



Enquiries to:
Kelly Baxter

Direct Dial: 024 7637 6204

Direct Email:
member.services@nuneatonandbedworth.gov.uk

Date: 15th February 2024

Dear Sir/Madam,

Cabinet – 21st February 2024

I refer to **Agenda Item 7 – DOG CONTROL – PUBLIC SPACE PROTECTION ORDER EXTENSION** and attach the report that was marked to follow on the agenda.

Yours faithfully,

BRENT DAVIS

Chief Executive

To: Members of the Cabinet

Councillor K. Wilson (Leader of the Council and Business and Regeneration)
Councillor C. Golby (Deputy Leader and Housing and Communities)
Councillor S. Croft (Finance and Corporate)
Councillor S. Markham (Public Services)
Councillor R. Smith (Planning and Regulation)
Councillor J. Gutteridge (Health and Environment)

Observer

Councillor C. Watkins (Leader of the Main Opposition Party)

Cabinet/Individual Cabinet Member Decision

Report Summary Sheet

Date: 21st February 2024

Subject: Public Space Protection Order Extension - Dog Control

Portfolio: Business and Regulation

From: Assistant Director – Environment and Enforcement

Summary: Cabinet is asked to consider extension of the Councils existing Dog Control Public Space Protection Order (PSPO) for a further three years under the Anti-Social Behaviour, Crime and Policing Act 2014. There are no changes planned to the existing order.

Recommendations:

Cabinet approve the extension for a further period of three years.

Options:

Cabinet can approve the extension of the order.

Cabinet could request a new order with amendments.

Alternatively, Cabinet do not have to approve the extension.

Reasons:

The Council is seeking to extend the Dog Control PSPO because complaint data held by the Council, provided in appendix B, shows dog control issues to be a continuing issue for residents since the introduction of the PSPO in 2021.

Consultation undertaken with Members/Officers/Stakeholders

Formal Statutory Public Consultation taking place between 25th January and 9th February 2024.

Subject to call-in: Yes

Ward relevance: All

Forward plan: Yes

Building a Better Borough Aim: 1

Building a Better Borough Priority: 1

Relevant statutes or policy:

Anti-Social Behaviour, Crime and Policing Act 2014;

Statutory Guidance for Front Line Professionals, Anti-Social Behaviour, Crime and Policing Act 2014

Equalities Implications: Current order exempts certain groups e.g. those using assistance dogs. Equality impact assessment has been undertaken which shows no adverse impact.

Human resources implications: None

Financial implications: None

Health Inequalities Implications: None

Section 17 Crime & Disorder Implications: Nuneaton and Bedworth Borough Council introduced a Public Space Protection Order (PSPO) for the purposes of dog control in 2021. The PSPO created offences within the sphere of dog control relating to dog fouling, requirements for dogs on leads in specified places or by direction, and areas of dog exclusion.

Risk management implications: None

Environmental implications:

Order allows enforcement of dog fouling and dog related issues. Impact on local environmental quality.

Legal implications: None

Contact details: Andrew Snowden – Senior EHO

024 76376337

andrew.snowden@nuneatonandbedworth.gov.uk

Alastair Blunkett

Assistant Director – Enforcement and Environment

024 76376233

alastair.blunkett@nuneatonandbedworth.gov.uk

AGENDA ITEM NO.7

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Cabinet - 21th February 2024

From: Assistant Director – Environment and Enforcement

Subject: Public Space Protection Order Extension – Dog Control

Portfolio: Planning and Regulation (Councillor Richard Smith)

Building a Better Borough Aim: 1

Building a Better Borough Priority: 1

1 Purpose of Report

Cabinet is asked to consider extension of the Councils existing Public Space Protection Order (PSPO) related to dog control under powers within the Anti-Social Behaviour, Crime and Policing Act 2014. The existing order is due to expire on the 10th March 2024 and the proposed extension is for a further period of 3 years. No changes to the existing order are proposed. The current order is presented in Appendix A for information.

2 Recommendations

The order be extended in its current form for a further period of 3 years.

3 Background

3.1 Public Space Protection Orders were introduced by the Anti-Social Behaviour, Crime and Policing Act 2014 and can set restrictions or requirements on groups or individuals to prevent them committing anti-social behaviour in a public place. Key tests must be met. These are;

- *it must be having, or be likely to have, a detrimental effect on the quality of life of those in the locality;*
- *be of persistent or continuing nature; and*
- *be unreasonable.*

3.2 Nuneaton and Bedworth Borough Council first introduced a Public Space Protection Order (PSPO) for the purposes of dog control in July 2017. This replaced the former Dog Control Order. The PSPO created offences within the sphere of dog control relating to dog fouling,

requirements for dogs on leads in specified places or by direction, and areas of dog exclusion.

- 3.3 The Anti-Social Behaviour, Crime and Policing Act 2014 prescribes that PSPOs exist for a period of 3 years unless renewed during that time. After this time they lapse and become unenforceable, hence the proposal to extend the order before it expires.

4. Proposals

- 4.1 The Council is seeking to extend the current Dog Control PSPO because complaint data held by the Council, provided in appendix B, shows dog control issues to be a continuing issue for residents since the introduction of the current PSPO in 2021.
- 4.3 Prior to any extension, the Anti-Social Behaviour, Crime and Policing Act 2014 requires a period of stakeholder and public consultation on the proposal. Stakeholder consultation has been undertaken with interested parties including the RSPCA, Nuneaton Dog Training Club, The Dogs Trust and the Kennel Club. Statutory consultees are Warwickshire County Council, Chief of Police, Police and Crime Commissioner, appropriate community representatives, owners or occupiers of land, users of the public space and the wider public. These have been consulted on the matter and responses are set out in table 1 below.
- 4.5 Authority for public consultation was obtained by single member decision (Cllr Richard Smith – Business and Regulation) on the 16th January 2024 to proceed with this statutory consultation. The public consultation ran between the 25th January and the 9th February 2024. The current order and proposal for extension were presented on the Councils website, social media channels and comments were invited. A summary of consultation responses are shown in table 1 below;

Table 1: Summary of consultation Responses

Consultee	Summary of Response
Warwickshire County Council	No objections
Warwickshire Chief of Police	No response
Police and Crime Commissioner	No response
RSPCA	No response
Nuneaton Dog Training Club	No response
Kennel Club	Broadly supportive
The Dogs Trust	Broadly supportive
Heart of England Crematorium	No response
Public	See Appendix C

Full consultation responses are presented in appendix C.

- 4.7 An equality impact assessment was undertaken as part of the introduction of the original order in 2021. This concluded 'no adverse impact' by the order. The Council's Equality and Safeguarding Officer has been consulted on the proposed extension and confirm that as no changes are proposed to the order and no issues have been raised during its operational life no further equality impact assessment is necessary. The 2021 equality impact assessment is included in appendix D.

Alastair Blunkett

Appendices

Appendix A – Current Dog Control Public Space Protection Order

Appendix B – Dog Control complaint data

Appendix C – Statutory Consultation Responses

Appendix D- Equality Impact Assessment

Background Papers

Statutory Guidance on the use of Anti-Social Behaviour Powers – Home Office.

https://assets.publishing.service.gov.uk/media/6422a19b60a35e00120cae63/2023_Update_ASB_Statutory_Guidance_-_FINAL_1.pdf

The Anti-social Behaviour, Crime and Policing Act 2014

The Dog Control Public Spaces Protection Order - (Nuneaton and Bedworth Borough Council) 2021

Nuneaton and Bedworth Borough Council (in this order called "the Authority") hereby makes the following Order:

This Order comes into force on 10th March 2021 for a period of 3 years.

Offences

1. Fouling

If within the administrative area of the Authority a dog defecates at any time on land to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission and a person who is in charge of the dog at the time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless

(a) he has reasonable excuse for failing to do so;

or

(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

2. Leads by order

A person in charge of a dog shall be guilty of an offence if, at any time, within the administrative area of the Authority he does not comply with a direction given to him by an authorised officer of the authority to put and keep the dog on a lead unless

(a) he has reasonable excuse for failing to do so;

or

(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

An authorised officer may only give a direction under this order if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or to a bird or another animal.

3. Leads

A person in charge of a dog shall be guilty of an offence if, at any time on land detailed in Schedule 1 below, he does not keep the dog on a lead unless

(a) he has reasonable excuse for failing to do so;

or

(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

4. Exclusion

A person in charge of a dog shall be guilty of an offence if, at any time, he takes the dog onto, or permits the dog to enter or to remain on, any land detailed in Schedule 2 below unless

(a) he has reasonable excuse for failing to do so;

or

(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

5. Exemptions

Nothing in this order shall apply to a person who –

(a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or

(b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance; or

(c) has a physical or mental impairment which has a substantial and long-term adverse effect on the ability to carry out normal day to day activities, in respect of a dog trained by any current or future members of Assistance Dogs UK or any other charity registered in the UK with a purpose of training assistance dogs and upon which he relies for assistance.

For the purpose of this order –

- A person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;

- Placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land;

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

- 'an authorised officer of the Authority' means an employee, partnership agency or contractor of Nuneaton and Bedworth Borough Council who is authorised in writing by Nuneaton and Bedworth Borough Council for the purposes of giving directions under the Order.

- Each of the following is a 'prescribed charity' - Dogs for the Disabled (registered charity number 700454), Support Dogs Limited (registered charity number 1088281) and Canine Partners for Independence (registered charity number (803680)

6. Penalty

A person who is guilty of an offence under this Order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

The COMMON SEAL of the)
NUNEATON AND BEDWORTH BOROUGH COUNCIL was)
hereunto affixed this 25/03/2021
in the presence of:-)


WAHEEDA SHEIKH
LEGAL SERVICES MANAGER.



Schedule 1
The keeping of dogs on leads

1. Oaston Road Cemetery, Nuneaton
2. Bucks Hill Cemetery, Stockingford, Nuneaton
3. Attleborough Cemetery, Nuneaton
4. Coventry Road Cemetery, Bedworth
5. Marston Lane Cemetery, Bedworth
6. All public roads, pavements and footways and the pedestrianised roads within the Borough of Nuneaton and Bedworth, or any grass verge which is adjacent to the carriageway or footway and is maintainable at public expense.
7. All other sport grounds, fields and pitches not subject to the Dog Exclusion Schedule of the Dog Control Public Spaces Protection Order - (Nuneaton and Bedworth Borough Council) 202111, when in use for authorised sporting activities.
8. Bailey Park, Marston Lane Bedworth, to include only the area enclosed by fencing marked in red on attached plan A.

Schedule 2 Dog Exclusion

1. Any clearly demarcated children's play areas, multi-use game areas, skate parks, BMX tracks or Green Gyms signed as a 'dog exclusion zone' (whether the sign uses those particular words and/or symbols having like effect); and
2. Heart of England Crematorium, Eastboro Way, Nuneaton, Warwickshire, CV11 6WZ.

Plan A



A handwritten signature in black ink, consisting of stylized initials.

Appendix B

Dog Control Complaints to NBBC 2021 - 23

	Dog Fouling	Dogs on Leads	Dog Exclusion
2021	170	21	11
2022	135	37	4
2023	132	65	4

Appendix C

Consultation Responses

Responses from members of the Public

I am in favour of keeping the dog control order for a further period of time.

I brought to the attention of the dog warden last year the problem of dog fouling on the railway bridge between Queens Road and Coalpit fields. There are still owners not picking up their dogs mess on this very busy pathway, it serves two local schools plus there are a number of residential homes with wheelchair users. Hopefully this blight on our pathways will eventually be acted on.

Hi

I noticed that there is a public consultation on Dog Control in Public Spaces.

I would like to remain anonymous on my comments but I am not happy that dog walkers continually allow their dogs to foul in Oaston Road Cemetery and do not clear it up. This has happened on a memorial tree that I had planted. I have no problem with dog walkers but they tend to enter the cemetery knowing that most of the time they are out of public view and allow their dogs to mess. This is an issue that needs to be addressed.

My husband and I are keen-walkers but are continually hassled by dogs off leads and the dog muck left on pathways. We support any action to make dog owners control their dogs and take responsibility for the unhealthy mess they leave behind. There seems to be many more uncontrolled dogs in the area. As for jogging - forget it. I am sick of hearing, "It's only playing," when my coat has been covered in mud. Thankyou for all your efforts to remedy a worsening situation

Regarding your dogs on leads, surely town centres and market places should be included as well as parks and crematoriums

Reading in the telegraph regarding adding more to your dog control I totally object to it dogs need places to run and have fun keeping them on leads will damage there mental health make them more aggressive also with the dogs what are nasty it is down to there owners who don't exercise then only take them out when it is nice weather and keep them locked up you are blaming all responsible dog owners for these these mindless individuals who should not be allowed to have a dog where is the councils common sense I won't be keeping my 13 year old jack Russell on a lead she hasn't got long left she likes to potter and ignores everything

Hi as a walker I find that obviously we have rules in place that are just not enforced as our streets have dog mess even bags which people have picked up then throw away when out of public view all over our parks mess is not normally picked up as many dogs are just left to run around people don't think they need to pick it up as for keep on a lead in parks (eg whittleford park) most don't bother who does this enforcement never seen anyone on my travels could you please tell me how many fines have been made over the last 3 years my wife was almost knocked over recently by a very large dog who jumped up her in stockingford rec not on a lead very frightening not a happy walker hoping improvement is made

As a resident, I regularly walk my dog over Anker Mills, Attleborough. The state of dog mess there is truly appalling.

In fact my own dog actually stepped in dog poo.

Is there anything that can be done to enforce the laws about picking up?

Dear Council

I would like to comment on proposals to extend the dog control public space protection order. I am a responsible dog owner, lucky enough to have a reasonable sized garden, as well as a young cocker spaniel who needs a lot of exercise. Off-lead exercise outside my garden is necessary to many dogs including my own – extension leads work very well, but as a pensioner I'm not up to running these days, and most dogs will only chase a ball or a toy for a limited period in a garden, but run about quite a bit and safely, on the off-lead part of walk and with other dogs they meet regularly . Too long in the garden makes them likely to try to escape from it, due to boredom, in my experience. In order to control a dog off-lead in areas unfamiliar to it , the dog needs practice off-lead in such areas, a familiar garden will not provide this. It is not possible to keep a dog on the lead all the time, when outside the garden, and then, if it accidentally gets free, to control its behaviour in terms of where it goes and how it reacts to other dogs and people. It will panic and an accident is very likely, as Parkinson's law means it will happen near a busy road in the rush hour, or near a school disgorging its pupils. If it has escaped from a garden, it may well be impossible to catch, even if it wears a tracker and you can locate it. Also if non-dog

owners and children are not accustomed to interacting with off-lead dogs, in time they won't know how to help catch one, or avoid contact with one, or react to one as they've no experience, and when children want a dog, the parents will have little idea how to train and interact with it or even how it's likely to behave. They will think that as long as it's on a lead, all will be well – until it tows them into the middle of a busy road!

A few years ago I visited the Isle of Wight, with my dog- my husband had business there. The dog was well controlled, on and off lead. The island did not allow dogs to be off-lead in any public places, or on footpaths etc – apart from your own garden and did not allow dogs at all on the beach, on or off-lead; except for one small area of beach at one end of the island where dogs were allowed (and an abandoned caravan site with beach which had no signage either banning or allowing dogs , which most people living nearby used to exercise and swim their pets.. There was no signage in no-dog areas (ie the rest of the island) to tell owners where the off-lead areas were – I found out from a dog-owner I met, having walked about 5 miles past beaches with 'No dog' signs looking for somewhere, anywhere to exercise the dog properly. A 5-mile walk at my pace only resulted in him pulling hard to get to anywhere he felt was suitable to run about, and he couldn't understand why I didn't let him off as usual. Very frustrating for us both. It was a recent development at the time, and the locals were up in arms about it as were the local hotel and boarding house owners etc as people with dogs were avoiding visiting the island, so they were losing tourist trade. I was relieved only to be there for the day, and have no idea whether things have changed since – if I ever do return I shall have to find out first! Perhaps enquiring from other councils about the unexpected consequences of such a widespread scheme might be useful, before implementing large extensions to the public spaces excluded. A lot of people got dogs during Covid, they are already causing problems due to lack of socialization of their dogs and they don't need more restrictions, they need to socialize with other dogs off-lead, and of course they are voters and such restrictions will not be popular among them.

I am all in favour of exclusion areas – playgrounds, sports areas, footpaths beside busy roads, and frequently keep my dog on the lead in areas where it is not illegal to let him off – for my convenience and safety and his. But it can go too far, far enough to cause major problems of safety – if a lead breaks or is dropped, particularly one on an adult dog that has never been off-lead except in a garden, that dog will panic and an accident is many times more likely to happen. I appreciated dog mess is horrible and to some extent a health hazard – we pick ours up and quite often other people's if it's somewhere it will be trodden in or slipped on. I worry about older people, or families with no gardens having to walk three miles with their dogs on a lead before they can let it off. I don't know how far you intend to extend the exclusion areas, but please remember that walking a dog off-lead during school hours or after dark is far less risky than on a busy road or during the school run and consider 'no dogs off-lead between the hours of 8 and 11 am and 2.30 and 4.30 pm near schools' or similar, or rush-hour exclusions near busy roads, instead of blanket ones. People who don't even try to control their dogs will ignore all the rules and the rest of us will be both inconvenienced and upset if forced to comply with draconian measures like those on the Isle of Wight. As usual, it's the law-abiding who will be punished.

I welcomed the existing order once I found out that sufficient public areas where dogs can be off-lead remained, but have no idea how far you propose to extend it. Hence my concerns that it is not a wholesale 'no dogs off-leads except on private property'.

Thank you for reading this

To whom it may concern

This is a very worrying time with the irresponsible ownership of dogs coming under scrutiny. I would welcome the ordering of dogs being on leads at all times, in all areas, IF a fenced off dog field was set aside at every public open area whether it be a sports field play area, fields or parks.

My dog is an assistant dog, who without being allowed off lead in public areas would not only Not get exercise but would not be able to assist me as I am not always able to hold on to the leash. I am aware my dog is trained to a high standard and does not approach other dogs or people and is under voice control, She is not from one of the charities mentioned she was trained by me as the charities waiting list is so long they were not a viable option.

I also understand something must be done about the situation of irresponsible dog ownership but instead of punishing the responsible owners other avenues need to be explored

From what the information I have read I oppose the proposed restrictions, only responsible owners will adhere to them as irresponsible owners are, as the wording suggests irresponsible, I urge you to reconsider this course of action.

I would like a response to this email and to be kept updated on this situation

I consider that the new dog control orders are adequate and do not need any further ammendments.

The need for more signs on the estate as there are lots of people walking dogs off lead on the pathways and there is only one sign saying dogs on lead by the MUGA park. People are walking through from St Nicolas Park and immediately let their dogs off. Since the work on Buttermere Park has started people are now throwing toys or balls and generally ignoring putting the dogs on a leash, making it difficult for anyone walking small children or pushchairs safely. If asked to put the dog on lead it usually ends up with abuse being said or just ignored.

Thank you for taking the time to read my feedback for the dog order.

I am a mother of 3 ages 6, 4, and 2. We have lived in Nuneaton for 3.5 years. My oldest two attend school and walk to and from school with me.

I am writing because in my experience the irresponsible dog owners have made the fields/playgrounds/parks unsafe for children to play and run freely.

Over the past few years we have noticed as a family that many dog owners cannot control, or rather don't wish to control, their dog. Furthermore, despite the code, parks and fields are full of dog poo and dogs are coming even into playgrounds. On several occasions I have had to leave playgrounds because I felt unsafe because of the actions of another person's dog. We have particularly had an especially difficult time at the playground in riversley park and on several occasions had to avoid it because of the dog owners/dogs making it unsafe. I walk every day in nuneaton with my children and I regularly have to ask people to call their dogs away from my pushchair/child. Some dog owners do but the usual response I get is "Oh he/she is friendly won't hurt you," and then the dog owner doesn't call their dog away and we have to leave or walk away quickly because we don't feel safe. I have taught my children to say "no thank you" to dogs that they don't want coming up to them but even that is often ignored by dog owners who insist that their dog is friendly. This is unacceptable. My children should not have to put up with their dogs coming up to them.

As a mother of 3 in nuneaton I know nearly all the parks/playgrounds in the southern half and all of them have dog poo. This grieves me. My daughter came to me sobbing the other day because she wishes she could run on grass but she doesn't want to run in dog poo. I can't afford to buy our own field for them to run in but I expect and wish there could be at least one easily accessible place in Nuneaton where every child in nuneaton could get a good run through a field in but dogs and dog poo are everywhere. If children are to grow up healthy they need fresh air and a place to run and play freely. Please consider adding a place to the exclusion zone that is for children (I know cemeteries are on the list but I don't think cemeteries are an appropriate place for children to run freely in. Please consider adding a zone that is for children.)

I know that this is a very difficult issue to resolve. I just want to share that it is very scary for me as a mother the way dogs are handled by owners in Nuneaton and how I feel scared for my children's health and safety on the school run, in playgrounds and at grassy fields.

Please feel free to contact me for more information. This matter is very close to my heart. As I said I am a mother of 3, sleep deprived, and very busy but I am staying up late writing this email because it matters so much to me.

Dear Sir/Madam

We live in Bulkington and the number of dogs off lead in the Recreation Ground are getting more and more.

Quite often there are a few bigger dogs and it is very intimidating when they are running towards you and quite a hazard for older people walking through the recreation ground to go to the Village. The response of the owners is "they won't hurt you", but you cannot be sure and you don't want dogs jumping up you.

With all the recent publicity we think it is time for all dogs to be kept on a leash.

Very often the owners are walking around the field and have no idea if there dogs are fouling or what they are doing.

The dog fouling in the area seems to be at a high level, we have reported it last week and today there was a new deposit in Hemsworth Drive.

Until we went on to the consultation page we hadn't realised you could report dog fouling.

Perhaps a campaign on dog owners etiquette would be a good idea.

Dear Sirs,

I agree with most of the rules for dog owners that you have but I am concerned about the enforcement of keeping dogs on a lead when on Public Footways. We take our dogs over the fields on public footpaths and they enjoy running free. Occasionally we do see other people but call the dogs back if there are young children or anyone on a bike. Our dogs have never been aggressive or misbehaved while off the lead.

Could this rule be amended to keeping dogs under control via lead or command.

If we can't let our dogs run free on footpaths away from the road then we really need to have Public Dog Parks of a reasonable size.

Statutory and Stakeholder Responses

Warwickshire Country Council

Good morning,

Thank you for your recent email contacting Warwickshire County Council as a consultee to the proposal to extend the current above Order. I can confirm that WCC, in its capacity as statutory consultee and landowner, holds no objections to your proposal.

Kennel Club

See attached

Dogs Trust

See attached

Environmental Health
Nuneaton and Bedworth Borough Council
Town Hall
Coton Road
Nuneaton
CV11 5AA



5 February 2024

Dear Environmental Health team,

Dogs Trust has been made aware that Nuneaton and Bedworth Borough Council is currently consulting on the extension of its series of Public Space Protection Orders. As the UK's largest dog welfare charity, we would like to make some comments for consideration.

Dogs Trust's Comments

1. Re; Fouling of Land by Dogs Order:

- Dogs Trust consider 'scooping the poop' to be an integral element of responsible dog ownership and would fully support a well-implemented order on fouling. We urge the Council to enforce any such order rigorously. In order to maximise compliance, we urge the Council to consider whether an adequate number of disposal points have been provided for responsible owners to use, to consider providing free disposal bags and to ensure that there is sufficient signage in place.
- We question the effectiveness of issuing on-the-spot fines for not being in possession of a poo bag and whether this is practical to enforce.

2. Re; Dog Exclusion Order:

- Dogs Trust accepts that there are some areas where it is desirable that dogs should be excluded, such as children's play areas, however we would recommend that exclusion areas are kept to a minimum and that, for enforcement reasons, they are restricted to enclosed areas. We would consider it more difficult to enforce an exclusion order in areas that lack clear boundaries.
- Dogs Trust would highlight the need to provide plenty of signage to direct owners to alternative areas nearby in which to exercise dogs.

3. Re; Dog Exclusion and sport pitches

- Excluding dogs from areas that are not enclosed could pose enforcement problems - we would consider it more difficult to enforce an exclusion order in areas that lack clear boundaries.
- We feel that exclusion zones should be kept to a minimum, and that excluding dogs from all sports pitches for long stretches of the year is unnecessary. In some cases sports pitches may account for a large part of the open space available in a public park, and therefore excluding dogs could significantly reduce available dog walking space for owners.
- We would urge the Council to consider focusing its efforts on reducing dog fouling in these areas, rather than excluding dogs entirely, with adequate provision of bins and provision of free disposal bags

4. Re; Dogs on Leads Order:

- Dogs Trust accept that there are some areas where it is desirable that dogs should be kept on a lead.
- Dogs Trust would urge the Council to consider the Animal Welfare Act 2006 section 9 requirements (the 'duty of care') that include the dog's need to exhibit normal

Dogs Trust

Clarissa Baldwin House T: 0207 837 0006
17 Wakley Street, F: 0207 837 0006
London, EC1V 7RQ www.dogstrust.org.uk

Patron: Her Majesty The Queen
Registered Charity Numbers: 227523 & SC037843

behaviour patterns – this includes the need for sufficient exercise including the need to run off lead in appropriate areas. Dog Control Orders should not restrict the ability of dog keepers to comply with the requirements of this Act.

- The Council should ensure that there is an adequate number, and a variety of, well sign-posted areas locally for owners to exercise their dog off-lead.

5. Re; Dogs on Lead by Direction Order:

- Dogs Trust enthusiastically support Dogs on Leads by Direction orders (for dogs that are considered to be out of control or causing alarm or distress to members of the public to be put on and kept on a lead when directed to do so by an authorised official).
- We consider that this order is by far the most useful, other than the fouling order, because it allows enforcement officers to target the owners of dogs that are allowing them to cause a nuisance without restricting the responsible owner and their dog. As none of the other orders, less fouling, are likely to be effective without proper enforcement we would be content if the others were dropped in favour of this order.

The PDSA's '[Paw Report 2018](#)' found that 89% of veterinary professionals believe that the welfare of dogs will suffer if owners are banned from walking their dogs in public spaces such as parks and beaches, or if dogs are required to be kept on leads in these spaces. Their report also states that 78% of owners rely on these types of spaces to walk their dog.

We believe that the vast majority of dog owners are responsible, and that the majority of dogs are well behaved. In recognition of this, we would encourage local authorities to exercise its power to issue Community Protection Notices, targeting irresponsible owners and proactively addressing anti-social behaviours.

Dogs Trust works with local authorities across the UK to help promote responsible dog ownership. Please do not hesitate to contact should you wish to discuss this matter.

We would be very grateful if you could inform us of the consultation outcome and subsequent decisions made in relation to the Public Space Protection Order.

Yours faithfully,



Clara Citro
Community Engagement

Dogs Trust

Clarissa Baldwin House T: 0207 837 0006

17 Wakley Street,

London, EC1V 7RQ

F: 0207 837 0006

www.dogstrust.org.uk

Patron: Her Majesty The Queen

Registered Charity Numbers: 227523 & SC037843



Formal Response to Nuneaton and Bedworth Borough Council's Public Spaces Protection Order Consultation

Submitted on 2nd February 2024 by: The Kennel Club, Clarges Street, Piccadilly, London W1J 8AB, email: kcdog@thekennelclub.org.uk

The Kennel Club is the largest organisation in the UK devoted to dog health, welfare, and training. Our objective is to ensure that dogs live healthy, happy lives with responsible owners. We campaign for and advocate on behalf of dogs and their owners and, as part of our external affairs activities, engage with local authorities on issues such as Public Spaces Protection Orders (PSPOs).

The Kennel 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 and is considered the leading canine authority on dog access. As such, we would like to highlight the importance of ensuring that PSPOs are necessary and proportionate responses to problems caused by dogs and irresponsible owners. We also believe that it is essential for authorities to balance the interests of dog owners with the interests of other access users.

Response to proposed measures

Dog fouling

The Kennel Club strongly promotes responsible dog ownership, and believes that dog owners should always pick up after their dogs wherever they are, including fields and woods in the wider countryside, and especially where farm animals graze to reduce the risk of passing Neospora and Sarcocystosis to cattle and sheep respectively.

We would like to take this opportunity to encourage the local authority to employ further proactive measures to help promote responsible dog ownership throughout the local area in addition to introducing Orders in this respect.

These proactive measures can include: increasing the number of bins available for dog owners to use; communicating to local dog owners that bagged dog faeces can be disposed of in normal litter bins; running responsible ownership and training events; or using poster campaigns to encourage dog owners to pick up after their dog.

On lead

We can support reasonable 'dogs on lead' Orders which can, when used in a proportionate and evidence-based way, include areas such as cemeteries, picnic areas, or on pavements in proximity to cars and other road traffic.

On lead by direction

The Kennel Club strongly welcomes 'On lead by direction' Orders. These allow responsible dog owners to exercise their dogs off lead without restriction providing their dogs are under control, whilst simultaneously giving the local authority powers to restrict dogs not under control.



We recommend that the authorised officer enforcing the Order is familiar with dog behaviour in order to determine whether restraint is necessary. There exists the possibility that a dog, through no fault of its own, could be considered a 'nuisance' or 'annoyance' to someone who simply does not like dogs.

We encourage local authorities to make use of more flexible and targeted measures at their disposal, including Acceptable Behavioural Contracts and Community Protection Notices. Kennel Club Good Citizen Training Clubs and our accredited trainers can assist owners whose dogs run out of control due to them not having the ability to train a reliable recall.

Exclusions

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

Assistance dogs

The Kennel Club welcomes the exemptions proposed in this Order for assistance dogs. We urge the Council to review the Equality and Human Rights Commission's guidance for businesses and service providers when providing any exemptions for those who rely on assistance dogs. The guidance can be viewed here:

<https://www.equalityhumanrights.com/sites/default/files/assistance-dogs-a-guide-for-all-businesses.pdf>

However, we would suggest further consideration of the wording contained within the Order, specifically with reference to 'prescribed charity'. While a proportion of assistance dogs relied upon by disabled people are trained by charities, many are not. A number of reputable assistance dog providers are members of Assistance Dogs UK. This umbrella group currently has eight member organisations, which can be viewed here:

<http://www.assistedogs.org.uk/>. It is important to note that the membership of Assistance Dogs UK is not a definitive list of all UK assistance dog organisations and may change during the currency of the PSPO. It also does not provide for owner trained assistance dogs.

We would therefore encourage the Council to allow for some flexibility when considering whether a disabled person's dog is acting as an assistance dog. The Council could consider adopting the definitions of assistance dogs used by Mole Valley District Council, which can be found here:

https://www.molevalley.gov.uk/media/pdf/1/b/83072_-_Completed_PSPO.pdf

or that of Northumberland County Council:

"(4) The term "Assistance Dog" shall mean a dog which has been trained to assist a person with a disability.

(5) 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".



Appropriate signage

It is important to note that in relation to PSPOs, The Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014 makes it a legal requirement for local authorities to –

“cause to be erected on or adjacent to the public place to which the order relates such notice (or notices) as it considers sufficient to draw the attention of any member of the public using that place to -

- (i) the fact that the order has been made, extended or varied (as the case may be); and
- (ii) the effect of that order being made, extended or varied (as the case may be).”

Regarding dog access restrictions, such as a ‘Dogs on Lead’ Order, on-site signage should clearly state where such restrictions begin and end. This can be achieved with signs that say on one side, for example, ‘You are entering [type of area]’ and ‘You are leaving [type of area]’ on the reverse.

While all dog walkers should be aware of their requirement to pick up after their dog, signage must be erected for the PSPO to be compliant with the legislation.

**Appendix D
Equality Impact Assessment**



Equality Impact Assessment - Screening

Name of Policy/Procedure/Service	The Dog Control Public Spaces Protection Order - (Nuneaton and Bedworth Borough Council) 2021
Service Unit	Democracy, Planning & Public Protection
Date of Implementation	TBC

Does this policy/procedure/service have any differential impact on the following groups/people? (please tick):

<i>Group</i>	This may have a positive impact	This may have a negative impact	No adverse impact
Age			X
Disability			X
Gender			X
Gender Reassignment			X
Marriage and Civil Partnership			X
Pregnancy and Maternity			X
Race – which includes ethnic or national origins, colour, caste or nationality			X
Religion or Belief – this also includes no religion/belief			X
Sexual Orientation (Including LGBT)			X
Impact on Serving and/or Ex Serving Armed Forces Personnel and their families			X

Please tick if you believe that this document:

- Should proceed to a Full Impact Assessment
 Red
- Needs some minor changes, but does not need a Full Impact Assessment
 Amber
- Needs no further action
 Green

Recommendations (If any):

Signed	C.Dicken
Officer completing assessment	C.Dicken
Date	8 th February 2021