

**Following a small number of incidents relating to dog fouling, the Parish Council would like to clarify both the legal position and our policy with regards to the issue.**

1. Selby District Council have adopted the Anti-Social Behaviour Crime and Policing Act 2014. Under this legislation it is an offence to fail to clear up the mess made by a dog which is in your charge on any designated land in Selby district. The maximum penalty for this offence is a fine of £1000.

Designated land in Selby district is all land in the open air to which the public have a right of access either by payment or not. For clarity, in Barlow this includes the playing fields adjacent to the Village Hall, the playing field on Park Road, the "Village Green," and all public footpaths and roads within the village boundary.

Exceptions to designated land, where there is no offence are:

- Carriageways with a speed limit greater than 40 mph and the land running alongside them.
- Agricultural land or woodlands.
- Marshland, moor or heath rural common land.

The following will not be considered as adequate excuses:

- Being unaware of the fouling;
- Not being with the dog at the time; or
- Not having any suitable equipment to remove the mess.

2. If the Selby District Dog Warden can identify the offender, they can:

- Issue a verbal or written warning - In this case the witness would not be identified.
- Take formal action - In this case, the witness must be prepared to give a written statement and appear in court if needed. The witness must be able to identify the owner and the dog and also give details of the date, time and circumstances of the offence.
- Photographic or video evidence is not essential but can be helpful. Any independent witness should also be identified.

Again, for clarity, the Parish Council has no legal powers in this regard

3. It's against the law to let a dog be dangerously out of control anywhere, such as:

- in a public place
- in a private place, e.g., a neighbour's house or garden
- in the owner's home

The law applies to **all** dogs.

Your dog is considered dangerously out of control if it:

- injures someone
- makes someone worried that it might injure them

A court could also decide that your dog is dangerously out of control if either of the following apply:

- it attacks someone's animal
- the owner of an animal thinks they could be injured if they tried to stop your dog attacking their animal

4. It is **not** an offence, to exercise your dog off the lead as long as you do not allow your dog to be out of control, as described above. The Parish Council asks that you keep your dog on a lead at all times when in public spaces but currently has **no** legal right to insist that you do. However, we believe the request to keep dogs on leads is in the best interests of both the dog owner and anyone else using the public space at the same time. (Remember, the dog does not have to actually injure to be deemed out of control)

5. The Parish Council recently considered whether or not to apply for a Public Space Protection Order to enforce the dogs on leads policy on all the public spaces in the village. PSPO's have been devised to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life. A PSPO will impose conditions on the use of that area. If the conditions are breached, which is a criminal offence, sanctions will be imposed on those doing so. The offence is liable to a fine which could escalate to a court conviction if the fine is not paid. PSPO's can last for up to three years and they will be regularly monitored to ensure that the restrictions or requirements remain relevant.

After due consideration, the Parish Council resolved not to pursue this option at the present time. We prefer to rely on the common sense of individuals and the respect and consideration we should all show towards other users of the recreational facilities available to everyone in the community.

However, PSPOs remain an option that the Parish Council is willing to reconsider should our preferred approach be ignored and/or flouted.

6. The Parish Council will always support a resident who makes a complaint to Selby District Council regarding an instance of dog-fouling or inappropriate lack of control and will use whatever influence we have to ensure the complaint is dealt with appropriately