



Formal Response Spelthorne Borough Council's Public Spaces Protection Order Consultation

Submitted on 18th October 2023 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 access – exclusion from playgrounds, recreational facilities, etc

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.

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.

Means to pick up

Whilst we support proactive efforts on behalf of local authorities to encourage responsible dog ownership, measures to require owners to pick up after their dogs must be fair and proportionate. We would not like to see responsible dog owners penalised unfairly. The



Kennel Club has concerns regarding the proposal to introduce an offence of not having the means to pick up. Responsible owners will usually have dog waste bags or other means to clear up after their pets. However, if dog owners are approached at the end of a walk they may have already used the bags that they have taken out or given a spare bag to someone who has run out, for example. Such behaviour is encouraged by Green Dog Walker schemes.

It is also plausible that such proposals could, in certain circumstances, perversely incentivise dog walkers to not pick up after their dog. Dog walkers could be made to decide between using their final waste bag and risk being caught without means to pick up, or risk not picking up in order to have a means to pick up should they be stopped later on their walk. It is reasonable to assume a proportion of dog walkers would choose the second option if they believed this was the least likely route to being caught, especially if the penalty for not picking up was the same as not being in possession of a means to pick up.

Local authorities may wish to consider introducing a clause which provides an exemption for those who have run out of bags but are able to prove that they were in possession of and made use of these during their walk. It is essential that an effective communication campaign is launched in the local area to ensure that people are aware of the plans and have an excess supply of dog waste bags with them.

Additionally, appropriate signage should be erected to inform that those who are not familiar with the local rules are not unfairly caught out. The most effective spot checks that the local authority could carry out are those which catch offenders in the act of not picking up, rather than guessing behaviours on the basis of what dog owners are or are not carrying with them. For example, in the absence of waste bags, owners trying to flout the measures could theoretically point to any number of items on their person that they intend to use. This gives rise to concerns about the ease with which local authorities could successfully enforce this law when trying to define whether or not dog owners have a means of picking up.

Alternatively, an irresponsible owner looking to avoid a fine could simply tie one bag to their dog's lead or collar but not actually use it. Cornwall Council considered introducing a similar means to pick up measure, but subsequently decided against doing so as they deemed it to be disproportionate and concluded that the requirement would be 'toothless', as it would be highly unlikely to be enforceable in a magistrates court. If the Council proceeds to introduce such a measure, it is essential it provides greater clarity to dog walkers on how to comply with the Order.

Maximum number of dogs a person can walk

We feel that an arbitrary maximum number of dogs a person can walk is an inappropriate approach to dog control that can result in displacement and subsequently intensify problems in other areas. The maximum number of dogs a person can walk in a controlled manner is dependent on a number of other factors relating to the walker, the dogs being walked, whether leads are used, and the location where the walking is taking place.

An arbitrary maximum number can also legitimise and encourage people to walk dogs up to the specified limit, even if at a given time or circumstance they cannot control that number of dogs.



We thus suggest instead that defined outcomes are used to influence people walking one or more dogs – domestically or commercially – such as dogs always being under control or on lead in certain areas. An experienced dog walker, for example, may be able to keep a large number of dogs under control during a walk whilst an inexperienced private dog owner may struggle to keep one dog under control. Equally, the size and training of dogs are key factors, hence why an arbitrary maximum number is inappropriate. The Kennel Club would recommend the local authority instead uses the ‘dogs on lead by direction’ measures and other targeted approaches – including Acceptable Behaviour Contracts and Community Protection Orders – to address those who do not have control of the dogs that they are walking.

A further limitation of this proposed measure is that it does not prevent people with multiple dogs walking together at a given time, while not exceeding the maximum number of dogs per person. Limits may also encourage some commercial dog walkers to leave excess dogs in their vehicles, causing severe animal welfare concerns.

If the proposed measure is being considered as a result of issues arising from commercial dog walkers, we suggest councils instead look at accreditation schemes that have worked successfully in places like East Lothian. These can be far more effective than numerical limits as they can promote good practice rather than simply curbing the excesses of just one aspect of dog walking. Accreditation can also ensure dog walkers are properly insured and act as advocates for good behaviour by other dog owners.

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.

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>

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.