

Environmental Health Team

Monmouth County Council



16<sup>th</sup> October 2023

Public Spaces Protection Order (Dog) - Consultation

Dear Environmental Health Team,

We are aware that you are running a consultation on the proposal to introduce five dog controls, Public Space Protection Orders (PSPO), in relation to dogs.

As the UK's largest dog welfare charity, we would like to make some comments for consideration.

Dogs Trust's Comments

1. Re; Fouling of Land by Dogs Order:

- Dogs Trust consider 'scooping the poop' to be an integral element of responsible dog ownership and would fully support a well-implemented order on fouling. We urge the Council to enforce any such order rigorously. In order to maximise compliance, we urge the Council to consider whether an adequate number of disposal points have been provided for responsible owners to use, to consider providing free disposal bags and to ensure that there is sufficient signage in place.
- We question the effectiveness of issuing on-the-spot fines for not being in possession of a poo bag and whether this is practical to enforce.

2. Re; Dogs on Lead by Direction Order:

- Dogs Trust enthusiastically support Dogs on Leads by Direction orders (for dogs that are considered to be out of control or causing alarm or distress to members of the public to be put on and kept on a lead when directed to do so by an authorised official).
- We consider that this order is by far the most useful, other than the fouling order, because it allows enforcement officers to target the owners of dogs that are allowing them to cause a nuisance without restricting the responsible owner and their dog. As none of the other orders, less fouling, are likely to be effective without proper enforcement we would be content if the others were dropped in favour of this order.

3. Re; Dogs on Leads Order:

- Dogs Trust accept that there are some areas where it is desirable that dogs should be kept on a lead.
- Dogs Trust would urge the Council to consider the Animal Welfare Act 2006 section 9 requirements (the 'duty of care') that include the dog's need to exhibit normal behaviour patterns – this includes the need for sufficient exercise including the need to run off lead in

**Dogs Trust**

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Patron: Her Majesty The Queen  
Registered Charity Numbers: 227523 & SC037843

appropriate areas. Dog Control Orders should not restrict the ability of dog keepers to comply with the requirements of this Act.

- The Council should ensure that there is an adequate number, and a variety of, well sign-posted areas locally for owners to exercise their dog off-lead.

#### 4. Re; Dog Exclusion Order:

- Dogs Trust accepts that there are some areas where it is desirable that dogs should be excluded, such as children's play areas, however we would recommend that exclusion areas are kept to a minimum and that, for enforcement reasons, they are restricted to enclosed areas. We would consider it more difficult to enforce an exclusion order in areas that lack clear boundaries.
- Dogs Trust would highlight the need to provide plenty of signage to direct owners to alternative areas nearby in which to exercise dogs.

#### 4a. Re; Dog Exclusion and sport pitches

- Excluding dogs from areas that are not enclosed could pose enforcement problems - we would consider it more difficult to enforce an exclusion order in areas that lack clear boundaries.
- We feel that exclusion zones should be kept to a minimum, and that excluding dogs from all sports pitches for long stretches of the year is unnecessary. In some cases sports pitches may account for a large part of the open space available in a public park, and therefore excluding dogs could significantly reduce available dog walking space for owners.
- We would urge the Council to consider focusing its efforts on reducing dog fouling in these areas, rather than excluding dogs entirely, with adequate provision of bins and provision of free disposal bags

#### 4b. Re; Dog Exclusion Order and beaches:

- With phone calls often being made to the RSPCA and Police alerting to dogs being left in hot cars in coastal areas, we would urge you to consider the danger animals may be put in, and the difficult decisions owners have to make, by not being allowed to take their dogs onto the beach.
- If the Council does choose to implement this order, Dogs Trust would encourage looking into a compromise between beach goers and dog owners, e.g. allowing dogs onto the beach in the evenings or early mornings, or having dog friendly sections on the beaches.
- Strict dog exclusion restrictions can also lead to a decrease in dog friendly tourism for businesses along the coast, which in turn could have a negative impact on the local economy.

The PDSA's '[Paw Report 2018](#)' found that 89% of veterinary professionals believe that the welfare of dogs will suffer if owners are banned from walking their dogs in public spaces such as parks and beaches, or if dogs are required to be kept on leads in these spaces. Their report also states that 78% of owners rely on these types of spaces to walk their dog.

We believe that the vast majority of dog owners are responsible, and that the majority of dogs are well behaved. In recognition of this, we would encourage local authorities to exercise its power to issue Community Protection Notices, targeting irresponsible owners and proactively addressing anti-social behaviours.

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Dogs Trust works with local authorities, across the UK, to help promote responsible dog ownership. Please do not hesitate to contact me should you wish to discuss this and how we can support you in your work in Monmouthshire County Council.

We would be very grateful if you could inform us of the consultation outcome and subsequent decisions made in relation to the Public Space Protection Order.

Yours sincerely



Kevin Atkinson Hughes-Gandy  
**Community Engagement**



## **Formal Response to Monmouthshire County Council's Public Spaces Protection Order Dog Control Measures Consultation**

Submitted on 12<sup>th</sup> October 2023 by: The Kennel Club, Clarges Street, Piccadilly, London W1J 8AB, email: [kcdog@thekennelclub.org.uk](mailto: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 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.

### **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.



## General exclusions

We do not normally oppose Orders to exclude dogs from playgrounds or enclosed recreational facilities such as tennis courts or skate parks. It is important that alternative provisions are made for dog walkers in the vicinity to avoid displacement or the intensification of problems in nearby areas. However, we will oppose PSPOs which introduce blanket restrictions on dog walkers accessing public open spaces without specific and reasonable justification. Dog owners are required to provide their dogs with appropriate daily exercise, including “regular opportunities to walk and run” – in most cases, this will be off the lead while still under control.

## Exclusions on school land

With regard to the proposed exclusion of dogs from school land, we would encourage the Council to include an exemption where the dog owner has permission from the Head Teacher of the school. Various charities, such as Pets As Therapy (<https://petsastherapy.org/>) and The Bark and Read Foundation (<https://www.thekennelclub.org.uk/about-us/charity-work/bark-and-read/>), take specially trained dogs into schools and other settings by request of the school, for the benefit of the pupils within the school. Without a clear legal exemption from the PSPO, charitable volunteers may be put off from offering this beneficial service.

## 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.



## 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>

We would therefore encourage the Council to allow for some flexibility when considering whether a disabled person's dog is acting as an assistance dog. The Council could consider adopting the definitions of assistance dogs used by Mole Valley District Council, which can be found below from their 2020 PSPO which included the following exemption provisions on dog control:

*Nothing in this Order shall apply to a person who –*

*a) is registered as a blind person on a register compiled under section 29 of the National Assistance Act 1948; or*

*b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance; or*

*c) has a physical or mental impairment which has a substantial and long term adverse effect on the ability to carry out normal day-to-day activities, in respect of a dog trained by any current or future members of Assistance Dogs UK or any other charity registered in the UK with a purpose of training assistance dogs and upon which he relies for assistance*

*d) has a physical or mental impairment which has a substantial and long term adverse effect on the ability to carry out normal day-to-day activities and in the reasonable opinion of the Council that person relies upon the assistance of the dog in connection with their disability. or that of Northumberland County Council:*

*“(4) The term “Assistance Dog” shall mean a dog which has been trained to assist a person with a disability.*

*(5) The expression “disability” shall have the meaning prescribed in section 6 of the Equality Act 2010 or as may be defined in any subsequent amendment or re-enactment of that legislation”.*



# Consultation Response

## Monmouthshire County Council: Public Space Protection Order - control of dogs

November 2023

RSPCA Cymru welcomes the opportunity to respond to Monmouthshire County Council's consultation on the proposed Public Space Protection Orders (PSPOs). PSPOs provide local authorities with a means of tackling dog fouling and other dog-related issues, such as access to public spaces. While RSPCA Cymru understands that local authorities have a duty to improve the communities they serve and protect human health, we would always urge any council to consider whether a PSPO is needed to achieve this. PSPOs risk punishing responsible dog owners for the actions of the less responsible, while potentially creating less spaces for dogs to exercise and express their natural behaviours. While PSPOs offer an effective means of tackling dog fouling via the use of Fixed Penalty Notices for those who fail to clean up their dog's mess, we would encourage a more flexible approach to other issues relevant to dogs as outlined below.

### Dog fouling in public areas

RSPCA Cymru understands that dog fouling can be a major issue for towns and cities across Wales. In order to encourage responsible dog ownership and keep our communities clean and healthy for people, pets and wildlife, the RSPCA agrees that local authorities should require owners to clean up their dog's waste. We also support measures that require all dog owners to carry a bag or other appropriate means to pick up their dog's faeces on land listed within the order.

In 2021, Monmouthshire Council introduced a PSPO for dog control in an attempt to target irresponsible owners. The previous PSPO set out conditions for dog owners to collect and dispose of dog faeces by removing it and depositing it in a bag, or other means of collection. All dog owners were also required to carry bags or other suitable means for collecting faeces. RSPCA Cymru believes similar ongoing action from Monmouthshire County Council would encourage responsible dog ownership while facilitating more harmonious relationships between canine owners and the wider community.

RSPCA Cymru would also urge the council to also look at further educational or promotional schemes around responsible dog ownership in areas or hot spots where dog fouling is a regular issue. Regular monitoring of these sites by authorised officers could also help contribute to a reduction in dog fouling complaints received by the local authority, as well as the provision of clear signage, if this is not in place already.

### Other dog-related issues

RSPCA Cymru recognises that requiring dogs to be kept on a lead on public roads and pavements can bring some benefits to the dog, especially by ensuring their safety and reducing the number of potential road traffic deaths. When requiring owners to put dogs on leads of no more than two metres length when asked by the appropriate officer, RSPCA Cymru believes the experience and knowledge of the officer imposing the condition should be suitably sufficient. This is to ensure that the condition is administered appropriately and prevent dog welfare from being compromised. It is our view that

consideration should always be made in terms of whether such an instruction is necessary, especially if there is no risk to the safety of people, the dog themselves or other animals, or if the dog is not out of control or causing alarm/distress.

Many dogs enjoy interacting with each other and other people, and it is important that dogs are able to express normal behaviour in the appropriate places. Being given an opportunity to be walked off a lead and being able to interact and play with new animals and people in an appropriate place is important in terms of ensuring a dog is well-socialised. Interaction with others is particularly important for puppies and younger dogs to ensure they develop into well adjusted adults. It is therefore important that space is available for owners to let their dogs off lead in a responsible manner, where appropriate. However, RSPCA Cymru recognises that not all dogs will be well-socialised and some may find other animals or people threatening, therefore not all places will be appropriate for time off-lead. For example, we are fully supportive of all dogs being kept on leads on school grounds when they accompany those picking children up and in cemeteries when providing comfort to their owners.

However, we would encourage a more flexible approach towards dogs being allowed on council-owned land such as commons, fields and marked sports pitches; this sentiment also stands in relation to the extension of restricted places where dogs are to be excluded. Areas such as marked sports pitches can provide owners with the option to let their dog/s off lead in a responsible manner when they are not busy, especially if adequate space is not available nearby. Additionally, we believe the existing provisions that make it an offence for an owner not to pick up their dog's faeces go some way to mitigating the issues associated with areas such as marked sports pitches, fields and parks. We therefore always urge local authorities to consider this when deciding whether dogs need to be banned from these spaces. With the full exclusion of responsible dog owners on marked sports pitches being both restrictive and limiting, the RSPCA would consider allowing dogs on leads a better proposal than a blanket ban. This is something that has been adopted by some other local authorities in Wales, with some considering this a sufficient means of tackling dog-related issues in their communities.