



Position statement on Public Space Protection Orders

Ensuring animals have a good life by advocating on their behalf

Key facts...

- ★ The Public Space Protection Order (PSPO) introduced through the Anti Social Behaviour Crime and Policing Act 2014 supersedes the Dog Control Orders (DCO) previously used by local authorities.
- ★ The RSPCA acknowledges the value of PSPOs for local authorities to ensure that sections of open space may be dog-free, for example children's play areas, sports fields, etc.
- ★ Dogs enjoy interacting and playing with other people and animals and it is important that they are able to express this and other normal behaviour off the lead. It is therefore imperative that local authorities use PSPOs sparingly and in a manner that is proportionate to the problem, in accordance with Defra's guidance.
- ★ Local authorities should be aware that under section 9 of the Animal Welfare Act 2006, owners are required to ensure they meet their pets' welfare needs, this includes the freedom to express normal behaviour and regular and appropriate exercise. It is for this reason, that where dogs are excluded or restricted on open spaces, it is essential that local authorities ensure that other open spaces in close proximity remain accessible to dogs on and off leads to allow owners to fulfil their responsibilities.
- ★ It is the RSPCA's view that local authorities should promote responsible dog ownership through encouragement of training, proper care, microchipping, neutering as well as ensuring that owners clean up after their dogs.

Current legislation

The [Anti-social Behaviour, Crime and Policing Act 2014](#) replaced the provisions for restricting access to public spaces by dogs previously enforced by Dog Control Orders (DCOs) under the [Clean Neighbourhoods and Environment Act 2005](#). Since October 2014 Public Space Protection Orders (PSPOs) have been used instead.

PSPOs are a generic order designed to deal with a range of anti-social behaviour in public places. A PSPO can make prohibitions or requirements to do something to prevent or reduce the detrimental effect of the activity concerned, however they must be reasonable. For example they can exclude dogs from certain areas, require faeces to be picked up, keep dogs on leads in certain areas, restrict the number of dogs walked by one person, etc. The RSPCA's position on PSPOs in general is provided below as well our views on specific measures.

RSPCA position on Public Space Protection Orders

Dogs enjoy interacting and playing with other people and animals, and it is important that they are able to express normal behaviour off the lead. Being walked off the lead and being able to meet, play and interact with new animals and people are important aspects of ensuring dogs are safe within a community. This is particularly important for puppies to ensure they develop into well adjusted happy individuals. Where this is not allowed or done incorrectly problems can occur which include fear and aggression. We do recognise that not all dogs will be well-socialised and friendly and where this is known then they should remain on a lead but this should be done on a risk-based approach and owners should be encouraged to be responsible about this. It is therefore imperative that local authorities use Orders sparingly and in a manner that is proportionate to the problem, in accordance with Defra guidance.

Local authorities should be aware that under section 9 of the [Animal Welfare Act 2006](#) (AWA), owners are required to ensure they meet their pets' welfare needs, this includes the ability to express normal behaviour and the provision of regular and appropriate exercise. It is for this reason, that where dogs are excluded or restricted on open spaces, it is essential that local authorities ensure that other open spaces in close proximity remain

For further information or if you have any questions please contact: politicalaffairs@rspca.org.uk

accessible to dogs on and off leads to allow owners to fulfil their responsibilities.

The RSPCA acknowledges the value of PSPOs for local authorities to ensure that sections of open space may be dog-free, for example children's play areas, sports fields, etc. However it is the Society's view that it is more important for a local authority to promote responsible dog ownership through encouragement of training, proper care, microchipping, neutering as well as ensuring that owners clean up after their dogs.



The Society sees this as a better means of tackling the problem of dog control in the long-term than issuing Orders - which could prove a strain on resources with regard to the policing and enforcement, particularly if they are widely applied across the authority area.

Therefore the RSPCA hopes that local authorities issue PSPOs cautiously and not as a blanket power that punishes the responsible majority in an effort to tackle problems created by an irresponsible few.

RSPCA position on common requirements or prohibitions of Public Space Protection Orders

- **Dogs should always be on a lead in graveyards, cemeteries or memorial gardens**

Due to the comfort and support that owners can receive from their dog, the RSPCA welcomes proposals to allow dogs on leads in graveyards, cemeteries or memorial gardens. This helps owners who may otherwise have no choice but to leave their dog tied up outside the specified areas which can be stressful to the dog and poses them at risk of theft. Furthermore, some may also have to leave their dog in their car which can place them at risk of causing unnecessary suffering and potentially being charged with an offence under the AWA.

- **Dogs should always be kept on leads near schools**

The aim of such a measure is to reduce dog fouling and dog bite related incidents. We understand that keeping dogs on leads near schools can help mitigate dog fouling and we are supportive of this. However, these types of proposal are unlikely to impact on the number of dog bite related incidents. Children often treat dogs as their peers; they hug, cuddle, hold and scold them and affection is often expressed through close facial contact. For dogs, these types of interactions can be threatening and because of this, young children are more likely to be bitten than any other group. Teaching parents to recognise and understand dog behaviour and actively supervising their children around dogs to ensure they are safe is far more likely to achieve a reduction in dog bites than asking owners to keep their dogs on a lead. We would encourage Councils considering these sorts of measures to introduce activities and initiatives which teach dog safety to both parents and as part of child education.

- **Dogs should always be kept on leads in built up areas**

Many responsible dog owners already, for the safety of their pet, make sure that their dogs are on a lead in busy environments to ensure that they are easily controlled and not imposing upon members of the general public. We would therefore be supportive of this type of proposal.

- **Dogs should be excluded from playing areas of marked and maintained sports pitches (in season)**

The RSPCA understands the value to local communities and local authorities in making sections of open spaces dog-free, such as a children's play areas or a purpose built multi-use games area. However, excluding responsible dog owners from allowing their dogs onto marked sports playing pitches can be restrictive, especially if adequate and alternative space nearby is not available which can then prohibit the expression of normal behaviour. Excluding dog owners from sports playing pitches, we believe, is also contrary to the Defra guidance on issuing a

For further information or if you have any questions please contact: politicalaffairs@rspca.org.uk

PSPO¹, which states that as it is enforced against an area, and not a specific individual, that it should be used carefully. It must also meet the three conditions of a dog's behaviour including that it affects the quality of life of people in the area, is persistent and is justified in imposing the restriction on the whole public.

It is a dog owner's responsibility to ensure that their dog is walked all year round so they receive regular and appropriate exercise under section 9 of the AWA and whilst we recognise such proposals tend to be seasonal, we are concerned that without ensuring other alternative year round areas for exercise, these types of proposal could detrimentally impact on dog owners.

Dog faeces can be a nuisance to people that use sports pitches, however they can be, and are, easily removed by many responsible dog owners. Imposing this type of restriction on all punishes responsible dog owners and imposes a negative view of dog ownership within the community.

- **A defined lead length and type of lead is to be used in areas where dogs should be on a lead**

The RSPCA would recommend that where this is introduced there needs to be clear and precise language to define the terms and with sufficient notice to allow dog owners to comply. This should include all local stores which sell extending leads exceeding the length of the proposal or which, rather than a fixed length, extend, so that purchasing and subsequent use of the lead could not contravene the provisions of the PSPO.

- **A restriction on the number of dogs to be walked at any one time**

The RSPCA recognises that it is more difficult to regulate dog walkers based on measures other than absolute numbers. However, small numbers of dogs can also cause a nuisance and distress as a result of a dog walker not being in control of them. We are aware that local authorities have introduced PSPOs which allow for dog walkers to be fined where the maximum number of dogs has been exceeded and the RSPCA has also supported penalties for dog walkers causing a nuisance and distress with a smaller number of dogs. However, we have stressed that should such an approach be adopted, enforcing officers need to be demonstrably competent in recognising when dogs are causing nuisance and distress to ensure the fines are issued fairly and are necessary.

- **Introduce DNA restricted areas of public space**

Such proposals seem difficult to apply in practice. If a number of dog owners are already offending through failure to pick up their dog's faeces, it is difficult to understand what will compel them to comply with the requirement for registration on a DNA database so that they can let their dog off their lead. This also appears a very unfair and draconian proposal for the vast majority of owners who do pick up their dog's faeces especially when some proposals have also included the need to pay to let their dog off lead. From the limited evidence that the RSPCA has seen from local authorities who have trialled similar schemes, it is also unclear that these types of proposal would be cost effective for the council in the longer term.

¹ Defra. [Government guidance: control of dogs](#). 2015