



THE KENNEL CLUB

Making a difference for dogs

Kennel Club Response to Burnham Beeches Public Spaces Protection Order Consultation

Submitted on 15th June 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.

Response to proposed measures

We welcome the extensive data collection that has taken place to help guide the Committee with its decisions relating to the conversion of the Burnham Beeches Dog Control Orders (DCOs) into PSPOs. It is pleasing to see that the pre-existing trend of reduction in dog related anti-social behaviour at the site has continued in the period since the introduction of the DCO. It is of course a sadness for us that the number of visitors with dogs has fallen since the introduction of the DCO.

Prior to the introduction of the DCOs at Burnham Beeches the Kennel Club fully supported the introduction of Schedule 1 which requires visitors to pick up dog faeces across this whole site. We completely support the conversion of this DCO measure into a PSPO. We also fully supported Schedule 3, dogs on lead by direction, and have no objection to this being included in the new PSPO.

The Kennel Club does not object to having a dog-free area in and around the café (Schedule 4) to give choice to all visitors, but notes that good management everywhere else achieves this without the need for formal legal restrictions, and that there is no legal requirement for dogs to be excluded from where food is being consumed (as opposed to where it is being prepared). With regards to Schedule 5, which places a limit on the maximum number of dogs any individual may walk at the site, we have outlined our position in full later in this submission.

Prior to the introduction of the DCO and at this point in time, our greatest concern continues to be in relation to Schedule 2 relating to the requirement for dogs to be kept on a lead across 51% of the site.

The Committee should note that the legal test for the implementation of a PSPO is different to that of a DCO, and it should not be taken for granted that the justification for the existing DCO s this new legal test.

The legal test can be summarised as - the activity to be regulated by a PSPO is or is likely to cause a persistent or continuing detrimental effect on the quality of life of those in the locality, and the effect of these activities justifies the restrictions imposed.

Given the new legal test and the evidence collected at Burnham Beeches over the past 5 years, both prior to and since the DCO was introduced, we submit the dogs on lead measure (Schedule 2) is overly restrictive and can't be justified within the PSPO framework.

From the evidence presented to the Epping Forest and Commons Committee on 16th January 2017 it would appear the less restrictive measure of requiring dogs to be placed on lead by direction has been effective in reducing dog related incidents. The report states 'The data indicates a reduction in reported incidents in the Café and Main Common Areas following the introduction of DCOs. These areas are both within the Schedule 3 'Dogs off Lead' area.' This is despite the reported increased usage of this area of the site by dog walkers following the introduction of the DCO.

The number of recorded dog related incidents across the site is small in relation to the number of annual dog visits, which are in the region of 150,000 per year. Given this and the apparent effectiveness of Schedule 3 we submit it would be more appropriate to repeal the dogs on lead order (Schedule 2) and instead extend the dogs on lead by direction measure (Schedule 3) to cover the whole site.

If the Committee feel that this is too greater leap in one step, we propose as an alternative the City considers piloting the replacement of the dogs on lead restriction (Schedule 2) with a dogs on lead by direction order (Schedule 3) for a proportion of the current Schedule 2 area. The City could measure the impact of this relaxation on the number of dog related incidents and make an assessment at that stage to either to extend the relaxation or revert back to the measures as currently contained within the DCO.

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 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 dog exclusion or dog on lead orders in 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, picnic areas, or on pavements in proximity to cars and other road traffic.

The City of London should be aware that dog owners are required, under the Animal Welfare Act 2006, to provide for the welfare needs of their animals and this includes providing the necessary amount of exercise each day. 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. 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.

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 exclusion” order for a beach is unlikely to be necessary in mid-winter.

The Government provided clear instructions to local authorities and designated bodies that they must provide restriction free sites for dog walkers to exercise their dogs. This message was contained in the guidance document for DCOs, and has been retained in both the Defra/Welsh Government and Home Office PSPO guidance documents, with the Defra guidance for PSPOs stating ‘local authorities should ensure there are suitable alternatives for dogs to be exercised without restrictions’.

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.

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 request that appropriate exemptions are put in place for those who rely on an assistance dog and registered blind people. There are in total eight 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” make 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).”

With relation to dog access restrictions such as a “Dogs on Leads 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.

While all dog walkers should be aware of their requirement to pick up after their dog, signage should be erected for the PSPO to be compliant with the legislation.