

Public Spaces Protection Order (Dog Control) - Equality Impact Assessment

Question 1: Why are you making this decision?:

Public Spaces Protection Orders (PSPOs) concerning Dog Control have been in place since 2017, except from 20 October 2020 to 18 March 2021, when it lapsed due to the focus on the pandemic. 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 (Dog Control) is due to expire on 17 March 2024 and the Council is now considering extending the PSPO (Dog Control) for a further three years and, if so, whether to make any variations to it.

The Council is proposing to extend the PSPO by a further three years and to vary it by:

- Adding to the prohibitions/requirements stipulated in the PSPO (Dog Control).
- Updating the list of locations from which dogs are excluded.
- Updating the list of locations in which dogs must be kept on a lead.

The updated PSPO will include:

- A 'dog fouling of land' prohibition, which makes it an offence for dog owners not to remove dog faeces from public land in Hackney.
- A 'dog exclusion' prohibition, which enables the Council to ban dogs from entering areas such as BMX tracks, children's play areas, fenced off dog free areas, multi-use games areas, outdoor gyms, skate parks, small parks, splash pads and other sports areas.
- A 'dogs on leads' requirement, which enables the Council to prevent people exercising off lead dogs in general public areas, roads, car parks, churchyards, burial grounds (excluding Abney Park Cemetery), communal areas on estates and some smaller public parks.
- A 'dogs on leads by direction' requirement, which gives officers the power to request that dogs are put on the lead if they are not under the control of their owner.
- A 'maximum number of dogs' requirement, which is a new rule that makes it an offence for one person to have more than six dogs under their control at any one time anywhere in the borough.

There are exemptions for assistance dogs.

Hackney Council has received considerable correspondence concerning dogs' behaviour 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 lead 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 challenging for professional dog walkers to be in control of many dogs at any one time.

The consultation was published on Hackney's Citizen Space website on 28 August 2023. The information supporting the consultation was updated in mid-October, and the deadline for submitting responses was extended by a month until 15 December 2023.

This was in response to comments from residents about providing additional clarity on the proposals. The amendments were made to the PSPO (Dog Control) consultation were:

- A link was added to the draft PSPO (Dog Control) itself to provide more clarity for residents that were interested;
- Some text on the consultation page was amended so it provided more clarity for residents;
- The tables on the consultation page were updated to ensure all sites were clearly listed in the tables;
- The tables on the consultation page were updated to ensure all the sites that were proposed as new locations for dogs to be excluded from in the draft PSPO (Dog Control) were highlighted in bold / underlined; and
- The tables on the consultation page were updated to ensure that a number of sites that are existing or proposed as new locations for dogs to be on leads, and had been missed from the previous list on the consultation page, were highlighted in bold / underlined.

The Consultation Report prepared by Kwest Research in January 2024 can be found as Appendix 2 to the Public Spaces Protection Order (Dog Control) Cabinet Report.

The draft Public Spaces Protection Order (Dog Control) can be found at Appendix 1 to the Public Spaces Protection Order (Dog Control) Cabinet Report.

The breach of the PSPO (Dog Control) 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 (Dog Control).

The PSPO (Dog Control) 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 (Dog Control) lasts for three years, until 17 March 2027, when it decides whether to renew it following a consultation.

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 (Dog Control) 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 apply to everyone and is designed to ensure people can use and enjoy public spaces safe from anti-social behaviour.

Nothing in the Public Spaces Protection Order (Dog Control) 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 in respect of an Assistance Dog 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 ; and
- 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, together with other useful information.

Again, this is not a legal requirement and assistance dog users should not be refused a service simply because they do not possess an ID book. Assistance dogs can also be owner-trained and the owner selects their own dog to fit their own requirements.

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 who 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.

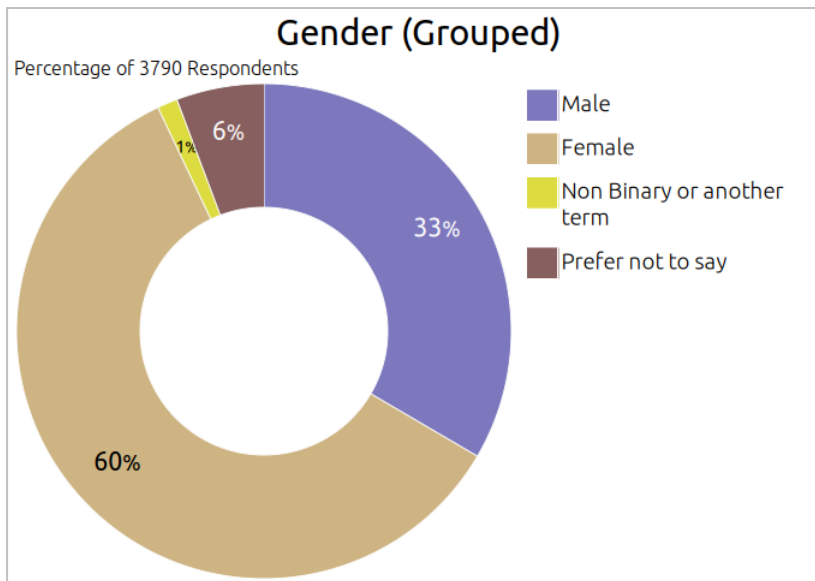
The proposed PSPO (Dog Control) aims to promote a consistent, effective and fair approach to enforcement to protect the environment for the benefit of the community and provide a safe place to live, work and visit.

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

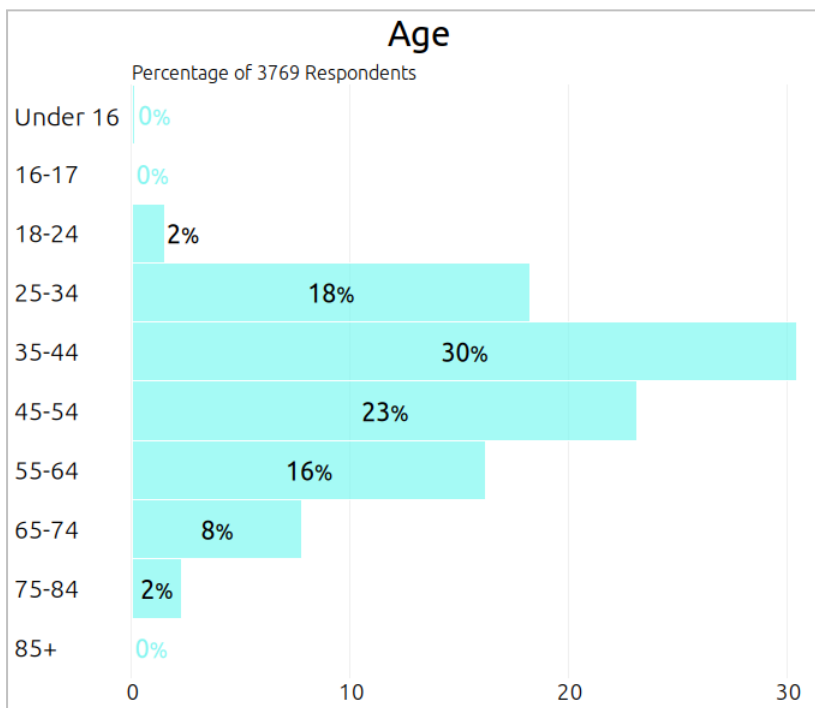
The people most affected by the PSPO (Dog Control), which restricts the activities occurring in our open spaces, are all people engaging in the above mentioned activities. It is hoped that it will result in a decrease or even a cessation of the nuisance, annoyance and disturbance occurring.

Most of the consultation respondents (90%) either live, work or own a business in Hackney, with non-dog owners being more likely to do so than dog owners. Some respondents to the consultation commented that although they live outside the borough, they walk their dogs in Hackney's parks and green spaces. Not all respondents gave their postcode, but 39% of those that did live in N16.

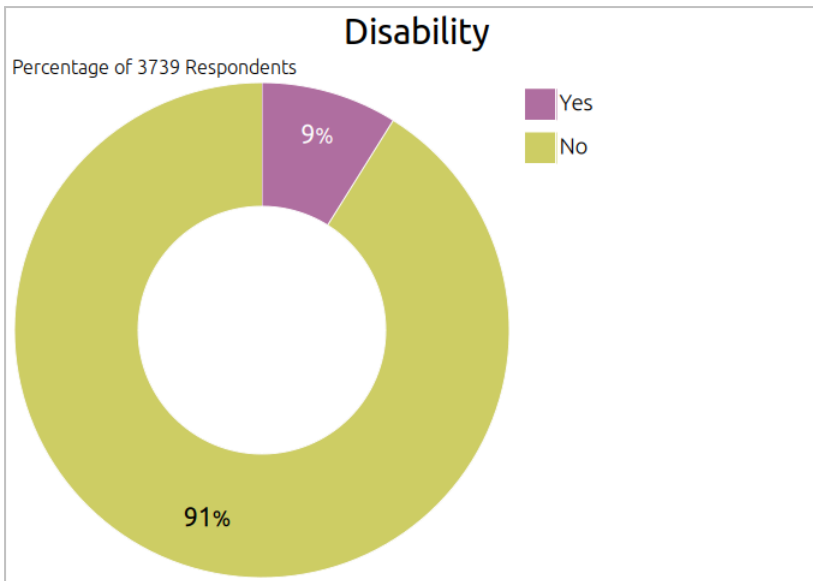
Women were more likely to respond to the consultation than men, but dog ownership is comparable by gender.



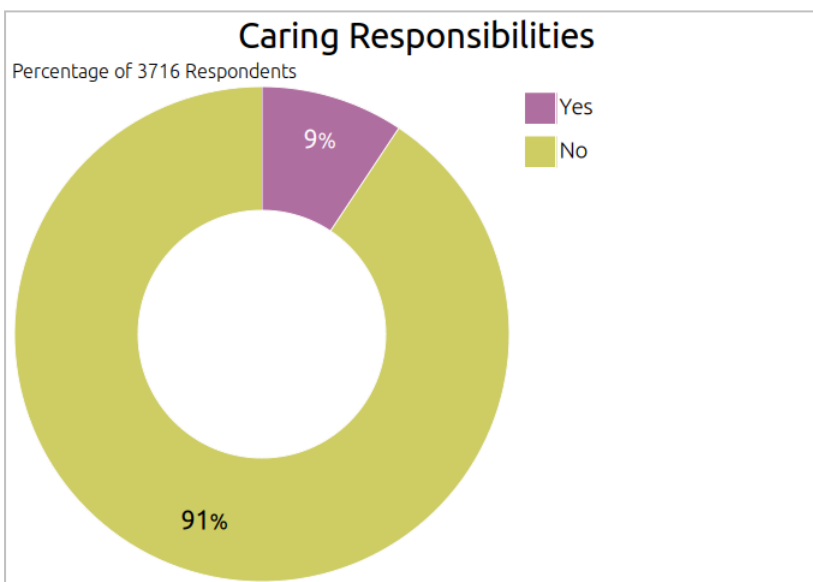
74% of respondents to the consultation are under the age of 55. Respondents under 35 are likely to own dogs, with those aged 65+ less likely to do so.



9% of respondents have a disability. Respondents with a disability are as likely to own dogs as those who are not disabled.

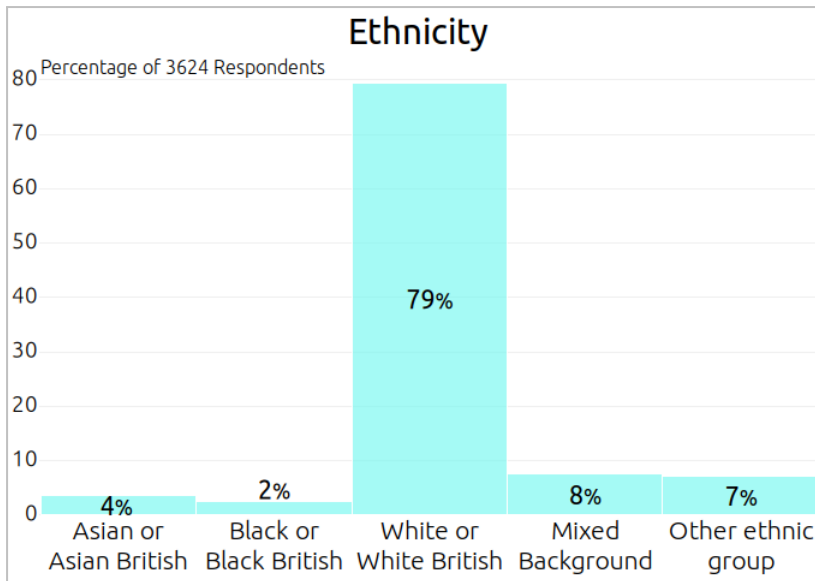


9% of respondents have a caring responsibility and are less likely to be dog owners than others.



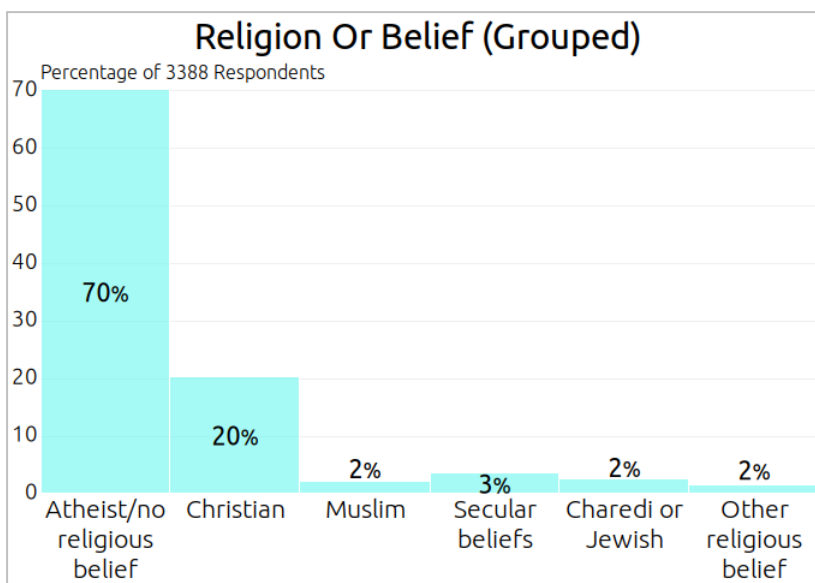
79% of respondents are White or White British, 2% Black and 4% Asian. This contrasts with the latest Hackney census figures, where 53% of the population were White, 21% Black and 10% Asian.

It is impossible to know whether the difference in the consultation respondent profile is due to these groups' ambivalence about dogs, lack of awareness of the consultation, unwillingness to engage with the Council or another reason. Asian and Black respondents are less likely than those from other ethnic groups to own dogs.

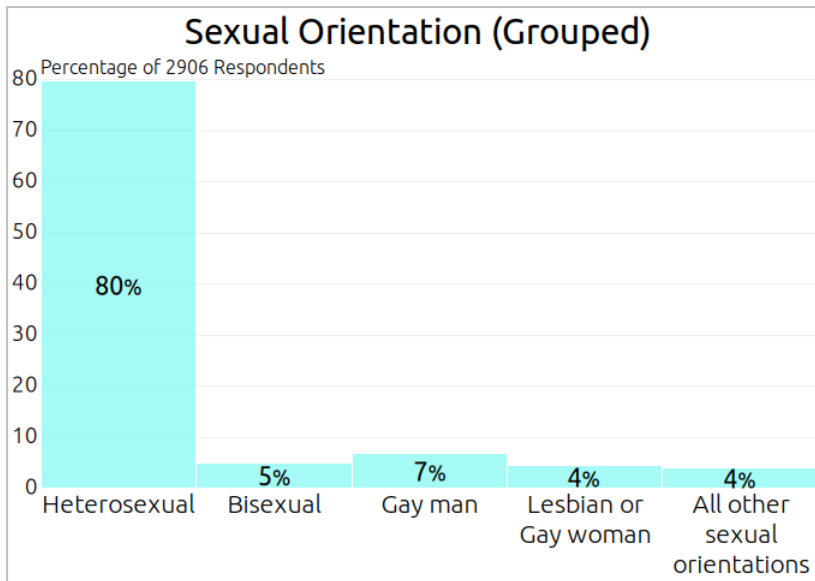


The religion or belief profile of the consultation respondents is also different to the latest Hackney census data, with a much higher proportion identifying as atheist or having no religious belief and a lower proportion identifying as Christian.

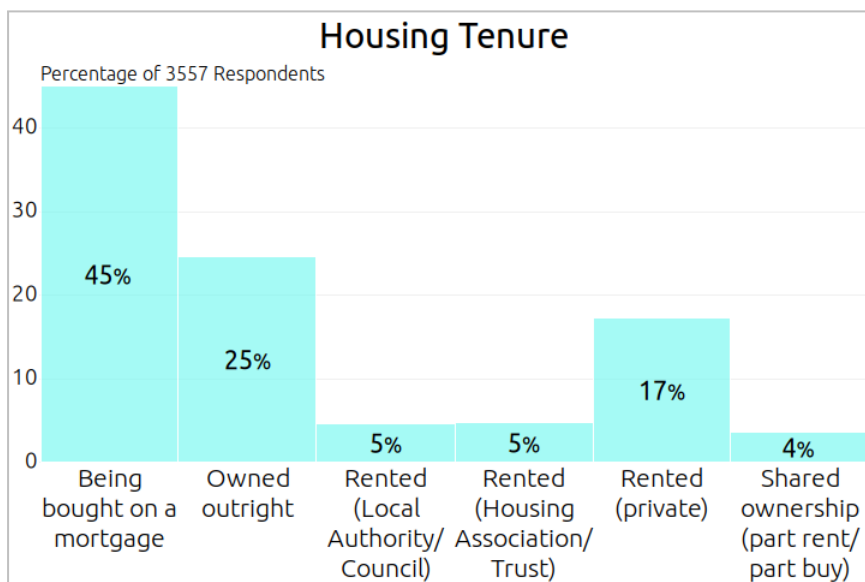
The proportion of Muslims, Charedi, or Jewish respondents is also lower than in the 2021 census. Muslim respondents are less likely to own dogs than those who follow other religions or beliefs.



The sexual orientation of respondents and the proportion of each group of dog owners is shown below.



The majority of respondents either own their home outright (24%) or buy it on a mortgage (44%). The latter are the group most likely to own a dog.



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

The consultation on the proposed PSPO (Dog Control) invited views from all Hackney residents and interested groups, regarding dog control-related issues and potential amendments to the current PSPO (Dog Control). 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.

The consultation closed on 15 December 2023, and 3,888 responses were submitted online via Citizen Space. A further 101 email responses were received. Most of these responses (2,870) were received before the consultation information was updated on the webpage. In addition, six responses were submitted by organisations or groups, including the Kennel Club, Dogs Trust, RSPCA, London Fields User Group, Abney Park Trust and Abney Users Group.

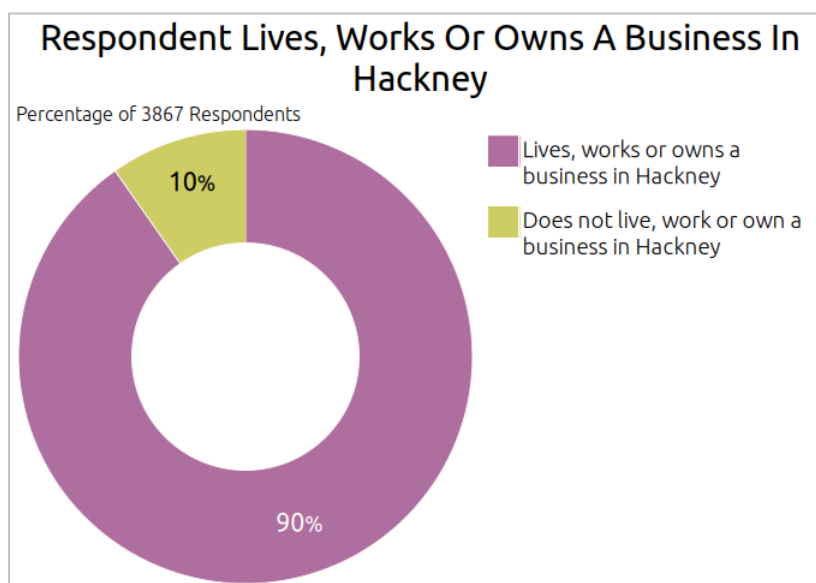
The Council consulted the following groups during the statutory consultation;

- 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.

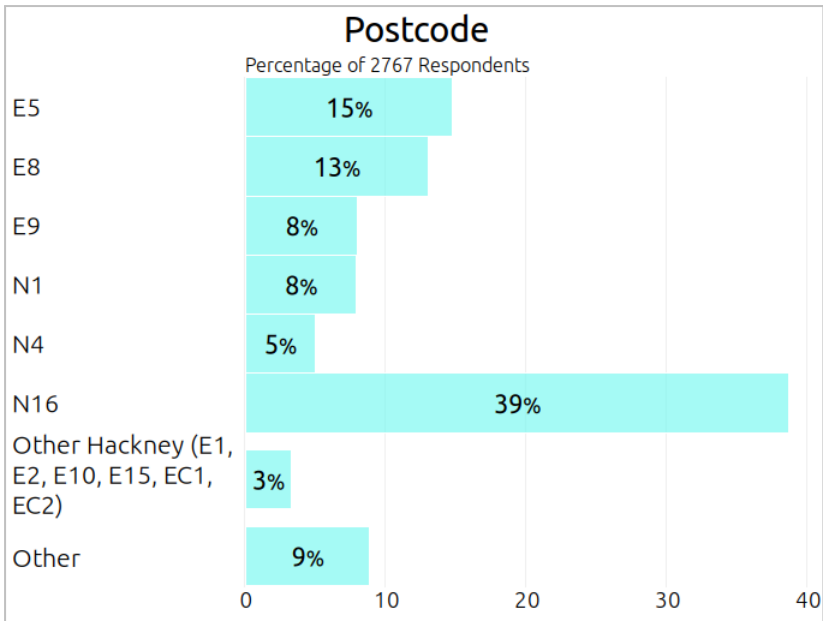
58% of respondents to the consultation own a dog, whilst 42% do not, and dog ownership is the crucial factor in respondents' views on the proposals. 75% of respondents who are dog owners have not had any problems with dog behaviour in Hackney in the last 12 months (neither they nor anyone they know). In contrast, 73% of respondents who do not own dogs say that they or someone they know have experienced a problem with dog behaviour.

74% of non-dog-owning respondents support the updates to the PSPO (Dog Control), compared to 10% of respondents who are dog owners.

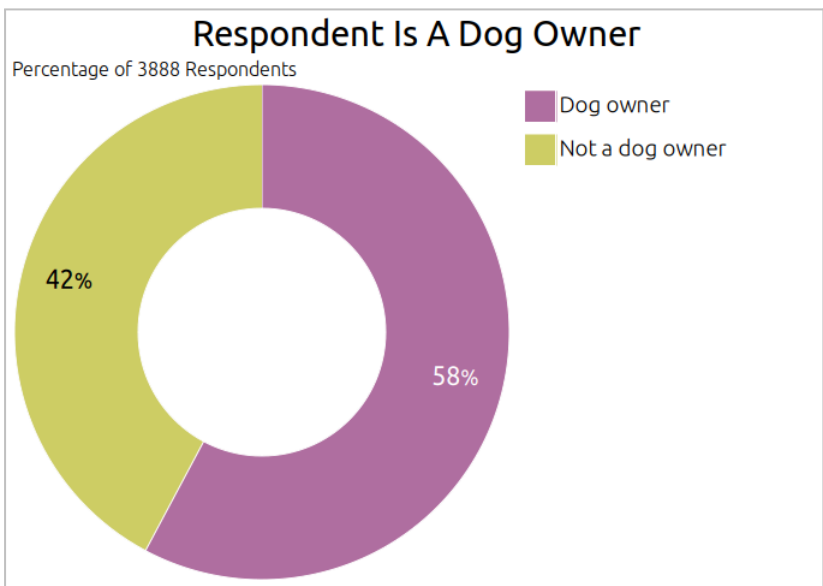
90% of respondents either live, work or own a business in Hackney, as can be seen from the chart below. 88% of respondents live in Hackney, 58% of respondents own a dog, and 2% of respondents are professional dog walkers.



Concerning the postcode of respondents, this is broken down in the chart below based on 2,767 respondents who provided postcode details.



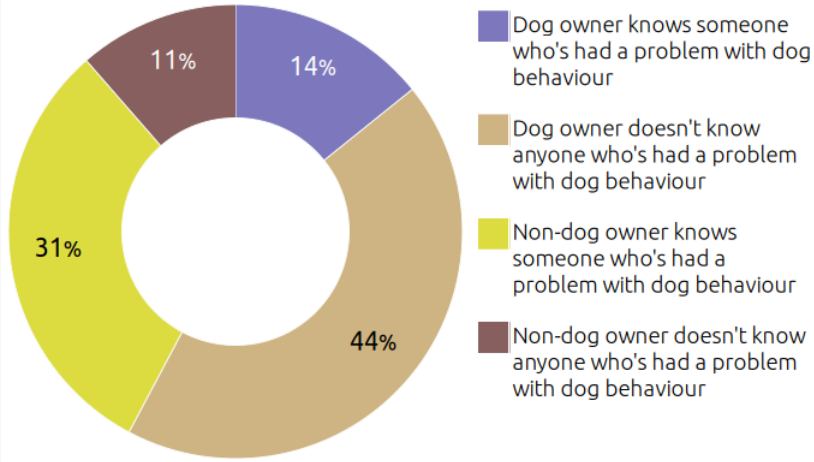
58% of respondents are a dog owner, with two percent of respondents being a dog owner based on 3,888 responses, as is shown in the chart below.



45% of respondents or someone they know has experienced problems with dog behaviour in Hackney in the last twelve months, while 55% have not. In relation to dog owners knowing someone who has experienced problems with dog behaviour in the last twelve months, this is shown in the chart below.

Dog Owner Knows Someone Who Has Experienced Problems With Dog Behaviour In Last 12 Months

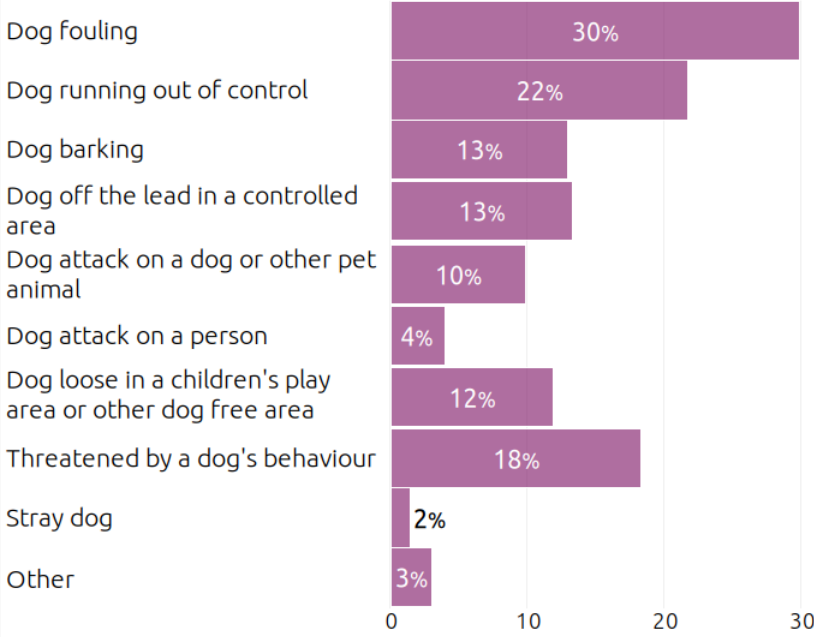
Percentage of 3881 Respondents



In relation to problems experienced by respondents with dog behaviour, the most significant were dog fouling, dog running out of control, dog barking, dog off the lead in a controlled area and being threatened by a dog's behaviour, which is shown in the chart below.

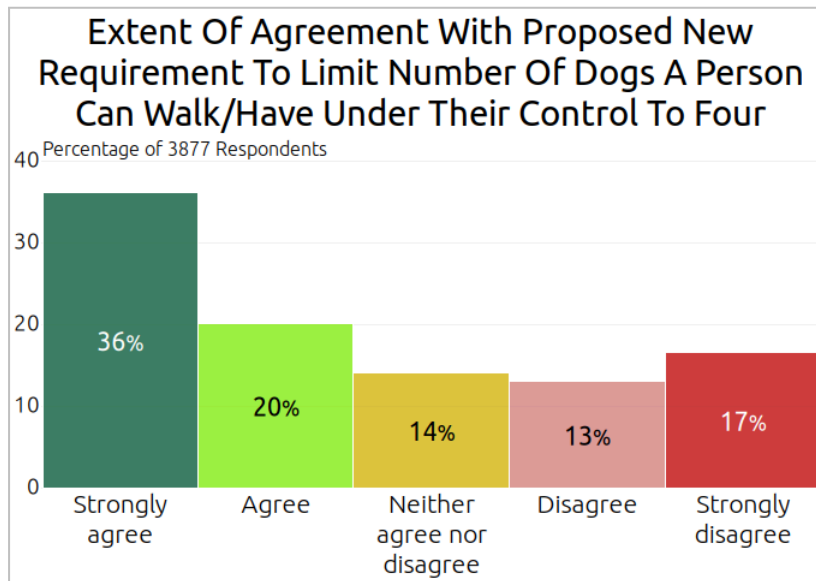
Problems Experienced With Dog Behaviour In Hackney In Last 12 Months

Percentage of 3989 Respondents



In relation to dog control, 43% of respondents either strongly agree or agree that the current PSPO (Dog Control) is effective while 30% either strongly disagree or disagree that the PSPO is effective, with 20% remaining neutral. 85% of respondents either strongly agree or agree that it is important to control the way people look after their dogs in public spaces while 36% of respondents support the updates to the dog control PSPO as outlined in the consultation document with 58% against the updates.

With regard to the proposal to limit the number of dogs a person can walk / have under their control to four, 56% of respondents either strongly agree or agree with the proposal while 30% of respondents either strongly disagreeing or disagree with the proposal with 14% of respondents being neutral and is shown in the chart below.



The Kennel Club responded and is the largest organisation in the UK devoted to dog health, welfare and training. Their submission states the Club “is the only national organisation named by the UK Government as a body that local authorities should consult prior to introducing restrictions on dog walkers”. The organisation is in favour of dogs on leads by direction orders, supports controls on dog fouling and is not against dog exclusion zones or dogs on leads orders where appropriate.

However, the Kennel Club does not support the maximum number of dogs restriction stating that “an arbitrary maximum number of dogs a person can walk is an inappropriate approach to dog control”. This is because it “can result in displacement and subsequently intensify problems in other areas”. Also, the submission says that the number of dogs a walker can control depends on their experience, the dogs themselves and the location. If the proposed measures are being considered due to concerns about commercial dog walkers, the submission considers that a better approach would be to consider accreditation schemes. These “can be far more effective than numerical limits as they can promote good practice”. The full submission from the Kennel Club can be found in Appendix 2 of the consultation report.

The Dogs Trust is the United Kingdom’s largest dog welfare charity. Its submission references the PDSA’s Paw Report 2018 saying this found that 89% of vets believe dog welfare would suffer if owners were prohibited from walking their pets in public places, such as parks, or if dogs had to be kept on the lead in these places.

The charity supports controls on dog fouling and dogs on lead by direction orders. The submission states the Dogs Trust recommends keeping dog exclusion zones to a minimum, for example including children’s playgrounds but not excluding dogs from sports pitches for long periods of the year, as this is “unnecessary”. It also makes reference to the Animal Welfare Act 2006 section 9 (the ‘duty of care’) that includes a dog’s need to “exhibit normal behaviour patterns”. The submission points out that “this includes the need for sufficient exercise including the need to run off lead in appropriate areas”. The full submission from the Dogs Trust can be found in Appendix 3 of the consultation report.

An email submission from the RSPCA confirms its support for responsible dog ownership and encouraging the training of dogs so that everyone can enjoy parks and other public spaces. It refers specifically to the proposals concerning Abney Park and says the charity's position is that "PSPOs should not unwittingly compromise dog welfare by placing undue restrictions on dogs" and it also refers to the Animal Welfare Act 2006 saying "blanket bans on walking dogs off-lead can make it very difficult to provide for this natural behaviour". The full submission from the RSPCA can be found in Appendix 4 of the consultation report.

One of the major issues that was raised in relation to this issue of the proposal to limit the number of dogs a person can have under their control to four is perceived as being "targeted at professional dog walkers", who many respondents recognise as being the people most able to control their dogs.

The financial impact on professional dog walkers is a concern of respondents, as many respondents who own dogs use professional dog walkers or day care providers to ensure their pets get sufficient exercise. Their comments express concern about the impact the proposals will have on the financial viability of these small businesses as well as about the resulting increase in costs to themselves, particularly during the cost of living crisis. Respondents also raise concerns about the repercussions for dog well-being if dog walkers go out of business or owners can no longer afford to use them.

In addition, although this was only mentioned by a small proportion of other respondents, 20% of professional dog walkers who disagree with the proposal, point out that they are insured for a certain number of dogs, often six.

The most common theme in the feedback from respondents, who disagree with the proposal to limit the number of dogs to four, is that professional dog walkers do not cause any issues in the area.

The comments from dog owners express concern that the proposed new requirement will result in dog walkers going out of business. Many professional walkers have made similar comments regarding the reduction in income and the increased costs if the proposed changes come into effect.

Many respondents comment that an inexperienced owner may be unable to control one dog and this might be more dangerous than an experienced professional with five or six dogs.

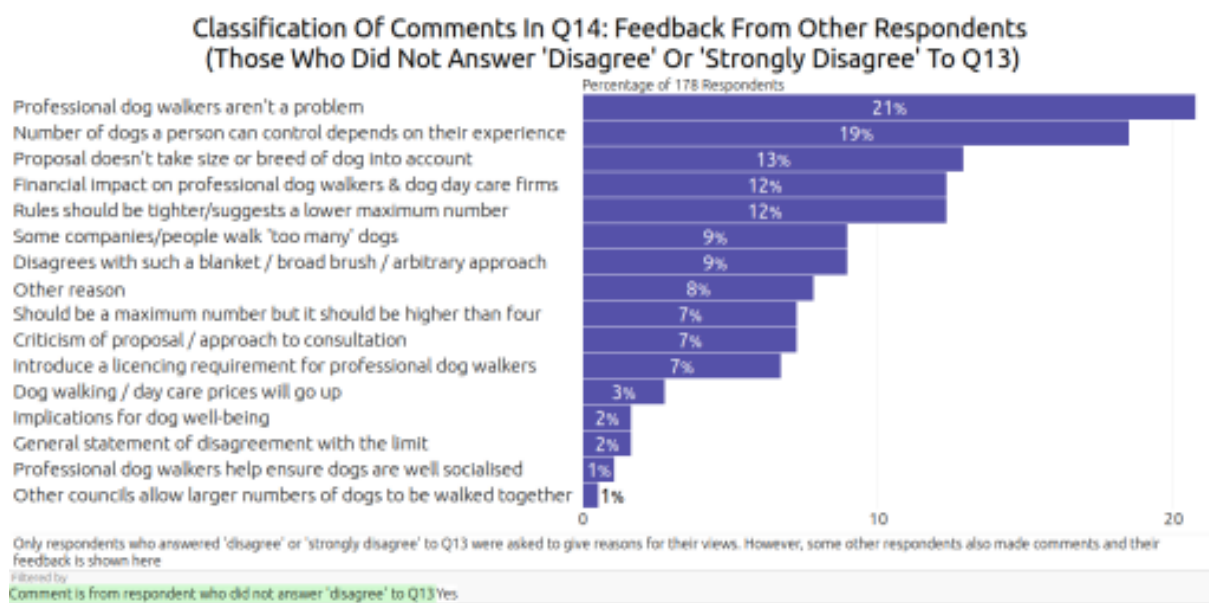
As well as expressing concerns about the financial viability of dog walking and day care businesses, many dog owners are concerned that the proposed new restriction would result in prices for these services increasing, with many commenting that they would not be able to afford this, especially with the cost of living crisis.

Respondents question the rationale behind the four dog limit with many asking where the evidence, data and justification comes from. The comments from many professional dog walkers object that they have not been consulted on the proposed changes prior to the consultation being publicised.

However, 11% of non-dog owners, who disagree with the new requirement, state that they think the rules should be tighter or suggest a lower maximum number. 20% of professional dog walkers, who disagree with the proposed new requirement, point out that they are insured for a maximum number of dogs, typically six. Other respondents also comment that they think there should be a limit but that four seems too low.

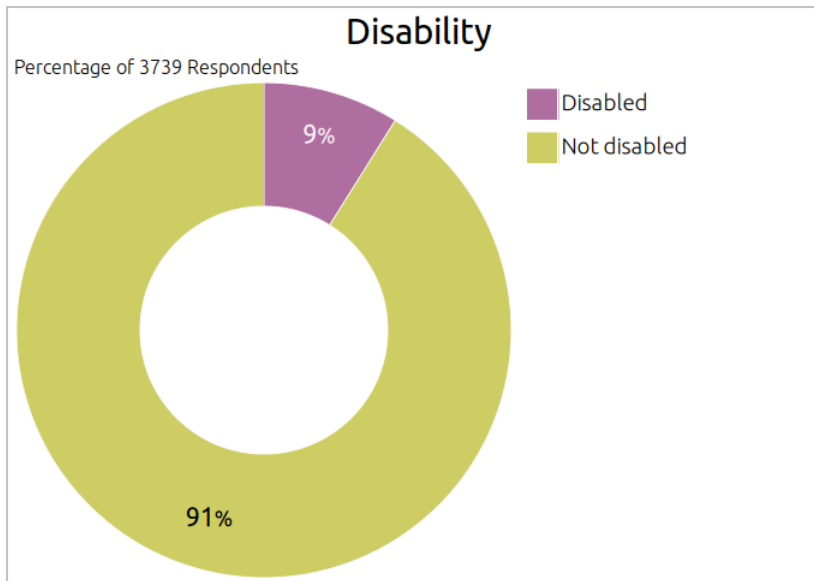
Although respondents were only invited to enter comments about the reasons for their views if they answered 'disagree' or 'strongly disagree' to question thirteen, some respondents who did not select these response options also made comments about the new requirement to restrict the maximum number of dogs to four. These responses are considered as a percentage of comments made, rather than as a percentage of all respondents who do not disagree with the new requirement. This is because most respondents, who did not select 'disagree' or 'strongly disagree', followed the instructions in the questionnaire and did not give feedback, even though they might have wanted to do so.

21% of these comments state that professional dog walkers are not a problem in the area, whilst 19% suggest that the number of dogs a person can control depends on their experience and 13% think the proposals do not take the size or breed of dog into account. 12% are concerned about the financial impact on professional dog walkers and day cares, whilst the same proportion of comments state the rules should be tighter. Full details are shown in the chart below.



The Council has considered all of these comments and taking into account the issues raised by the comments it is recommended to Cabinet that the proposed restriction on the number of dogs that can be walked / under the control of one person be set at six dogs.

9% of respondents have a disability. Respondents with a disability are as likely to own dogs as those who are not disabled.



Additionally, some disabled respondents express concern about being able to give their dog enough exercise if their access to suitable local areas is restricted. This is an issue highlighted in the responses to the question about the restriction on the maximum number of dogs. Respondents express concern that dogs will get less exercise if the proposed change forces professional dog walkers and day cares out of business or to put up prices. They worry this may result in dogs being left at home for longer affecting their well-being and, potentially, their behaviour when they are taken out for exercise.

“I walk my dog in Hackney’s section of the QE Olympic Park. I am a wheelchair user and this part of the park under your domain is the only place where I can walk my dog because of the path. I cannot use the marshes, I cannot go to the flats. My assistance dog is mandated to have two hours off lead every day, it’s in her contract. I take her through the park, she is let off onto Hopkins Field – as permitted by the LLDC – and in my wheelchair, I follow the path and circle that field and you are voting to completely remove my ability to do this. You will take all independence from me.”

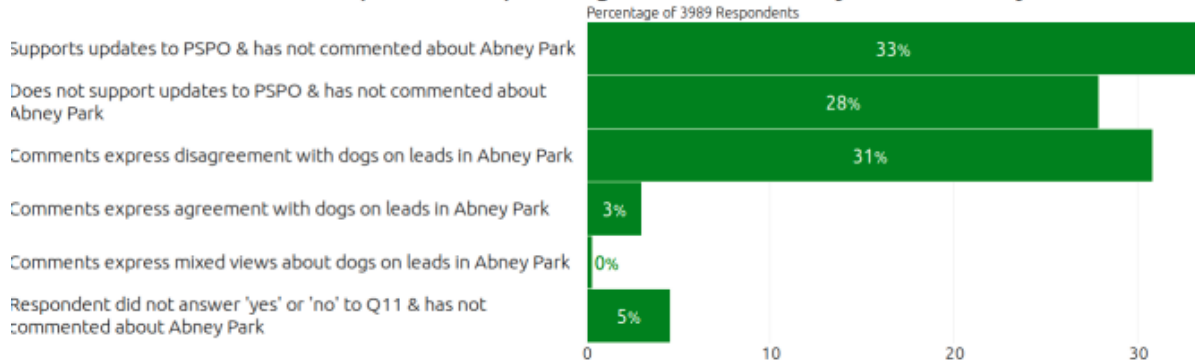
The Kennel Club Submission draws the Council's attention to the Equality and Human Rights Commission’s guidance for businesses, service providers, and Assistance Dogs UK.

The submission encourages the Council to allow flexibility when considering whether a disabled person’s dog acts as an assistance dog. The Council could consider adopting the definitions of assistance dogs used by Mole Valley District Council or Northumberland County Council.

The Council has considered all of these comments and taking into account the issue raised by the comments it is recommended to Cabinet that the proposed order be approved with amendments in line with The Kennel Club submission.

Across the various qualitative questions or in their emails, 1,364 respondents mentioned Abney Park Cemetery, and these comments were further analysed and classified into additional subthemes. 31% of all respondents submitted comments disagreeing with the proposed requirement making the Cemetery dogs on lead area, whilst 3% of respondents made comments in support of the change.

Views On Proposal To Require Dogs On Leads In Abney Park Cemetery



The consultation questionnaire did not ask respondents about their use of Hackney parks and green spaces in general, or specific locations, such as Abney Park, in particular. In their feedback, 393 respondents explicitly mentioned walking a dog in Abney Park, although there were also many further comments where this was unclear.

It was mentioned that the Cemetery is a particularly suitable area for dogs to be exercised off the lead. Examples of the reasons given in the comments include the trees providing shade and stimulation for dogs; the lower number of other users compared to the more open parks; the types of other park activities – people are typically moving through the cemetery and do not picnic, sunbathe, or play sports there; the enclosed space; the absence of cyclists, electric scooters or skateboarders.

Dogs are not perceived as a problem in the Cemetery. These respondents talk about never seeing problem dog behaviour despite having walked in the cemetery on a daily basis for years. Some support their argument by referring to data released under Freedom of Information requests to the Metropolitan Police and Hackney Council which they say show virtually no record of any issues in the park.

Criticism of the proposals and the Council's approach to the consultation are particularly prevalent in the comments from respondents giving feedback about Abney Park. Comments from these respondents raise concerns that one of the councillors involved in the decision making is also a trustee of Abney Park Trust, who publicly support the ban on off-lead dogs, resulting in accusations of "a conflict of interest".

More generally, respondents raising these issues also object to not being able to comment on individual aspects of the proposals and consider the consultation questions to be leading, biased and negatively framed. They also refer to the lack of data to support the proposals, question the sources of the information that has been provided, and think the situation with dogs should be considered as part of wider anti-social behaviour issues in Hackney's parks. Furthermore, the feedback identifies issues with the consultation process itself including a lack of publicity and engagement with local residents; changing the scope of the consultation retrospectively; and contradictory information being provided about whether emails sent to councillors would be included in the consultation responses.

The Abney Park Dog Users Group also identifies "harmful unintended consequences" of the proposed PSPO, which include an influx of additional dogs to the already crowded Clissold Park and making Abney Park less safe, especially for women. Therefore, the Group argues, "the effect of the Abney Park PSPO would be indirectly discriminatory". The full submission from Abney Park Dog Users Group, including its survey of park users and gate observations, can be found in appendix seven of the report.

In relation the proposal regarding restriction on dogs off the lead in Abney Park, the Council has again acknowledged the issues raised by dog walkers on the requirement set out in the consultation for all dogs to be on lead in the Park and again in response to this it is not planning to implement this at the present time.

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 Cabinet must now consider whether to implement the proposed 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 Public Spaces Protection Order (Dog Control) 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 in respect of an Assistance Dog 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 (Dog Control) 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 the community, including the elderly, young people, and children, has been considered, not least the impact on young people who live in the borough who have felt increasingly excluded from accessing and enjoying 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 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.
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 proposed 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 (Dog Control) sets 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 parks and open spaces, not their ability to use or gather there.

As such, the PSPO (Dog Control) 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.

Enforcement is the most frequent recurring theme in the comments from respondents who do not have dogs. The feedback relates to complaints about the lack of enforcement of the current rules and, often following on from this, doubts that the new rules will be adequately enforced. 27% of respondents who have a dog and 36% of those who do not own a dog referred to the lack of enforcement of the current rules.

Respondents mention never seeing any Council staff enforcing the rules or being aware of anyone being fined. Lack of enforcement is the most frequently cited reason why respondents disagree the current PSPO (Dog Control) is effective. Therefore, the comments from many of these respondents question the rationale behind introducing additional rules when the current order is not perceived to be effective because it is not enforced.

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 taking 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.

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

The Authorised Officers will enforce the proposed PSPO (Dog Control). They will continue to consider the individuals' needs and 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 (Dog Control) 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 has been undertaken before a decision is made. The recommendation is to approve the proposed PSPO (Dog Control).

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.

A person issued with Fixed Penalty Notices for a 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 issuing 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 saves time for everyone involved in prosecuting cases at court, and the cost associated with an FPN is likely to be substantially lower than any fine imposed by the courts.

Approval: Approved

Signature:



Name: Geeta Subramaniam-Mooney

Date: 12.02.2024