

Brief Overview of CW&C Cabinet Conclusions regarding Public Dog Order and how it affects Jubilee Field

Cheshire West and Chester Public Spaces Protection Orders

Cheshire West and Chester Borough Council in exercise of the power under section 59 of the Anti-Social Behaviour Crime and Policing Act 214 (“the Act”) being satisfied that the conditions set out in section 59 of the Act have been met make the following Orders:

Subject to specific exemptions and defences, Persons within the area shown below shall:

1. Not allow dogs to enter the following areas:
 - A Fully Enclosed Children’s Play Areas which contains Play Equipment
 - A Fully or Partially enclosed Multi Use Games Areas (MUGAs)
 - A Tennis Court
2. If in charge of a dog, have with them the means to pick up dog faeces
3. At the request of an authorised officer place the dog on a lead with a maximum length of 2m and keep it on that lead as directed to do so by the authorised officer. The 2m length can be a fixed, clipped or locked length
4. Not walk more than 6 dogs at any one time, whether on behalf of a business or otherwise
5. Not smoke within a Fully Enclosed Children’s Play Areas which contains Play Equipment



This Order will Commence on 20th October 2018 for a Period of 3 years. Any person who fails to comply with the requirements of the Order is guilty of an offence and liable on summary conviction to a fine not exceeding £1000 or a fixed penalty notice of a maximum £100.

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QUESTIONS AND ANSWERS TO CHESHIRE WEST AND CHESTER REGULATORY TEAM REGARDING SPECIFIC ISSUES WITH THIS PUBLIC DOG ORDER IN RELATION TO JUBILEE FIELD

Clerk: It is the understanding of Huntington Parish Council that dogs are now allowed on Jubilee field in Huntington. However, in a fairly recent consultation by Cheshire West, several areas were noted as being considered to ban dogs and Jubilee Field featured on that list.

CW&C: The only dog exclusion zones on Jubilee Field will be on fully enclosed children's play areas with children's play equipment AND on fully or partially enclosed Multi Use Games Areas (MUGAs). This would mean that, with its current layout, the only dog exclusion area on Jubilee would be the MUGA

Clerk: Am I correct in thinking that if we fenced off the children's play area (it is currently open access to the wider field), dogs would not be allowed on the specific area with children's equipment?

CW&C: Yes. I would advise against being too ambitious with any fencing as the inclusion of too much might be problematic as regards the intention of the legislation – it would become a wider recreation area not a children's play area. In my mind, fencing the area that includes the larger spider climbing frame and the snake swing would be questionable..

Clerk: Some Councillors are arguing that, because Jubilee field is owned by us as a Parish Council, **a dog ban CAN be imposed by us if we wish**. However, I believe that this isn't the case because it is still a public open space. Could you please confirm this?

CW&C: In the past, parish / town councils were able to pass byelaws and Dog Control Orders. This ability was removed by the legislation that allows the creation of Public Space Protection Orders and any Orders must come from ourselves. Although the land is owned by yourselves, you cannot introduce a dog ban. You can provide signage to stop a ban being imposed – eg you can put up signage at the MUGA saying "dogs allowed" and we would not be able to enforce the ban in the Order BUT any signage that imposed stricter conditions than the Order would be totally unenforceable – ie you can put up signage saying no dogs anywhere on the whole field area but it would be totally meaningless and never result in any action (except a level of confusion).

ADDITIONAL POINTS

(Taken from CW&C Report which accompanies the Public Spaces Protection Order):

Definition of Play area: *An area which includes Children's play equipment such as slide, swings or zip wire within a specific area*

Definition of 'enclosed' – *the area must be enclosed to ALL sides with fence, gate, wall or a structure which marks the boundary of that area.*

WHAT DOES THIS MEAN FOR JUBILEE FIELD and the parish council?

- Dogs are allowed on ALL parts of Jubilee Field except the Muga.
- If you want dogs excluded from the Children's play area, you **MUST** erect a fence to go around the whole of the area including the area at the far side of the play area (near the older children's swings)
- In respect of the land surrounding the new school, dogs will not be allowed on the football pitches as they are classed as maintained. (Although CW&C will not erect a fence so presumably signs will need to be erected but I am unsure how that works with dogs off leads?)