

Results for Public Space Protection Order – Controlling dogs

Introduction

362 surveys were received. The survey ran from Friday 15th July 2016 to 17th August 2016. The survey was sent out to 150 members of the viewpoint panel and a number of interested parties such as vets, kennels, dog groomers (a full list can be made available, please contact Nichola Holderness, Transformation Officer 01205 314269) It was also made available on the council website and social media. There were also two market stalls in the town Centre to promote the survey.

Results

Q1. Would you like it to be an offence if dog walkers/owners do not carry bags or other means at all times to clear up after their dog?

Yes	90%
No	10%

Q2. Would you like it to be an offence to refuse to put a dangerous or nuisance dog/dogs on a lead when requested to do so by an Authorised Officer?

Yes	97%
No	3%

Q3. Would you like it to be an offence to allow a dog/dogs into an enclosed, designated children's play area?

Yes	94%
No	6%

Q4. What level of fine would you consider to be appropriate for the proposed controls under a PSPO?

£75	26%
£100	74%

In addition to the survey's received, 13 comments have been received, also included is the RSPCA position on Public Space Protection Orders: -

1	<p>Excluding dogs from areas in Q3 sounds fine in theory. As a long time dog owner i meet many others owners and these include a number of women with children of various ages. For these mothers taking the child/children to play areas also means taking the dog. To properly interact with the children required being in a play areas well. What do you do with the animal? These types of proposals regarding dog fouling need to be properly thought out otherwise they become yet another pointless initiative. For these things to succeed you need suitable levels. This is time consuming and sometimes counter-productive for example see the drink cans piled at the foot of the open drink containers notices.</p>
2	<p>You can have as many laws as you like, but if they are not enforced then they are useless. eg. There is more drinking of alcohol Central Park now than there has been for years. When was the last dog- fouling owner prosecuted.</p>
3	<p>Q1. No certainly not – do parents who let their offspring defecate and urinate in public places carry potties with them – shall we make that an offence. Q2. Yes but I would also like to see police at there in authority put restrains on members of the public who menace other persons, through alcohol and drugs. To date I have I have seen nothing of this and still areas in Boston are unsafe. Q3Dogs may accompany their owners who may have children, but must be on a lead. Q4. Maximum of 75 but the owner may feel victimised, should have the right to appeal.</p> <p>This edit and working there of is offensive and obviously put together by a council who are weak to address the real issues, they find it easy to attack a dog owner yet again. As regards danger to children, they are in more danger from human excrement and horse manure. How many of you are up to date with tetanus jabs? Also if parents behaved the parents' children would be quite aware of dog excrement. How on earth do you think we have survived Before you introduce this – which you should not: -</p> <ol style="list-style-type: none"> 1) Make sure all dog owners are registered with the council 2) Make sure all breeders of dogs are registered with the council and are allowed 1 set 1 pups only per dog or face £1000 fine, by these two manaovers you have contact information 3) Spot check homes of dog owners for appropriate care and management otherwise a fine. 4) We have a multinational society ration 1:4 yet i have not seen 1 sign in another language that warns against dog excrement – surely that is top priority. Signs in at least 4 languages. Let us see if the council have the common sense to carry these policies through if not forget dog fouling. 5) I have rescued a dog cruelty treated by children treated by children with the parents consent – what kind of world do we live in! Please get your priorities in order i am sick of seeing people defecate in woods where i walk my dog and they don't clear up after them!. <p>There are some marvellous dog owners in Lincolnshire who get no praise. We train a ? team for rescue purposes. We train? For rescuing people from water we have a god team that travels the world rescuing people from all sorts of disasters and war torn places. We have gods for the blind, deaf and elliptic, we have dogs for diagnosing cancer, we have dogs for finding bombs and drugs. They do this with no questions at all, are we to arrest them while on duty? What about praising the man in the street. There is a person in West End Road Wyberton who has provided poo bags by trying a cut up milk container and put them in to a lamp post – have the</p>

	council even noticed? To sum up. Signs in 4 languages – dog registration, fine over breeding and cruelty. The rest will take care of itself.
4	Many people, I believe don't just walk their dogs for exercise but to take them away from their homes to do their 'business' on someone else patch! Wouldn't it be a good idea to encourage people who have dogs and a garden/space to install a bio-degradable dog toilet?! They and their dogs could still be walked for exercise but the dogs may well get into a good habit to use the toilet in their own surroundings. I understand dogs can be trained to do almost anything.
5	I have recently heard of a non-dog owner calling a little girl, who was clearing up, after her dog in the correct way ' a dirty little girl' perhaps it is too much to hope that even a fine will not educate everyone. The little girl is still very upset.
6	It is an offence for a dogs on a collar/lead not to have a name tag on, with address there is in all vets and must be micro chipped by law
7	Dogs should be on a lead in all public spaces, designated off lead area would make sense.
8	Poo bag dispensers always empty in central park
9	Could you increase the fine for repeat offenders? Could you also check their dog is micro-chipped. Also a legal requirement since April i believe
10	1 st offence for any and all of Q1 – Q3 £75 . All further offences £100. No exceptions.
11	Hope this PSPC would be better policed than the one covering Town Drinking Ban. Of would it be the same people if so you wasting your time.
12	Q1. As a dog owner, it should be done it leads to diseases etc for humans and animals. Q2. Most defiantly i consider this very important in all respects Q3. Yet again health, it can affect eyes, breathing and much more Q4. To start it is good. However if the response is not good to observing the above questions then make it higher fine of £100.
13	<p>Response from Kennel Club:</p> <p>Dog Fouling - The Kennel Club strongly promotes responsible dog ownership, and believes that dog owners should always pick up after their dogs wherever they are, including fields and woods in the wider countryside, and especially where farm animals graze to reduce the risk of passing Neospora and Sarcocystosis to cattle and sheep respectively.</p> <p>We would like to take this opportunity to encourage the local authority to employ proactive measures to help promote responsible dog ownership throughout the local area in addition to introducing Orders in this respect.</p> <p>These proactive measures can include: increasing the number of bins available for dog owners to use; communicating to local dog owners that bagged dog poo can be disposed of in normal litter bins; running responsible ownership and training events; or using poster campaigns to encourage dog owners to pick up after their dog.</p> <p>Dog fouling - requirement to be in possession of means to pick up:-</p> <p>Whilst the Kennel Club supports proactive efforts on behalf of local authorities to encourage responsible dog ownership and to ensure that those who are not picking up after their dogs are bought to book, this has to be fair and proportionate and we would not like to see responsible dog owners penalised unfairly.</p>

The Kennel Club has concerns over proposals to introduce an offence of not having the means to pick up. Responsible owners will usually have dog waste bags or other means to clear up after their pets but we do have some concerns, for example if dog owners are approached at the end of a walk and have already used the bags that they have taken out for their own dog, or given a spare bag to someone who has run out, a behaviour that is encouraged by Green Dog Walker schemes.

Furthermore it is perfectly plausible that these proposals in certain circumstances would perversely incentivise dog walkers not to pick up after their dog. Should a dog walker on witnessing their dog fouling realise they are down to their final one or two poo bags (or other receptacle), they will be forced into a decision of whether to use the bag and risk being caught without means to pick up, or risk not picking up in order to retain a "means to pick up" should they be stopped later on their walk. It is perfectly reasonable to assume that a proportion of dog walkers would choose the second option if they thought this was the least likely route to being caught. Especially if the penalty for not picking up was the same as not having means to pick up. Local authorities may wish to consider introducing a clause which provides an exemption for dog walkers who have run out of bags, but can prove that they were in possession of and made use of bags (or other suitable receptacle) during their walk.

If such a measure is introduced it is essential that an effective communication campaign is launched in the local area to ensure that people are aware of the plans and have an excess supply of dog waste bags with them, so that it is the right people who are getting caught. Additionally, appropriate signage should be erected to inform those who are not familiar with the local rules are not unfairly caught out.

We are also concerned how easily local authorities could enforce this law when trying to define whether or not dog owners have 'a means' of picking up after the dogs, without risking the expense of legal challenge. In the absence of poo bags owners trying to flout the law could theoretically point to any number of items on their person that they intend to use, so we think that the most effective spot checks you can carry out are those that catch offenders in the act of not picking up, rather than second guessing behaviours on the basis of what they are or are not carrying with them.

Alternatively, to avoid a fine an irresponsible owner could simply tie one bag to his or her dog's lead or collar but never actually use it.

Recently Cornwall council considered introducing a 'means to pick up' order but subsequently decided against it as they deemed it to be disproportionate and concluded that the requirement would be 'toothless', as it would be highly unlikely to be enforceable in a magistrates court. Please see the attached Cornwall Council report for more details.

Dog access:-

The Kennel Club does not oppose Orders to exclude dogs from playgrounds, or enclosed recreational facilities such as tennis courts or skate parks, as long as alternative provisions are made for dog walkers in the vicinity. We would also point out that children and dogs should be able to socialise together quite safely under adult supervision, and that having a child in the home is the biggest predictor for a family owning a dog.

Dogs on lead by direction: -

The Kennel Club strongly welcomes 'dogs on lead by direction' orders, as these allow responsible dog owners to exercise their dogs off lead without restriction providing their dogs are under control, whilst allowing the local authority powers to restrict dogs

	<p>not under control.</p> <p>We would recommend that the authorised officer enforcing the order is familiar with dog behaviour in order to determine whether restraint is necessary. There is a danger that, through no fault of its own, a dog could be a ‘nuisance’ or ‘annoyance’ to another person who simply does not like dogs.</p> <p>Assistance dogs: - We would also request appropriate exemptions are put in places for users of registered assistance dogs. There are in total seven charities training registered assistance dogs in the UK that we submit should be included. We would suggest that to find out more information about the range of assistance dogs now legally recognised under disability legislation in the UK that need to be accommodated, go to www.assistancedogs.org.uk.</p> <p>Appropriate signage: - It is important to note that in relation to PSPOs the “The Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014” require local authorities to – “cause to be erected on or adjacent to the public place to which the order relates such notice (or notices) as it considers sufficient to draw the attention of any member of the public using that place to - (i) the fact that the order has been made, extended or varied (as the case may be); and (ii) the effect of that order being made, extended or varied (as the case may be).”</p> <p>While all dog walkers should be aware of their requirement to pick up after their dog, signage should be erected for the PSPO to be compliant with the legislation. With specific regard to the proposed “means to clear up measure” this type of law will be unfamiliar to dog walkers and prominent signage explaining the exact requirements expected of dog walkers, not all of whom will be local residents, should be erected in any area where the measure is to be enacted.</p>
14	<p>RSPCA position on Public Space Protection Orders: Dogs enjoy interacting and playing with other people and animals and it is important that they are able to express normal behaviour of the lead. Being walked off the lead and being able to meet, play and interact with new animals and people are important aspects of ensuring dogs are safe within a community. Being able to meet, play and interact is particularly important for puppies to ensure they develop into well adjusted happy individuals. Where this is not allowed or done incorrectly problems can occur which include fear and aggression. We do recognise that not all dogs will be well-socialised and ‘safe’ and where this is known then they should remain on a lead but this should be done on a risk-based approach and owners should be encouraged to be responsible about this. It is therefore imperative that local authorities use Orders sparingly and in a manner that is proportionate to the problem, in accordance with guidance.</p> <p>Local authorities should be aware that under section 9 of the Animal Welfare Act, owners are required to ensure they meet their pets’ welfare needs, this includes the freedom to express normal behaviour and regular and appropriate exercise.</p> <p>It is for this reason, that where dogs are excluded or restricted on open spaces, it is essential that local authorities ensure that other open spaces in close proximity remain accessible to dogs on and off leads to allow owners to fulfil their responsibilities.</p>

The RSPCA acknowledges the value of PSPOs for local authorities to ensure that sections of open may be dog-free, for example children's play areas, sport fields, etc. However it is the Society's view that it is more important for a local authority to promote responsible dog ownership through encouragement of training, proper care, microchipping, neutering as well as ensuring that owners clean up after their dogs.

The Society sees this as a better means of tackling the problem of dog control in the long-term than issues orders – which could prove a strain on resources with regard to the policing and enforcement, particularly if they are widely applied across the authority area.

Therefore the RSPCA hopes that local authorities issues PSPOs cautiously and not as a blanket power that punishes the responsible majority in an effort to tackle problems created by an irresponsible few.