

# WEST NORTHAMPTONSHIRE COUNCIL CABINET

19<sup>th</sup> September 2023

**CLLr David Smith – Portfolio Holder for Community Safety and Engagement,  
and Regulatory Services.**

Report Title	Variation of The Public Spaces Protection Order (PSPO) (Dog Control and Prohibition of Smoking in Public Places) 2022.
Report Author	Joanna Oakes, Community Projects Officer. joanna.oakes@westnorthants.gov.uk

## List of Approvers

Monitoring Officer	Catherine Whitehead	31/08/2023
Chief Finance Officer (S.151)	Martin Henry	23/08/2023
Other Director	Stuart Timmiss – Executive Director Place and Economy	23/08/2023
Communications Lead/Head of Communications	Becky Hutson	31/08/2023

## List of Appendices

Appendix A – Consultation results and comments.

Appendix B - Consultation questionnaire and supporting information.

Appendix C - Draft varied Order.

Appendix D-J - Maps of the area to be covered by the proposed variation.

Appendix K - Professional Dog Walkers' Guidelines: General Guidance Documents – CFSG

Appendix L – Northampton Borough PSPO: PSPO - Variation March 2021 | West Northamptonshire Council - Northampton Area [PSPO - Variation March 2021 | West Northamptonshire Council - Northampton Area](#)

Appendix M - PSPO Cabinet Report October 2022 - Dog Control and Prohibition of Smoking 2022 for Daventry and South: West Northamptonshire Council ([modern.gov.co.uk](http://modern.gov.co.uk))

Appendix N - Northamptonshire Police Upton Country Park – Appeal for information.

Appendix O - WNC Dog related statistics.

Appendix P - Equality Impact Assessment.

## Appendix Q - WNC Public Spaces Protection Order (Dog Control and Prohibition of Smoking in Public Places) 2022.

### 1. Purpose of Report

---

- 1.1 This report provides feedback on the results of the public consultation to vary the Public Spaces Protection Order (Dog Control and Prohibition of Smoking in Public Places) 2022 that is in place in Daventry and South areas to include the former area of Northampton Borough to form one single West Northamptonshire PSPO relating to Dog Control and Prohibition of Smoking in certain public open spaces. It also includes the requirement to have dogs on leads at all times in Northampton Town Centre and also at Upton Country Park Phase 2 – this area of land runs parallel to the A4500 and flanks the river Nene between Kislingbury to Upton. The results of the consultation are appended to this report as **Appendix A and B**.
- 1.2 The report also seeks Cabinet approval of the draft varied PSPO at **Appendix C** and to grant approval for the formal making of that varied Order to the Executive Director for Place and Economy, as well as the necessary compliance with the remaining statutory requirements to bring it into force.

### 2. Executive Summary

---

- 2.1 The Anti-Social Behaviour, Crime and Policing Act 2014 gave powers to local authorities to introduce Public Spaces Protection Orders (PSPOs) to control a range of issues linked to anti-social behaviour, including the control of dogs. The Act also gave the power to vary the Order by increasing the affected area and/or adding new prohibitions or requirements.
- 2.2 Although the vast majority of dogs cause no problems and the vast majority of owners look after their pets in a responsible manner, the control of dogs remains a significant issue to the public with dog fouling being a particular concern to many in the Northampton area.
- 2.3 As part of the Councils commitment to Public Health and other statutory public health requirements, it needs to do all it can to reduce exposure to second-hand smoke, make smoking less visible to children and address the anti-social issue of smoking associated litter.
- 2.4 By introducing the proposed variation to the PSPO across the Northampton area, the Council would bring the same powers to require dog owners to comply with certain requirements and prohibit smoking in specific open spaces across the whole of the West Northamptonshire administrative area.
- 2.5 In addition, there is a proposed variation to require that dogs are kept on leads at all times when in Upton Country Park Phase 2 and also in Northampton Town Centre. Both requirements are already contained in a Northampton Borough PSPO that will expire in September 2023.
- 2.6 It is anticipated that as well as improving dog control and incidents of fouling, it will reduce passive smoking, the prohibiting of smoking will help reduce littering of cigarettes and associated items and will help keep open spaces safer, cleaner and greener for all.
- 2.7 The thirteen proposed measures that would apply to the Northampton area are:
  - Proposal 1 - The geographic extent of the PSPO. The PSPO (Dog Control and the Prohibition of Smoking in Public Places) 2022, that is in place in the Daventry and South Northants Areas should be extended to cover the Northampton Area, this includes the following:

- Proposal 2 - Failure to clean up after your dog. Persons in control of a dog must clean up and remove its faeces from the area and place it in a bin or take it home for disposal.
- Proposal 3 – Appropriate means to pick up dog faeces. Persons in charge of a dog must carry a poop bag or other appropriate means for clearing up after their dog.
- Proposal 4 – Dog exclusion zones. Persons in control of a dog must not take it into or onto any of the following areas, fenced or otherwise: Children’s play areas; Educational institutions when open and in use by pupils; skateparks; tennis courts; multi-use games areas (MUGA); bowling greens.
- Proposal 5 – Dogs on leads. Persons in control of a dog must ensure the dog is on a lead in cemeteries, burial sites, graveyards, memorial gardens, allotments, car parks to which the public have access and sports grounds, sports fields and pitches when in use for authorised sporting activity, land at Daventry Country Park, land near schools when open and in use by pupils, Northampton Town Centre and Upton Country Park Phase 2.
- Proposal 6 – Dogs on leads by direction. Persons in charge of a dog in the Northampton area must put the dog on a lead if asked to do so by an authorised officer.
- Proposal 7 – Maximum number of dogs. Persons in charge of multiple dogs should not be permitted to walk more than four dogs at any one time.
- Proposal 8 – Prohibition of smoking. All persons are prohibited from smoking tobacco, tobacco related products, smokeless tobacco products including electronic cigarettes, herbal cigarettes or any illegal substances in Northampton within the following areas, whether fenced or not: children’s play areas, land near schools when open and in use by pupils, skateparks, tennis courts, multi-use games areas (MUGA) and bowling greens.
- Proposal 9 – Breach of the PSPO. The maximum fixed penalty charge for breaches of the PSPO permitted by the Act is £100.
- Proposal 10 – Variation to the existing PSPO to enforce the requirement to keep dogs on leads at all times in Upton Country Park Phase 2.
- Proposal 11 - Variation to the existing PSPO to include the requirement for dogs to be kept on a lead at all times when in Upton Country Park Phase 2 in the PSPO for Dog Control and Prohibition of Smoking that is currently in force in the Daventry and South Northants Areas.
- Proposal 12 - Variation to the existing PSPO to enforce the requirement to keep dogs on leads at all times in Northampton Town centre.
- Proposal 13 - Variation to the existing PSPO to include the requirement for dogs to be kept on a lead at all times when in Northampton town centre in the PSPO for Dog Control and Prohibition of Smoking that is currently in force in the Daventry and South Northants Areas.

2.8 A consultation exercise has taken place and responses were in favour of the Council implementing all thirteen proposals though there are notable concerns from some members of the professional dog walking community regarding the proposal to walk a maximum of four dogs at any one time. The Council plan to investigate the development of a licensing scheme for professional dog walkers with a view to developing a local scheme if a national scheme is not brought forward. If this proposal is progressed, it will be the subject of a future separate report.

2.9 This report recommends implementing a variation to the PSPO across the Northampton area to form a single West-wide Order relating to Dog Control and the Prohibition of Smoking in Specific Public Spaces. It sets out the proposals which, if adopted, would be in place for the

statutory remaining period of three years until October 2025, unless reviewed and the subject of a further report to Cabinet to vary or replace.

### **3. Recommendations**

---

3.1 It is recommended that the Cabinet:

- a) Approves the variation to the Public Spaces Protection Order (PSPO) to also cover the Northampton area of West Northamptonshire Council administrative area and include the requirement that dogs must be on leads at all times at Upton Country Park Phase 2 and also in Northampton Town Centre and for the varied Order to remain in force for the remaining term until October 2025. Maps showing the extent of the variation to cover the Northampton area and also Upton Country Park Phase 2 and Northampton Town Centre are appended to this report as **Appendix D-J**.
- b) Resolve that the draft varied PSPO at **Appendix C** shall be made by the Council.

### **4. Reason for Recommendations (NOTE: this section is mandatory and must be completed)**

---

Without the variation:

- It is expected that incidents of dog and smoking related anti-social behaviour will increase in the locality.
- Enforcement of the anti-social behaviour is made more difficult.
- Incidents of displacement of the anti-social behaviour may increase.

The variation:

- Has been well supported in the public consultation - see **Appendix A**.
- Is considered an appropriate and proportionate response to dog control and smoking related issues in the locality.
- Will bring alignment of requirements and consistency for residents who live, work and visit public open spaces across the whole of West Northamptonshire.
- Will allow for consistent messaging, improve education and compliance thereby reducing incidents of anti-social behaviour in the locality.
- Takes steps towards achieving some of the councils Corporate Strategy priorities – Clean and Green, Thriving Villages and Towns and Improved Life Chances.

### **5. Report Background**

---

- 5.1 The Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) introduced new powers to tackle anti-social behaviour (ASB). This legislation also replaced the Dog Control Orders made under the Clean Neighbourhoods and Environment Act 2005. The Police and Local Authorities are responsible for tackling anti-social behaviour.
- 5.2 Public Space Protection Orders (PSPOs) can be used to address particular nuisance or problems in public places that have a “detrimental effect” on the local community.
- 5.3 PSPOs may lawfully impose legally enforceable restrictions on certain activities or conduct of any person in the area to be covered. They may also lawfully impose legally enforceable specific restrictions on persons engaged in certain activities or conduct in the same area. A PSPO is designed to ensure that residents and visitors can use and enjoy public spaces without experiencing anti-social behaviour and suffering detrimental impact.

- 5.4 Section 59 of The Act provides local authorities with the powers to create a Public Spaces Protection Order (PSPO) where they are satisfied that activities carried out in a public place: Have had, or 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. Justify the restrictions to be imposed.
- 5.5 Section 61 of The Act provides local authorities with powers to vary a PSPO once they have been made, by altering the area to which it applies, or changing the requirements of the Order. The legislative tests of detrimental impact, proportionality and reasonableness need to be satisfied, there are also statutory requirements regarding publishing or publicising the variation and the council is also required to undertake a consultation process.
- 5.6 Following an extensive consultation and appropriate notification in 2022, a PSPO was introduced on 17th October 2022 across Daventry and South areas to tackle irresponsible dog ownership and prohibit smoking in certain public places. This PSPO is in force for the maximum 3-year period until 17th October 2025. See **Appendix Q**.
- 5.7 To address additional concerns regarding dog fouling on sports pitches, a dog poo patrol project on 7 sports pitches was undertaken for a 3-month period across West Northamptonshire to determine if any further measures may be required to those already included in the PSPO. The conclusion was that no additional measures were required as there are a number of requirements and restrictions already contained within the PSPO that can be used to effectively address issues of fouling, and, that resources would be better targeted into effective patrol, better communications, sufficient bin provision and signage.
- 5.8 Once the PSPO was introduced in October 2022, some professional dog walkers advised the Council of their displeasure that they could only walk 4 dogs at any one time in public open spaces as some walk in excess of this number of dogs and wished to continue to do so. Some professional dog walkers cited reasons for wanting to walk more than 4 as being experienced, having relevant training, qualifications, appropriate insurance permitting them to walk in excess of 4 dogs, some cited it being detrimental to their income and not necessarily in the best interest for the dog's welfare if the dog/s may otherwise remain unwalked and/or inadequately socialised by their owners. A small number of professional dog walkers started a national petition and there was much press coverage as a result. In response, talks were held with some members of the professional dog walking community and council officers to listen to their concerns and discuss the options going forward to better support the professional dog walking community who find themselves operating in a growing, unregulated and unlicensed industry.
- 5.9 The growth in dog ownership during the pandemic - an additional 3.2 million households obtained pets during this time - has led to an increase nationally of more inexperienced owners, inadequately socialised dogs and poor breeding. It is these issues that are now believed to be behind the national increase in dog attacks and fatalities which have been heavily publicised in the national media over recent years bringing the issue very much into focus.
- 5.10 The growth of dog ownership, the low barriers to entry to become a professional dog walker along with its associated higher than average income potential and lack of industry regulation has led to an increase in people setting up businesses to walk dogs with no need to acquire relevant qualifications or undertake training. As a result, there are some less competent professional dog walkers operating. The Dogs Trust also state that up to 60% of owners who use professional dog walking services do not have a contract or legal agreement in place. Therefore, many professional dog walkers support the introduction of better regulation via a national Professional Dog Walker licensing scheme or a discretionary professional dog walker licensing scheme.
- 5.11 In January 2023, there was a tragic incident involving a professional dog walker in Surrey who sadly died after being attacked by some of the 8 dogs she was walking at the time. In that area, professional dog walkers are required to hold a licence issued by the Council in this area to walk no more than 6, in this instance the dog walker did not hold a licence and was also walking a mixed group of differing breeds and sizes. An inquest subsequently revealed that it was her own American Bully XL that killed her, but 5 other dogs belonging to other people still remain in private kennels, the full inquest was adjourned until 29th June 2023 and at time of writing this report, we await the full details. As a result of this incident and the rising number of dog attacks and human fatalities across the UK, DEFRA consulted with industry

experts and all local authorities across the UK on the matter. At the current time, WNC are awaiting notification of their findings. They could introduce a national professional dog walking scheme, reduce the number of dogs that can be walked by canine professionals who hold licenses for boarding and day care establishments or keep the status quo which currently allows no more than 6 dogs to be walked at the same time if they hold a licence under The Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018 and are a licensed boarder, breeder or dog day care provider.

- 5.12 To support the growing professional dog walking industry, there are a number of national Trade Associations - who offer memberships and codes of conduct - that are available for professional dog walkers to join, these all advise or require that professional dog walkers only walk 4 dogs at any one time. There is also a set of Professional Dog Walkers' Guidelines (**See appendix K**) that were written and endorsed by The Pet Industry Federation (PIF), Dogs Trust, RSPCA and the Canine and Feline Sector Group (CFSG) - CFSG is made up of influential organisations who advise Government on behalf of the sector on strategically important dog and cat health and welfare issues and standards - This document aims to provide guidelines that professional dog walkers should conform to, ensuring standards of welfare for the dog, respect for the environment and peace of mind for the owner. It advises that *"The maximum number of dogs that can be walked at any one time should not exceed the number stated in the walker's insurance policy and comply with local authority requirements regarding the number of dogs. It is recommended that no more than four dogs are walked at any one time. All dogs under a dog walker's care should be reliably under control at all times and transported."* This best practice guidance was used by WNC when the PSPO covering Daventry and South areas was consulted on in Spring 2022 and, has again been used for the subsequent consultation to vary the PSPO in March 2023.
- 5.13 There is currently a PSPO covering the former Northampton Borough Council administrative area which is in force and is due to expire on 18<sup>th</sup> September 2023. It currently contains some dog control measures and can be viewed at **Appendix L**. As stated in the Cabinet report in October 2022 **appendix M**, it was the intention to explore extending the geographic area covered by the Order to also include Northampton by way of variation which would be subject to another statutory consultation process. This consultation took place for 4 weeks in March 2023. By varying the PSPO, it would provide a West-wide Dog Control and Prohibition of Smoking in specific open spaces PSPO.
- 5.14 The soon to expire former Northampton Borough PSPO was varied in March 2021 to include the requirement to keep dogs on leads at Upton Country Park Phase 2 after a number of incidents of dogs off leads attacking the sheep in the fields adjoining the Phase 2 area of Upton Country Park, resulting in serious and fatal injuries to livestock. Prior to the variation being introduced, there were already a number of signs located in Upton Country Park stating that dogs must be kept on leads at all times whilst being walked in the "Phase 2" area of the Park. However, the prohibition was effectively legally unenforceable without including it in a variation. Whilst incidents of livestock worrying and attacks on sheep have reduced since its introduction, they are still occurring with the most recent reported incident taking place in March 2023 during the consultation to vary this PSPO, the Northants Police report can be viewed at **Appendix N**. Concern has also been expressed that a lot of people put their dogs on a lead when agricultural workers approach and then let them off when they think the workers have gone, suggesting that dog owners know they are in the wrong. The area also has a number of ground nesting birds, off lead dogs are scaring the birds from the nests or killing the young. The combination of dogs off leads and some irresponsible owners is making the area un-farmable.
- 5.15 Also contained in the former Borough of Northampton varied Order, is the requirement to place dogs on a lead in the town centre area, it is considered that if this requirement is not included in the proposed varied PSPO, then incidents of out of control dogs will increase the likelihood of harm to people or other dogs and animals will increase as this is a densely populated area with lots of traffic.

### **The problem – Dog control**

- 5.16 There are now estimated to be 13m dogs in the UK and that 34% of all households in the UK own a dog, with 3.2 million households in the UK having acquired a pet since the start of the

pandemic in 2020. In further research conducted by The Dogs Trust, a quarter of owners also reported their dog has developed a new behaviour problem during pandemic lockdowns. It is estimated that dogs produce more than 1,000 tonnes of waste each day, and 31% of dog owners admit to not cleaning up after their dogs.

- 5.17 In 2022, West Northamptonshire Council received more than 1097 complaints about dog fouling and dog control issues **Appendix O** and, whilst most dog owners are caring, responsible individuals, there are still some who are irresponsible.
- 5.18 Whilst WNC receives many dog fouling complaints each year, it believes that the true number of incidents is far greater than the number reported. Dog fouling is not only deeply unpleasant, but it can also be dangerous. Whilst rare, contact with dog excrement or contaminated soil can cause toxocariasis – a nasty infection that can lead to dizziness, nausea, asthma and even blindness and seizures. Dog foul can also pass Neospora and Sarcocystosis to cattle and sheep respectively if left on land which is grazed by farm animals. Neospora can cause abortions in cattle or result in weak calves, and Sarcocystosis can cause neurological disease and death in sheep.
- 5.19 Incidents of livestock worrying by dogs (when a dog chases or attacks farm animals such as sheep and cattle) have increased over recent years. The National Farmers Union estimates that farm animals worth £1.8 million were severely injured or killed by dogs in the UK in 2022. In England, the Midlands was the worst-hit region with dog attacks on livestock totalling an estimated £313,000. The National Farmers Union research also found that dog owners are becoming more distracted with their pets out of sight, and are therefore unaware of the damage that could be inflicted. Many remain unaware that even if their dog doesn't come into contact with a sheep, the distress caused by the chase can trigger a pregnant ewe to die or miscarry. The same research found 64% of dog owners admit their dogs chase animals, almost half (46%) believe that their dog was not capable of injuring or killing livestock, nearly two thirds of owners let their dog roam off-lead in the countryside and that 39% of owners admit their pets do not always come back when called.
- 5.20 Several high-profile dog attacks across the United Kingdom, some resulting in fatalities, have also brought the issue of dog control sharply into focus. The number of dog attacks recorded by police in England and Wales has risen by more than a third in the past five years – in 2022 there were nearly 22,000 cases of out-of-control dogs causing injury. In 2018, there were just over 16,000. The number of dogs seized during this time has also increased by 36% nationally. Northamptonshire Police reported more than 400 dog attacks which were recorded between October 2021 and November 2022 with 40 against other dogs and 399 against humans, 155 of those occurring across West Northamptonshire.

### **The problem – Prohibition of smoking in certain public spaces**

- 5.21 In Northamptonshire there are approximately 96,000 smokers, with the County seeing more than 7,000 hospital admissions, 300,000 GP appointments and more than 1,000 smoking related deaths each year. As part of the Council's commitment to Public Health Northamptonshire, we need to do all we can to reduce exposure to second-hand smoke and make smoking less visible to children. Children's play areas, educational facilities, skateparks, tennis courts, multi-use games areas, bowling greens, fenced or otherwise, are all public places for residents to go to maintain and enjoy a healthy lifestyle which can be supported with the banning of smoking in these specific areas. This no smoking policy has already been adopted

across all these places in the former South Northants and Daventry areas of West Northamptonshire, including all Country Park play areas.

- 5.22 Cigarette butts are the most prevalent form of litter in England and account for 66% of all littered items. The vast majority of cigarette butts are single-use plastic and contain hundreds of toxic chemicals once smoked. Littered cigarette filters can persist in the environment for many years and release these chemicals into air, land and water, harming plant growth and wildlife. In the UK, 14 million single use vapes are now bought each month with 50% of these being thrown away. Incorrect disposal can potentially leak plastic chemicals and toxic electronic waste into the environment. Littering is a separate criminal offence under section 87 of the Environmental Protection Act 1990, so the Council cannot lawfully prohibit littering of any kind within its area, but it can impose restrictions with a view to proactively preventing the littering of discarded cigarettes and vapes taking place in the first place within certain areas.
- 5.23 WNC is keen to take measures to combat all of these problems by proposing to use powers contained in the Anti-Social Behaviour, Crime and Policing Act 2014 Act ("the Act") to give its enforcement officers powers to deal with dog owners who fail to properly control their dogs in public open spaces, and those who fail to refrain from smoking in specific public places in the Northampton area to give one consistent Order throughout the WNC administrative area.
- 5.24 WNC sought the views of members of the public and other interested parties by running a 4-week statutorily required consultation process from 16th March 2023 to 17th April 2023, with the aim of considering whether to vary the current Daventry and South Northants PSPO (Dog Control and Prohibition of Smoking in Public Places) 2022 to also cover the Northampton Area.
- 5.25 The geographic scope of the variation would cover a combined area of five hundred square miles with a population of 405,000. The area of Northampton has a population of 246,000. The results of this consultation to vary the order, the questionnaire and comments can be found at **Appendix A and B**.
- 5.26 The proposal is for the varied Order to take effect for the statutory remaining term until October 2025.

## 6. Issues and Choices

---

- 6.1 *The Committee could choose not to approve the variation to the PSPO to include Northampton area requiring dogs on leads at all times at Upton Country Park Phase 2 and also Northampton Town Centre all of which are intended to encourage more responsible dog ownership. This is not recommended* because of the potentially serious impact which a small number of irresponsible or inconsiderate dog owners could have on the wider community. Education and encouragement regarding responsible dog ownership and control would be made more difficult in different areas of West Northants. Messaging of the requirements across different parts of the West Northamptonshire authority is far more difficult to achieve. Enforcement is made more difficult if issues arise. Over time, there is a concern that levels of anti-social behaviour regarding dog control and ownership would increase, it is therefore anticipated that there would be a greater risk of more people experiencing a greater detrimental impact on the wider community of those who live, work or visit the areas of Northampton. There are also concerns about displacement of anti-social behaviour to areas of Northampton not covered by the variation. The consultation exercise has demonstrated public support for the introduction of the variation to the PSPO in proposed terms.



6.2 *The Committee could choose to accept and implement parts of the varied Order to cover Northampton.*

**This is not recommended** due to the same issues as stated in **6.1**. If it were then deemed that further measures need to be introduced at a later date, this would involve undertaking another lengthy statutory consultation process followed by a lengthy implementation process, additional printing and siting of extra signage. This would be an inefficient use of resource and may damage the reputation of the Council. This may lead to an increased detrimental effect on the quality of life of those in the locality.

6.3 *The Committee could choose to approve the variation to the PSPO to include Northampton area.*

**This is recommended.** The variation will come into force once the order is made. A programme of communications and education along with placing of signage will be undertaken along with a proportionate, targeted and intelligence led approach to enforcement. This will allow those who may be affected by the Order to become aware and accustomed to it. It will bring consistency across the West area. Canine professionals who walk in excess of 4 dogs are able to do so with permission on private land or in accordance with any licence or permit issued by WNC or authority in accordance with legislation other than the Anti-Social Behaviour, Crime and Policing Act 2014.

6.4 *Approve the making of the draft variation to the PSPO at **Appendix C** to cover the former Northampton Borough area until October 2025.*

For the reasons outlined in paragraph 4, **this is the preferred recommendation.**

6.5 *Grant approval for the formal making of that varied Order to the Executive Director for Place and Economy, as well as the necessary compliance with the remaining statutory requirements to bring it into force.*

**This is recommended.** Cabinet cannot in practice carry out the remaining necessary statutory processes set out in the legal implication comments below, which are required to be completed in order for any PSPO to be formally made and lawfully brought into force. These tasks will have to be completed by Council officers and so a formal instruction to do so is required once Cabinet approves the draft varied Order at **Appendix C**.

## **7. Implications (including financial implications)**

---

### **7.1 Resources and Financial**

7.1.1 The consultation to vary the Order has been undertaken using existing resource and existing budgets.

7.1.2 Additional signage for the varied PSPO will need to be printed and installed at each of the sites across the Northampton area. The cost will be covered from existing budgets.

7.1.3 Old and expired PSPO signage will need to be removed and replaced. This will take time due to the size of the Northampton area.

7.1.4 The placing of new signage and removal of old, will be undertaken by existing officers who work out in the community and around their other work schedules to maximise efficiency and keep cost low.

7.1.5 Along with the signage, a communications campaign will support the varied Order to improve and enhance public understanding of the requirements of the PSPO. This will be undertaken by WNC Communications Team and will use existing resource.

- 7.1.6 An indicative print cost for signage of £4,100 has been identified for the scheme; however, this is prior to tender for supply and subject to the PSPO measures decided upon.
- 7.1.7 Enforcement of the varied PSPO will be undertaken within existing resources and budget. Kingdom LA Support, an Environmental Enforcement Contractor will also be used to support enforcement and help provide a visible presence across West Northamptonshire. They already work in the Northampton area; their contract is being renegotiated at the time of writing.
- 7.1.8 Targeted, intelligence-led enforcement activity will continue to be carried out by Council officers and the Police where possible. Officers already deal with a wide range of environmental enforcement issues and are specifically trained in carrying out enforcement activities in a sensitive and proportionate manner.

## 7.2 Legal

- 7.2.1 The making or variation of a PSPO is a legal power available to the council in order to prevent people living, working and visiting in specific areas from suffering harm caused by certain activities taking place there. Variation can include increasing the extent of the area in which the Order is in force, as is proposed in this report.
- 7.2.2 In making or varying an order, the local authority must be satisfied that what has been happening in a relevant area has had, or is likely to have, a detrimental effect on the quality of life of those in the locality and that it has been persistent or is likely to continue. The provisions within the Order must then address that specific activity and either prohibit it or require people carrying it out to do certain things.
- 7.2.3 Statutory consultation and publication is required before an Order can be made and they are subject to a right of appeal to the High Court by “interested persons” on the grounds of validity or procedural defect, for a period of 6 weeks after being made. There are therefore a number of risks associated with the making of a PSPO which Members should be aware of. Those risks are set out below alongside the mitigations that have been put in place to minimise those risks.

## 7.3 Risk

### 7.3.1 *Risk 1 – Appeal against the making of the varied Order.*

Risk mitigation - Ensuring that the varied Order is made strictly in accordance with the statutory procedure for making and varying a PSPO, including evidential and statutory consultation requirements and especially with regard to any prohibition or restriction not included within the draft varied Order at **Appendix C**.

### 7.3.2 *Risk 2 – The varied PSPO and its measures cannot be enforced adequately.*

Risk mitigation – Ensuring that the varied Order is robust and its implementation is subject to a plan of execution, which will include the installation of signage, education and sufficient publicity of its effect in practical terms, clear instruction to officers responsible for its enforcement and a proportionate response as those affected by its introduction become aware of its requirements.

### 7.3.3 *Risk 3 - Inadequately delivered public awareness and promotion campaign of the varied Order and it fails to raise public awareness.*

Risk mitigation – The Council will deliver a comprehensive promotion campaign if the varied Order is made and following its implementation.

*7.3.4 Risk 4 – Reputational damage to WNC if the varied Order is not introduced.*

Risk mitigation – The consultation to vary the Order has been undertaken with those likely to be impacted by introduction of the variation. There is strong support for all of the proposed restrictions and requirements, although some professional dog walkers and their customers have voiced their concerns around limiting the number of dogs walked to 4, this is dealt with in more detail in the report at **6.3 and 7.3.5 and 7.3.6**. PSPOs are intended to prevent anti-social behaviour and other unreasonable activities from detrimentally affecting the lives of people who live and work in affected by such activities, as well as those that visit them. Consulting the public and organisations in the proposal area of Northampton has informed WNC that a PSPO is required to restrict the conduct and activities addressed by the proposed varied Order or introduce specific requirements to control them.

*7.3.5 Risk 5 – Reputational damage to WNC if the varied Order is introduced but fails to communicate effectively with professional dog walkers and other canine professionals who wish to walk more than 4 dogs at any one time whilst in West Northamptonshire the rationale for the council’s decision.*

Risk mitigation – In 2019, The Dogs Trust, Pet Industry Federation, RSPCA, Tailster and Canine and Feline Sector Group produced The Professional Dog Walkers’ Guidelines, which recommended “The maximum number of dogs that can be walked at any one time should not exceed the number stated in the walker’s insurance policy and comply with local authority requirements regarding the number of dogs. It is recommended that no more than four dogs are walked at any one time”. These guidelines were drawn up to create a workable set of guidelines that can provide information for local authorities and provide a framework for professional dog walkers, as well as helping pet owners understand what they should expect from a suitable dog walker. They are readily available on a number of animal welfare and dog charity websites and The Local Government Animal Welfare Group website. Some well-known insurance companies and insurance search engine providers also refer to these guidelines or reference Professional Dog Walking Trade Associations which require that no more than 4 dogs should be walked at any one time - although insurance is available for professional dog walkers to walk more than 4 depending on the individual’s circumstances.

During the consultation to vary the PSPO, a number of dog charities, welfare groups, trade associations and canine professionals were consulted, The Dogs Trust stated that “95% of dog owners have up to 3 dogs. Therefore, the number of dogs taken out on to land by one individual would not normally be expected to exceed four dogs.” This suggests that the majority of the population would be well within the requirements of the PSPO to walk no more than 4 dogs at any one time and therefore that particular requirement wouldn’t apply to them. National professional dog walking Trade Associations who offer membership to professional dog walkers and operate codes of conduct advised WNC that “DWSA (Dog Walkers & Sitters Association).....are working hard to attempt to regulate and improve the safety and standards of this rapidly growing industry. We welcome being consulted on such issues and our own code of

conduct includes dog walkers not walking more than 4 dogs at a time, always having the means to clean up after dogs...” The National Association of Pet Sitters and Dog Walkers (NarpsUK) also strongly support all measures including the requirement to walk no more than 4 dogs at any one time and it provides a membership scheme and associated code of conduct that also requires this. Northampton Town Council also support the introduction of a maximum limit that one person can walk at a time citing in their response to the consultation that they “particularly support the introduction of a maximum limit that one person can walk at a time. The uptake in the dog walking industry needs some regulation and the intention to introduce a licence and/or code of conduct is welcomed”. Some professional dog walkers also only walk 4 dogs, this is a requirement too if they belong to one of the Professional Dog Walking Trade Associations. Some professional dog walkers and users of professional dog walking services also advised that only walking a maximum of 4 dogs at one time allows for better dog control, better ability to pick up fouling, improved welfare and ability to address a dog’s individual needs. 55% of respondents to the consultation agreed or strongly agreed that 4 dogs should be the maximum amount of dogs that can be walked at any one time with 21% of respondents stating that they had encountered issues with multiple dogs being walked at any one time.

More than 4 dogs can be walked on private land with the owners’ permission. There are a number of dog parks and fields available across Northamptonshire and surrounding counties which can be rented out for between 30 minutes to 1 hour, sometimes longer. Prices start at £3.50 for 30 minutes for between 1-3 dogs and up to £15 for 1 hour for between 9 -12 dogs depending on the dog field visited. Petbusinessinsurance.co.uk suggests that the average professional dog walking charges per dog walked are between £8-£15 per hour, per dog, they also state that allowing a dog to be walked with others can often reduce the cost and could bring average costs per walk down from £12 to £8 suggesting that, during a cost of living crisis, some owners may allow their dogs to be walked in groups to make the costs more affordable which could, depending on the expertise and training of the professional dog walker and the behaviour of the dog/s being walked together, lead to an increase in dog control issues.

The exemption to the varied Order for those who hold a WNC licence for boarding, breeding and dog day care under The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 should be communicated clearly. The current DEFRA Statutory Guidance relating to boarders, breeders and day care businesses currently allows for a maximum of 6 dogs to be walked, it states “No more than 6 dogs per person can be walked at one time. The owner’s consent is needed for a dog to walk with other dogs. Dogs must be familiarised with each other before the walk.” WNC have over 100 licenced dog related businesses in its administrative area.

### *7.3.6 Risk 6 – Failure to address concerns raised from some Professional Dog Walkers regarding their ability to walk a maximum of 4 dogs at any one time on land where the varied Order applies.*

Risk mitigation – WNC have held conversations with representatives of professional dog walkers and listened to concerns. Consideration is being given to the development of a licensing scheme and/or associated code of conduct for professional dog walkers to better support the growing unregulated and unlicensed industry to ensure that they can continue to operate safely, legally with the highest standards of animal welfare. The finer details of what this scheme could look like, will be the subject of further work that is outside of the scope of this report. There are also a few exemptions where more than 4 dogs can be walked – on private land with consent, at dog

parks, if they are licensed by WNC under The Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018 as a provider of boarding or dog day care services. As also stated in paragraph **5.10** the Council is currently awaiting consultation finding from DEFRA regarding the number of dogs walked at any one time and also any possible introduction of a national dog walking licensing scheme.

Since talks were held with dog walkers, the consultation to vary the Order has taken place and the results and evidence gathered supports retaining the 4-dog maximum requirement, there has also been the untimely and tragic death of the professional dog walker in East Surrey, and a high number of dog attacks reported in the media, suggesting that public opinion may be more supportive of a reduced number of dogs being walked at any one time.

#### **7.4 Consultation and Communications**

- 7.4.1 In addition to statutory consultation requirements set out in the 2014 Act, the Council has also conducted a public consultation with supporting information and maps showing the area that may be affected by the introduction of the proposed variation. The consultation ran for 4 weeks from 16<sup>th</sup> March 2023 to 17<sup>th</sup> April 2023. The results of the consultation to vary the PSPO have been crucial in developing the draft at **Appendix C**. The consultation results and comments, consultation questionnaire, supporting information and maps are provided in **Appendix A and B**.
- 7.4.2 The consultation was carried out online through the West Northamptonshire Council Consultation Hub. It was supported by a West Northamptonshire Council communications campaign to raise awareness and encourage participation. Alternative formats of the consultation were made available if required.
- 7.4.3 More than one hundred canine related businesses were notified across West Northamptonshire including vets, dog trainers, professional dog walkers, behaviour experts, groomers, WNC animal licensees – dog boarders, kennels, breeders and pet shops. They were supplied with a poster to promote the consultation and share with their customers.
- 7.4.4 All Parish Councils and Town Councils in West Northamptonshire were notified and asked to share with residents, clubs, organisations and groups in their area.
- 7.4.5 Over twenty different animal welfare, animal assistance charities and professional dog walking trade associations were notified. These included The Kennel Club, The Dogs Trust, Hearing Dogs for Deaf People, Guide Dogs for the Blind, Assistance Dogs UK, Autism Dogs, Canine Partners, Dog Aid - Assistance in Disability, Dogs for Good, Medical Detection Dogs, Support Dogs, The Seeing Dogs Alliance, RSPCA, Association of Professional Dog Walkers and Sitters (APDWS), National Association of Pet Sitters and Dog Walkers (NARPS UK), Professional Dog Walkers Association (PDWA), Dog Walkers and Sitters Association (DWSA) and The Canine and Feline Sector Group (CFSG).
- 7.4.6 All primary and secondary schools across West Northamptonshire were notified and asked to share details of the consultation with parents and carers.
- 7.4.7 Libraries across West Northamptonshire were asked to support and promote the consultation and accessing of it for residents and support with promotion of the consultation by way of poster.
- 7.4.8 Notification of the consultation was sent to those on the WNC Consultation Register and the WNC Resident's Panel with approximately 450 contacts.
- 7.4.9 Statutory partners were notified including Northamptonshire Police Chief Constable and Police and Crime Commissioner along with other interested groups including Northamptonshire

Football Association, Ramblers Association, Keep Britain Tidy, neighbouring Local Authorities, The Canal and Rivers Trust, National Trust, Community Safety partners. WNC staff including the Chief Executive, Senior Leadership Team, Assistant Directors, Environmental Health and Environmental Crime Officers, Neighbourhood Wardens, Dog Wardens, Rangers, Regulatory Services Lead Officers and the Portfolio Holder for Community Safety and Engagement and Regulatory Services. All were given the opportunity to comment on the consultation.

- 7.4.10 Results of this consultation have shown strong support for all of the proposals which were proposed for inclusion within the variation to the Order. The full report, including the results, comments and consultation questionnaire can be found at **Appendix A and B**.
- 7.4.11 The Council received 436 responses to the online consultation. 9.2% were received on behalf of a business, organisation, voluntary or community group. This option also applied if the respondent looked after or walked dogs as part of their own business and wished to respond in that capacity. Of those organisations that responded, 15% were charities, 21% public sector organisations, 47% were dog related businesses. 90.8% were individuals who responded. Respondents were also given the opportunity to make comments, Of the 436 responses received, 48% (211) of respondents chose to make comments.
- 7.4.12 54% of those who responded to the consultation to vary the PSPO were a resident of Northampton (38.7%), worked in Northampton (10.8%) or responded as a visitor (4.5%) to Northampton.
- 7.4.13 Of the consultees who chose to answer the question relating to dog ownership, 59% stated that they owned a dog with 1% stating that they had an assistance dog and 3% advising that they had a disability or health condition that restricts their ability to walk and clean up after their dog. Of those that advised that they owned a dog, 58% said they only owned one, 26% owned two, 5% owned three dogs and 2% owned 4. 3% owned 5 or more dogs but all were canine professionals – breeders, dog care or professional dog walkers.
- 7.4.14 Consultees were asked to comment on thirteen specific proposals:

**Proposal 1 - The geographic extent of the PSPO.** 95% of consultees responded to this proposal. 62% of responses strongly agreed or agreed that the PSPO (Dog Control and the Prohibition of Smoking in Public Places) 2022, that is in place in the Daventry and South Northants Areas should be extended to cover the Northampton Area. 26% disagreed or strongly disagreed that the variation should be applied to the Northampton area.

A synopsis of the comments relating to the geographic extent of the Order include:

- Other areas that should have been considered for inclusion for dogs on leads - The Washlands, an area of international environmental significance for the protection of birds species but most dog owners ignore it resulting in dogs off the lead chasing, scaring and killing birds and sheep and dog attacks on humans.
- Enforcement of the Order.
- Better education is needed, education should be used before fines.
- Creation of enclosed dog spaces.
- Use or employment of a dog warden to educate dog owners.
- With an increase in dog ownership the PSPO is important as not all dogs are friendly and not all owners are responsible.
- Take action against irresponsible behaviour but do not spoil it for everyone just because of the actions of a minority.

**Proposal 2 - Failure to clean up after your dog.** 93% of respondents answered this question. 98% of those who responded believed that persons in control of a dog must clean up and remove its faeces from the area and place it in a bin or take it home for disposal. 73% of respondents stated that they had experienced issues with dog fouling in the Northampton area in the last 6 months.

A synopsis of the comments relating to fouling were regarding:

- An increase in fouling.
- Loose dogs not being watched and being left to foul.
- Persons with several dogs being less able to deal with fouling.
- Fouling being unsightly, spoiling enjoyment of outside spaces, associated health risks of fouling.
- Incorrect disposal of fouling by bagging and leaving it in bushes or left bagged on the ground.
- More bin provision for better disposal.
- Wishing for a cleaner, nicer place to live.
- Fouling locations were provided including - Upton estate and Country Park, Eastfield Park, Little Billing, Great Billing and Bellinge, Briar Hill pocket park, Kingsley, Bouverie Estate, Queen's Park, Lorraine Crescent, Bunting Road, Abington and Abington Park, Northampton.

**Proposal 3 – Having the means to pick up after your dog.** 93% of consultees answered this question with 97% support of having the means to pick up after your dog with 67% of respondents experiencing issues with dog owners or walkers failing to remove their dog's waste from public places and/or not carrying the means to do so in the Northampton Area in the last 6 months.

A synopsis of comments relating to this proposal related to:

- Concern that a female dog owner who walks alone would be uncomfortable about being approached by someone wanting to know what was in their pocket.
- If a dog owner's approached at the end of a walk, they may have already used the bags or given a spare bag to someone else.

**Proposal 4 – Dog exclusion zones. Persons in control of a dog must not take it into or onto any of the following areas, fenced or otherwise: Children's play areas; Educational facilities; skateparks; tennis courts; multi-use games areas (MUGA); bowling greens.** 91% of people responded to this question, of those, 77% strongly agreed or agreed with this proposal. Whilst 62% of those who answered this question had not had issues in these areas of Northampton with off lead and/or out of control dogs, 29% of respondents had encountered problems.

A synopsis of comments relating to this proposal are:

- Consultee had stopped taking their children to Abington Park and Upton Country Park due to off-lead dogs frightening children.
- Dogs chasing and jumping up children at Upton Country Park resulting in a fearful child.
- On school grounds dogs should be banned, with exemption for assistance/therapy dogs, even when dogs are on leads, the leads are often let out to long lengths which trip up children, get entangled and otherwise are a safety concern. Children will go up to dogs and you are never quite sure how they are going to react.
- Dogs on school grounds should be prohibited for the safety of all.
- Keeping exclusion zones to a minimum.

**Proposal 5 – Dogs on leads in specific open spaces.** Persons in control of a dog must ensure that it is kept on a lead at all times whilst in the following: Cemeteries, burial sites, graveyards, memorial gardens, allotments, car parks to which the public have access to, sports grounds, fields and pitches when in use for an authorised activity, land near schools when open and in use by pupils, Northampton Town Centre and Upton Country Park Phase 2. 90% of people responded to this question with 56% of responses strongly agreeing and 20% agreeing that persons in control of a dog must ensure the dog is on a lead in cemeteries, burial sites, graveyards and/or memorial gardens, allotments, car parks to which the public have access and sports grounds, sports fields and pitches when in use for authorised sporting activity, land near schools and also when in Northampton town centre and at Upton Country Park Phase 2. 35% of responses stated that they had encountered issues with off lead dogs in these specific areas when in Northampton but 58% had not.

A synopsis of the comments in relation to dogs being required to be kept on leads in specific places are:

- Being approached by dogs in public places and feeling fearful of unfamiliar dogs.
- Being unable to take grandchildren to a play area due to dogs not being on leads.
- Inability to retrieve off-lead dogs at Upton Country Park.
- Feeling intimidated by off-lead dogs at Billing Road Cemetery and a minority of abusive owners.
- Safety concerns in car parks where off-lead dogs run in and around cars.
- Clarity wanted around criminalisation of those who have a well-behaved dog off-lead in a car park.
- Dogs should be on leads at all times in residential areas or all the time as you are not in control unless it's on a lead.
- Suggestion that leads should not be retractable as the dogs can still get away from owners which can run up to children and dogs and be hazardous to cyclists and pedestrians.
- Billing Road Cemetery being used for other antisocial activity which is being witnessed and reported by dog walkers and therefore should be exempt from the Order as it is a closed cemetery.
- Parents on the school run with dogs, tie them up outside the school and leave them barking.
- 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 appropriate areas.

**Proposal 6 – Dogs on lead by direction.** 90% of people responded to this question with 83% strongly agreeing or agreeing that persons in charge of a dog in the Northampton area must put the dog on a lead if asked to do so by an authorised officer. 54% of those who responded stated that they have had issues where dogs have been off lead and not under proper control by the person responsible for them in the Northampton area, 42% stated that they had not had issues.

A synopsis of the comments received relating to this requirement include:

- Being able to address irresponsible owners who let their dogs run up to other people off lead which then may jump up at them, dirtying clothing.



- Dog owners lacking control over their dogs and refusing to put them on a lead when requested by members of the public.
- Dogs running and barking and appearing out of control may be frightening to others such as children and make others feel under threat and affect their mental health and their ability to enjoy peace and quiet.
- Some consultees stated they'd rather have a dogs on leads at all times requirement for improved safety and enjoyment reasons.

**Proposal 7 – Maximum number of dogs.** 90% (388 people) of respondents answered this question. 44% strongly agreed and 11% agreed that persons in charge of multiple dogs should not be allowed to walk any more than four at any one time with 5% disagreeing and 27% strongly disagreeing with this proposal.

When asked if the consultee had encountered any problems caused by a number of dogs being walked at the same time by one person in the Northampton Area 73% said that they had not but 21% stated that they had encountered issues.

A synopsis of comments received relating to this proposal were:

- The PSPO would penalise those who had a number of well-behaved dogs.
- It's often owners with one dog that they cannot control, not those with a group of dogs who are in control.
- If 6 dogs are well socialised, why can't they be walked together. There is a difference between a responsible dog owner walking their six rescue greyhounds on a lead and an unlicensed dog walker letting six dogs from different households run riot with no control.
- Too many people see dog walking as easy money, do not have the necessary experience and skills and make poor choices.
- Provider of a dog day care business would be required to leave 2 of the 6 dogs at home to comply with the PSPO requirements.
- Using a professional dog walker allows people to work where their dog may otherwise be unwalked or rehomed which may be detrimental to the dog's welfare and mental health of the owner.
- Dog businesses with a licence should be treated separately as they have had to demonstrate ability via training – punish those who fail to train.
- Limit of 4 dogs is sensible in parks and towns regardless of whether a professional person is present but to have those limits set for open countryside including some public footpaths and bridleways is excessive and unnecessary.
- Support for licensing/accreditation scheme professional dog walkers.
- Boarders should be able to walk 6 dogs.
- Support for licensing of professional dog walkers and boarders to walk 6 under standards mutually agreed with penalties for anyone breaching these limits as the blanket limit of 4 dogs is severely restrictive to current business practises and will cause many conscientious professionals to go out of business or lose a third of their income.
- Professional dog walkers with insurance that covers up to 6 dogs should be able to walk 6.
- A competent walker will have control over all their dogs and will take them to the appropriate places to walk them.
- Sometimes there is no room to shuffle the dogs so more than 4 have to be walked.

- Incidents with inexperienced owners, who don't seem to socialise their dogs or read their dog's body language - my dog walker gives my dog a great time with his friends and often meets up with other dog walkers. I get photos of 10-15 happy, playful dogs and this is what I want for my dog.
- There should be no limit imposed because that is dictated by your competence as a dog handler and the training of the dogs. Specifying a number criminalises those who have trained their dogs well but have more than the specified number to walk. It also encourages people who aren't competent and have untrained dogs to walk more than they are competent to walk.
- Dogs left for long hours, or without adequate exercise and socialisation can quickly become frustrated, leading to dogs developing undesirable behaviours.
- Need for a licensing scheme for professionals, that can provide the appropriate guidelines for dog walkers, and owners to look for when enquiring about a dog walker.
- Any more than 4 would be dangerous for the public, the dog walker and other dogs in the area. How can dog poo be picked up with a large number of dogs.
- Walking no more than 4 dogs at any one time unless on private land with no public access.
- Multiple dogs are not walked together, dog walking should be focused on the needs of the individual dog, one person can't safely control more than 4 dogs at a time on the lead and cannot watch and control more than 4 dogs off lead and see where they all are at once and if they have fouled.
- Walks with one person and more than 4 dogs are for money and not for the welfare of the dogs.
- A regulation system for dog walkers is needed.
- Joining of a Trade Association or accreditation scheme for professional dog walkers.
- 8/9 dogs being walked by one individual which is highly risky and does not promote animal welfare or responsible dog ownership, dog walking companies have too many dogs on walks. They don't keep eyes on them when they let them off lead which then means they are not observing dog's behaviour towards people and other animals.

**Proposal 8 – Prohibition of smoking in specific public open spaces in the Northampton area.**

88% of consultees responded to this proposal. Of those that did, 79% strongly agreed or agreed with the proposal to prohibit all persons from smoking tobacco, tobacco related products, smokeless tobacco products including electronic cigarettes, herbal cigarettes or any illegal substances within the following areas, whether fenced or not: children's play areas, playgrounds, educational facilities, skateparks, tennis courts, multi-use games areas (MUGA) and bowling greens. 8% of respondents disagreed with this proposal. When asked if respondents to the consultation had encountered any issues with persons smoking tobacco, tobacco related products, smokeless tobacco products including electronic cigarettes and herbal cigarettes or any illegal substances in the Northampton area within the following locations: Children's play areas; Land near an entrance or exit of a school when open and in use by pupils; Skateparks; Tennis courts; Multi-use games areas and bowling greens 43% said they had encountered issues and 51% stated that they had not.

A synopsis of comments received regarding this proposal include:

- The proposal is unfair and that people should still have the right to choose what they put in their bodies.

- The plume of smoke from vapes and cigarettes is unpleasant to breathe in especially when outside getting fresh air.
- Health impacts on children are concerning especially near schools and play areas.
- Smoking is awful, unsightly and anti-social.
- Parents and teachers have been seen outside school gates smoking and dropping cigarette butts.

**Proposal 9 – Breach of the PSPO.** The maximum fixed penalty charge for breaches of the PSPO permitted by the Act is £100. When asked to what extent the consultees agreed or disagreed that the fixed penalty charge should be set at £100 in the Northampton Area to match the charge already set in the former Daventry and South Northants Areas 70% agreed or strongly agreed that the amount should be the same. 14% disagreed or strongly disagreed. 87% of consultees responded to this question.

A synopsis of comments relating to this proposal include:

- The fine should be £500 for fouling.
- £100 fine is too high.
- £100 is too low.
- Fine is another way to raise income for the council, they pay enough to the council.
- Fines are great but won't be paid without enforcement follow-up.

**Proposal 10 – Variation to the existing PSPO to enforce the requirement to keep dogs on leads at all times in Upton Country Park Phase 2.** 85% of consultees responded to this question with 44% of respondents strongly agreeing or agreeing and 26% disagreeing or strongly disagreeing to enforce the requirement to keep dogs on leads at all times at Upton Country Park Phase 2. When asked if respondents had encountered issues in the last 6 months with off lead dogs in the Upton Country Park Phase 2 area, 49% had not encountered a problem but 16% stated that they had encountered problems with off lead dogs despite there already being a PSPO in place that requires that dogs are kept on leads when in Upton Country Park Phase 2.

**Proposal 11 – Variation to the existing PSPO to include the requirement for dogs to be kept on a lead at all times when in Upton Country Park Phase 2 in the PSPO for Dog Control and Prohibition of Smoking that is currently in force in the Daventry and South Northants Areas.**

When asked to what extent did consultees agree or disagree that the PSPO for Dog Control and Prohibition of Smoking which is now in force in the Daventry and South Northants Areas should be varied to include dogs on leads at all times at Upton Country Park Phase 2, 35% strongly agreed and 14% strongly agreed with 24% disagreeing or strongly disagreeing that it should be included with 16% having a neutral response and 12% having no opinion.

A synopsis of comments relating to this proposal include:

- Incident where an off-lead dog tried to bite the ankle of a runner, that person won't take their child to the area as they are fearful.
- Rather have the offence if the dog is off a lead at Upton Country Park due to walking a dog that doesn't like being approached by others so is kept on a lead but gets distressed by other off-lead dogs.
- Dog owners need somewhere to exercise their dogs off lead, not all dog owners are irresponsible.

- If there is livestock grazing in this area, dogs should be on the lead but if they are not then dogs should be able to run around and get the exercise they need.
- Restricting dogs to being on lead in parks is unfair to the animal's welfare.

**Proposal 12 - Variation to the existing PSPO to enforce the requirement to keep dogs on leads at all times in Northampton Town centre.** 85% of consultees responded to this question with 83% of respondents strongly agreeing or agreeing and 7% disagreeing or strongly disagreeing to enforce the requirement to keep dogs on leads at all times in Northampton Town Centre. When asked if respondents had encountered issues in the last 6 months with off lead dogs in Northampton Town Centre, 64% had not encountered a problem but 13% stated that they had encountered problems with off lead dogs despite there already being a PSPO in place that requires that dogs are kept on leads in Northampton town centre.

**Proposal 13 – Variation to the existing PSPO to include the requirement for dogs to be kept on a lead at all times when in Northampton town centre in the PSPO for Dog Control and Prohibition of Smoking that is currently in force in the Daventry and South Northants Areas.**

When asked to what extent did consultees agree or disagree that the PSPO for Dog Control and Prohibition of Smoking which is now in force in the Daventry and South Northants Areas should be varied to include dogs on leads at all times in Northampton town centre, 54 % strongly agreed and 22% agreed with 3% disagreeing or 6% strongly disagreeing that it should be included with 11% having a neutral response and 4% having no opinion.

A synopsis of comments include:

- What is the boundary of the area to be covered.
- Dogs are best on leads as it's potentially an unsafe environment with traffic and more visitors.
- Experience of dogs being poorly controlled in the town centre and in some parks in the town.

## Communications

- 7.4.15 During August 2023, and prior to this Cabinet meeting, sufficient publicity and notification has been provided by the WNC Communications team to promote and inform those living, working or visiting the area that could potentially be affected by the introduction of the varied Order. A press release supported by social media has been issued. Town and Parish Councils have also been supplied a copy of the draft varied Order, which has also been uploaded to the Council website.
- 7.4.16 Once approved, the varied Order will be fully supported by another communications campaign, this will include a press release, social media, Town and Parish Council briefing, WNC members briefing, information on the WNC website including the varied Order and frequently asked questions (FAQs). Signage will also be printed and positioned across the affected area and in specific locations such as graveyards, near schools etc.
- 7.4.17 A communications campaign will also be run to advise and remind owners about responsible dog ownership which fall outside the scope of a PSPO. i.e., dog identification, microchipping, livestock worrying etc.

## 7.5 **Consideration by Overview and Scrutiny**

7.5.1 Not considered. None received.

## 7.6 **Climate Impact**

7.6.1 The Council has made a commitment in the Corporate Plan to use resources wisely to protect the environment, where everyone can live well and safely together and be a place where everyone thrives. It aspires to be an authority that puts the environment first and encourages and supports others to do the same to help shape a cleaner, greener West Northants. Although the proposed varied PSPO is not lawfully capable of being created in order to assist the Council in achieving any of its environmental goals, it is anticipated that this will be a knock-on effect should the varied Order be brought into force.

7.6.2 The varied Order needs to be regularly reviewed to ensure sufficient education and enforcement can take place if necessary.

7.6.3 There will continue to be a positive effect on local environmental quality with the proposed varied Order and the associated education and enforcement against irresponsible dog owners.

7.6.4 After the Order was introduced in South and Daventry areas, there were some concerns raised from residents in bordering areas of Northampton regarding possible displacement of irresponsible dog owners and walkers who may venture into the Northampton area which has slightly differing requirements in place currently, thereby potentially increasing incidents of fouling and out of control dogs in the area. The introduction of the varied order would reduce this risk.

7.6.5 Comments received from the consultation suggested that The Washlands was an area where there are issues with irresponsible dog owners and fouling and since the consultation ended, Environmental Improvement have been made aware of a WNC and NNC jointly commissioned report into the Upper Nene Valley Gravel Pits Special Protection Area Visitor Access and Bird Disturbance Study providing evidence that dogs off lead continue to disturb birds at Northampton Washlands and that respondents to the survey suggested improvements could include improved dog control and fouling measures. This site will be considered for further measures when the PSPO is reviewed.

## 7.7 **Community Impact**

7.7.1 The geographic scope of the variation would cover a combined area of five hundred square miles with a total population of 405,000. The proposed variation area of Northampton has a population of 246,000 and is the largest town in West Northamptonshire. It is surrounded by more rural areas which include 3 smaller towns and 166 parishes which cover public footpaths, bridle paths and byways which cross fields and private land. Whilst the scope of a PSPO does not extend to private land to which the public do not have access, with or without a fee, including agricultural land, it does cover the public footpaths, bridle paths and byways that may cross that land. WNC will endeavour to support this message with a targeted communications education campaign to advise and remind owners about responsible dog ownership wherever they are in West Northamptonshire. Some of these requirements will fall outside of the scope of the PSPO i.e., dog identification, microchipping, livestock worrying etc. All are requirements of responsible dog ownership and are covered by their own legislation.

- 7.7.2 The consultation results have identified some problem locations, these areas will be targeted for patrol, education, appropriate signage and enforcement.
- 7.7.3 Feedback was provided by the consultation to ensure that due regard was given to the Equality Act 2010. See **Appendix P** for the full Equality Screening Assessment for the impact of any resulting varied PSPO on protected groups, a summary is provided:
- **Age** - will be mitigated against by using Officer discretion or exemption from the requirements of the varied PSPO to pick up after their dog if affected.
  - **Disability** - nothing in the proposed variation shall apply to a person who is registered as a blind person on a register compiled under section 29 or the National Assistance Act 1948; or is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (register charity number 293358) and upon which the person relies for assistance; or has a physical or mental impairment which has a substantial and long term adverse effect on the ability to carry out common 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 the person relies for assistance. 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.
  - **Pregnancy and maternity** – will be mitigated against by using officer discretion or exemption from requirements of the varied PSPO to pick up after the dog if affected.
- 7.7.4 Results demonstrate that all of the proposals contained in the consultation to vary the PSPO were well supported and the majority of consultees very strongly or strongly agreed with the measures. There were, however, a number of respondents who disagreed or strongly disagreed with the proposal that persons (individuals or professional dog walkers) should only walk a maximum of 4 dogs at any one time in West Northamptonshire. The majority of these responses were from canine professionals - professional dog walkers or boarders - or were from respondents who use dog walking services. Their comments can be viewed from page 72 in **Appendix A**. Many of the respondents were in favour of some form of licensing scheme as they acknowledge that there are some “professional” dog walkers operating who are not undertaking appropriate training etc and that this would provide some sort of support and regulation in this otherwise unregulated and unlicensed industry.

## 8. Background Papers

---

- 8.1 Anti-social Behaviour, Crime and Policing Act 2014: [Anti-social Behaviour, Crime and Policing Act 2014 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2014/122)
- 8.2 Statutory Guidance: [Anti-social behaviour powers - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/anti-social-behaviour-powers)
- 8.3 Local Government Association Guidance: [Public Spaces Protection Orders: Guidance for councils | Local Government Association](https://www.local.gov.uk/public-spaces-protection-orders-guidance-for-councils)
- 8.4 West Northamptonshire Corporate Plan: [Corporate Plan | West Northamptonshire Council \(westnorthants.gov.uk\)](https://www.westnorthants.gov.uk/corporate-plan)
- 8.5 Equality and Human Rights Commission: [Assistance dogs: a guide for all businesses | Equality and Human Rights Commission \(equalityhumanrights.com\)](https://www.equalityhumanrights.com/en/assistance-dogs-a-guide-for-all-businesses)
- 8.6 Professional Dog Walkers' Guidelines: [Dog walking guide online \(rspca.org.uk\)](https://www.rspca.org.uk/dog-walking-guide)
- 8.7 West Northamptonshire Council Northampton area PSPO: [PSPO - Variation March 2021 | West Northamptonshire Council - Northampton Area](https://www.westnorthants.gov.uk/pspo-variation-march-2021)

- 8.8 Keep Britain Tidy Report: [20200330\\_KBT\\_Litter\\_Composition\\_Report\\_-\\_FINAL.pdf \(keepbritaintidy.org\)](#)
- 8.9 E-cigarette litter and use statistics: [One million single use vapes thrown away every week contributing to the growing e-waste challenge in the UK - Material Focus](#)
- 8.10 Dog ownership statistics: [UK pet ownership at 62% overall in 2022, dogs top list | PetfoodIndustry](#)
- 8.11 Northamptonshire Police, dog behaviour statistics: [More than 400 dangerous dog attacks reported to Northamptonshire Police in 12 months, data reveals | Northampton Chronicle and Echo](#)
- 8.12 National dog attack statistics: [Dog attacks: 34% increase recorded by police in England and Wales - BBC News](#)
- 8.13 E-cigarettes litter and use statistics: [Government explores next steps to clean up tobacco litter in England - GOV.UK \(www.gov.uk\)](#)
- 8.14 Public Health Northamptonshire – Action on smoking 2023: [ASH Ready Reckoner - ASH](#)
- 8.15 Vape waste statistics: [One million single use vapes thrown away every week contributing to the growing e-waste challenge in the UK - Material Focus](#)
- 8.16 Dog waste statistics: [Dog fouling & the law | Keep Britain Tidy](#)
- 8.17 Farm animal dog attack loss statistics: [UK cost of dog attacks rises by 50%, causing needless suffering of sheep \(nfumutual.co.uk\)](#) [Dog attacks on livestock – the true cost – NFUonline](#)
- 8.18 Dog behaviour lockdown issues: [Dogs Trust concern at lockdown-sparked dog behaviour issues | Vet Times](#)
- 8.19 UK Dog walking costs Infographic: [how much are dog walkers infographic.jpg \(1500x10600\) \(petbusinessinsurance.co.uk\)](#)
- 8.20 Professional dog walker contract statistics: [How to find a good dog walker | Dogs Trust](#)
- 8.21 Professional dog walker news article: [Northamptonshire council halts four dog walking rule after backlash - BBC News](#) [Council bans dog walkers in Daventry from walking more than four animals at once | ITV News Anglia](#)
- 8.22 WNC Press release: [A group of professional dog walkers invited to talks over new rules | West Northamptonshire Council \(westnorthants.gov.uk\)](#)
- 8.23 Home boarding for dogs statutory guidance: [Home boarding for dogs licensing: statutory guidance for local authorities - GOV.UK \(www.gov.uk\)](#)
- 8.24 Home boarding for dogs licensing: [The Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) Regulations 2018 \(legislation.gov.uk\)](#)
- 8.25 Professional Dog walker attack: [Dog walker Natasha Johnston died from neck bites in Caterham attack - BBC News](#)
- 8.26 Dog Parks and fields for private hire: [Dog Parks Near Me - Secure Dog Fields in England - East Midlands British Dog Fields - British Dog Fields | For Field Owners and Users](#)