



THE KENNEL CLUB

Making a difference for dogs

Kennel Club Response to Fylde Council Public Spaces Protection Order Consultation

Submitted on 13th January 2017 by: The Kennel Club, Clarges Street, Piccadilly, London W1J 8AB, tel: 020 7518 1020, email: kcdog@thekennelclub.org.uk

The Kennel Club is the largest organisation in the UK devoted to dog health, welfare and training, whose main objective is to ensure that dogs live healthy, happy lives with responsible owners. As part of its External Affairs activities the Kennel Club runs a dog owners group KC Dog with approximately 5,000 members, which was established to monitor and keep dog owners up to date about dog related issues, including Public Spaces Protection Orders (PSPOs) being introduced across the country.

As a general principle we would like to highlight the importance for all PSPOs to be necessary and proportionate responses to problems caused by dogs and irresponsible owners. It is also important that authorities balance the interests of dog owners with the interests of other access users.

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 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 poo 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.

Dog access

The Kennel Club does not normally oppose Orders to exclude dogs from playgrounds, or enclosed recreational facilities such as tennis courts or skate parks, as long as alternative provisions are made for dog walkers in the vicinity. We would also point out that children and dogs should be able to socialise together quite safely under adult supervision, and that having a child in the home is the biggest predictor for a family owning a dog.

The Kennel Club can support reasonable “dogs on lead” orders, which can - when used in a proportionate and evidenced-based way – include areas such as cemeteries, picnic areas, or on pavements in proximity to cars and other road traffic.

The Kennel Club will oppose PSPOs which introduce blanket restrictions on dog walkers accessing public open spaces without specific and reasonable justification. Dog owners are legally required to provide their dogs with appropriate daily exercise, including “regular opportunities to walk and run”, which in most cases will be off-lead while still under control. This is a provision of the Code of Practice for the Welfare of Dogs, which accompanies the Animal Welfare Act 2006.

Their ability to meet this requirement is greatly affected by the amount of publicly accessible parks and other public places in their area where dogs can exercise without restrictions. Reference to this section of the Animal Welfare Act was included in the statutory guidance produced for local authorities by the Home Office on the use of PSPOs. It is also contained within the Defra / Welsh Government guidance on dog control measures.

Accordingly, the underlying principle we seek to see applied is that dog controls should be the least restrictive to achieve a given defined and measurable outcome; this is the approach used by Natural England. In many cases a seasonal or time of day restriction will be effective and the least restrictive approach, rather than a blanket year-round restriction. For instance a “dogs on lead” order for a picnic area is unlikely to be necessary in mid-winter.

We welcome the proposal to relax or remove some existing dog access restrictions. While taking this into account, and accepting our local knowledge is limited, it appears to us in certain areas a dog owner’s ability to exercise their dog(s) will be severely inhibited if all the proposed restrictions are introduced. From analysing the proposals we are particularly concerned about provision in the Lytham St Annes and Lytham. We acknowledge stretches of the beach are available for dog walkers, but due to exposure to the elements and accessibility reasons, beaches may not be a suitable option for all local dog walkers, year round.

Aside from the legal obligations on dog walkers to provide off-lead exercise for their pets, dog walking can provide considerable physical and mental health benefits.¹ We request the council carefully considers whether there is appropriate provision for off-lead dog walking in the area.

We strongly question the appropriateness of the proposal to require ‘dogs to be kept on leads on all public highways at all times’. This definition would include a large number of paths and tracks where dog walkers are not going to encounter motor vehicles, or indeed potentially other pedestrians. We do not believe that requiring dogs to be kept on a leads on ‘*all public highways at all times*’ within the Fylde local authority area meets the legal test for the introduction of a PSPO. Namely the activity carried on has had, or is likely to have a detrimental effect on the quality of life of those in the locality, and the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature. We would submit the council should take a more targeted approach identifying highways for which dogs being off-lead would meet the legal test for the introduction of a PSPO.

We welcome the inclusion of the “dog on lead by direction” provision, which should allow a more targeted approach to tackle the individuals who allow their dogs to run out of control. We would also recommend local authorities make use of the other more flexible and targeted measures at their disposal such as Acceptable Behavioural Contracts and Community Protection Notices. Kennel Club Good Citizen Training Clubs and our accredited trainers can also help those people whose dogs run out of control due to them not having the ability to train a good recall.

¹ Dogs, access and nature conservation, English Nature Research Reports C

Nature reserves and water features

There are a number of proposals within this PSPO consultation which cite protecting wildlife and nature features as the reason for the restriction. We recently contacted both the council and Natural England for additional information regarding the underlying need for restrictions on dog walkers at these sites. We are still assessing the information provided, as such at this stage we are unable to fully comment on the necessity to manage dog access at these sites in the manner proposed.

However, we would submit that the legal test for the introduction of a PSPO can't be met purely on the basis of protecting wildlife. The Anti-social Behaviour, Crime and Policing Act 2014 is clear that a PSPO can only be introduced 'where activities have had or are likely to have a detrimental effect on the quality of life of those in the locality...'. It is clear from the Act, its accompanying explanatory notes and Government guidance documents that this is referring to the effects on people, and not other non-human species.

From the information available to us, there is no apparent evidence to show detrimental effects on people in the locality. Thus, we submit that a PSPO introduced on the stated disturbance to birds or wildlife is fatally flawed.

We would be happy to work with the council and Natural England to develop more appropriate measures to mitigate against potential negative impacts of dogs to sensitive wildlife sites.

For similar reasons we do not believe a PSPO is appropriate measure to restrict dog access to all water features. If the council believes there to be an algal problem then it would be more appropriate to erect a sign warning dog owners of the potential risks, especially as algal problems are usually seasonal.

Maximum number of dogs a person can walk

The Kennel Club feel that an arbitrary maximum number of dogs a person can walk is an inappropriate approach to dog control that will often simply displace and intensify problems in other areas. The maximum number of dogs a person can walk in a controlled manner depends on a number of factors relating to the dog 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 that defined outcomes are used instead to influence people walking more than one dog, be that domestically or commercially, such as dogs always being under control, or not running up to people uninvited, on lead in certain areas etc.

For example, an experienced dog walker may be able to keep a large number of dogs under control during a walk, whereas an inexperienced private dog owner may struggle to keep a single dog under control. Equally the size and training of the dogs are key factors; this is why an arbitrary maximum number is inappropriate. The Kennel Club would recommend the local authority instead uses "dogs on lead by direction" orders and targeted measures such as Acceptable Behaviour Contracts and Community Protection Orders to address people who don't have control of the dogs they are walking.

A further limitation of a maximum number of dogs per person is that that it does not stop people with multiple dogs walking together at a given time, while not exceeding the

maximum number of dogs per person. Limits can also encourage some commercial dog walkers to leave excess dogs in their vehicles, which can give rise to welfare concerns.

If a maximum number of dogs is being considered due to issues arising from commercial dog walkers, we instead suggest councils look at accreditation schemes that have worked very successfully in places like the East Lothian council area. These can be far more effective than numerical limits, as they can promote wanted good practice, rather than just curb 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. The Kennel Club is currently developing a national Code of Practice for Commercial Dog Walking for launch in 2017, alongside a national accreditation and training scheme that councils can work with us to apply and promote in their areas.

Assistance dogs

We would also request appropriate exemptions are put in places for users of registered assistance dogs. There are in total seven charities training registered assistance dogs in the UK that we submit should be included. We would suggest that to find out more information about the range of assistance dogs now legally recognised under disability legislation in the UK that need to be accommodated, go to www.assistancedogs.org.uk.

Appropriate signage

It is important to note that in relation to PSPOs the “The Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014” require 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).”

With relation to dog access restrictions such as a “Dogs Exclusion Order” or “Dog on Lead Order”, on-site signage should make clear where such restrictions start and finish. This can often be achieved by signs that on one side say, for example, “You are entering [type of area]” and “You are leaving [type of area]” on the reverse of the sign.