



No. of Dogs on Leads- PSPO Consultation

Report Author

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Purpose of Report

To give due consideration to consultation responses received in November/December 2024, which invited local people, animal welfare organisations and businesses (which provide services for dog owners), for their opinions on whether there is need for a Public Spaces Protection Order (PSPO) which would limit the number of dogs on leads that one person can walk at the same time.

Recommendations

That Cabinet notes the results of the public consultation and report.

Decision Information

Is this a Key Decision?	No
Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Connecting communities Sustainable South Kesteven
Which wards are impacted?	(All Wards);

Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance and Procurement

- 1.1 There are no financial implications related to this report.

Completed by: David Scott – Assistant Director of Finance (s151 officer)

Legal and Governance

- 1.2 The Anti-Social Behaviour, Crime and Policing Act 2014 sets out the requirements for a PSPO can be made if, on reasonable grounds, the local authority is satisfied that the required conditions are met. Statutory Guidance re- issued by the Home Office in 2017 states that proposed restrictions should focus on specific behaviours and be proportionate to the detrimental effect that the behaviour is causing or can cause, and are necessary to prevent it from continuing, occurring or recurring.

Completed by: James Welbourn, Democratic Services Manager

2. Background to the Report

- 2.1 On the 10th September 2024, it was agreed at the Cabinet meeting to approve an immediate consultation for Public Spaces Protection Orders concerning a recommended maximum number of dogs on leads per person.
- 2.2 A consultation was undertaken within 2024, and the results of that consultation are included within this report and appendices.
- 2.3 Public Spaces Protection Orders (PSPOs) were introduced by the Anti-social Behaviour, Crime and Policing Act 2014 to deal with nuisance or problems in specific areas that are detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are intended to ensure that the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour. They can apply to any public space. The definition of public space is wide and includes any place to which the public or any section of the public has access.

2.4. A PSPO can be made by the Council if it is satisfied, on reasonable grounds, that the activity or behaviour concerned, carried out, or likely to be carried out in a public space:

- has had, or is likely to have, a detrimental effect on the quality of life of those in the locality;
- is, or is likely to be, persistent or continuing in nature;
- is, or is likely to be, unreasonable; and
- justifies the restrictions imposed.

Table 1 lists the main existing Public Spaces Protection Orders that apply in South Kesteven in relation to dogs. However, a full list of orders can be found at the following location: [Public Spaces Protection Orders](#)

Table 1: PSPOs

Dog Fouling
It is an offence to fail to pick up dog faeces if a dog, which an individual is in charge of, defecates (district wide within publicly accessible land).
Dogs on Leads by Order
An authorised officer can request an individual in charge of a dog to put (and keep) a dog on a lead, if such restraint is considered reasonably necessary (district wide within publicly accessible land).
Dog Exclusion
Excludes dogs from specified enclosed recreational and children's play areas.
Dogs on Leads (The Spinney, Market Deeping)
This PSPO relates to the above location only. A person in charge of a dog on land specified in this area must keep a dog on a lead (no longer than 1 metre in length, or as deemed acceptable by an authorised officer)

3. Key Considerations

3.1. PSPOs are a useful tool for local authorities, working in partnership with the Police, being proactively able to tackle specific issues occurring in particular public spaces. The prohibition of certain activities acts as a deterrent and gives authorised officers the tools in which to tackle the behaviours which are affecting the wider community.

3.2. Currently existing powers available in relation to dog related complaints are provided in the following table (table 2):

Table 2

Antisocial Behaviour Crime and Policing Act 2014	
PSPO- Dog Fouling	It is an offence to fail to pick up dog faeces if a dog, which an individual is in charge of, defecates (district wide within publicly accessible land). An Authorised Officer can issue a fixed penalty notice of £100 to the offender.
PSPO- Dogs on Leads by Order	An authorised officer can request an individual in charge of a dog to put (and keep) a dog on a lead, if such restraint is considered reasonably necessary (district wide within publicly accessible land).
PSPO- Dog Exclusion	Excludes dogs from specified enclosed recreational and children's play areas. A list of areas is attached to the PSPO.
Community Protection Warning and Community Protection Notice	<p>A CPN is used to stop an individual, business or organisation from committing anti-social behaviour which spoils a community's way of life. It is applied to a specific individual, business or organisation. Non-compliance would result in similar penalties to the PSPO.</p> <p>This could apply to situations, such as when a dog is left roaming off the lead.</p> <p>This legislation is a flexible incremental approach to dealing with specific issues. Both the SKDC and the Police can use this legislation.</p>
Environmental Protection Act 1990	
Statutory Nuisance	The Environmental Protection Act 1990- Section 79 & 80 allows action to be taken when dog barking constitutes a nuisance, or when animals are kept in such a condition as to be prejudicial to health or a nuisance.
Seizure of Stray Dogs	Under Section 149 the local authority can collect stray dogs. SKDC have a process for this.

3.3. The police also have additional powers, which include (but are not limited to) the following, in table 3:

Table 3

Legislation (Police Enforced)	
The Dogs Protection of Livestock Act 1953	<p>Powers within this legislation relates to worrying livestock on farmland.</p> <p>An Act to provide for the punishment of persons whose dogs worry livestock on agricultural land; and for purposes connected with the matter aforesaid.</p>
Dangerous Dogs Act 1991	An Act to prohibit persons from having in their possession or custody dogs belonging to types bred for fighting; to impose restrictions in respect of such dogs pending the coming into force of the prohibition; to enable restrictions to be imposed in relation to other types of dog which present a serious danger to the public; to make further provision for securing that dogs are kept under proper control; and for connected purposes.
The Dogs Act 1871.	The Dogs Act 1871, an Act of the Parliament of the United Kingdom, primarily deals with the handling of stray and dangerous dogs. It outlines procedures for dealing with stray dogs, including their detention, and provides mechanisms for addressing complaints about dogs that are dangerous and not kept under proper control.
The Highways Act (s137).	Dogs and persons who obstruct the highway may also commit an offence under The Highways Act (s137).

4. Other Options Considered

4.1 To ignore the majority response, and re-consult with a view to putting a PSPO in place. This may be deemed as unlawful as there is no evidence to support the need for this PSPO.

Preferred Option:

4.2 The consultation has demonstrated there is **not** broad support regarding the implementation of a PSPO that would limit the number of dogs on leads that one person can walk at the same time. Therefore, it is recommended that no further action is taken currently.

5. Reasons for the Recommendations

5.1. The purpose of the consultation was to ask local people, animal welfare organisations and businesses (which provide services for dog owners), for their opinions on whether there is need for a Public Spaces Protection Order (PSPO)

which would limit the number of dogs on leads that one person can walk at the same time. The consultation has demonstrated there is **not** broad support regarding the implementation of this proposed PSPO.

6. Consultation

- 6.1 A consultation was undertaken to establish if the introduction of a public spaces protection order to restrict the number of dogs on leads one person could walk at any one time would be supported or not.
- 6.2 A four-week public consultation was undertaken from 27th November 2024 to the 24th December 2024. In total, 736 responses were received. The results of the public consultation can be found within Appendix A. The document within Appendix A provides detailed information regarding the purpose of the consultation, the questions that were asked and responses received, the timescales followed, the stakeholders included and the consultation methodology.
- 6.3 The stakeholders were identified as follows:
 - Any individual living in the district who wanted to make representation.
 - The Police; including the Chief Officer of Lincolnshire Police and the local policing body (the Neighbourhood Policing Team for the district).
 - The Lincolnshire Police and Crime Commissioner.
 - Parish, town, district and county councillors across the district.
 - Charities and other organisations centred on animal welfare. These included the Kennel Club, the RSPCA, PDSA and the Dogs Trust.
 - Businesses providing services for dog owners. These included Veterinary Practices, Boarding Kennels/Home Boarders and Professional Dog Walkers based in South Kesteven.
- 6.4 The consultation took the form of a questionnaire on the council's website. This was promoted through social media and press releases. Parish Councils were contacted directly and provided with the link to the questionnaire and a copy of the poster to display should they wish. Statutory consultees were contacted directly via email.

Consultation Results

- 6.5 The first question of the consultation asked respondents **if they thought there was a need to implement a Public Spaces Protection Order** which would require an individual walking dogs on leads to restrict the number of dogs they walk at the same time. Many of the respondents (59%) did not support this proposal, 36.8% of respondents did support the proposal and 4.2% didn't know or weren't sure. Pages 7- 8 of the consultation report in Appendix A, provides a summary of why individuals had chosen to answer in the way they did.
- 6.6 Respondents were also asked: "**If you think there is a need for a PSPO that restricts the number of dogs on leads one person can walk at any one time,**

what do you think the limit should be?” Nearly half of those responding (47.5%) thought there shouldn’t be a limit. The second highest response was ‘No more than 3 dogs’ which was 19% of responses. A further breakdown of the answers and a summary of responses can be found on page 8 of the consultation report within Appendix A.

6.7 Respondents were then **informed that guidelines require professional dog walkers** (and other individuals insured to walk dogs on a commercial basis) **to walk no more than 6 dogs on leads at any one time**. They were **asked if this changed their answer to the previous question**. Nine out of ten respondents (93.8%) said that it would not change their answer A further breakdown of the answers, and a summary of responses can be found on page 9-10 of the consultation report within Appendix A.

6.8 The survey asked respondents **if they thought the PSPO should apply to specific areas within South Kesteven or apply to all publicly accessible land across the district**. Two thirds of respondents (66.8%) thought the orders, if introduced, should apply to all land that is publicly accessible. A further breakdown of the answers, and a summary of responses can be found on page 10 of the consultation report within Appendix A.

6.9 The survey asked if the responders had experienced any **specific instances of anti-social behaviour** in the last 3 years where they thought someone **walking multiple dogs** on leads was a contributory factor. The majority of those who responded (77.7%) said that they hadn’t, and 22.3% thought that they had. A further breakdown of the answers, and a summary of responses can be found on pages 10- 12 of the consultation report within Appendix A.

6.10. Participants were then informed that there are **other options that could be considered by the Council to tackle this type of anti-social behaviour**. The example given was the issuing of a **Community Protection Notice (CPN)** (under the Anti-social Crime and Policing Act 2014). A CPN is used to stop an individual, business or organisation from committing anti-social behaviour which spoils a community's way of life. It is applied to a specific individual, business or organisation. Non-compliance would result in similar penalties to the PSPO. When asked if issuing a CPN would be the most appropriate tool to deal with this type of anti-social behaviour or if the Council should consider using a combination of a PSPO and a CPN, equal proportions of respondents (around 20%) thought either a combination of the two methods or issuing a CPN would be appropriate. The majority (60.5%) of respondents weren’t sure. A further breakdown of the answers, and a summary of responses can be found on pages 12-13 of the consultation report within Appendix A.

6.11 Another question asked respondents “Would the introduction of a **Public Spaces Protection Order** which restricts the number of dogs on leads which can be walked at the same time by one individual have a **significant negative impact on you?**” Around two thirds (68.8%) of those taking part in this consultation said that it would not. A further breakdown of the answers, and a summary of responses can be found on pages 13-14 of the consultation report within Appendix A.

6.12 The final question on the survey asked respondents if they had any questions or would like to comment on anything included in the survey. 89 comments were received. They have been grouped into themes and can be found on pages 15-16 of the consultation report within Appendix A.

Additional Information from the consultation

6.13 A consultation response was received from the RSPCA which is included within Appendix B. When asked **if they thought there was a need to implement a Public Spaces Protection Order** which would require an individual walking dogs on leads to restrict the number of dogs they walk at the same time, the RSPCA answered No. Further detailed breakdown of their survey responses can be found within Appendix B.

6.14 The following response was received from Neighbourhood Policing Inspector Mark Hillson:

“Lincolnshire Police does not support this proposed addition to the PSPO, it is neither a necessary or proportionate use of legislation.

The proposal does not follow Local Government Association Guidelines and does not meet the legal threshold for consideration.”

7. Background Papers

7.1 [Cabinet 10th September, 2024](#)

7.2 [Public Spaces Protection Orders | South Kesteven District Council](#)

8. Appendices

8.1 Appendix A: Consultation Report

8.2 Appendix B: RSPCA Consultation Response.