Town Square (including bandstand)
- Recreation Ground, Kingsbridge including the Embankment footpath and grass strip to include the Town Square
- The Slipway, Quay Car Park, Kingsbridge
- Quay House grounds, Kingsbridge
- Bus Station, Kingsbridge
- All public footpaths within Kingsbridge town boundary
- Butts Park, Newton Ferrers
- The Green, Newton Ferrers (including areas adjacent to the War Memorial and to Dillons)
- Community Wood, Malborough
- Cliff House Gardens, Salcombe

**D. Dog Exclusion Areas (except Beaches)**

1. This article applies to all land within the Council's administrative area comprising:

- Any fenced, hedged or walled children's play area
- Any fenced, hedged or walled bowling green
- Any fenced, hedged or walled tennis court
- Any fenced, hedged or walled skateboard or BMX park
- Any fenced, hedged or walled putting green
- any sporting or recreational facility pitch when sport is in play
- plus any other beaches (in addition to those included in the article below) that the Authority may wish to include in this Order from time to time.
- Ash Meadow, Ashprington (see Appendix 2)

**3.3 Public Rights of Way**

<https://www.ramblers.org.uk/advice/paths-in-england-and-wales/enjoying-the-countryside/animals-and-rights-of-way.aspx#dogs>

***Walking with dogs***

Since dogs have been taken on highways since time immemorial, it's generally assumed that they can be considered a 'natural accompaniment' (a term used in a 19th century court case to describe things which might normally be taken by a walker) and that therefore dogs can be taken on public rights of way.

There's no law which says that a dog must be kept on a lead when using a public right of way, but local authorities can make orders under section 27 of the Road Traffic Act 1988 to make it a requirement on specific paths. Like its owner, a dog should remain on the line of the path – an act of [trespass](#) may be committed against the landowner if it wanders away from the official route.

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Walkers with dogs should take particular care when crossing fields where animals are being grazed. Section 1 of the Dogs (Protection of Livestock) Act 1953 makes it an offence for a dog to be at large, 'that is to say not on a lead or otherwise under close control', in a field or enclosure containing sheep.

It's also an offence for dogs to attack or chase livestock and farmers are allowed to shoot dogs that are worrying, or are about to worry, farm animals. This is set out in section 9 of the Animals Act 1971, which also states that the farmer isn't liable to compensate the dog's owner in such circumstances.

Despite the fact that a dog is a 'natural accompaniment' to users of rights of way, the law doesn't require stiles to be 'dog friendly' as it's the dog's keeper who has the right of passage, not the dog. Stiles with 'dog latches' can however be provided and can often be seen in popular dog-walking areas.