

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 20th October 2020 to 18th 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 17th 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>Positive - 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> |

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| | | <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>Negative - 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>Positive - 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>Negative - 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. |

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| 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