

Title of Report:	Public Spaces Protection Order (Dog Control)		
Key Decision No:	CHE S303		
For Consideration By:	Cabinet		
Meeting Date:	26 February 2024		
Cabinet Member:	Cllr Susan Fajana-Thomas OBE (Cabinet Member for Community Safety and Regulatory Services)		
Classification:	Open		
Ward(s) Affected:	All		
Key Decision & Reason:	<table border="1"> <tr> <td>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
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Implementation Date if Not Called In:	18 March 2024		
Group Director:	Rickardo Hyatt (Group Director for Climate, Homes and Economy)		

1. **Cabinet Member's Introduction**

- 1.1. Public Spaces 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 and revise the current PSPO (Dog Control), 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. The Council has considered the consultation responses received in relation to the proposed PSPO (Dog Control) and it is recommending to Cabinet that:
 - (a) Abney Park Cemetery: Residents' concerns about the proposals that would have required dogs to be on leads in all areas of Abney Park Cemetery are acknowledged, and at this stage the revised PSPO (Dog Control), does not include this restriction, to enable further consideration to be given to the Council's specific concerns and the measures required to address them;
 - (b) Assistance Dogs: The Kennel Club's recommendations regarding the exemptions that apply to assistance dogs is now included in the revised PSPO (Dog Control) to provide greater clarification on the expectations for those that rely on assistance dogs;
 - (c) Maximum Number of Dogs: The proposed maximum number of dogs that can be walked / under the control of any one person is now increased from four to six. This is in recognition of the consultation responses from professional bodies, residents and businesses regarding the impact the change would have had on the cost/provision of dog walking and daycare businesses many of whom are small businesses which the Council wants to remain financially viable;
 - (d) Queen Elizabeth Olympic Park (QEOP): On the request of the London Legacy Development Corporation, who are responsible for the management of QEOP, a part of the area of QEOP that is within the London Borough of Hackney (Hopkins' Fields) is excluded from the dogs on leads requirement and therefore becomes a dogs off the lead area, which it has been for a number of years; and
 - (e) Sports Playing Pitches: Acknowledging residents' and professional bodies' concerns, the revised PSPO (Dog Control) allows dogs to be off

the lead in Sports Playing Pitch areas when they are not in use for sporting activities.

- 1.5. As the Cabinet Member for Community Safety, I am supportive of the proposals contained in this report in relation to renewing/revising the current PSPO (Dog Control), 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, 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.
- 2.2. The current PSPO is due to expire at midnight on 17 March 2024, and this Cabinet report outlines proposals to extend the PSPO for a further three years and amend/vary the current PSPO (Dog Control).
- 2.3. The Council has undertaken a detailed consultation in relation to the revised PSPO (Dog Control), which included:
- 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 children's water features, sports courts, sports playing pitches, and water sports centres and reservoirs.
 - A 'dogs on leads' requirement, which enables the Council to prevent people exercising off-lead dogs in general public areas, on roads and in car parks, churchyards, burial grounds (including 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 be put on the lead if they are not under the control of their owner, or where they are causing damage or acting aggressively.
 - A 'maximum number of dogs' requirement, a new requirement that would make it an offence for one person to have more than four dogs under their control at any one time anywhere in the borough.
- 2.4. The Council acknowledges the comments raised by residents', professional bodies' and local businesses' via the consultation, and is recommending to Cabinet a number of amendments to the proposed PSPO (Dog Control) that reflect this. Once approved, the PSPO (Dog Control) will expire after a period of three years unless it is varied or extended before the expiry of the three year period.

3. **Recommendation**

It is recommended that Cabinet:

- 3.1. Approves a revised Public Spaces Protection Order (Dog Control) in relation to the renewing and varying of the existing Public Spaces Protection Order (Dog Control), 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. A copy of the proposed Public Spaces Protection Order (Dog Control) 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 (Dog Control) 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. The 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 experience of residents and other users of parks, open spaces, play and other areas across the borough. Furthermore, the ability of Community Safety and Enforcement Officers to enforce dog-related nuisance across the borough would be significantly restricted; leading to increased dog fouling, dogs being a nuisance and not being adequately controlled, dogs entering children's play areas, sports areas and other areas.
- 5.2. Officers can enforce by-laws relating to Parks, Gardens and Open Spaces, which were first made in 1932 and transferred to the 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.
- 5.4. Renewing the current PSPO without any changes was also considered. However, this option would not have allowed the adding of prohibitions / requirements stipulated in the PSPO, the updating of locations from which dogs are excluded and in which dogs must be kept on a lead. It was therefore rejected.

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 a further three years has expired (as in October 2020), the orders come to an end because a PSPO may not have effect for a period of more than three years (s.60(1)).
- 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 (Dog Control) on protected groups. A copy of the EIA is attached as Appendix 3 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 (Dog Control) sets out a range of powers available to the Council and how these will be legally applied. The PSPO (Dog Control) 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 Spaces 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.

Consultation

6.11. The consultation was published on Hackney's Citizen Space website on 28 August 2023. The information supporting the consultation was updated in mid-October 2023, 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. Additionally, some areas were found to be missing from the list of proposed new sites on the consultation pages that would be subject to dog controls, so these were added and the information re-published.

6.12. The Council consulted the following groups during the statutory consultation:

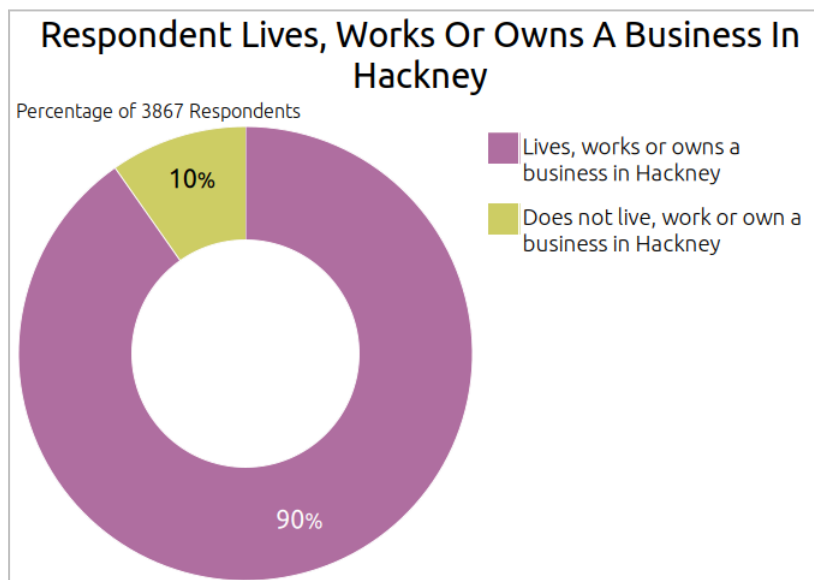
- Residents in Hackney.
- Hackney Parks User Groups.
- The Kennel Club.
- Guide Dogs for the Blind.
- Assistance Dogs UK.
- Veterinary practices.
- Housing Associations.
- Canal and River Trust.

- 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.

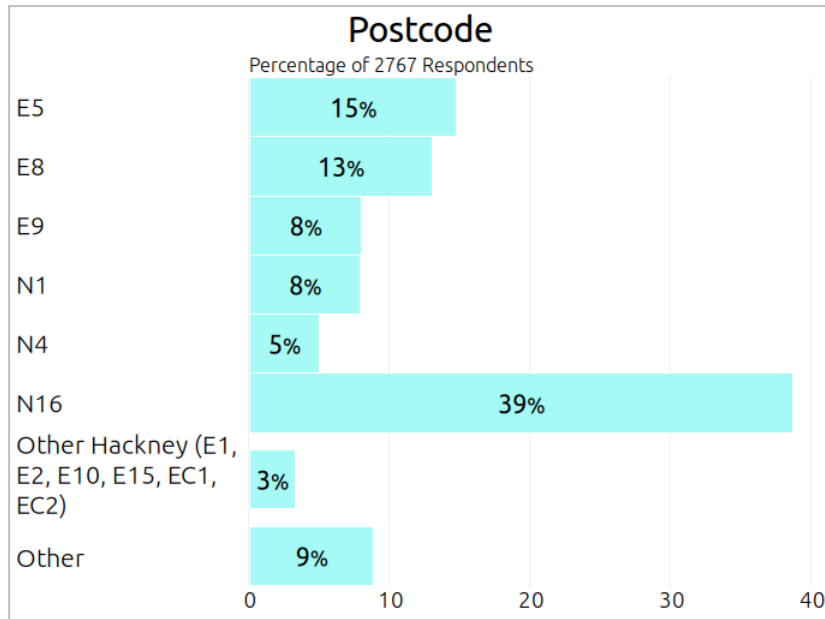
6.13. The consultation closed on 15 December 2023 and 3,888 responses had been submitted online via Citizen Space and a further 101 email responses had been received. The majority of these responses (2,870) were received before the consultation information was updated on the website. In addition, six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

6.14. 58% of respondents to the consultation own a dog, whilst 42% do not, and dog ownership is the key 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 either they or someone they know have experienced a problem with dog behaviour. 74% of non-dog owning respondents support the updates to the PSPO compared to 10% of respondents who are dog owners.

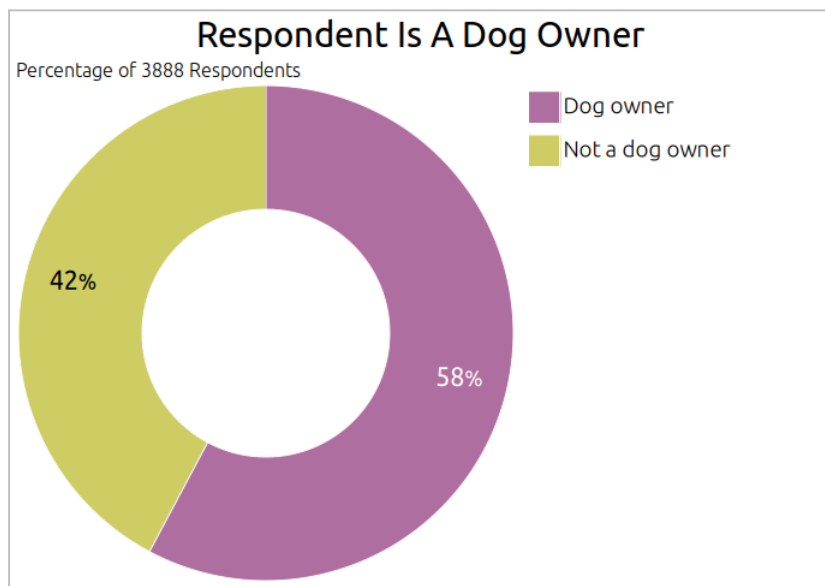
6.15. 90% of respondents either live, work or own a business in Hackney as can be seen from the chart below. 88% of respondents live in Hackney, 58% of respondents own a dog and 2% of respondents are professional dog walkers.



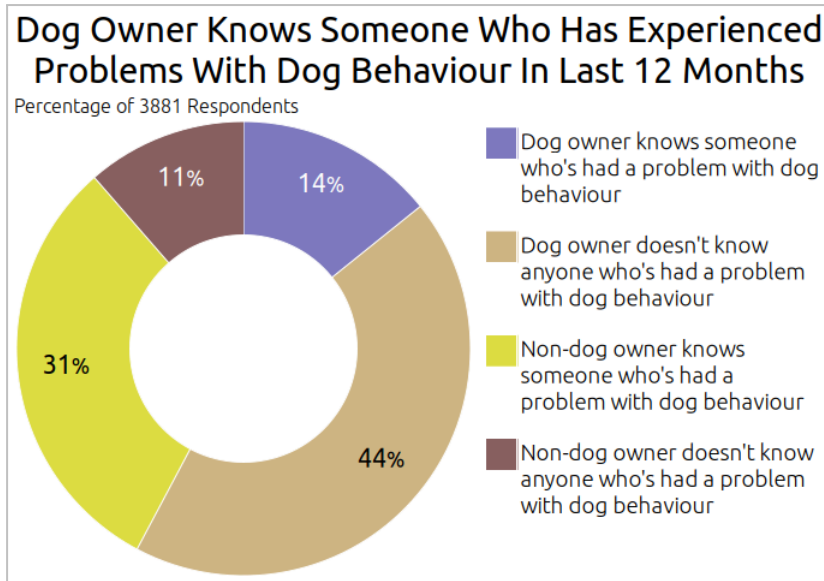
6.16. In relation to the postcode of respondents, this is broken down in the chart below based on 2767 respondents who provided postcode details.



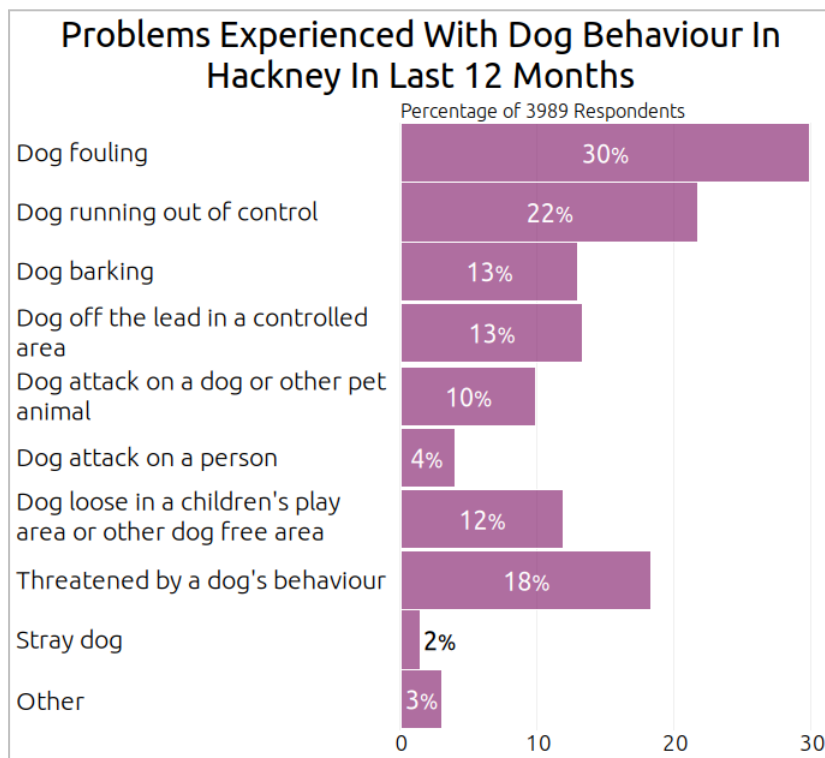
6.17. 58% of respondents are a dog owner with two percent of respondents being a dog owner based on 3,888 responses as is shown in the chart below.



6.18. 45% of respondents or someone they know has experienced problems with dog behaviour in Hackney in the last twelve months, while 55% have not, and 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.



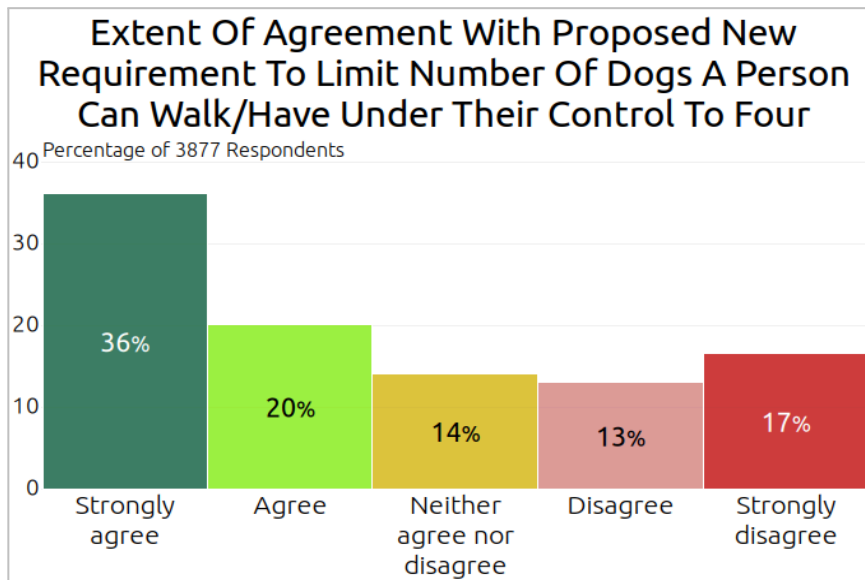
6.19. In relation to problems experienced by respondents with dog behaviour, the most significant were dog fouling, dog running out of control, dog barking, dog off the lead in a controlled area and being threatened by a dog's behaviour which is shown in the chart below.



6.20. In relation to dog control 43% of respondents either strongly agree or agree that the current PSPO 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.

- 6.21. 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.



- 6.22. 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.

- 6.23. 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 (which is included as Appendix 2 to this report).

- 6.24. 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.

- 6.25. 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 (which is included as Appendix 2 to this report).
- 6.26. 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 (which is included as Appendix 2 to this report).
- 6.27. 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.
- 6.28. 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.
- 6.29. 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.

- 6.30. 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.
- 6.31. 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.
- 6.32. 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.
- 6.33. 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.
- 6.34. Respondents questioned 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.
- 6.35. 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.
- 6.36. 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.
- 6.37. 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.



6.38. 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.”

Response to the Consultation

6.39. The Council has considered all of the comments and feedback submitted to the consultation on the proposed PSPO (Dog Control). Taking into account the matters raised by residents and other groups, Cabinet is recommended to approve the following changes to the draft PSPO (Dog Control) that was consulted on:

6.39.1. Abney Park Cemetery: To help balance the needs of dog walkers, with those of other visitors and the particular character of Abney Park Cemetery, the

Council proposed in the consultation on the PSPO (Dog Control) to add Abney Park Cemetery to the list of sites where dogs must be kept on a lead.

It proposed making this change for a number of reasons:

- Addressing issues relating to the behaviour of dogs in Abney Park Cemetery that have been observed over recent years (including the observed increase in dog numbers);
- Delivering consistency in the PSPO (Dog Control), as all other Council managed closed churchyards and burial grounds in the borough, with the exception of Abney Park Cemetery, require dogs to be on leads currently;
- Helping preserve the historical and cultural significance of Abney Park Cemetery as the borough's most significant burial site;
- Ensuring that activities and behaviours in Abney Park Cemetery are respectful of it being the final resting place for thousands of people and a place of reflection for their families;
- To reduce the incidences of dog fouling, in amongst graves, and other less accessible areas off the main paths of Abney Park Cemetery; and
- Helping preserve Abney Park Cemetery as one of the borough's most significant ecological sites, with valuable habitats and wildlife.

The Council still considers these reasons to be extremely valid and are concerns that need to be addressed moving forwards. However, the Council also acknowledges some residents' concerns about the proposals and feels that the consultation responses raise some valid points that need to be considered in reaching a decision at this time, specifically:

- The potential impact on local residents who use Abney Park Cemetery responsibly to walk their dogs;
- That Abney is different in scale and type of site from the other closed churchyards and burial grounds in the borough; and
- The impact the proposals could have on other parks and green spaces in terms of dog walkers.

Given the concerns raised by residents, and to enable the matter to be given further consideration by the Council, it is recommended that Cabinet continues with the present arrangements in Abney Park Cemetery, and does not implement the requirement that dogs must be kept on a lead at present.

6.39.2. Assistance Dogs: The proposed PSPO (Dog Control) that was consulted on indicated that the following people would be exempt from the PSPO (Dog Control), except the 'dog fouling of land' prohibition:

- people who are registered as blind,
- people who are deaf, in respect of a dog trained by Hearing Dogs for Deaf People and upon which they rely for assistance,
- People who have a disability which affects their 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 they rely for assistance, and anyone training an assistance dog in an official capacity, and
- a dog used by the police or other agencies permitted by the Council for official purposes.

In their consultation response, the Kennel Club suggested that further consideration should be given to the wording contained within the PSPO (Dog Control), specifically with reference to 'prescribed charity'. The Kennel Club suggests that while a proportion of assistance dogs relied upon by disabled people are trained by charities, many are not and therefore it encouraged the Council to allow for some flexibility when considering whether a disabled person's dog is acting as an assistance dog. The Kennel Club suggests the Council could consider definitions of assistance dogs used by Mole Valley District Council or Northumberland County Council.

Reflecting on this feedback, the proposed PSPO (Dog Control) being recommended to Cabinet for approval will now contain the following changes to definitions to provide more clarity:

- The term "Assistance Dog" shall mean a dog which has been trained to assist a person with a disability.
- The expression "disability" shall have the meaning prescribed in section 6 of the Equality Act 2010 or as may be defined in any subsequent amendment or re-enactment of that legislation.

6.39.3. Maximum Number of Dogs: The PSPO (Dog Control) that was consulted on proposed that the maximum number of dogs that could be walked / under the control of any one person was four. The proposals were put forward to address issues that had been identified in the borough relating to one person walking large numbers of dogs and followed guidance issued by the RSPCA (and endorsed by Canine & Feline Sector Group, the Dogs Trust and the Pet Industry Federation) for professional dog walkers, that was prepared in the best interests of animal welfare.

The proposals in the PSPO (Dog Control) resulted in responses from professional bodies, residents and businesses regarding the impact the change would have had on the cost / provision of dog walking and daycare

businesses; impacting on residents who use these businesses and the business themselves.

Whilst the Council still believes, for safety and dog welfare reasons, that the PSPO (Dog Control) needs to place a cap on the maximum number of dogs that can be walked / under the control of any one person (regardless of whether the person is a resident and / or a professional dog walker), it acknowledges that limiting this to four may have had unintended consequences in the short-term. The PSPO (Dog Control) being recommended to Cabinet for approval therefore proposes that the maximum number of dogs that can be walked / under the control of any one person is increased from four to six.

Six dogs reflects the maximum number of dogs that many professional dog walkers can walk under their own insurance policies and is also consistent with the maximum number of dogs any person can walk / be in control of in the PSPOs (Dog Control) / Byelaws for a number of surrounding boroughs / authorities to Hackney:

- Lee Valley Regional Park Authority: Maximum number of dogs that can be walked / under the control of any one person is five;
- London Borough of Haringey: Maximum number of dogs that can be walked / under the control of any one person is six;
- London Borough of Newham: Maximum number of dogs that can be walked / under the control of any one person is six; and
- London Borough of Waltham Forest: Maximum number of dogs that can be walked / under the control of any one person is six.

6.39.4 Queen Elizabeth Olympic Park (QEOP): The London Legacy Development Corporation, who are responsible for the management of QEOP, have requested that a part of the area of QEOP that is within the London Borough of Hackney (Hopkins' Fields) is excluded from the dogs on leads requirement, therefore becoming a dogs off the lead area, which it has been for a number of years. The PSPO (Dog Control) being recommended to Cabinet for approval therefore proposes that Hopkins' Fields is excluded from the dogs on leads requirement in the rest of QEOP that is in the London Borough of Hackney.

6.39.5 Sports Playing Pitches: Acknowledging residents' and professional bodies' concerns that a blanket exclusion for dogs from sports playing pitches at all times is unfair, the PSPO (Dog Control) being recommended to Cabinet for approval proposes that dogs are allowed to be off the lead in Sports Playing Pitch areas (as outlined in the Order) when they are not in use for sporting activities.

6.39.6 New Areas for the PSPO (Dog Control) to Cover: A number of areas were suggested for inclusion in the PSPO (Dog Control) that are not specifically covered in the revised PSPO (Dog Control) at present. The most notable

were two areas of London Fields that the London Fields Park User Group (LFUG) wanted to be designated as 'dog exclusion' areas due to biodiversity / ecology improvements that the User Group had delivered. However, as the areas were not included in the original consultation proposals they cannot be added at this stage - Officers will therefore work with LFUG to discuss options for the protection of these areas.

Risk Assessment

- 6.40. Some users of the public spaces to be covered by the proposed PSPO (Dog Control) may be unhappy with the proposals that are recommended for approval. However, the consultation exercise has provided 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.
- 6.41. The purpose of the proposed PSPO (Dog Control), 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 implementation of the PSPO (Dog Control) is met from the Community Safety and Enforcement Services 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 Acting 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 making of a Public Spaces Protection Order (Dog Control).
- 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 - Public Space Protection Order (Dog Control)

Appendix 2 - Public Space Protection Order (Dog Control) Consultation Report

Appendix 3 - Equality Impact Assessment Public Space Protection Order (Dog Control)

Background documents

None.

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