



Chelmsford City Council Cabinet

6th July 2023

HYLANDS PARK – PUBLIC SPACES PROTECTION ORDER

Report by:

Cabinet Member for Greener and Safer Chelmsford

Officer Contact:

Paul Brookes, Public Health and Protection Services Manager

01245 6096436, paul.brookes@chelmsford.gov.uk

Purpose

To consider consulting on a Public Spaces Protection Order (PSPO) restricting areas of Hylands Park where dogs are allowed, where dogs are allowed off the lead, and restricting the number of dogs that can be walked by an individual, thereby providing a safe environment for all park users.

Options

1. To consult on the making of the Public Spaces Protection Order
2. To consult on the making of the Public Spaces Protection Order with amendments
3. Not to proceed with the making of the Public Spaces Protection Order

Recommendations

1. The Director of Public Places be authorised to consult on the proposed Public Spaces Protection Order.
 2. If, following the consultation, no objections are received the Director of Public Places be authorised, in consultation with the Cabinet Member for Greener and Safer Chelmsford, to make the Public Spaces Protection Order.
-

1. Introduction

- 1.1 Hylands Park is an important open space that many residents and visitors utilise for various leisure activities, events, and relaxation. It is a park that is also very popular with dog walkers. Whilst for the majority of the time all activities are compatible and co-exist harmoniously there have been occasions when dogs dangerously out of control have caused alarm, distress and injuries. Unfortunately, incidences of this nature are increasing both locally and nationally.
- 1.2 It is proposed to introduce a Public Spaces Protection Order (appendix 1) to help provide a safe environment for all users of the park whilst accommodating all activities currently taking place.
- 1.3 The Anti-Social Behaviour, Crime and Policing Act 2014 introduced a variety of powers for local authorities to deal with anti-social behaviour including Public Spaces Protection Orders.
- 1.4 Public Spaces Protection Orders (PSPO) are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. The order can be used to deal with likely future problems.
- 1.5 PSPOs are designed to make public spaces more welcoming to the majority of law-abiding people and communities.

2. Public Spaces Protection Orders

- 2.1 A local authority may make a Public Spaces Protection Order if satisfied on reasonable grounds that two conditions are met:
 - That 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 it is likely that activities will be carried on in a public place within that area and that they will have such an effect, and
 - that the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the notice.
- 2.2 The PSPO lasts for 3 years, but at any point before it expires the PSPO can be extended for a further 3 years. A PSPO can be varied at any point, variations are most likely to be made to close any legal loopholes which offenders may be exploiting to avoid enforcement action.

- 2.3 The penalty for breaching a PSPO is a £100 fixed penalty notice or prosecution in the Magistrates Court, although in line with good practice informal and formal warnings will also be used when enforcing the PSPO.
- 2.4 Whilst some of the issues proposed to be controlled by the PSPO can already be controlled through existing legislation, control by the PSPO is clearer and more effective, and closes some loopholes that make enforcement of existing legislation ineffective.

3. Rationale for PSPO

- 3.1 Hylands Park needs to balance the competing needs of all members of the public that use the park for various activities and events. Whilst for the majority of time there is no conflict unfortunately there have been times where members of the public are subject to alarm, distress and sometimes injuries from dogs not under control. The park is particularly popular for organised pack walks for both breed specific and general breeds, these walks tend to be off lead walks and can result in a number of dogs acting aggressively.
- 3.2 It is recognised that many dog walkers like to walk their dog 'off the lead' and Hylands Park provides an ideal opportunity to do so, however, walking a dog off the lead if not under full control of the owner can cause alarm and distress even if the dog is not dangerous. For people scared or nervous around dogs the often heard phrase "don't worry they won't hurt" doesn't provide much reassurance.
- 3.3 Dogs that are walked off the lead and not under the full control of the owner can easily become dangerously out of control. The Council receives many complaints about dogs being out of control and last year received 33 reports of dog on dog or dog on human attacks in public areas (these figures don't include complaints where attacks are from stray dogs). The following are excerpts from complaints made by members of the public when reporting incidents:
- *Complainant was on a "dog walking event" at Hylands House, the event organiser's dog attacked her dog during the walk whilst it was off the lead.*
 - *Walking towards the car park from Hylands House when a woman with 4 dogs. 3 dogs (2 small, 1 medium) were on leads and one big black, either Rottweiler / Akita / Chau Chau type dog, was off the lead and this one grabbed our dog round the neck*
 - *Hylands Park, walking very small, miniature Schnauzer Carli on a lead about 5pm going up the field towards the Widford Church exit. A huge dog not on a lead saw her, ran at, attacked and at some point bit her.*
 - *Hylands Park 8am large husky type dog tried to bite complainant*
 - *Dog attacked complainant – always off the lead and fouling*
 - *Hylands House near the grand pavilion – complainant's dog was on the lead, two terriers were off the lead and attacked her dog.*

- *Hylands Park – Opposite the play area – A family were approached by 5 loose large dogs (possibly rottweilers) – one jumped on the 4yr old and there was a verbal argument between subject and complainant.*

- 3.4 The proposed PSPO will allow people who are nervous around dogs, or nervous when dogs are around their children and those dog walkers who wish to keep their dog on the lead to walk within the park confident that they can enjoy the park without the risk of being subject to aggressive behaviour from dogs not under control. The PSPO also allows dog walkers plenty of space to walk their dog off the lead if they prefer.
- 3.5 Limiting the number of dogs that can be walked by an individual is aimed at professional dog walkers. Keeping a large number of dogs under control is difficult and it does lead to an increase in dog fouling as the dog walker is unable to watch all the dogs at the same time. Restricting the number of dogs that can be walked at one time to 4 or below should not impact on members of the public but will help mitigate issues caused by professional dog walkers.
- 3.6 Prohibiting dogs from small areas of the park is mainly replicating existing by-laws that are difficult to enforce and are in place to protect children whilst playing in the play area, preventing accidents in the car park, protecting livestock, and preventing conflict around Hylands House.

4. Public Spaces Protection Order

- 4.1 The PSPO prohibits:
- Dogs being off the lead in the hatched areas shown on the map in appendix 2
 - Dogs being within the red blocked areas shown on the map in appendix 2
 - An individual walking 5 or more dogs at one time
- 4.2 The areas to be covered by the PSPO in respect of dogs being off the lead
- All car parks within Hylands Park
 - Access route from Widford Church
 - The lake
 - The area between the fort play area and the Hylands House car park
- 4.3 The areas to be covered by the PSPO are Hylands Park and in respect of dogs not being permitted in the area
- The fort play area
 - The fenced area for grazing cattle
 - Area immediately around Hylands House
 - The walled garden
 - Hylands House, pavilion and courtyard
- 4.4 The PSPO does not apply to Assistance Dogs

5. Consultation

- 5.1 Consultation will be carried out as required by the Anti-Social Behaviour, Crime and Policing Act 2014. The consultation will be advertised on the Council's website from 13th July 2023 to 11th August 2023. The following consultees will be written to; Essex

Police, Essex County Council, Chelmsford City Council's Parks and Green Spaces, and Writtle Parish Council.

- 5.2 The map attached at appendix 2 is required for the legal making and enforcement of the PSPO, however, for the consultation and ongoing public information a more customer friendly map will also be used, this is attached at appendix 3.

6. Conclusion

- 6.1 There have been numerous complaints about dogs being dangerously out of control, and numerous incidents of dog-on-dog attacks, normally where one dog is off the lead. All users of Hylands Park need to be able to enjoy the park without concern for their safety.
- 6.2 The proposed Public Spaces Protection Order enables everybody to enjoy the park in the manner they wish to. Introducing areas where dogs must be on the lead enables other park users not to be at risk from out of control dogs and providing areas where dogs can be off the lead ensures no group is discriminated against.
- 6.3 Limiting the number of dogs an individual can walk at one time will assist in managing issues caused by professional dog walkers when they are walking more dogs than they can control and manage.
- 6.4 Public consultation will take place as required by the Anti-Social Behaviour, Crime and Policing Act 2014. If objections are received the proposed PSPO will be brought back to Cabinet for consideration.

List of appendices:

Appendix 1 – Public Spaces Protection Order
Appendix 2 – Map showing restricted areas
Appendix 3- Alternative graphic showing restricted area

Background papers:

The Anti-Social Behaviour, Crime and Policing Act 2014

Corporate Implications

Legal/Constitutional: These are set out in the report.

Financial: None

Potential impact on climate change and the environment: None

Contribution toward achieving a net zero carbon position by 2030: None

Personnel: None

Risk Management: None

Equality and Diversity: Impact assessment not required

Health and Safety: None

Digital: None

Other: None

Consultees: Detailed in the report

Relevant Policies and Strategy:

Chelmsford City Council

Proposed Public Spaces Protection Order - Hylands Park 2023

Anti-social Behaviour Crime and Policing Act 2014 ('the 2014 Act') - Section 59

NOTICE is hereby given that Chelmsford City Council ('the Council') is proposing to make a Public Spaces Protection Order ('PSPO') which will apply to the public places ('the restricted area') hatched in red and blocked in blue on the plan attached at Schedule to the Order, which comprises of land within **Hylands Park**.

Under section 74(1) of the 2014 Act 'public place' means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

The effect of this PSPO, if made, will be **to prohibit** within the restricted area the following activities:

- Within the red hatched areas walking a dog off the lead
- A dog(s) being within the blue blocked areas
- Within Hylands Park an individual walking 5 or more dogs

Assistance dogs are exempt from any restrictions within this PSPO.

It is proposed that the PSPO (if made) would have effect for a period of 3 years from the date of making. The duration of the PSPO could be extended for a further period (not exceeding 3 years) in certain cases.

Failure without reasonable excuse to comply with the prohibitions and requirements imposed by this PSPO (if made) is a summary criminal offence under section 67 of the 2014 Act. A person guilty of an offence under section 67 of the 2014 Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1,000).

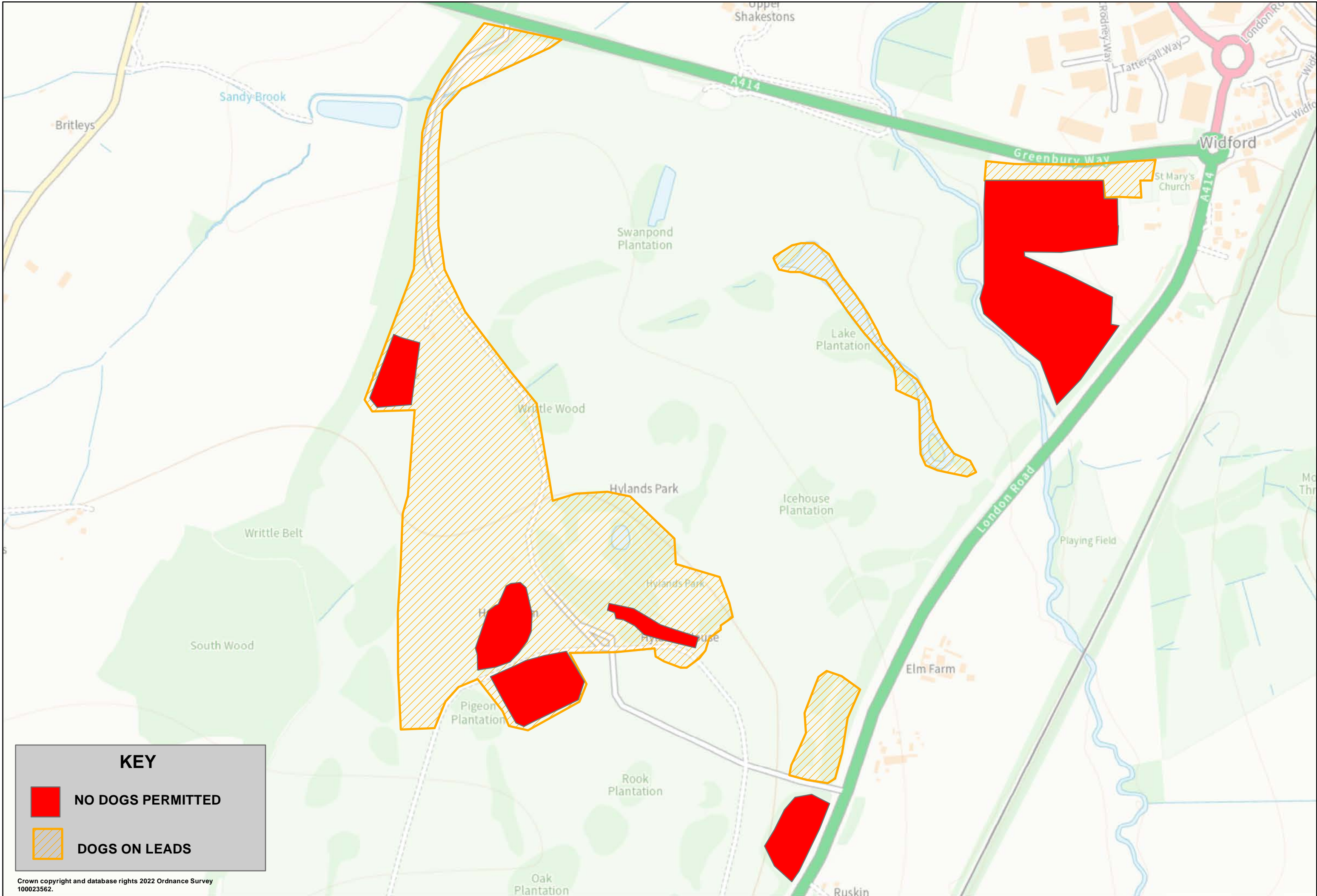
A constable or authorised person may under section 68 of the 2014 Act issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under sections 63 or 67 of the 2014 Act in relation to this PSPO.

Signed.....

Director of Public Places on behalf of Chelmsford City Council

Chelmsford City Council
Civic Centre
Duke Street
Chelmsford CM1 1JE

Dated



KEY
















-  **NO DOGS PERMITTED**
-  **DOGS ON LEADS**

Hylands Estate

Guidance for PSPO restricted areas



Key

-  Entrance to venue
-  Parking
-  Bicycle entrance
-  Pedestrian entrance
-  No dogs permitted
-  Dogs on leads
-  1 Adventure playground
-  2 The Stables courtyard
-  3 Hylands House and Grand Pavilion
-  4 Paddock
-  5 Home Farm (staff access only)
-  6 Serpentine Lake
-  7 Grazing area for cattle
-  8 Temporary car park
-  9 Walled garden (no public access)