



Item

Extension and variation of

Public Spaces Protection Order (Dog Control) 2017

To:

Councillor Sam Carling, Executive Councillor for Open Spaces and City Services

Environment & Community Scrutiny Committee 29/06/2023

Report by:

Wendy Johnston, Community Engagement and Enforcement Manager

Tel: 01223 - 458787 Email: wendy.johnston@cambridge.gov.uk

Wards affected:

All

Not a Key Decision

1. Executive Summary

- 1.1 This report considers the results of the statutory consultation exercise conducted by the council, during February and March 2023, in relation to the proposal to extend and vary the Public Spaces Protection Order (Dog Control) 2017 (“Order”), in respect of irresponsible dog control (including dog fouling, dog exclusion, dogs on leads seasonal requirements, means to pick up dog faeces, restriction on maximum number of dogs able to be walked and dogs on leads in designated areas) within Cambridge.
- 1.2 The council received 736 responses to the consultation survey (735 via Citizen Lab and one paper copy), during February and March 2023. Several written responses were also received. The council has considered all of the responses and reviewed the proposal again against PSPO (Public Space Protection Order) evidential ‘tests’ and based on the results, is recommending the variation and extension of the current Order, as set out in Appendix A, for a further three-year period, ending October 2026.

2. Recommendations

The Executive Councillor is recommended to:

1. Approve the extension and variations of the Order as set out in Appendix A.
2. Approve the geographical areas covered by the Order, as indicated in the maps at Appendix B.
3. Delegate to authorised officers' the authority to install, update and/or remove signage appropriate to the approved Order; and
4. Increase the fixed penalty notice amount for breach of the Order to £100 (with a reduced amount of £60 for early payment).

3. Background

- 3.1. This report revisits the terms of the current Order, reviews its impact and considers the case for varying and extending it for a further three years, as permitted by the Act following completion of the statutory consultation.
- 3.2. The council reviewed the areas of dog control and created a Public Space Protection Order for dog control ("the Order"). The Executive Councillor approved the initial Order, which came into effect on 19 October 2017; and was subsequently approved for variation and extension on 19 October 2020.
- 3.3. The dog control activities currently prohibited by the Order are:
 - Failing to remove dog faeces immediately.
 - Not keeping a dog on a lead in a designated area.
 - Not putting, and keeping, a dog on a lead when directed to do so by an authorised officer.
 - Permitting a dog to enter land from which dogs are excluded; and
 - Taking more than the stated maximum number of dogs onto land where restrictions are in place.
- 3.4. The Order was not put forward as a means of unduly restricting the exercising or recreation of dogs across the city. The reason for making the Order was to address the detrimental effect on the quality of life of

those in the locality 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 were required to adhere.

3.5. At any point before expiry of the Order, the council can extend it by up to three years, if it considers an extension is necessary to prevent the original behaviour (for which it was introduced) from occurring or recurring. According to section 60(2) of the Act, before the time when a PSPO (Public Space Protection Order) 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.

3.6. Section 61 of the Act makes provision for the Order to 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. For an Order to be able to be varied, the council must be satisfied that, on reasonable grounds, the following 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 within that area and that they will have such an effect.

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.

Any such variations will need to be subject to public consultation as set out in section 5.

- 3.7. The only prohibitions, or requirements, which may be imposed by a PSPO are ones that are reasonable to impose, to prevent or reduce the risk of the detrimental effect continuing, occurring, or recurring.
- 3.8. PSPO prohibitions can apply to all persons, or only to persons in specified categories, or to all persons except those in specified categories. The Order can specify the times at which it applies and the circumstances in which it applies or does not apply.

Breach of Order and fixed penalty notices

- 3.9. Breach of a PSPO, without reasonable excuse, is a criminal offence. The Police, or a person authorised by the council, can issue an FPN (fixed penalty notice). A person can also be prosecuted for breach of a PSPO and, on conviction; the Magistrates' Court can impose a fine not exceeding Level 3 on the Standard Scale (currently £1000). Alternatively, the opportunity to pay a fixed penalty (currently set at £75 for breaches of the Order) is offered by the council in place of prosecution. An FPN is an 'on the spot' fine for committing criminal offences, such as breach of the Order. Payment of a FPN means that no further action will be taken for that offence, it does not constitute an admission of guilt by the offender, but it does mean that such cases are diverted away from the Magistrates Court, thereby avoiding the risk of the offender receiving a larger penalty fine of up to £1000 and a criminal record.
- 3.10. To ensure consistency with all other FPNs currently issued by the council, officers are recommending that the FPN for breaches of the Order is increased from £75 to the maximum legal level of £100, and to give a discount of 40% (i.e., discounted fine value) of £60 for early repayment provided payment is made within 10 days of the date the FPN was issued.
- 3.11. There is a set legal standard payment period of 14 days for the payment of fixed penalties. Once an FPN has been issued, an authority cannot prosecute for the alleged offence if the fixed penalty is paid within this period, and this must be stated on the notice itself. For this reason, the period during which a discount for early payment is offered must be less than 14 days and in line with the Regulations cannot be more than 10 days. Again, this will be consistent with the standards set by other local authorities and the approach already in place for other environmental crime fixed penalty notices.

- 3.12. The council will continue not to accept payment by instalments or payment plans. Payment for FPNs can only be accepted by the council for the full amount. However, in cases of financial difficulties, officers will continue to have discretion to be able to extend the lower threshold payment period (subject to legal restrictions) and will work together with those issued fixed penalties to avoid prosecution where possible.
- 3.13. In accordance with the requirements of the Environmental Protection Act 1990, the council will only use the income received from FPN's on council functions relating to litter, dog fouling and cleansing.
- 3.14. The intention is that the increased level of FPN will function as a deterrent to offenders; and that the council will see a decrease in the number of environmental crime incidents and the number of prosecutions for these offences.
- 3.15. FPN's are an effective and visible way of dealing with low level environmental crime and will be supported by the public, provided they are used sensibly, enforced fairly, and are seen as a reasonable response to genuine problems.
- 3.16. The council has already approved the use of FPNs as an alternative to prosecutions when dealing with other environmental crimes including littering, illegal advertising, and abandoned vehicles. These FPNs are issued by authorised council officers. The same authorised officers will continue to be responsible for issuing FPNs for offences related to dog control offences as part of the Order in accordance with the council's Corporate Enforcement Policy.
- 3.17. FPNs are not appropriate for repeat offenders or those responsible for large-scale environmental offences, for those who are non-compliant or those who do not wish to be issued an FPN. These types of offences will continue to be enforced by prosecution in line with the Corporate Enforcement Policy.

3.18. Fixed penalty notice figures for dog control offences¹ between 2017-2023 are detailed below:

Year	Dog fouling	Dogs on leads areas	Dog exclusion area
2017/18	0	0	0
2018/19	7	2	0
2019/20	7	2	0
2020/21	3	0	0
2021/22	3	1	1
2022/23	0	0	0

3.19. Previously there was no requirement for anyone committing an offence to provide their name and address if requested to do so by an authorised officer. Legislation for other environmental offences such as littering makes it an offence to fail to provide details to an authorised officer when the officer proposes to issue a fixed penalty notice. Therefore, a section requiring suspects to provide their name and address when they have breached the requirements has been added to the Order.

Proposed Order extension and variation

3.20. On 19 January 2023, the Executive Councillor approved, in principle, the proposal to vary and extend the current Order (ending October 2023) in respect of dog control within Cambridge for a further three-year period. Authorisation was given for the necessary statutory consultation to be conducted, prior to any decision being made on whether, or not, to vary and extend the Order.

3.21. A consultation was conducted, which included the necessary steps required by statute. The proposals set forward for consultation were open as to what the consultation responses might be and the need to make any resulting alterations.

3.22. In pursuing the Order, the council was required to consult with the Chief Officer of Police, the Police and Crime Commissioner (PCC), the local policing body and whatever community representatives the council thought appropriate to consult. The council was also required to consult with the owner or occupier of land within the restricted area.

¹ No fixed penalty notices were not issued for dogs on leads by direction and maximum number of dogs

3.23. It was recognised that the proposed order could be of interest to many sections of the community, including the public and residents' groups. Accordingly, the council consulted widely, as evidenced by the list of consultees in the background papers. The consultation methodology used is set out in Section 5 of this report.

4. Consultation responses

- 4.1. In response to the consultation, a total of 736 responses were received via CitizenLab and paper surveys, over half (58%) were dog owners and a small proportion were professional dog walkers (1.2%).
- 4.2. Several emails were received and were included within the analysis of the consultation responses.
- 4.3. Responses from statutory consultees were received from the Cambridgeshire Police. Despite communications sent to PCC and Cambridgeshire County Council, no responses were received. A copy of the response from the Cambridgeshire Police is included as Appendix E
- 4.4. A response was also received from the Kennel Club which is included as Appendix F. No other organisational responses were received.
- 4.5. This section sets out the Order proposals and, for each, includes a summary of the related consultation responses and any proposed alterations.
- 4.6. Many of the comments received identified that restricting the right for a dog to exercise off lead would have an impact on the welfare of dogs. There is a legal requirement for dogs to be provided '5 Freedoms' under the Animal Welfare Act 2006. "Dogs must be provided regular exercise and regular opportunities to walk, run, explore, play, sniff and investigate."
- 4.7. There is no legal requirement for dogs to be off the lead to undertake required exercise and the amount of exercise a dog needs will depend on age, breed, and behaviour of dogs. Dogs can be exercised off lead on all council open spaces (where they are able to be recalled) except where there are restrictions in place because of the Order.
- 4.8. There are many areas outside of the city that can be accessed via footpaths, cycleways and by car. There are also several private dog

walking areas / fields for hire that can be accessed just outside of Cambridge.

Dog fouling

- 4.9. The Order proposal is to continue the requirement that on land, open to the air, to which the public are entitled or permitted to have access (with or without payment) across Cambridge, that if a dog defecates, at any time, the person who is in charge of the dog, at the time, must clear up the dog faeces immediately.
- 4.10. Responses to the consultation indicated very high support for this requirement to continue (90% strongly agreed, and 7% agreed) and officers recommend that this part of the Order is retained and extended.

Dogs on leads by direction

- 4.11. The Order proposal is to continue with the requirement that on land, open to the air, to which the public are entitled or permitted to have access (with or without payment) across Cambridge, a person in charge of a dog must comply with a direction given to them by an authorised officer to put and keep the dog on a lead. Situations when dogs appear to be 'out of control' include, but are not limited to the following:
- Where animals, or birds, or wildlife, are, or could be, threatened.
 - Where the public, particularly children or vulnerable adults, are at threat, or feel threatened.
 - Where dogs are posing a risk to the safety of pedestrians and/or cyclists and/or motorists.
 - Where dogs are causing damage to public property, including trees and plants; and
 - In case of emergency situations.
- 4.12. Eighty-five percent of respondents agreed (70.9% strongly agreed and 14.1% agreed) that authorised officers should continue to have the ability to use the power in given situations and officers recommend that this part of the Order is retained and extended.

Dogs on leads at all times

- 4.13. The Order proposal is to retain dogs on leads at all times for some open play areas and cemeteries. Land subject to the proposed Order will

continue to have signs using the words “dogs on leads area;” or words, and/ or symbols, having a similar meaning displayed.

- 4.14. Under the proposed Order, existing restrictions at the following locations are proposed to be retained:
- Histon Road Cemetery
 - Newmarket Road Cemetery
 - Cherry Hinton Hall – areas by the pond/stream
 - Hanover and Princess Court – the green area outside the residential area
 - Tenby Close – whole of the park
- 4.15. From the consultation, 64% of respondents agreed with the requirements to always keep dogs on leads in the above areas.
- 4.16. **Officers are aware that there are ongoing development plans for Hanover and Princess Court and would recommend that the dogs on leads restriction only applies to the Hanover and Princess Court as it currently exists. Following redevelopment, the current restriction should cease to apply.** Any new green spaces would need to be subject to the next review of the Order in 2026.
- 4.17. Officers therefore recommend that the existing dogs on lead areas are retained and extended.
- 4.18. Under the proposed Order, a new dog on leads area was proposed at Coldham’s Common sports pitches.
- 4.19. There was no clear consensus with the proposal, whereby 47% agreed or strongly agreed, 41% strongly disagreed or disagreed and 12% neither agreed nor disagreed with the proposal. Comments were made around the fact that sports pitches are not in constant use and suggested the restriction should only apply when the sports pitches are in use. Other comments were received that dogs on leads on the sports pitches would help to reduce the amount of faeces that those playing sports might encounter.
- 4.20. The Kennel Club response makes specific reference to Coldham’s Common sports pitches and concern that dog walkers’ ability to exercise their dogs would be impacted and they would be forced to identify locations outside of the city to exercise their dogs, and that they could be

displaced onto areas with livestock (i.e., grazing areas of Coldham's Common).'

- 4.21. Having considered the consultation comments, and the current situation where it is not easy to identify when an organised² sports pitch use is in place, **officers recommend that the Order proposal to create a dog on lead area on Coldham's Common sports pitches is not introduced at the current time.** Instead, officers will undertake ongoing monitoring that will be revisited at the next review of the Order in 2026.

Dogs on leads (seasonal restrictions)

- 4.22. The Order proposal is to introduce seasonal dogs on leads restrictions in sensitive areas. Dogs off leads have the potential to significantly disturb nesting birds, as depending on the habitat type, many species nest at ground level or low down in vegetation. Repeated disturbance by dogs can reduce the number and diversity of species able to use the site to breed. Officers had proposed that dogs would be on leads during the bird nesting season (1st March to 31st July) each year, at all other times dogs would not be required to be on lead and could be exercised off lead subject to being under control.

- 4.23. Under the proposed Order, the new restrictions would be located at:

Local Nature Reserves - whole site:

- Bramblefields
- Paradise
- Barnwell East
- Barnwell West
- West Pit
- Limekiln

Local Nature Reserves – part of site:

- Logan's Meadow Local Nature Reserve (existing wet woodland and river frontage south of cycle bridge)

Other sites:

- Mill Road Cemetery
- Hobson's Park

² Organised use refers when organisations, groups and clubs have made a booking with the council vs an informal ad hoc gathering

4.24. The number of respondents agreeing with the restriction was not particularly high. The results on the survey for the above areas are shown below:

Areas	Strongly Agree or Agree	Neither Agree nor Disagree	Strongly Disagree or Disagree
Local Nature Reserves (whole site)	54%	15%	31%
Logan's Meadow	49%	15%	36%
Mill Road Cemetery	54%	13%	33%
Hobson's Park	48%	16%	36%

4.25. Comments received included respondents not having seen any ground nesting birds or evidence to support the proposal. Comments were also made in support of the proposals but that they should apply all year long and dogs had been witnessed to have disturb birds at some of the sites. Respondents also provided comments that only the minority of dog owners behave irresponsibly, and the restrictions penalise responsible dog owners.

4.26. In considering whether to keep the proposal for the seasonal dogs on leads restrictions at the local nature reserves officers also sought advice from the Biodiversity and Local Nature Reserves Officers. The officers recommended that the seasonal dogs on leads restrictions should be made (except for Hobson's Park).

4.27. The referenced ground nesting birds include species of open grassland habitats such as Skylark and Meadow Pipit, and those nesting in low herbaceous cover, scrub, and woodland habitat such as Whitethroat, Blackcap, Chiffchaff and Robin. Some respondents to the consultation commented that they had not seen ground nesting birds or requested evidence of nesting bird surveys. However, the long history of uncontrolled dog walking on the sites is certain to have reduced nesting bird numbers and therefore any baseline surveys would give an inaccurate assessment of the bird populations. The council's Biodiversity Strategy seeks to enhance the habitats and species biodiversity of its core sites within the Cambridge Nature Network, including the Local Nature Reserves. The proposed seasonal orders allow people, including

those walking their dogs, to enjoy the LNRs and the birds they support during the nesting season.

- 4.28. Having considered the consultation comments, the officer recommendation is **to support the Order proposal for dogs on leads seasonal restrictions on all the proposed areas, except for Hobson's Park**. Hobson's Park is currently subject to the South Station construction compound and space that was previously available at the park to all users has been temporarily lost, reducing what area is available for dogs to be exercised. Therefore, officers are not recommending that any restrictions on seasonal dogs on leads are introduced at the current time. Instead, officers will undertake ongoing monitoring on dog use / control in the park that can be revisited at the next review of the Order in 2026.

Dog exclusion areas

- 4.29. The Order proposal is to retain dog exclusion areas for fenced children's play areas, outdoor children's paddling pools, tennis courts, some green spaces and bowling greens. Land subject to this order will continue to have signs using the words "dog exclusion area" or words and/ or symbols having a similar meaning displayed.
- 4.30. Under the proposed Order, existing restrictions at the following locations are proposed to be retained:

Bowling greens:

- Alexandra Gardens
- Christ's Pieces
- Coleridge Recreation Ground
- Lammas Land
- Trumpington Recreation Ground

Paddling pools:

- Abbey Pool Paddling Pool
- Cherry Hinton Hall
- Coleridge Recreation Ground
- Lammas Land
- Sheep's Green Learner Pool

Tennis courts:

- Cherry Hinton Hall

- Christ's Pieces
- Coleridge Recreation Ground
- Jesus Green
- Lammas Land
- Nightingale Avenue Recreation Ground
- Trumpington Recreation Ground

Fenced children's' play areas:

- Abbey Pool play area (Access Land)
- Aberdeen Avenue
- Ainsdale
- Alexandra Gardens
- Arbury Court (fenced play area)
- Atkins Close
- Bateson Road
- Beales Way
- Cherry Hinton Hall
- Cherry Hinton Recreation Ground
- Chesterton Recreation Ground
- Chestnut Grove
- Christs Pieces
- Coldhams Lane play area (Access Land)
- Coleridge Recreation Ground
- Discovery Way
- Ditton Fields
- Dudley Road
- Edgecombe Flats
- Flower Street
- Green End Road
- Gunhild Way/Close
- Hampden Gardens
- Histon Road
- Humphreys Road
- Huntsman Road
- Jesus Green (fenced play area)
- Kathleen Elliot Way
- Kingfisher Way
- Lichfield Road
- Neptune Close
- Nightingale Avenue
- Nuns Way

- Pearl Close
- Petersfield
- Peverel Road
- Ramsden Square
- Ravensworth Gardens (1)
- Ravensworth Gardens (2)
- Reilly Way
- River Lane
- Robert May Close
- Romsey Recreation Ground
- Scotland Road
- Sleaford Street/Ainsworth Street
- St Alban's Recreation Ground
- St Barnabas Court
- St Matthews Recreation Ground
- St Thomas's Square
- Stourbridge Common (Access Land)
- The Bath House (Hector Pierson) play Area (Gwydir Street)
- Thorpe Way / Fison Road
- Trumpington Recreation Ground
- Whytford Close

Fenced open spaces

- Ravensworth Gardens – green area (upper area)

4.31. Seventy-eight percent of respondents agreed (66% strongly agreed, and 12% agreed) that the existing locations were areas where dogs should be excluded at all times.

4.32. Officers therefore recommend that the existing dog exclusion areas are retained and extended.

4.33. The Order proposed new dog exclusion areas at the following sites:

- Coldham's Common Multi-Use Games Area (MUGA) and Astro-turf pitch
- Shelly Row Recreation Ground

4.34. There was strong agreement for the creation of dog exclusion areas at Coldham's Common MUGA and Astro-turf pitch (71%) but less agreement for creation of a dog exclusion area at Shelly Row Recreation Ground (55%). Officers are therefore recommending that dog exclusion areas be created at both locations. Shelly Row is a fenced recreation

ground that has children's play equipment in, and in line with the existing restrictions at all similar sites is being recommended to exclude dogs. The dog bin at Shelly Road Recreation Ground will need to be removed at the time the Order comes into force to avoid miscommunication.

- 4.35. The Order also proposed an extension of dog exclusion site to a wider area at Hampden Gardens.
- 4.36. There was not a high level of support for the extension of the existing dog exclusion area at Hampden Gardens (53%) to include the whole of the green area. Comments from consultees identified that users of the green space should be able to exercise their dogs in this area and that children already have a fenced play area, and that this should remain as a dog exclusion area. **Officers are recommending that the dog exclusion area at Hampden Gardens is not extended but retained as it is and only includes the fenced children's play area.**

Maximum number of dogs

- 4.37. For Byron's Pool, the Order proposal was to continue with the restriction on the number of dogs that can be taken by a person, at any one time, to a maximum of four dogs.
- 4.38. The results of the consultation showed that 69% of respondents agreed with the proposal, comments agreed that four dogs was a reasonable number for a single person to be able to control at one time, though many people commented that it should be less than four. Based on the results, it is recommended that Byron's Pool continues as an area where the number of dogs that can be taken at any time is four dogs per person.
- 4.39. Two new areas were proposed as locations where the maximum number of dogs that could be taken by a person at any one time was four.

The locations were:

- Coldham's Common sports pitches
- Hobson's Park

There was agreement with both areas 65% and 64% respectively.

- 4.40. In setting the number of dogs that can be taken at any one time, officers have used the Professional Dog Walker's Guidelines and Defra's 'Dealing with irresponsible dog ownership – Practitioner's manual' guidance.' Officers have also considered the positive improvement at

Byron's Pool where the restriction was introduced in 2020, where the professional dog walkers that were irresponsibly exercising large numbers of dogs no longer use the site, and the restriction has seen a high level of compliance without the need for enforcement action. Officers note that the Kennel Club response being against the introduction of the restriction on the number of dogs at the new locations.

- 4.41. Officers are therefore recommending that the maximum number of dogs taken at any one time is created for both Coldham's Common sports pitches and Hobson's Park.

Means to collect and dispose of dog faeces

- 4.42. The Order proposal is to introduce a new requirement for those in charge of a dog being walked to have on them a suitable means to collect and dispose of dog faeces and to produce the means to dispose upon request of an authorised officer.
- 4.43. The means to dispose of dog faeces could include nappy sacks, dog poo bags, carrier bags, poop a scoop. Unacceptable examples would include using hands and leaves/ twigs to collect faeces once the requirement to produce has been made.
- 4.44. The results of the consultation showed that 75% of respondents agreed with the proposal. Of those that agreed, comments were around enforcement of the requirement, consideration of cases where people had genuinely run out of bags, and the requirement for the provision of free dog poo bags at parks and open spaces. Of those that disagreed, comments focused on the proposal being overly zealous and difficult to enforce.
- 4.45. The response from the Kennel Club highlighted that the proposal could mean owners would not pick up their dog's faeces to retain the last bag and avoid an FPN if caught. They have highlighted that the council may wish to include exemptions if a person is able to prove they had been in possession of a bag but run out of the means during the walk. However, officers do not think that this exemption would be easily possible for a dog walker to prove and could be open to abuse.
- 4.46. Having considered the results of the consultation; officers feel it is more appropriate at the current time to make efforts educating dog owners/handlers on their responsibility to carry a suitable means to clear up dog faeces. It is recommended that officers undertake an education

campaign around this requirement to promote responsible dog ownership in Cambridge.

- 4.47. **Officers are recommending that the requirement to have a suitable means to collect and dispose of dog faeces is dog not introduced.** Instead, officers will undertake ongoing monitoring that can be revisited at the next review of the Order in 2026.

Exemptions

- 4.48. It was proposed that exemption as previously set out in the Order were continued but reviewed to ensure they were still accurate.
- 4.49. Seventy-two percent of respondents agreed with the exemption continuing, whereby the Order would not apply to a person in control of a working assistance dog which had been trained to assist a person who has a disability.
- 4.50. In the survey the council asked for views on an exemption to the Order for a person in control of a working assistance dog that has been trained to assist a person who has a disability. Comments were received that the question was worded as though the council was proposing to remove the exemption. An explanation was added to the survey front page to confirm this was not the case. This explanation said “We are not proposing to remove an exception for assistance dogs. Please be assured that the question is intended to see whether residents find the current exception satisfactory and if there are any suggested changes to improve the exception. We can’t update the question because the survey is already live and unfortunately this would mean we would lose the responses already submitted.”
- 4.51. Comments were received around the need for those with assistance dogs to produce documentation / evidence that they have such a dog and have not simply purchased something with the word ‘assistance dog’ on it (i.e., a fluorescent jacket) and comments were made that emotional support dogs should be included within the exemption.
- 4.52. Officers have reviewed the information provided by the Kennel Club response, and the Assistance Dogs UK which clearly sets out that there is not a UK assistance dog register and that assistance dog owners are not required by law to carry identification. In addition, it also sets out that emotional support dogs or therapy dogs providing comfort and companionship do not have legal recognition at the current time.

4.53. Officers are therefore proposing the following amendment to the Order in line with assistance dog as defined by the Equality Act 2010 which has been reviewed and agreed with the council's Equality and Anti-Poverty Officer.

Nothing in this order shall apply to a person who is in charge of:

- a. a dog which has been trained to guide a blind person.
- b. a dog which has been trained to assist a deaf person.
- c. a dog which has been trained by a prescribed charity to assist a disabled person who has a disability that consists of epilepsy or otherwise affects the person's mobility, manual dexterity, physical co-ordination, or ability to lift, carry or otherwise move everyday objects.
- d. a dog of a prescribed category which has been trained to assist a disabled person who has a disability (other than one falling within paragraph (c)) of a prescribed kind.

For the purposes of the Order, a "disability" means a condition that qualifies as a disability for the purposes of the Equality Act 2010 and an "assistance dog" has the meaning given by the Equality Act 2010..

5. Implications

a) Financial Implications

5.1 When the Order is varied and extended, in accordance with Anti-social Behaviour, Crime and Policing Act, 2014, the council must "cause to be erected on or adjacent to the land in relation to which the public spaces protection order has been made such notice or notices as it considers sufficient to draw the attention of any member of the public using that land to:

- (i) the fact that a public spaces protection order has been made; and
- (ii) and the effect of that order being made."

5.2 The dog fouling, means to pick up dog faeces and dogs on leads by direction aspects of the order are city-wide offences and therefore advisory warning signs will be placed in hotspot areas. Such hotspot areas may change over time as targeted education/ enforcement has an impact. Dog exclusion, seasonal dogs on leads areas, restricted number of dogs and dogs on leads areas are small fixed geographical areas and

will have advisory signs placed at entrances and exits to the designated areas under these orders.

- 5.3 The signage required will cost approximately £10 each. The total cost is in the region of £1000, which will be met from within existing departmental cost centres.
- 5.4 The issuing of a FPN for breach of the Order will generate additional income, which can offset the cost of signage in future years, if considered appropriate. FPN receipts will be used for the purpose of exercising functions to improve street cleanliness and enforcement of offences; it is not being regarded as an 'income generator.' It is not envisaged that the revenue generated from the fines will be significant, but it will reduce the need to pursue costly prosecution, in some cases, and enable a more flexible approach in dealing with specific offences.

b) Staffing Implications

- 5.5 There are no additional staffing implications as authorised enforcement officers are already equipped to deal with dog control offences.

c) Equality and Poverty Implications

- 5.6 An Equality Impact Assessment has been completed and is set out in Appendix C.
- 5.7 The impact on residents, visitors and businesses is expected to be positive, as the recommended The Order should continue to function as a deterrent to irresponsible dog ownership. Exemptions for those with assistance dogs has been fully considered and included in the Order. There is no adverse impact on any other Protected Groups from the Order's extension and variation.

d) Environmental Implications

- 5.8 There will continue to be a net positive effect on local environmental quality with the enforcement of the Order for dog control and the continued enforcement against dog fouling.

e) Procurement Implications

- 5.9 Procurement in delivering the Order will be undertaken in accordance with the council's adopted procurement regulations.

f) Community Safety Implications

5.10 The recommended Order will continue to have a positive effect on community safety, reducing the public health and safety risks associated with *Toxocariasis*³ and nuisance dogs.

6. Consultation and communication considerations

6.1 The council has conducted a consultation process, which included the necessary consultation required by statute. The consultation was conducted when the proposal was at a sufficiently formative stage and undertaken with an open mind as to what the consultation responses might be and the need to make any resulting amendments. The council believes this is amply demonstrated by the proposed alterations made to the terms of the Order.

6.2 It was recognised that the proposed Order could be of interest to many sections of the community, including the public and special interest groups. Accordingly, the council has consulted widely. The consultation methodology used included:

- Making the survey available on the council's webpage, CitizenLab.
- Emails sent out to statutory consultees and to any individual, organisation, or business on request.
- Emails sent out to assistance dog organisations and charities, animal associated organisations, Cambridge veterinary surgeries, dog welfare organisations and the Kennel Club
- Emails sent out to disability support charities, organisations, and groups
- Posters erected at all the affected parks and green spaces which notified users of the consultation and gave details of how to access the survey or request an alternative copy.
- Emails circulated with a link to the survey to residents' groups, ward and county councillors and friends of groups
- Emails sent to relevant landowners and organisations including Local Access Forum, Natural England, and Parishes Committee for Mill Road Cemetery

³ *Toxocariasis* is a rare infection caused by roundworm parasites. Its spread from animals to humans through contact with infected faeces and infection may cause disease that involves the liver, heart, lung, muscle, eye, and brain.

- 6.3 The consultation took place between 27th February and 31st March 2023.
- 6.4 The results of the consultation have been used to make amendments to the final recommended Order (appendix A).

7. Background papers

The following background papers were used in the preparation of this report:

- Anti-social Behaviour, Crime and Policing Act 2014:
<http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted/data.htm>
- DEFRA Dealing Practitioner's Manual on dealing with irresponsible dog ownership:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/373429/dog-ownership-practitioners-manual-201411.pdf
- The Anti-Social Behaviour, Crime and Policing Act 2014 Statutory guidance for frontline professionals:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final_2_.pdf
- Report to Environment and Community Scrutiny Committee Review of Public Spaces Protection Order for Dog Control in Cambridge 16th January 2020:
<https://democracy.cambridge.gov.uk/documents/s48733/PSPO%20variation%20paper%202019.pdf>
- Minutes for Environment and Community Scrutiny Committee on 16th January 2020:
<https://democracy.cambridge.gov.uk/documents/g3608/Printed%20minutes%2016th-Jan-2020%2017.00%20Environment%20and%20Community%20Scrutiny%20Committee.pdf?T=1>
- Public Spaces Protection Order (Dog Control) 2017
https://www.cambridge.gov.uk/media/1300/public_spaces_protection_order_dog_control_2017.pdf
- Fixed Penalty Notices Review 2018/19
https://democracy.cambridge.gov.uk/documents/s44777/FPNS_Review_Report.pdf
- Council's Corporate Enforcement Policy -
<https://www.cambridge.gov.uk/content/enforcement-policy>
- Council Constitution - <https://www.cambridge.gov.uk/constitution>

- Professional dog walkers' guidelines - <https://www.rspca.org.uk/webContent/staticImages/Downloads/DogWalkingGuide.pdf>)
- DEFRA 'Dealing with irresponsible dog ownership – Practitioner's manual' https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/373429/dog-ownership-practitioners-manual-201411.pdf.
- Code of Practice for the Welfare of Dogs - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/697953/pb13333-cop-dogs-091204.pdf

8. Appendices

- Draft Public Spaces Protection Order (Dog Control) - Appendix A
- Draft Public Spaces Protection Order (Dog Control) maps – Appendix B
- EQIA - Appendix C
- List of consultees – Appendix D
- Consultation response from Cambridgeshire Police – Appendix E
- Consultation response from Kennel Club – Appendix F

9. Inspection of papers

To inspect the background papers, or if you have a query on the report, please contact: Wendy Johnston, Community Engagement and Enforcement Manager, tel: 01223 - 458578, email: wendy.johnston@cambridge.gov.uk