



## 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 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.

<b>SERVICE AREA</b>	Neighbourhood Services
<b>TITLE OF BUDGET OPTION/REPORT</b>	Dog Control- PSPO
<b>PORTFOLIO HOLDER</b>	Neighbourhood Services and Enforcement Committee
<b>GROUP HEAD</b>	Jackie Taylor
<b>AUTHOR (name and job title)</b>	Tristan Gardner – Streetscene & Law Enforcement Officer

## **REASONING BEHIND THE PROPOSAL:**

### **Extension of Public Spaces Protection Order (Dog Control) 2021**

The Public Spaces Protection Order (Dog Control) is due to expire on the 2<sup>nd</sup> of January 2024. 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. Permitting a dog to enter land from which dogs are excluded
- b. Failing to remove dog faeces immediately
- c. Limiting professional dog walkers to a maximum of 4 dogs
- d. Failing to put a dog on a lead if directed to do so by an authorised officer
- e. Failing to keep a dog on a lead within certain areas
- f. Failing to carry suitable means for proper disposal of dog faeces

The above orders were originally passed by Spelthorne Borough Council, and came into force on the 2<sup>nd</sup> of January 2021 under the provisions of S 59 Anti-Social Behaviour, Crime and Policing Act 2014.

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

2. An increase in the frequency or seriousness of those activities after that time. However according to section 61 of the Act, the Order may be varied by increasing or reducing the affected area, or by altering or removing a prohibition or requirement included in the Order or by adding a new one. Where an order is varied if satisfied on reasonable grounds that two conditions are met. The first condition is that:

- a. Activities carried on in a public place within the Council's area have had a detrimental effect on the quality of life of those in the locality; or,
- b. It is likely that activities will be carried on in a public place

The second condition is that the effect or likely effect, of the activities:

- a. Is or is likely to be, of a persistent or continuing nature;
- b. Is, or is likely to be, such as to make the activities unreasonable; and,
- c. Justifies the restrictions imposed by the notice.

The existing prohibited activities and the newly recommended prohibited activities have been the subject of public consultation between 18 September and 22 October 2023 and a total of 94 responses were received from members of the public and written submissions by the Kennel Club and Surrey Police.

- a. The current dog exclusion area remains the same.

The consultation results for exclusion from Ball Courts was 86 either strongly or fairly agree, Children's play areas was 91 responses that either were strongly or fairly agree, multi-games areas was 85 that either strongly or fairly agree and in the case of tennis courts 83 either strongly or fairly agree.

From the Kennel Club written response they do not normally oppose exclusion areas providing areas are provided for dog walkers. In all of the areas within the Borough there is ample provision for dog walkers

- b. The fouling of land within the Borough of Spelthorne remains the same.

The consultation in relation to Members of the Public who had been affected by dog fouling was 75 of the received responses. The Kennel Club fully supports dog owners clearing up after their dogs.

c. Professional dog walkers limit to four dogs.

The consultation question restricting the number of dogs walked at one time drew 85 responses from people who either strongly or fairly agree. Whereas the Kennel Club feels that there should not be an arbitrary number per dog walker. However the fact remains that the fewer dogs walked by one person would hopefully reduce the instances of complaints in relation to unruly dogs.

d. Dogs on Leads by direction

In relation to this question the response were 87 either strongly or fairly agree with the proposal of dogs be required to be put on leads if requested to do so. The Kennel Club were supportive of this provision.

e. Dogs on Leads

This question stipulated that dogs must be on a lead at all times in Council Car Parks, Cemeteries and Leisure Centre Car Parks, the number of responses that either strongly or fairly agree were 86. The Kennel Club were supportive of this measure providing it is proportionate a response.

f. Carrying Suitable means for the proper disposal of dog faeces.

In response to this question 92 people agreed that dog owners should clear up after their dog immediately and carry with them the means to do so. In relation to this the Kennel Club were not so supportive and suggest that if accepted a thorough and effective communications campaign would need to be run in the local area.

All of the current and proposed changes are to ensure that the Parks, Open Spaces and Highways within Spelthorne remain a safe area for all members of the Community.

**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 2021.

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. 94 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 incidents involving dogs and allegations of dogs dangerously out of control. 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 they rely on and has been trained to assist a person who has a disability by an appropriate registered charity. 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 EqIA accordingly.)**

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

**Name and job title of lead officer for this equality impact assessment:** Tristan Gardner, Streetscene & Law Enforcement Officer

**Date of EqIA sign off:** 06 November 2023