Position statement on Public Space Protection Orders
FROM THE PUBLIC AFFAIRS DEPARTMENT

Key facts...

★ The Public Space Protection Order (PSPO) introduced through the Anti Social Behaviour Crime and Policing Act 2014 supersedes the Dog Control Orders (DCOs) 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.

★ In the past the introduction of DCOs has generally had a negative impact on responsible dog owners and dog welfare.

★ 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, 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 Society’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. However DCOs already in existence will be allowed to continue for a further three years before they must be replaced by PSPOs.

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 Defra guidance on PSPOs does state that local authorities should look to provide other suitable dog walking areas in the locality where restrictions are in place in other areas.

Interestingly, it appears Defra has also given advice that where the 2005 legislation has not been adopted and DCOs have not been introduced by a local authority then the measures under the Dogs (Fouling of Land) Act 1996 still applies.

Animal welfare concerns
The RSPCA has received hundreds of letters and emails from members of the public who have expressed concern that they as responsible dog owners have been excluded from parks and other open spaces as a result of the actions of an


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irresponsible few. Some correspondence has highlighted concerns regarding the inability to allow their dog to exercise freely and interact with other dogs because of requirement in some areas for dogs to be kept on the lead at all times. Other feedback has focussed on the perception that DCOs and PSPOs have been used to tackle low level anti-social behaviour such as fouling, whilst avoiding tackling the more problematic dog owners.

Many local authorities have viewed them as a positive influence, allowing officers to take action swiftly against irresponsible owners. However, all acknowledge that the consultation period and planning involved is extremely time consuming and resource intensive. For this reason Home Office guidance on using PSPOs highlights ‘Frontline professionals must use the powers in the Anti-social Behaviour, Crime and Policing Act 2014 responsibly and proportionately’

A number of local authorities have also acknowledged that enforcement has been a problem too with little power to prevent a member of the public giving a false name or address or just walking away from a park warden who is trying to issue a fixed penalty notice.

The Society has not had the resources to reply in detail to every PSPO consultation that has been sent to us. However we have provided a standard response that reflects our concerns about the shortcomings of a poorly thought out, consulted and enforced one (please see below).

**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. Being able to meet, play and interact is particularly important for puppies to be 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 ‘safe’ 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 guidance.

Local authorities should be aware that under section 9 of the Animal Welfare Act, 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.

The RSPCA acknowledges the value of PSPOs for local authorities to ensure that sections of open space may be dog-free, for example childrens’ 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.

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