



Full Equality Impact Assessment (EqIA)

An EqIA Screening has identified this proposal/policy/ project as requiring a full EqIA. This means there is a risk of significant adverse impact on service users/ residents including [‘vulnerable groups’](#) and/or and those with certain [protected characteristics](#). An EqIA shows how you have and intend to ensure equalities issues are taken into account in:

1. making key decisions (may be covered to some extent in the screening)
2. implementing agreed decision
3. reviewing the outcome of the decision

This document is a way of recording processes and is a key part of showing ‘due regard’. The document can be updated and shared with decision makers throughout the project be used to inform which approaches/ideas etc. are taken forward, how it is implemented and to review its success.

SERVICE AREA	Neighbourhood Services
TITLE OF BUDGET OPTION/REPORT	Dog Control- PSPO
PORTFOLIO HOLDER	Cllr Barrett
GROUP HEAD	Jackie Taylor
AUTHOR (name and job title)	Martin Cole – Neighbourhoods Manager

REASONING BEHIND THE PROPOSAL:

Extension and variation of Public Spaces Protection Order (Dog Control) 2017

The Public Spaces Protection Order (Dog Control) 2017 ("Order") is due to expire on the 19 October 2019. At any point before expiry of the Order, the Council can vary or extend it by up to three years if they consider it is necessary to prevent the original behaviour from occurring or recurring.

The Activities currently prohibited by the Order are:

- a. Failing to remove dog faeces immediately;
- b. Permitting a dog to enter land from which dogs are excluded

The above two orders were originally passed by Spelthorne Borough Council on 15 December 2011 and came into force on 27 July 2012. These orders were Dog Control Orders under Clean Neighbourhoods and Environment Act 2005 and the Dog Control Orders (Prescribed Offences and Penalties etc) Regulations 2006. From 20 October 2017 all Dog Control Orders were transferred across automatically to become Dog Control Public Space Protection Orders under S 59 Anti-Social Behaviour, Crime and Policing Act 2014.

In addition to the above two prohibited activities there are four new prohibited activities –

- a. Professional Dog Walkers limit to four dogs
- b. Dogs on lead by direction
- c. Dogs on leads
- d. Carrying suitable means for proper disposal of dog faeces

The Order is not put forward as a means of unduly restricting the exercising or recreation of dogs across the Borough of Spelthorne. The reason for making the Order is to address the detrimental effect on the quality of life of those in the Borough caused by the irresponsible behaviour of a small minority of dog owners; and to set out a clear standard of behaviour to which all dog owners are required to adhere. At any point before expiry of the Order, the Council can extend it by up to three years if they consider it is necessary to prevent the original behaviour from occurring or recurring.

According to section 60(2) of the Act, before the time when a PSPO is due to expire, the local authority that made the PSPO may extend the period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent –

1. Occurrence or recurrence after that time of the activities identified in the Order, or

Detail which protected characteristics (and groups within) were identified in the screening as at risk of adverse impact:

Age: No Gender: No Disability: Yes Race: No

Religion: No Sexual Orientation: No Other: No Multiple characteristics: No

See below

**MAKING INFORMED DECISIONS – USEFUL DATA
DATA GATHERING**

The Data used for this was the JET Team monthly Dog Fouling Statistics going back to 2017.

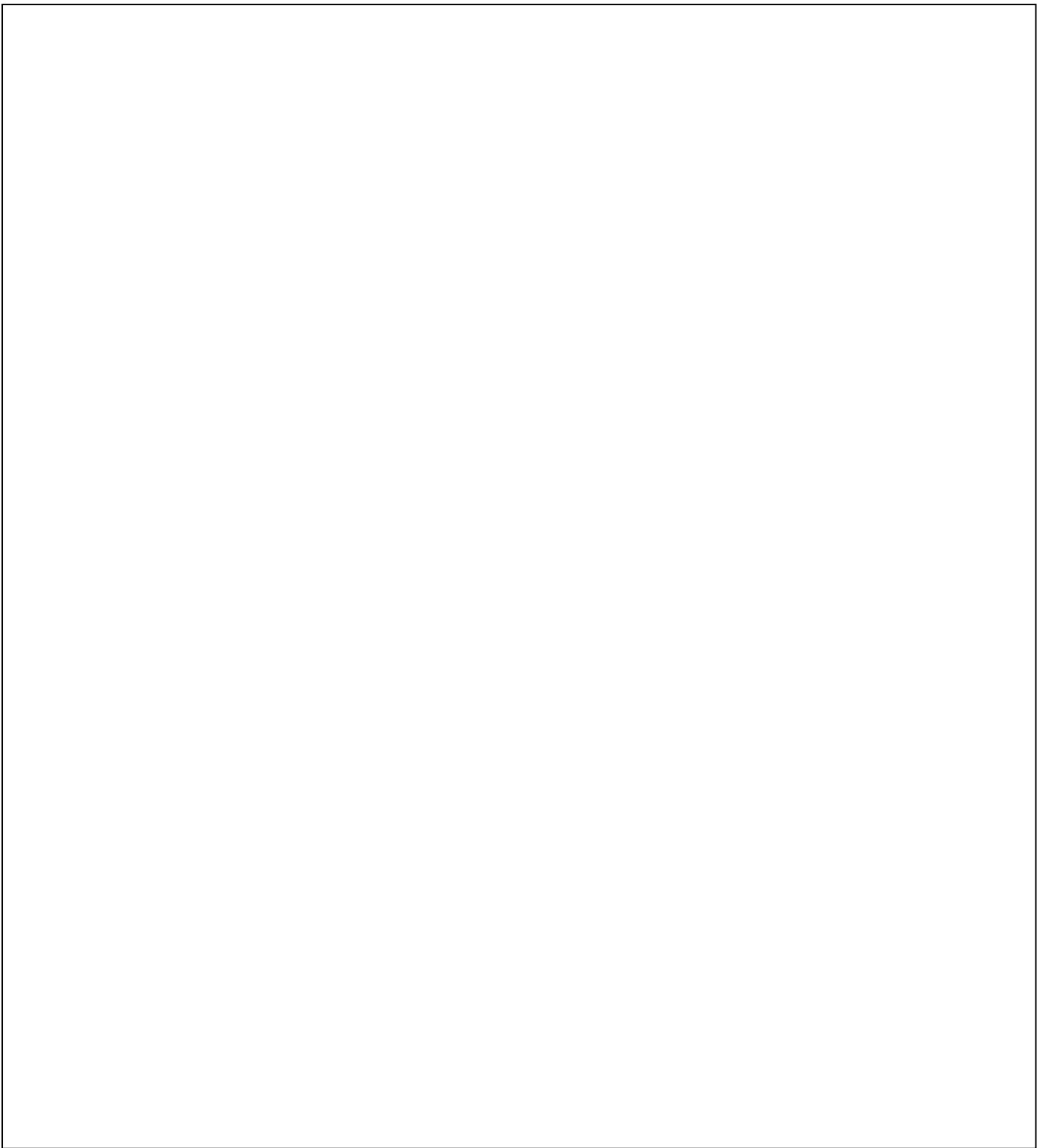
The responses from the Public Consultation along with a written submission by the Kennel Club.

MAKING INFORMED DECISIONS – STAKEHOLDER CONSULTATION/ENGAGEMENT

VIEWS FROM STAKEHOLDER CONSULTATION/ENGAGEMENT

The proposed changes had been out for public consultation. 223 responses were received from members of the public during the month long survey and the results were overwhelmingly in favour of the proposals and broadly speaking the Kennel Club was also in favour of the majority of the proposals.

Full details of the Public Consultation and Kennel Club responses are attached within the papers. The Police have also provided data in relation to allegations of dog bites, dangerous dogs, dogs not under proper control and allegations of dog fouling. Data in relation to dog fouling incidents have been taken from the JET Monthly Enforcement Figures.



OVERALL IMPACT

(a) Age

Note that this refers to any group of people of a particular age (e.g. 32 year-olds), or within a particular age range (e.g. 16-24 year-olds) – in particular, please consider any safeguarding issues for children and adults at risk.

Currently the Order applies to all age groups, and the proposed varied order includes some additional restrictions on parks and restrictions on the number of dogs that can be walked. This may have a negative impact on members of the public that utilise these areas for walking their dogs, however restrictions are placed on a small number of areas that are not designed for the exercise of dogs and other suitable locations can be found near to areas where restrictions apply. Conversely this may also have a positive impact to family users of fenced parks, allowing free use of play areas without the fear of dogs sharing the same space.

(b) Disability

Note that a person has a disability if they have a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

Currently the Order does not apply to all people. Nothing in the Order applies to a person in control of a working assistance dog which has been trained to assist a person who has a disability. For the purposes of the Order, a “disability” means a condition that qualifies as a disability for the purposes of the Equality Act 2010. It is proposed that the same exemptions continue with the new Order to ensure that the restrictions placed on dog owners / handlers are reasonable and take into account conditions where it is not possible to comply.

(c) Gender reassignment

There are no equality impacts specific to this protected characteristic.

(d) Marriage and civil partnership

There are no equality impacts specific to this protected characteristic

(e) Pregnancy and maternity

This may well continue have a positive impact to family users of fenced parks, allowing free use of play areas without the fear of dogs sharing the same space and becoming too excited and potentially hurting children unwittingly.

(f) Race

Note that the protected characteristic ‘race’ refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

There are no equality impacts specific to this protected characteristic

(g) Religion or belief

There are no equality impacts specific to this protected characteristic

(h) Sex Gender

There are no equality impacts specific to this protected characteristic

(i) Sexual orientation

There are no equality impacts specific to this protected characteristic

(j) Other factors that may lead to inequality – in particular – please consider the impact of any changes on low income groups or those experiencing the impacts of poverty

All enforcement action is undertaken in accordance with the council's Corporate Enforcement Policy. Currently the option for dealing with dog control is fixed penalty notices, which offers individuals and businesses the opportunity to pay a monetary fine, and in turn discharge their liability to prosecution (they will not end up with a criminal record). The continuation of fines at the level of £100 per offence. The council does not offer payment by instalments or payment plans. Payment for fixed penalties can only be accepted for the full amount. However in cases of extreme financial difficulties, officers have discretion to be able to offer a written letter of warning. The officers will work together with those issued fixed penalties to avoid prosecution where possible.

The overall impact of these changes is not expected to change the number of fines issued but more to make the public aware of what they can do in relation to the exercising of their dogs within the Borough of Spelthorne. All parks, open spaces, cemeteries and car parks will display a sign with the relevant PSPO restrictions for that area. It will hopefully make the Borough of Spelthorne Safer for all of its diverse communities.

Action plan – New equality impacts will be identified in different stages throughout the planning and implementation stages of changes to your strategy, policy, plan, project, contract or major change to your service. How will you monitor these going forward? Also, how will you ensure that any potential negative impacts of the changes will be mitigated? (Please include dates where possible for when you will update this EqlA accordingly.)

Update of EqlA will follow 6 months after implementation of provisions.

Name and job title of lead officer for this equality impact assessment: Martin Cole
Neighbourhoods Manager

Date of EqlA sign off: 05 October 2020