



Briefing document

Public Space Protection Orders (PSPOs): Dog Control and Dog Fouling Briefing Paper

February 2020

Background

Local authorities and the Police were given powers to introduce Public Space Protection Orders in the Anti-Social Behaviour, Crime and Policing Act 2014 to deal with anti-social behaviour in a reasonable and proportionate manner.

A local authority may make a PSPO if satisfied that a particular activity has, or is likely to have, a detrimental impact on quality of life; and that such activities are persistent, unreasonable and justify the restrictions being imposed. PSPOs, essentially, can prohibit certain things from being done in a certain area, or require specific things to be done in an area, or both.

Before issuing a PSPO the Council must consult with relevant organisations including the Police, residents who will be affected by the restrictions, the landowner and animal welfare experts. A PSPO can only be challenged in the High Court.

Council across Wales have been looking at a range of conditions as part of their PSPOs including:

- Making it an offence for a person not to clean up dog faeces on land stated within the Order
- Requiring all dog walkers to carry an appropriate receptacle for dealing with their dog's waste
- Keeping dogs on leads in playgrounds and cemeteries owned by the Council
- Making it an offence for a person not to put a dog on a lead when instructed to do so by an authorised person
- Excluding dogs from children's play areas, multi-use games areas and marked sports playing pitches
- Requiring owners to put their dog on a lead when walking on public roads and pavements.

RSPCA Cymru has been responding to PSPO consultations by Councils across Wales seeking to ensure that responsible dog owners are still able to meet the needs of their dogs; and that PSPOs do not unwittingly compromise dog welfare by placing undue restrictions on dogs. This is especially pertinent if adequate dog walking space nearby was not available and the introduction of certain provisions would prohibit the dog from expressing normal behaviour, for example being able to run free off the lead.

Below is a breakdown of the RSPCA's position on particular provisions commonly incorporated in PSPOs by local authorities in relation to dogs.

Making it an offence for a person to fail to clean up dog faeces

RSPCA Cymru welcomes proposals to make it an offence for a person to fail to clean up their dog's faeces. We understand that dog fouling is a major issue for towns and cities across Wales. Therefore, in order to increase responsible dog ownership and improve the relationship between dog owners and the wider community, we agree that it is correct and proportionate to make it an offence for owners to fail to pick up their dogs waste. RSPCA Cymru would also urge Councils to also look at educational or promotional schemes around responsible dog ownership in areas where dog fouling is a regular issue.

Requiring all dog walkers to carry an appropriate receptacle for dealing with their dog's waste

RSPCA Cymru encourages proposals from local authorities that will require all dog owners to carry an appropriate receptacle or bag to pick up dog faeces if their dog has defecated at any time on land listed within the Order. Several other local authorities in Wales have already introduced similar conditions within their PSPOs - with the aim being to improve responsible dog ownership and to foster more positive relationships between dog and non-dog owners in the local area.

Keeping dogs on leads in playgrounds and cemeteries owned by the Council

Due to the comfort and support that owners can receive from their dog, RSPCA Cymru welcomes any proposals to allow dogs in cemeteries as long as they are on a lead. This will help owners who otherwise may have no choice but to leave their dog tied up outside the cemetery which is stressful for the dog and poses them at risk of theft. Furthermore, they may leave their dog in their car which would place them at risk of causing unnecessary suffering and potentially being charged with an offence under the Animal Welfare (2006)¹.

Making it an offence for a person not to put a dog on a lead when instructed to do so by an authorised person

To ensure that this condition is administered appropriately and in a proportionate manner, RSPCA Cymru would like to see that the experience, knowledge and training of the officer imposing the condition is sufficient to ensure the welfare of the dog is not compromised and that they give advice to ensure that the dog is still able to be regularly exercised off the lead. Where required, the officer should be able to signpost the owner to someone appropriate for further advice regarding the dog's behaviour.

Requiring owners to put their dog on a lead when walking on public roads and pavements.

Requiring dogs to be kept on a lead on public roads and pavements can bring some benefits to the dog, especially by ensuring their safety and reducing the number of potential road traffic deaths. However, to ensure that dogs are able to express normal behaviour, it is important that opportunities are made available for exercising off the lead. The local authority needs to ensure that the other measures contained within this order do not restrict too much the ability for owners to exercise their dogs off the lead. RSPCA Cymru is also concerned that a blanket order of this type, regardless of training and ability of the dog, will add to the negative view of dog ownership within the locality.

¹ <http://www.legislation.gov.uk/ukpga/2006/45/contents>

Excluding dogs from children's play areas, multi-use games areas and marked sports playing pitches

The RSPCA understands the value of local authorities ensuring that sections of open space may be dog-free, such as children's play areas and purpose built multi-use games areas. It's important that as well as sufficient space for dog owners and their dogs, these separate needs are not unduly segregated which can foster misunderstandings and substitute problems. We wish to see integrated communities, with responsible pet and non-pet owners living harmoniously.

However, excluding responsible dog owners from allowing their dogs onto a marked sports playing pitch would be restrictive, especially if adequate space nearby was not available and would prohibit the dog from expressing normal behaviour, and confusing for dog owners as many of these pitches are seasonal with limited or no signage or fencing.

RSPCA Cymru believes that although dog faeces can be a nuisance to the people that use the sports pitches, they can be and are easily removed by many responsible dog owners, imposing the restriction on all will punish the responsible dog owners and impose a negative view of dog ownership within the community. Additionally, we believe that the provisions that make it an offence for an owner not to pick up their dog's faeces and the need to carry an appropriate dog faeces receptacle go some way to mitigating the issues associated with areas such as marked sports pitches and therefore would urge local authorities to consider other means before adopting this disproportionate exclusion.

Such a provision has historically proved unpopular with dog-owners. In 2018, Cardiff Council reversed proposals to ban dogs from marked sports pitches following protests and objections from hundreds of local residents². The RSPCA was supportive of these objections as we felt that the ban was disproportionate and was detrimental to the welfare of hundreds, if not thousands, of dogs from the local area.

² <https://www.walesonline.co.uk/news/wales-news/cardiff-council-u-turn-controversial-15315972>