



# C A B I N E T S U P P L E M E N T A R Y P A P E R S

Monday, 26 June 2023, at 6.00 pm  
Council Chamber, Hackney Town Hall,  
Mare Street, E8 1EA

## Members of the Committee:

Mayor Philip Glanville, Mayor (Chair)

Councillor Anntoinette Bramble, Deputy Mayor and Cabinet Member for Education, Young People and Children's Social Care (Vice-Chair)

Councillor Robert Chapman, Cabinet Member for Finance, Insourcing and Customer Service  
Councillor Mete Coban MBE, Cabinet Member for Climate Change, Environment and Transport

Councillor Susan Fajana-Thomas, Cabinet Member for Community Safety and Regulatory Services

Councillor Christopher Kennedy, Cabinet Member for Health, Adult Social Care, Voluntary Sector and Culture

Councillor Clayeon McKenzie, Cabinet Member for Housing Services

Councillor Guy Nicholson, Deputy Mayor for housing supply, planning, culture and inclusive economy

Councillor Carole Williams, Cabinet Member for Employment, Human Resources and Equalities

Councillor Caroline Woodley, Cabinet Member for Families, Parks and Leisure

## Deputy Cabinet Members:

Councillor Sem Moema

Councillor Sade Etti

**Ian Williams**

**Acting Chief Executive**

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[www.hackney.gov.uk](http://www.hackney.gov.uk)

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- 11 CHE S223 Consultation on extending Public Spaces Protection Order (PSPO) Dog Control (Pages 3 - 38)**



<b>Title of Report</b>	Public Spaces Protection Order (Dog Control)		
<b>Key Decision No</b>	CHE S223		
<b>For Consideration By</b>	Cabinet		
<b>Meeting Date</b>	26 June 2023		
<b>Cabinet Member</b>	Cllr Fajana-Thomas (Cabinet Member for Community Safety and Regulatory Services)		
<b>Classification</b>	Open		
<b>Ward(s) Affected</b>	All		
<b>Key Decision &amp; Reason</b>	<table border="1" style="width: 100%;"> <tr> <td style="width: 20%;">Yes</td> <td>Significant in terms of its effects on communities living or working in an area comprising two or more wards</td> </tr> </table>	Yes	Significant in terms of its effects on communities living or working in an area comprising two or more wards
Yes	Significant in terms of its effects on communities living or working in an area comprising two or more wards		
<b>Implementation Date if Not Called In</b>			
<b>Group Director</b>	Rickardo Hyatt (Group Director for Climate, Homes and Economy)		

## **1. Cabinet Member's Introduction**

- 1.1. Public Space Protection Orders (PSPOs) are intended to deal with nuisance or problems in a particular area that are detrimental to the local community's quality of life, by imposing conditions on the use of the area, which apply to everyone.
- 1.2. PSPOs ensure that Community Safety and Enforcement Officers and Police Officers have the necessary powers to deal with anti-social behaviour (ASB) in a public place.
- 1.3. The Council is therefore proposing to renew the current PSPO, with additional restrictions aimed at ensuring Hackney's public spaces can continue to be enjoyed and protected free from anti-social behaviour and damage.
- 1.4. As the Cabinet Member for Community Safety, I am supportive of the proposals contained in this report for Officers to undertake a formal consultation in relation to renewing the current PSPO, together with the proposed additional restrictions.

## **2. Group Director's Introduction**

- 2.1. PSPOs have been in place since 2017 in relation to Dog Control, with the exception of the period 20 October 2020 to 18 March 2021. The PSPOs commenced when the legislation relating to dog control was replaced. The PSPOs mirror the controls that were in place at that time.
- 2.2. The current PSPO is due to expire on 17 March 2024, and the Council is now considering extending the PSPO for a further three years and, if so, whether to make any amendments to it.
- 2.3. Over the past eighteen months, Hackney Council has received a large amount of correspondence relating to the behaviour of dogs in the borough. Many residents are nervous about the large numbers of dogs in Hackney's parks and green spaces. Some are requesting more dog free areas, some request more dogs on leads orders, and many dog owners are calling for fenced off areas to exercise their dogs in.
- 2.4. In addition, there are increasing numbers of professional dog walkers using Hackney's parks and green spaces, particularly in Hackney Marshes and the borough's other larger parks. It is very difficult for professional dog walkers to be in control of high numbers of dogs at any one time.
- 2.5. The aim of the public consultation is to invite views from all Hackney residents and interested groups about a variety of dog control related issues and potential amendments to the current PSPO. It is also for the and to gain

a better understanding of residents' experience of dog control in parks and public spaces.

- 2.6. It is proposed to undertake the consultation over an extended period when parks and public spaces experience the highest amount of footfall.

### **3. Recommendations**

- 3.1. **That Cabinet approves that a consultation exercise in relation to the renewing and varying the existing Public Spaces Protection Order which would place controls on dog fouling, dog exclusion, dogs on leads, dogs on leads where requested and on the maximum number of dogs that can be walked by one person is undertaken. A copy of the proposed Order is attached to this report as Appendix 1.**

### **4. Reason(s) for Decision**

- 4.1. A PSPO is a tool to ensure the law-abiding majority can use and enjoy public spaces safe from activities which have a detrimental effect on the quality of their life in that area. The proposed PSPO should ensure that Hackney has an effective response to ASB in the areas covered by the PSPO.

- 4.2. PSPOs are intended to be used to deal with a particular nuisance or problem in an area that is detrimental to the local community's quality of life by putting in place conditions on the use of that area that apply to everyone. They are designed to ensure people can use and enjoy public spaces safe from activities which have the requisite detrimental impact.

- 4.3. Councils can make a PSPO after consultation with the Police and other relevant bodies and communities. The legislation sets out a two-pronged test of which a Local Authority has to be satisfied on reasonable grounds before a PSPO can be made. These conditions are as follows:

(1) *That the activities carried out in a public place have had a detrimental effect on the quality of life of those in the locality; or that it is likely that they will have such an effect.*

(2) *That the effect or the likely effect of the activities:*

- *Is (or is likely to be) persistent or continuous.*
- *Is (or is likely to be) unreasonable.*
- *Justifies the restriction imposed by the notice.*

- 4.4. A PSPO must identify the public place in question and can:

- (a) prohibit specified things being done in that public place
- (b) require specified things to be done by persons carrying on specified activities in that place; or
- (c) do both of those things.

- 4.5. The only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order to prevent or reduce the risk of the detrimental effect continuing, occurring or recurring.
- 4.6. Prohibitions may apply to all persons, or only to persons in specified categories, or to all persons except those in specified categories.
- 4.7. The PSPO may specify the times at which it applies and the circumstances in which it applies or does not apply.
- 4.8. Unless extended, the PSPO may not have effect for more than 3 years.
- 4.9. Breach of a PSPO without reasonable excuse is a criminal offence. The Police or a person authorised by the Council can issue fixed penalty notices, the amount of which may not be more than £100. A person can also be prosecuted for breach of a PSPO and, on conviction, the Magistrates' Court can impose a fine not exceeding level 3 on the standard scale (currently £1,000).
- 4.10. In deciding to make a PSPO the Council must have particular regard to Article 10 (Right of Freedom of Expression) and Article 11 (Right of Freedom of Assembly) of the European Convention on Human Rights ('ECHR').
- 4.11. The Council must also carry out the necessary prior consultation, notification and publicity as prescribed by s.72 of the Anti Social Behaviour Crime and Policing Act 2014 (the 2014 Act).
- 4.12. In preparing this report Officers have had regard to the statutory guidance issued by the Home Office and the Guidance on PSPOs issued by the Local Government Association.

## **5. Details of Alternative Options Considered and Rejected**

- 5.1. Not having a PSPO in place regarding dog control will have a detrimental impact on the Community Safety and Enforcement Officers to enforce dog-related nuisance across the borough. This may lead to increased dog fouling, dogs being a nuisance and not being adequately controlled, dogs entering children's play areas, sports areas and marked pitches.
- 5.2. Officers can enforce By-laws relating to Parks, Gardens and Open Spaces, which were first made in 1932, transferred to Hackney Council from The Greater London Council in 1971. The by-laws are outdated and hold a maximum penalty of £20, which is not a sufficient deterrent to those who would breach them.
- 5.3. This option would be contrary to the need for the PSPO and public support for the PSPO. It is also likely to result in the re-occurrence of the activities

that are detrimental to the quality of life of people who live, visit or work in the borough.

- 5.4. An options analysis will be undertaken before any decision to renew the PSPO is taken, including for any additional controls included in the draft order . Cabinet will need to decide whether or not to renew the PSPO together with any proposed additional controls once the outcomes of the consultation are known and have been analysed.

## **6. Background**

### Policy Context

- 6.1. PSPOs are made under Chapter 2 of the Anti-Social Behaviour, Crime and Policing Act 2014.
- 6.2. After three years they are treated as transitioned PSPOs for the purposes of enforcement by virtue of s.75(3) of the 2014 Act. Once that a further three years expired (in October 2020), the orders came to an end because a PSPO may not have effect for a period of more than three years (s.60(1)). Insert text here.
- 6.3. Public Spaces Protection Orders are intended to deal with a particular nuisance or problem in a specific 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. They are intended to help ensure that the law-abiding majority can use and enjoy public spaces, safe from ASB.
- 6.4. Given that these orders can restrict what people can do and how they behave in public spaces, it is important that the restrictions imposed are focused on specific behaviours and are proportionate to the detrimental effect that the behaviour is causing or can cause, and are necessary to prevent it from continuing, occurring or recurring.

### Equality Impact Assessment

- 6.5. An Equality Impact Assessment (EIA) has been undertaken to assess the potential of an adverse positive or negative impact of the proposed PSPO on protected groups. A copy of the EIA is attached as Appendix 2 of this report.
- 6.6. In completing the EIA the Council has complied with the requirements of the Public Sector Equality Duty , which was created by the Equality Act 2010.
- 6.7. The equality duty was developed in order to harmonise the equality duties and to extend it across the protected characteristics. It consists of a general equality duty, supported by specific duties which are imposed by secondary legislation. In summary, those subject to the equality duty must, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

6.8. The proposed PSPO sets out a range of powers available to the Council and how these will be legally applied. The PSPO reflects national legislation and the various powers would have been assessed for their impact on equality as part of the consultation and development process before the legislation was enacted. Its use will be determined by the behaviour occurring rather than any protected group.

6.9. The Council is mindful that when making a Public Space Protection Order, regard needs to be given to the rights of freedom of expression and freedom of assembly safeguarded by Articles 10 and 11 of the European Convention on Human Rights: s.72(1). These rights are very likely to be engaged by any order which restricts liberty and gatherings of groups of people. The Council will carefully consider the need to pursue a legitimate aim to protect all residents from anti-social behaviour in public spaces as a proportionate means of tackling anti-social behaviour.

#### Sustainability and Climate Change

6.10. A PSPO will expire after a period of three years unless it is varied or extended.

#### Consultations

6.11. This report is requesting approval to undertake appropriate consultation in accordance with statutory guidelines and detailed under section 72 of the Act. This will include Metropolitan Police, appropriate community groups, owners and occupiers of land.

6.12. The consultation summary explaining the purpose of the consultation and online questionnaire will be included on the Council's online consultation platform, Citizen Space: <https://consultation.hackney.gov.uk/>

- Consultees will be able to request paper copies of the consultation pack (summary and questionnaire) by calling the switchboard and a member of the Enforcement Team will post a copy of the consultation pack to them.
- The consultation pack will also be made available at public access points across the borough that will be open to the public when the consultation is launched.
- The consultation will also be promoted via the Council's publications



(Love Hackney) and various social media channels.

- 6.13. A further report will be submitted to Cabinet for a final decision on whether or not to approve the proposed PSPO.

#### Risk Assessment

- 6.14. Some users of the public spaces to be covered by the proposed PSPO may be unhappy with the proposals. However, the consultation exercise will provide a better understanding of the balanced approach to managing freedoms for all, with the need to control inappropriate behaviour that infringes the freedoms of the community more widely.
- 6.15. The purpose of the proposed PSPO, and subject to certain restrictions, is to provide a better understanding of the balanced approach to managing freedoms for all with the need to control inappropriate behaviour that infringes the freedoms of the community more widely.

### **7. Comments of the Group Director of Finance and Corporate Resources**

- 7.1. The cost of undertaking the consultation of the proposed PSPO is met from the Community Safety and Enforcement approved budgets.

### **8. VAT Implications on Land and Property Transactions**

- 8.1. There are no VAT implications in relation to this report.

### **9. Comments of the Director of Legal, Democratic and Electoral Services**

- 9.1. The recommendation set out in paragraph 3 of this report is for the Cabinet to approve the undertaking of a consultation for the making of a Public Spaces Protection Order.

- 9.2. S.72 of the Anti-Social Behaviour Crime and Policing Act 2014 states that:

- (3) A local authority must carry out the necessary consultation and the necessary publicity, and the necessary notification (if any), before—
- (a) making a public spaces protection order,
  - (b) extending the period for which a public spaces protection order has effect, or
  - (c) varying or discharging a public spaces protection order.
- (4) In subsection (3)—
- “the necessary consultation” means consulting with—

- (a) the chief officer of police, and the local policing body, for the police area that includes the restricted area;
- (b) whatever community representatives the local authority thinks it appropriate to consult;
- (c) the owner or occupier of land within the restricted area;

9.3. A PSPO may be considered to be an appropriate response where Local Authorities have identified a particular local issue. A single PSPO can be used to target a range of different ASB issues. These orders allow Local Authorities to introduce reasonable prohibitions and/or requirements regarding certain behaviours within the specified public area. They may also include prescribed exemptions. Orders can be introduced for a maximum of 3 years, and may be extended beyond this for a further three-year period(s) in circumstances where certain criteria are met.

9.4. There are some limitations set out in legislation regarding behaviours that can be restricted by PSPOs. As a public sector body, the Council must have regard to the freedoms permitted under articles 10 and 11 of the Human Rights Act 1998 when drafting, which cover freedom of expression, freedom of assembly and association.

9.5. A key decision is a Cabinet decision which is likely to:

- i) Result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decisions relates, or
- ii) Be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the Council.

9.6. The Mayor and Cabinet have the authority to approve the recommendation set out in paragraph 3.1 of this report.

### **Appendices**

Appendix 1 - Proposed PSPO

Appendix 2 - Equality Impact Assessment

### **Exempt**

Not applicable

### **Background documents**

None

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## **DRAFT ORDER**

### **ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

#### **SECTION 59**

#### **PUBLIC SPACES PROTECTION ORDER**

This order is made by the London Borough of Hackney (the 'Council') and shall be known as the Public Spaces Protection Order (Dog Control) 2024.

#### **PRELIMINARY**

1. The Council, in making this Order is satisfied on reasonable grounds that:  
  
The activities identified below have been carried out in public places within the Council's area and have had a detrimental effect on the quality of life of those in the locality,  
  
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. The Council is satisfied that the prohibitions imposed by this Order are reasonable to impose in order to prevent the detrimental effect of these activities from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
3. The Council has had regard to the rights and freedoms set out in the European Convention on Human Rights. The Council has had particular regard to the rights and freedoms set out in Article 10 (right of freedom of expression) and Article 11 (right of freedom of assembly) of the European Convention on Human Rights and has concluded that the restrictions on such rights and freedoms imposed by this Order are lawful, necessary and proportionate.

## **THE ACTIVITIES**

4. The Activities prohibited by the Order are:
  - (i) Failing to remove dog faeces from land within the Restricted Area forthwith,
  - (ii) Allowing dogs to enter or remain on land identified in Schedule 1 of this order (the exclusion areas),
  - (iii) Failing to keep a dog on a lead at all times when on the land identified in Schedule 2 of this order,
  - (iv) Failing to comply with a direction given by an Authorised Officer of the Council to put and keep a dog on a lead,
  - (v) Failing to keep a dog under proper control,
  - (vi) Having more than four dogs under the control of one person within the Restricted Area.

## **THE PROHIBITION**

5. A person shall not engage in any of the Activities anywhere within the Restricted Area as shown shaded on the attached map labelled “The Restricted Area” or, in relation to Article 4(ii) within the land listed in schedule 1 to this order and in relation to Article 4(iii), within the land listed in schedule 2 to this order.
6. This Prohibition is subject to the Exception stated below.

## **FOR THE PURPOSES OF THIS ORDER**

7. Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces.

## **THE EXCEPTION**

8. Nothing in this order shall apply to a person who –
  - (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948;

- (b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance;
  - (c) has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a Prescribed Charity and upon which he relies for assistance;
  - (d) a person who is training an assistance dog in an official capacity; or
  - (e) a dog used by the police or other agencies permitted by the Council for official purposes.
9. Nothing in Article 4(ii), (iii), (iv), (v) and (vi) shall apply to a person who has been given permission by the owner occupier or other person having control of the land.

## DEFINITIONS

10. In this Order the following words or phrases are defined as follows:

**‘Authorised Officer’** means an employee or agent of the Authority who is authorised for the purpose of giving directions under this Order.

**‘Council’** means the London Borough of Hackney.

**‘In charge’** A person who has a dog in his possession shall be taken to be in charge of the dog.

**‘Lead’** means any rope, cord, leash or similar item which is no more than two metres in length and which used to tether, control or restrain a dog, but does not include any such item which is not actively being used as a means of restraint so that the dog remains under a person’s control. An extendable lead must not be extended beyond two metres.

**‘Prescribed Charity’** means Dogs for the Disabled (registered charity number 700454), Support Dogs (registered charity number 1088281), Canine Partners for Independence (registered charity number 803680).

**‘Proper control’** means a dog being on a lead or muzzled if the dog requires it, or otherwise being at heel/close enough to the person in charge that it can be restrained if necessary or respond immediately to voice commands.

**‘Removing/removal of dog faeces’** means placing the faeces in a receptacle in the Restricted Area which is provided for the purpose, or the disposal of waste.

**‘Restricted Area’** means the whole of the London Borough of Hackney as shown on the map attached to this order and labelled ‘Restricted Area’.

## **PERIOD FOR WHICH THIS ORDER HAS EFFECT**

11. This Order will come into force at midnight on [ **date to be inserted** ] and will expire at midnight on [ **date to be inserted** ].
12. At any point before the expiry of this three year period the Council can extend the Order by up to three years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the Order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time.

## **WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?**

Section 67 of the Anti-Social Behaviour Crime and Policing Act 2014 says that it is a criminal offence for a person without reasonable excuse –

- (a) to do anything that the person is prohibited from doing by a public spaces protection order, or
- (b) to fail to comply with a requirement to which the person is subject under a public spaces protection order.

A person guilty of an offence under section 67 is liable on conviction in the Magistrates Court to a fine not exceeding level 3 on the standard scale.

## **FIXED PENALTY**

A Constable, Police Community Support Officer or Council Enforcement Officer may issue a fixed penalty notice to anyone he or she believes has committed an offence under section 67 of the Anti- Social Behaviour, Crime and Policing Act. You will have 14 days to pay the fixed penalty of £100. If you pay the fixed penalty within the 14 days you will not be prosecuted.

## **APPEALS**

Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the safe zone. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council.



Interested persons can challenge the validity of this order on two grounds: that the Council did not have power to make the order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation has not been complied with.

When an application is made the High Court can decide to suspend the operation of the order pending the Court's decision, in part or in totality. The High Court has the ability to uphold or quash the order or any of its prohibitions or requirements.

Dated.....

Sealed etc

Text of Section 67 Anti-Social Behaviour Crime and Policing Act 2014

(1) It is an offence for a person without reasonable excuse-

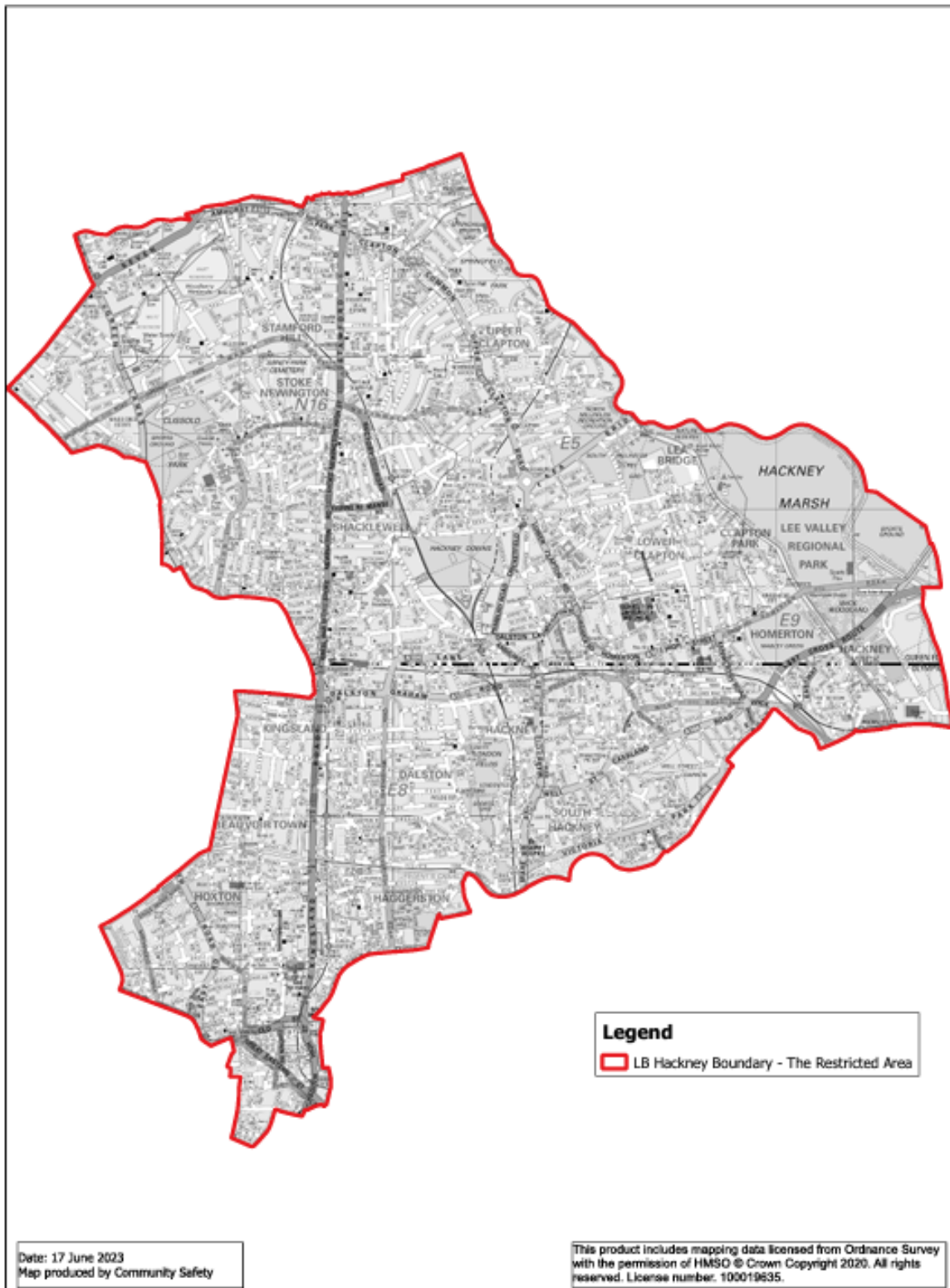
(a) To do anything that the person is prohibited from doing by a public spaces protection order, or

(b) To fail to comply with a requirement to which a person is subject under a public spaces protection order

(2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale

(3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order

## THE RESTRICTED AREA:



## **SCHEDULES:**

### **Schedule 1:**

By virtue of Article 4(ii) of this order, dogs are **excluded** from all bmx tracks, children's play areas, fenced off dog free areas, multi use games areas, outdoor gyms, skate parks, small parks, splash pads and children's water features, sports courts, sports playing pitches, water sports centres and reservoirs throughout the Restricted Area. This order also applies to all areas designated as a children's play area, fenced off dog free area, multi use games areas, outdoor gyms, skate parks, small parks, splash pads and children's water features, sports courts, sports playing pitches, water sports centres and reservoirs by the Council from the date this Order comes into effect.

#### ***BMX Tracks***

HAGGERSTON PARK, E2

#### ***Children's Play Areas***

ALLENS GARDENS, N16

BROADWAY MARKET GREEN, E8

BUTTERFIELD GREEN, N16

CLAPTON COMMON, E5

CLAPTON POND, E5

CLAPTON SQUARE, E5

CLISSOLD PARK, N16

DAUBENEY FIELDS, E9

DE BEAUVOIR SQUARE, N1

EVERGREEN ADVENTURE PLAYGROUND, E8

HACKNEY DOWNS, E5

HACKNEY MARSH ADVENTURE PLAYGROUND, E9  
HAGGERSTON PARK, E2  
HOMERTON GROVE ADVENTURE PLAYGROUND, E9  
KIDS ADVENTURE PLAYGROUND, E5  
KYNASTON GARDENS, N16  
LONDON FIELDS, E8  
MABLEY GREEN, E9  
MILLFIELDS PARK, E5  
PEARSON STREET ADVENTURE PLAYGROUND, E2  
ROWLEY GARDENS, N4  
SHAKESPEARE WALK ADVENTURE PLAYGROUND, N16  
SHEPHERDESS WALK, N1  
SHOREDITCH PARK ADVENTURE PLAYGROUND, N1  
SHOREDITCH PARK, N1  
SPRING PARK, N4  
SPRINGFIELD PARK, E5  
ST JOHN'S CHURCHYARD PLAY AREA, E9  
STOKE NEWINGTON COMMON, N16  
STONEBRIDGE GARDENS, E8  
WELL STREET COMMON, E9  
WEST HACKNEY RECREATION GROUND, N16  
WOODBERRY DOWN PARK, N4

***Fenced Off Dog Free Areas***

CLISSOLD PARK, N16

HACKNEY DOWNS (OLD BOWLING GREEN AREA), E5

HACKNEY DOWNS PICNIC AREA, E5

MILLFIELDS PARK, E5

SPRINGFIELD PARK (CAFÉ SEATING AREA), E5

SPRINGFIELD PARK (OLD BOWLING GREEN AREA), E5

***Multi Use Games Areas***

ASKE GARDENS, N1

BUTTERFIELD GREEN, N16

CLISSOLD PARK, N16

HACKNEY DOWNS, E5

HAGGERSTON PARK, E2

LONDON FIELDS, E8

ROWLEY GARDENS, N4

SHEPHERDESS WALK, N1

SHOREDITCH PARK, N1

STONEBRIDGE GARDENS, E8

UFTON GARDENS, N1

***Outdoor Gyms***

BUTTERFIELD GREEN, N16

HAGGERSTON PARK, E2

LONDON FIELDS, E8

MILLFIELDS PARK, E5

MABLEY GREEN, E9

SHOREDITCH PARK, N1

SPRINGFIELD PARK, E5

WEST HACKNEY RECREATION GROUND, N16

***Small Parks***

DE BEAUVOIR SQUARE, N1

***Skate Parks***

CLISSOLD PARK, N16

DAUBENEY FIELDS, E9

***Splash Pads and Children's Water Features***

CLISSOLD PARK, N16

ST JOHN'S CHURCHYARD, E9

***Sports Courts***

ASKE GARDENS TENNIS COURT, N1

CLISSOLD PARK TENNIS COURTS, N16

GAINSBOROUGH PLAYING FIELDS, E20

HACKNEY DOWNS BASKETBALL COURTS, E5

HACKNEY DOWNS TENNIS COURTS, E5

LONDON FIELDS PETANQUE COURT, E8

LONDON FIELDS TENNIS COURTS, E8

MILLFIELDS PARK BASKETBALL COURTS, E5

MILLFIELDS PARK TENNIS COURTS, E5

SHOREDITCH PARK BEACH VOLLEYBALL COURT, N1

SPRINGFIELD PARK TENNIS COURTS, E5

SPRING HILL RECREATION GROUND TENNIS COURTS, E5

***Sports Playing Pitches***

HACKNEY DOWNS CRICKET AND FOOTBALL PITCHES, E5

HACKNEY MARSHES CRICKET, FOOTBALL AND RUGBY PITCHES, E9

HAGGERSTON PARK ARTIFICIAL TURF PITCH, E2

LONDON FIELDS CRICKET PITCH, E8

MABLEY GREEN ARTIFICIAL TURF PITCHES, E9

MABLEY GREEN FOOTBALL PITCHES, E9

MILLFIELDS PARK CRICKET PITCHES, E5

SHOREDITCH PARK SPORTS PITCHES, N1

SPRING HILL RECREATION GROUND RUGBY PITCHES, E5

SPRINGFIELD PARK CRICKET PITCHES, E5

***Water Sports Centre and Reservoirs***

WEST RESERVOIR, N4

## **Schedule 2**

By virtue of Article 4 (iii) of this order **dogs must be kept on a lead** in general public areas (excluding towpaths), on roads and in car parks, churchyards, burial grounds, communal areas on estates and public parks including:

ABNEY PARK CEMETERY, N16 (which is over half a hectare in size)

ALBION PARADE, N16

ALBION SQUARE GARDENS, E8

ASKE GARDENS, N1

BROADWAY MARKET GREEN, E8

CHARLES SQUARE, N1

CHURCH STREET GARDENS, N16

CLAPTON POND, E5

CLISSOLD PARK ANIMAL ENCLOSURE, N16

FAIRCHILD'S GARDEN, E2

GOLDSMITH'S SQUARE RECREATION GROUND, E2

HOMERTON GROVE, E9

HOXTON SQUARE, N1

KIT CROWLEY GARDENS, E9

KYNASTON GARDENS, N16

LEVY MEMORIAL GROUND, N16

MARK STREET GARDEN, EC2

QUAKER BURIAL GROUND, N16

ROBIN HOOD COMMUNITY GARDEN, E5

SHACKLEWELL GREEN, E8

SHORE GARDENS, E9

ST JOHN AT HACKNEY CHURCHYARD, E8

ST JOHN OF JERUSALEM CHURCHYARD, E9

ST LEONARD'S CHURCHYARD, E1

ST MARY'S OLD CHURCH, N16

ST THOMAS' LONG BURIAL GROUND, E9

ST THOMAS' RECREATION GROUND, E9

ST THOMAS' SQUARE, E9



STONEBRIDGE COMMON, E8

UFTON GARDENS, N1

WEST HACKNEY RECREATION GROUND, N16

WINDSOR TERRACE OPEN SPACE, EC1

SHEPHERDESS WALK, N1 (which is over half a hectare in size)

and QUEEN ELIZABETH OLYMPIC PARK (which is over half a hectare in size)

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## Dog Control PSPO Consultation

### [London Borough of Hackney Equality Impact Assessment form](#)

#### **Question 1: Why are you making this decision? :**

Public Spaces Protection Orders concerning Dog Control have been in place since 2017, except for the period between 20 October 2020 to 18 March 2021. The PSPOs commenced when the legislation relating to dog control was replaced. The PSPOs mirror the controls that were in place at that time.

The current PSPO is due to expire on 17 March 2024, and the Council is now considering whether to extend the PSPO for a further three years and, if so, whether to make any variations to it.

Over the past eighteen months, Hackney Council has received a large amount of correspondence relating to the behaviour of dogs in the borough. Many residents are nervous about the large numbers of dogs in Hackney's parks and green spaces. Some are requesting more dog-free areas, some request more dogs on leads orders, and many dog owners are calling for fenced-off areas to exercise their dogs in.

In addition, increasing numbers of professional dog walkers use Hackney's parks and green spaces with high numbers of dogs, particularly in Hackney Marshes and the borough's other larger parks. It is very difficult for professional dog walkers to be in control of many dogs at any one time.

The public consultation aims to invite views from all Hackney residents and interested groups about dog control-related issues and potential amendments to the current PSPO. It is also for the Council to consider what else it could include and better understand residents' experience of dog control in parks and public spaces.

It is proposed to undertake the consultation over an extended period when parks and public spaces experience the highest amount of footfall to help prepare the draft Order.

The draft order can be found [here](#).

The breach of the PSPO is a criminal offence subject to up to a level three fine on prosecution (up to £1,000). A Fixed Penalty Notice can be issued for £100. Payment of the Fixed Penalty Notice discharges liability to conviction for the offence. The Police will work in partnership with the Council to ensure the effective enforcement of the PSPO.

The PSPO will assist the Council and the Police in tackling anti-social behaviour, reducing individuals engaging in anti-social behaviour such as that arising from dog owners failing to exercise proper control of dogs in public places.

The Council proposes that the PSPO lasts for three years, until 2027 when it decides whether to renew it in consultation with residents.

The Council is committed to improving equality and making the borough a place for everyone. This means ensuring all actions taken by the Council contribute to equality.

## **Question 2: Who are the main groups affected?**

The proposed PSPO will deal with a particular nuisance or problem in the prescribed area with a persistent or continuing detrimental effect on the local community's quality of life. It will impose conditions on the use of that area that applies to everyone and is designed to ensure people can use and enjoy public spaces safe from anti-social behaviour.

Nothing in the Dog Control Public Spaces Protection Order shall apply to a person who –

- is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948;
- is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance;
- has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a Prescribed Charity and upon which he relies for assistance;
- A person who is training an assistance dog in an official capacity; or
- A dog used by the police or other agencies permitted by the Council for official purposes.

The Equality and Human Rights Commission (EHRC) defines an assistance dog as a dog trained to help people with hearing difficulties, epilepsy, diabetes, physical mobility problems and more. Assistance dogs carry out a variety of practical tasks for people and support their independence and confidence. Assistance dogs are not pets and are treated as 'auxiliary aids'. Assistance dogs are highly trained, which means they:

- will not wander freely around the premises
- will sit or lie quietly on the floor next to their owner
- are unlikely to foul in a public place
- Most are instantly recognisable by a harness or jacket. However, the law does not require the dog to wear a harness or jacket to identify it as an assistance dog.

Some, but not all, assistance dog users will carry an ID book giving information about the assistance dog and the training organisation and other useful details; again, this is not a legal requirement.

Source: [Assistance Dogs: a guide for all businesses, EHRC; 2018.](#)

Assistance dogs are usually qualified by one of the charitable organisations registered as members of Assistance Dogs UK. As such, an assistance dog is legally

permitted to accompany its client, owner, or partner at all times and in all places within the United Kingdom.

Source: [Assistance Dogs UK](#)

The most impacted protected characteristics are age and disability, with some impact likely for race and ethnicity. Those suffering social and economic deprivation attitudes towards dogs and dog ownership can often be polarised. The Council's actions need to balance public health and safety and the benefits to owners, especially those with key protected characteristics that may rely upon their dogs for assistance in their everyday lives.

Hackney takes a graduated approach to enforcement, but a small minority of offenders can cause disproportionate nuisance and expense. In some cases, prosecution or the threat of prosecution will be necessary.

The proposed PSPO aims to promote a consistent, effective and fair approach to enforcement to protect the environment for the benefit of the community and provide a safe place to live, work and visit.

The people most affected by the activities occurring across the borough are those people that have witnessed the behaviours described above; these include other members of the public and those that live nearby. Some people have been deterred from using our public spaces because of the anti-social behaviour witnessed.

The people most affected by the PSPO, which restricts the activities occurring in our open spaces, are all people engaging in the abovementioned activities. It is hoped that it will result in a decrease or even a cessation of the nuisance, annoyance and disturbance occurring.

**Question 3: What information or evidence have you used to make your decision?**

The public consultation aims to invite views from all Hackney residents and interested groups about dog control-related issues and potential amendments to the current PSPO. It is also for the Council to consider what else it could include and better understand residents' experience of dog control in parks and public spaces.

It is proposed to undertake the consultation over an extended period when parks and public spaces experience the highest amount of footfall to help prepare the draft Order.

The Council will consult the following groups during the statutory consultation;

- Residents in Hackney.
- Hackney Parks User Groups.
- The Kennel Club.
- Guide Dogs for the Blind.
- Assistance Dogs UK.
- Veterinary practices

- Housing Associations.
- Canal and River Trust.
- The local chief officer of police. BCU Commander, Detective Chief Superintendent James Conway.
- The police and crime commissioner. Mayor Sadiq Khan.
- London Borough of Newham.
- London Borough of Tower Hamlets.
- London Borough of Waltham Forest.
- London Borough of Islington.
- Corporation of London.
- London Legacy Development Corporation.

Further information can be found within the consultation plan.

To better understand the nature of the problem, Impact Statements have been obtained from residents, user groups and interested parties outlining the detrimental impact these actions have had on the local community and environment. Data from the MPS & Council's Intelligence Hub has been obtained and reviewed through the Council's Partnership Tasking Meeting.

The evidence pack can be found [here](#).

In coordination with key stakeholders, Council Officers have taken several actions in response, including.

**Proactive and reactive patrolling:** The Police and Council officers, where resourcing allows, have proactively patrolled the locations identified in this report. Enforcement Officers are uniformed, highly visible, and have high enforcement powers. They wear body cameras that record video and audio for evidential purposes. The Enforcement Officers are not designed as a "blue-light response" team. They are tasked using an intelligence-led approach, i.e. assigned according to crime and ASB hotspots as identified through information and intelligence through weekly Partnership Tasking and joint briefings with Police SNT. There is a small capacity for response work; however, Officers engage with residents and stakeholders wherever possible and distribute bags to remove faeces and leaflets around the dog control.

**Park infrastructure:** Hackney's Leisure, Parks and Green Spaces Service have installed signs across the borough to reinforce PSPO rules for dog control. These emphasise where dogs are not permitted or may need to be placed on a lead. Hackney no longer has dedicated dog waste bins, as dog waste can now be placed in any ordinary park bin. The service also regularly engages with park user groups to emphasise the rules relating to dogs and has previously promoted changes to the rules with dedicated public campaigns.

**Behaviour Change around Dog Control:** The Council's Animal Welfare Services provides Hackney residents free microchipping and pet tagging services and low-cost neutering available with the Dogs Trust to those receiving a means-tested benefit if the dog is one of the listed breeds. In addition to the above, We promote responsible pet ownership and offer behavioural advice.

**Bylaws:** Hackney's [bylaws](#) for its parks, gardens and open spaces were approved by the Secretary of State in 1932 - they are now largely outdated, difficult to enforce and not fit for purpose. Antisocial Behaviour (ASB) Warning Forms have been issued for breach of bylaws. These forms are used when Enforcement Officers encounter incidents of ASB, not exclusive to rowdy or inconsiderate behaviour. They are not a replacement for Fixed Penalty Notices (FPNs), and when an offence is committed, the relevant FPN should be given. ASB notices can be issued alongside FPNs and other Formal Notices. Accredited Officers can require people's names and addresses who are causing antisocial behaviour. Although all officers can use the books, refusing to provide details is only an offence when Enforcement Officers are Community Safety Accreditation Scheme (CSAS) accredited.

**Community Protection Notices:** Community Protection Notices and Community Protection Notices Warnings have been issued to individuals engaged in anti-social behaviour concerning dog control.

**PSPO:** The Dog Control PSPO has been in place since 2017, except for the period 20<sup>th</sup> October 2020 to 18<sup>th</sup> March 2021. The PSPOs commenced when the legislation relating to dog control was replaced. The PSPOs mirror the controls that were in place at that time. The current PSPO is due to expire on 17<sup>th</sup> March 2024, and the Council is now considering whether to extend the PSPO for a further three years and, if so, whether to make any amendments to it.

#### **Question 4: What positive impacts will this decision have?**

A PSPO is a tool implemented under the Anti-Social Behaviour, Crime and Policing Act 2014 to ensure the law-abiding majority can use public spaces safely and free from anti-social behaviour. The proposed PSPO will be imposed to ensure that Hackney has an effective response to tackle ASB in the prescribed area allowing the space to be used as intended.

PSPOs are intended to deal with a particular nuisance or problem in an area that is detrimental to the local community's quality of life by imposing conditions on the use of that area that applies to everyone. They are designed to ensure people can use and enjoy public spaces safe from anti-social behaviour.

Implementing the PSPO and balancing the wider community's needs against those using the space and causing anti-social behaviour is likely to have a positive impact across all equality groups. The legitimate aims of the PSPO are to ensure that people are free to use this public space free from anti-social behaviour. This would contribute to the health and well-being of citizens in an urban environment.

The change is unlikely to be discriminatory for people with any protected characteristics; age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation, marriage, or civil partnership. The propensity to commit anti-social behaviour offences is not a protected characteristic, nor is any person with a protected characteristic likelier to commit an anti-social behaviour offence.

The Council recognises that nothing in the Dog Control Public Spaces Protection Order shall apply to a person who –

- is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948;
- is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance;
- has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a Prescribed Charity and upon which he relies for assistance;
- A person who is training an assistance dog in an official capacity; or
- A dog used by the police or other agencies permitted by the Council for official purposes.

Therefore the above persons are and will be exempt from prosecution if found to be in breach of the outlined Dog control PSPO.

Therefore, the proposed PSPO would prevent the area from being misused and provide immediate relief to the residents, improving their safety and quality of life and deterring those who are participating in and organising gatherings which are causing severe nuisance and antisocial behaviour, increasing the fear of crime and perception of safety within the community.

Protected Characteristics	Effect	Comments
Age	Positive and Negative	<p><b>Positive</b> - The impact on all of the community, including the elderly, young people and children, has been taken into, not least the impact on young people who live in the borough who have felt increasingly excluded from being able to access and enjoy open spaces. To avoid doubt, this does not just refer to young children whose parents have felt unable to allow them to play in open spaces due to the impact of anti-social behaviour but also older young people. Safety is a concern for all age groups; therefore, the PSPO should positively impact all ages. All ages will benefit from improved cleanliness. We wish to safeguard children by restricting the exercise of dogs in children’s play parks. These restrictions have been in place for many years, and we are just looking to legally extend them for three years to maintain our high levels of safeguarding. It can be assumed that young children who are more likely to be playing on</p>



		<p>the ground are most likely to benefit from the reduction of dog fouling and will have less potential to be harmed by un-cleared faeces or distressed by coming into contact with it. It could also be noted that accidental trips from uncontrolled dogs may be reduced.</p> <p><b>Negative</b> - Some residents may experience difficulty in removing dog fouling due to their age or ability. This may also apply to the ability to restrain a dog on its lead or having to travel further to exercise their dog on foot or by vehicle.</p>
Disability	Positive and Negative	<p><b>Positive</b> - It is recognised that people with mobility problems or visual impairments may find it more challenging to comply with the Dog Control PSPOs; therefore, there are exemptions included in the order. The proposed PSPO is believed to impact this protected group positively.</p> <p><b>Negative</b> - It is recognised that this group may be less able than others to use alternative places due to a potentially restricted ability to reach other public spaces. This group may be unable to remove dog fouling due to a physical impairment. This group may have to travel further to exercise their dog. This group may have reduced the ability to restrain a dog on its lead. This group may have reduced the ability to know about the restrictions or have reduced the ability to understand the restrictions. This group may have difficulty accessing land where exercise can be undertaken; this may be due to steps, rough or soft ground, camber or gradient.</p>
Gender Reassignment	Neutral	The proposed PSPOs are expected to have a neutral effect on this group.
Marriage and civil partnership	Neutral	The proposed PSPOs are expected to have a neutral effect on this group.
Pregnancy and maternity	Unclear	Any heavily pregnant individuals may be less able to remove dog fouling and travel further to exercise their dogs.

Race	Positive and Negative	The proposed PSPOs will encourage more responsible use of our open spaces. The proposals are believed to impact those with this protected characteristic positively. There are no known equality issues regarding dog control related to race and ethnicity. Where Hackney Enforcement Officers believe that understanding of written or spoken English language, Officers will endeavour to use translation where required to ensure the recipient of a Fixed Penalty Notice understands the content.
Religion or Belief	Neutral	The proposed PSPO is expected to have a neutral effect on this group.
Sex	Unclear	The PSPO intends to make residents feel safer by tackling anti-social behaviour and having a clean borough. This will apply to residents regardless of sex. There are no known equality issues concerning dog control and sex.
Carers	Positive	With the controls in some public open spaces, caring for an individual may be easier.
Sexual Orientation	Neutral	The proposed PSPO is expected to have a neutral effect on this group.
Social and economic deprivation	Unclear	It is recognised that this group may have limited access to private transport and may restrict the ability to travel further to exercise a dog. It may be the case that this group may lack the ability to meet the needs of dogs, including but not limited to veterinary requirements and vaccinations or owning a suitable lead.

#### **Question 5: What possible negative impacts could there be?**

The proposed PSPO set out a range of powers available to the Council and how these will be legally applied. Its use will be determined by the behaviour occurring and is not directed at any protected group.

Regarding the rights protected by the Human Rights Act 1988, the 2014 Act requires the Council to have *particular* regard for Article 10 (freedom of expression) and Article 11 (freedom of assembly/association). The proposed PSPO does not interfere with Article 10. The possible right that might be engaged in Article 11.

The proposed Borough-wide restrictions restrict *how* people can use our open spaces, not their ability to use or gather there.

As such, the PSPO does not interfere with Article 11 rights to assemble and associate with others. However, even if Article 11 were interfered with, the interference would be justified as being prescribed by law and in pursuance of a legitimate aim (namely, in the interests of public safety, the protection of public health, the prevention of crime and disorder, and the protection of the rights and freedoms of others). The terms of the proposed PSPO are proportionate and necessary.

The proposal is unlikely to have a negative impact on equality of opportunity for people with protected characteristics as it only restricts the committing of anti-social behaviour offences.

The proposal looks to restrict anti-social behaviour so that residents and others in the borough can freely enjoy public spaces such as parks without fear of anti-social behaviour.

Identifying any emerging or actual hotspots and the tasking of Police and Enforcement resources remains a standing agenda item of the monthly Partnership Tasking Group chaired by the Community Safety Partnership Manager. There is also more granular activity through the Anti-Social Behaviour Action Panels meetings, which address singularly impacted issues at the individual level with specific agencies, particularly Housing.

Hackney Enforcement Officers are tasked weekly at the internal weekly tasking meeting co-ordinated by the Intelligence Hub, the purpose of which is to:

- Coordinate deployment of staff using an evidence-based approach to provide targeted action and patrols, including planning for upcoming events and seasonal peaks of activity that require action on a cyclical basis
- Highlight emerging patterns and trends and plan targeted early intervention and activities.
- Provide a staff briefing
- Enable a more joined-up and efficient use of Service provision in Hackney
- Provide a transparent and auditable decision-making process that will stand up to scrutiny and justify how / why decisions have been reached. Provide a full list of all actions/taskings completed and actions taken to resolve issues.

Partnership Tasking occurs monthly and is aligned more closely with the Police tasking process. The Intelligence Hub raises issues with the Police (as a by-product of the weekly tasking). Any requests to or from the Police for assistance will be discussed at this meeting if a multi-agency problem-solving approach is better suited.

The proposed PSPO operation will be under review at tasking meetings as outlined above. The advice, warnings and enforcement of the proposed PSPO will be logged in the pocket notebooks of Officers and on Council and Police databases.

The Authorised Officers who will enforce the proposed PSPO will continue to consider the needs of the individuals and their circumstances to make an informed and balanced decision on the appropriateness of action. Officers will continue to receive training on equality and diversity.

The performance of the proposed PSPO will be reported to the Corporate Committee annually to ensure a balance between proportionate enforcement and acceptable behaviour in the borough.

### **Question 6: Describe the recommended decision**

The introduction of the proposed PSPO will impact the lives of people who live, work and visit Hackney. The proposed restrictions will positively impact people whose protective characteristics are impacted by the anti-social behaviour the proposed order is designed to address and a detailed consultation exercise will be undertaken prior to a decision being made. The recommendation is to undertake a detailed consultation exercise.

### **Please list specific actions which set out how you will address equality and cohesion issues identified by this assessment.**

I can confirm that the Council has had due regard to the public sector equality duty found in s.149 of the Equality Act 2010. The proposed PSPO will positively impact people's ability to use public spaces safely and without fear of nuisance, annoyance or other anti-social behaviour.

Any abuse of discretion when enforcing the proposed PSPO will be dealt with swiftly using internal procedures, which could include additional training or management action.

Anyone issued Fixed Penalty Notices given for breach of the proposed PSPO may make representation or lodge a corporate complaint which would be investigated and responded to by a Senior Manager who had no involvement with the issuing of the Fixed Penalty Notice .

It is important to note that no formal grounds exist for an appeal against a Fixed Penalty Notice (FPN). It is an invitation for an individual to discharge their liability to prosecution. In essence, this means that whilst this is not an admission of an individual's guilt, it is an agreement that the individuals accept that an offence has been committed and that by paying the sum of money specified, no further action will be taken by, or on behalf of the Council. This method of dealing with offences not only saves time for everyone involved in prosecuting cases at court, but the cost

associated with an FPN is likely to be substantially lower than any fine imposed by the courts.

Approval: Approved

Signature: *Aled Richards*

Name: Aled Richards

Date: 16/05/2023

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