

Equality Impact Assessment (EqIA) - Draft

Before completing this EqIA please ensure you have read the guidance on the intranet.

Initial Information

Name:	Jane Williams
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Members of the assessment team:	Jane Williams & Janet Moore
Date assessment started:	1 August 2020
Date of completion:	TBC
Version Number:	1

Part 1: Background Information

Is this (please tick or expand the box to explain)

Existing	
Changing, updating or revision	X
New or proposed	
Other	

Is this (please tick or expand the box to explain)

Internal (employees only)	
External (residents, communities, partners)	X
Both of the above	

What is the name of your policy, strategy, project or service being assessed?

Dog-related Public Spaces Protection Order (PSPO), made under the Anti-social Behaviour, Crime and Policing Act 2014

What is the policy, strategy, project or service designed to do? (Include the aims, purpose and intended outcomes of the policy)

To protect public health and public safety from the adverse actions of dogs and less responsible dog owners. To protect the welfare of animals including dogs. To support the welfare of people through responsible dog ownership.

What is the background or context to the proposal?

The former district and borough councils had a range of legislative controls (including Public Spaces Protection Orders (PSPOs) to control the behaviour/actions of dogs and owners in public spaces. These have carried through into Dorset Council and are now due for review. It is proposed to introduce

a single Dog-related PSPO to give greater consistency and clarity about the control of dogs in public spaces which will benefit residents and visitors.

Types of controls can include;

- Removal of dog fouling
- Exclusion of dogs from certain public spaces either permanently or during specified periods
- Requirement for dogs to be kept on-lead permanently or during specified periods
- Requirement for dogs to be on-lead when required by an Authorised Officer of the council
- Specifying the maximum lead length where on-lead controls exist
- Specifying the number of dogs to be walked at any one time (usually used for commercial walkers where large numbers exists – usually in urban parks)
- Any other dog related restriction that meets the legal test and ensures the control of a dog in a specified area or controls antisocial behaviour from dogs and less responsible owners.

The Order will be in force for a period of 3-years after which it is due for statutory review.

Part 2: Gathering information

What sources of data, information, evidence and research was used to inform you about the people your proposal will have an impact on?

Data from the following sources:

- Census 2011
- Index of Multiple Deprivation 2019
- ONS Neighbourhood Statistics
- Public Health England – Health Profiles 2017
- Dorset Statistics via GeoWessex website

Appendix A gives the appropriate data on age, sex and disability as percentages of the population in Dorset.

A public consultation to help the preparation of the draft Order was undertaken for 15-weeks, extended due to the implications of Covid-19. A separate EqIA was carried out for the consultation process. The consultation report which includes some information on protected characteristics can be accessed on the consultation tracker webpage.

Consultation has also taken place with the following organisations;

- The Kennel Club – attached at **Appendix B**
- Guide Dogs for the Blind
- Assistance Dogs UK

Dogs are used to assist owners with various disabilities by guiding and/or performing tasks. There is no data on numbers of dog owners or specifically accredited assistance dogs, but it is appreciated that their needs must be considered as part of this process. This is a legal requirement of the Equality Act 2010.

There is currently no legal definition of an assistance dog, merely that they are classified as ‘auxiliary aids’. The Department of Work and Pensions is formulating a definition. We will take account of its findings which may impact the EqIA and shape future Orders.

The draft committee report is attached at **Appendix C**.

Information on certain definitions is attached at **Appendix D**.

What did this data, information, evidence and research tell you?

Data and service knowledge/information suggested that;

1. Key protected characteristics are age and disability, with some impact likely for pregnant women, race and ethnicity, single parents, and those suffering social & economic deprivation:
2. Attitudes towards dogs and dog ownership can often be polarised and the actions of the council need to achieve a balance between public health and safety and, the benefits to owners especially those with key protected characteristics that may rely upon their dogs for assistance in their everyday lives.

Is further information needed to help inform this proposal?

Part 3: Engagement and Consultation

What engagement or consultation has taken place as part of this proposal?

A public consultation to help the preparation of the draft Order was undertaken for 15-weeks, extended due to the implications of Covid-19. A separate EqIA was carried out for the consultation process. The consultation report, Appendix B, can be accessed on the consultation tracker webpages [the webpage](#).

Consultation has also taken place with the following organisations;

- The Kennel Club
- Guide Dogs for the Blind

- Assistance Dogs UK

How will the outcome of consultation be fed back to those who you consulted with?

A consultation report has been produced and has been published on the council's website. The consultation report will also form part of reports to Place & Resources Overview Committee and Cabinet presenting the draft Order for approval.

Please refer to the Equality Impact Assessment Guidance before completing this section.

Not every proposal will require an EqlA. If you decide that your proposal does **not** require an EqlA, it is important to show that you have given this adequate consideration. The data and research that you have used to inform you about the people who will be affected by the policy should enable you to make this decision and whether you need to continue with the EqlA.

Please tick the appropriate option:

An EqlA is required (please continue to Part 4 of this document)	X
An EqlA is not required (please complete the box below)	

This policy, strategy, project or service does not require an EqlA because:

n/a

Name: Jane Williams

Job Title: Team Leader Environmental Protection

Date: 1 August 2020

Please send a copy of this document to [Diversity & Inclusion Officer](#)

Next Steps:

- The EqlA will be reviewed by Business Intelligence & Communications and if in agreement, your EqlA will be signed off.
- If not, we will get in touch to chat further about the EqlA, to get a better understanding.

Part 4: Analysing the impact

Who does the service, strategy, policy, project or change impact?

- If your strategy, policy, project or service contains options you may wish to consider providing an assessment for each option. Please cut and paste the template accordingly.

For each protected characteristic please choose from the following options:

- Please note in some cases more than one impact may apply – in this case please state all relevant options and explain in the 'Please provide details' box.

Positive Impact	<ul style="list-style-type: none"> the proposal eliminates discrimination, advances equality of opportunity and/or fosters good relations with protected groups.
Negative Impact	<ul style="list-style-type: none"> Protected characteristic group(s) could be disadvantaged or discriminated against
Neutral Impact	<ul style="list-style-type: none"> No change/ no assessed significant impact of protected characteristic groups
Unclear	<ul style="list-style-type: none"> Not enough data/evidence has been collected to make an informed decision.

Age:	Negative Impact
What age bracket does this affect?	Older people with reduced mobility.
Please provide details:	<p>Inability to remove dog fouling.</p> <p>Reduced ability to restrain a dog on lead.</p> <p>Having to travel further to exercise their dog on foot or by vehicle.</p> <p>Difficulty with access on to land where exercise can be undertaken.</p>

Disability: (including physical, mental, sensory and progressive conditions)	Negative Impact
Does this affect a specific disability group?	Those with physical disabilities & mental impairment.
Please provide details:	<p>Inability to remove dog fouling (physical impairment).</p> <p>Having to travel further to exercise their dog.</p> <p>Reduced ability to restrain a dog on lead.</p> <p>Ability to know about the restrictions (sensory impairment).</p> <p>Reduced ability to communicate (i.e. hearing impairment, speech impairment).</p> <p>Ability to understand the restrictions (mental impairment).</p> <p>Difficulty with access on to land where exercise can be undertaken (mobility impairment), this may be due to steps, rough or soft ground, camber or gradient.</p>

Gender Reassignment & Gender Identity:	Neutral Impact
Please provide details:	

Pregnancy and maternity:	Negative Impact
Please provide details:	Heavily pregnant women may be less able to remove dog fouling and to travel further to exercise their dogs.
Race and Ethnicity:	Negative Impact
Please provide details:	Understanding of written English used on signage. Understanding Animal Welfare & Dog Control Officers or authorised officers (Enforcement Officers) in conversation. Where a FPN is served, understanding the content of such a penalty.
Religion or belief:	Neutral Impact
Please provide details:	
Sexual orientation:	Neutral Impact
Please provide details:	
Sex (consider both men and women):	Neutral Impact
Please provide details:	
Marriage or civil partnership:	Neutral Impact
Please provide details:	
Carers:	Neutral Impact
Please provide details:	
Rural isolation:	Unclear
Please provide details:	Likely that in rural areas there will be more places to exercise dogs and this can be a social activity.
Single parent families:	Unclear
Please provide details:	Time pressures on a single parent may limit time available to travel further to exercise a dog.

Social & economic deprivation:	Unclear
Please provide details:	No access to private transport may restrict the ability to travel further to exercise a dog.
Armed Forces communities	Neutral Impact
Please provide details:	

Part 5: Action Plan

Provide actions for **positive**, **negative** and **unclear** impacts.

If you have identified any **negative** or **unclear** impacts, describe what adjustments will be made to remove or reduce the impacts, or if this is not possible provide justification for continuing with the proposal.

Issue	Action to be taken	Person(s) responsible	Date to be completed by
Dog owner due to age/mobility/latter stages of pregnancy is unable to clear fouling or comply with any other restriction	<p>If it is apparent to an authorised officer that the mobility of the dog owner is impaired they will use their discretion about the service of a Fixed Penalty Notice (FPN). Officers receive training about this aspect of enforcement.</p> <p>A FPN can be appealed and information submitted about mitigating circumstances. Appeals are determined by the service manager.</p> <p>A letter can be provided for the dog owner to carry to present if approached again by an officer.</p> <p>The FPN procedure will be reviewed to ensure that the above provisions are suitably clear.</p>	Jane Williams	December 2020
Dog owner has sensory or mobility disabilities	The Order will exempt people with certain characteristics from complying with relevant restrictions.	Jane Williams	At the time the Order is made – suggested wording attached as Appendix D
Dog owner has un-liveried assistance dog and is unable to clear	<p>If it is apparent to an authorised officer that the mobility of the dog owner is impaired they will use their discretion about the service of a Fixed Penalty Notice (FPN). Officers receive training about this aspect of enforcement.</p>	Jane Williams	December 2020

fouling or comply with any other restriction	<p>A FPN can be appealed and information submitted about mitigating circumstances. Appeals are determined by the service manager.</p> <p>A letter can be provided for the dog owner to carry to present if approached again by an officer.</p> <p>Dog owner will be supported in gaining appropriate livery for their dog.</p> <p>The FPN procedure will be reviewed to ensure that the above provisions are suitably clear.</p>		
Dog owner has a liveried assistance dog and is unable to clear fouling or comply with any other restriction	<p>The dog owner will not be challenged by the authorised officer other than to offer assistance.</p> <p>The FPN procedure will be reviewed to ensure that the above provisions are suitably clear.</p>	Jane Williams	December 2020
Dog owner with limited understanding of written English	<p>Review to provide clear unambiguous signage, suitably located and in adequate numbers using internationally recognised symbols. Simple clear font of a suitable and appropriate size will be used.</p> <p>Provision of information on website and leaflets which are easy to understand. Website also has Read Speaker facility.</p>	Jane Williams	April 2021
Achieving consistent enforcement	Ensure all officers involved in enforcement activities are familiar with requirements of the PSPO. That they are	Jane Williams	On-going

	<p>confident and suitably trained in dealing with vulnerable people and/or those with disabilities and understand when discretion should be applied in order to achieve fair and consistent outcomes</p> <p>Regular training of all authorised officers including equalities (last training February 2020).</p>		
Use of bins, their location, height and emptying	<p>Dorset Council litter bins are signed to advise they can be used for the disposal of wrapped dog fouling. Signage will be checked as part of implementing the PSPO</p> <p>The PSPO requirement is that the fouling should be cleared and adequately disposed of. This can include taking home and disposing of in the household waste stream.</p> <p>The provision of bins for dog fouling only is undertaken by some Parish and Town Councils under separate emptying and disposal arrangements.</p> <p>Information about the disposal of dog fouling is provided on the council's website.</p>	Dorset Waste, Parish and Town Councils	On-going
Inability to exercise dog in locality due to PSPO restrictions. May be exacerbated by reduced mobility; lack of transport etc.	<p>Exercising a dog does not specifically mean daily off-lead exercise. Home play is equally important and has been used to significant effect during the Covid-19 lockdown period.</p> <p>A dog can be walked under control on any pathway, footpath etc. in order to provide exercise.</p>	Jane Williams	On-going

	<p>Proposed exclusion areas are only in locations where public safety is required due to the number of people who may be present and due to public health considerations e.g. beaches/play areas/sports pitches.</p> <p>Most of these excluded areas have nearby options for off-lead exercise.</p> <p>Any locations where issues do become apparent will be reviewed when the next PSPO consultation takes place (maximum 3 years).</p>		
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EqlA Sign Off

Officer completing this EqlA:	Jane Williams	Date:	
Equality Lead:		Date:	
Equality & Diversity Action Group Chair:		Date:	

Next Steps:

- Please send this draft EqlA to: [Diversity & inclusion Officer](#)
- The report author will be invited to an Equality & Diversity Action Group (these are held monthly - dates are available on the intranet)
- The Equality & Diversity Action Group will review the EqlA and you may be asked to make some alterations
- EqlAs are signed off and published
- The report author is responsible for ensuring any actions in the action plan are implemented.

Census data – Dorset Council area

Population figures

	Dorset Council area	
		%
All males	184,100	48.9
All females	192,380	51.1
0-15 years	59,930	15.9
16-64 years	208,740	55.4
65+ years	107,810	28.6
	376,480	

Source: 2011 Census, Office for national Statistics

Diversity

95.6% White British
4.4% BME
1.7% main language not English

Source: 2011 Census, Office for national Statistics

Disability

4.6% of the population based on those claiming Disability Living Allowance, Personal Independence Payments or Attendance Allowance in the Dorset Council area.

Additionally:

Long term health problem or disability	Total	%
Day-to-day activities limited a lot	6315	9.69
Day-to-day activities limited a little	7786	11.95
Day-to-day activities not limited	51066	78.36

	Total	%
Very good health	27,562	42.29
Good health	23,933	36.73
Fair health	9,802	15.04
Bad health	2,952	4.53
Very bad health	918	1.40

Source: 2011 Census, Office for national Statistics

Kennel Club Consultation response



Kennel Club response to Dorset Council Public Spaces Protection Order consultation

Submitted on 13th September 2019 by: The Kennel Club, Clarges Street, Piccadilly, London W1J 8AB, tel: 020 7518 1020, email: kcdog@thekennelclub.org.uk

The Kennel Club is the largest organisation in the UK devoted to dog health, welfare and training, whose main objective is to ensure that dogs live healthy, happy lives with responsible owners. As part of its External Affairs activities, the Kennel Club runs KC Dog, which was established to monitor and keep dog owners up to date about dog related issues, including Public Spaces Protection Orders (PSPOs) being introduced across the country.

As a general principle, we would like to highlight the importance of all PSPOs to be necessary and proportionate responses to problems caused by dogs and irresponsible owners. It is also important that authorities balance the interests of dog owners with the interests of other access users.

Dog fouling

The Kennel Club strongly promotes responsible dog ownership and believes that dog owners should always pick up after their dogs wherever they are, including fields and woods in the wider countryside, and especially where farm animals graze to reduce the risk of passing Neospora and Sarcocystosis to cattle and sheep respectively. The exception to this is when there is a clear indication from the landowner to the contrary. Therefore we welcome the wording of the proposed PSPO which provides for landowner/occupier discretion.

We would like to take this opportunity to encourage the local authority to employ further proactive measures to help promote responsible dog ownership throughout the local area in addition to introducing Orders in this respect.

These proactive measures can include: increasing the number of bins available for dog owners to use; communicating to local dog owners that bagged dog poo can be disposed of in normal litter bins; running responsible ownership and training events, or using poster campaigns to encourage dog owners to pick up after their dog.

Dog Access

The Kennel Club does not normally oppose Orders to exclude dogs from playgrounds, or enclosed recreational facilities such as tennis courts or skate parks, as long as alternative provisions are made for dog walkers in the vicinity. We would also point out that children and dogs should be able to socialise together quite safely under adult supervision, and that having a child in the home is the biggest predictor for a family owning a dog.

The Kennel Club can support reasonable “dogs on lead” orders, which can - when used in a proportionate and evidenced-based way – include areas such as cemeteries, picnic areas, or on pavements in proximity to cars and other road traffic.

However, we will oppose PSPOs which introduce blanket restrictions on dog walkers accessing public open spaces without specific and reasonable justification. Dog owners are required to provide their dogs with appropriate daily exercise, including “regular opportunities to walk and run”, which in most cases will be off lead while still under control.

Their ability to meet this requirement is greatly affected by the amount of publicly accessible parks and other public places in their area where dogs can exercise without restrictions. This section of the Animal Welfare Act was included in the statutory guidance produced for local authorities by the Home Office on the use of PSPOs.

Accordingly, the underlying principle we seek to see applied is that dog controls should be the least restrictive to achieve a given defined and measurable outcome; this is the approach used by Natural England. In many cases, a seasonal or time of day restriction will be effective and the least restrictive approach, rather than a blanket year-round restriction. For instance, a “dogs on lead” order for a picnic area is unlikely to be necessary in mid-winter.

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

With regards to playing fields, we ask local authorities to consider whether or not access restrictions are absolutely necessary. If they are deemed to be needed, whether time/season limited restrictions would be more appropriate than a continuous exclusion order. We are aware in many areas, dog walkers do allow their dogs to exercise on playing fields when they are not in use.

Of course, we understand the safety reasons behind a restriction while in use. It is also worth noting that compliance with such an order can be difficult for a dog walker if there are no boundaries around the playing field as when exercising their dogs off lead, dogs will not recognise the difference between playing fields and other grassed areas.

In Schedule 2: Exclusion of dogs in West Dorset, North Dorset and Weymouth PSPOs, we have a concern about the wording of the order. *“All land within the administrative area of the council which comprises of... any other fenced (and/or hedged and/or walled) park, sporting or recreational facility signed at its entrance(s) as a ‘dog exclusion area’ (where the sign uses those particular words or uses words and/or symbols having a like effect)”*. This would suggest that any enclosed park with an appropriate sign could become an exclusion area at any point after the order was made, even if it has not been outlined in a consultation. It also does not indicate whether the signage needs to be provided by Dorset Council. We would be concerned that a parish council may read this and interpret it as them having the authority to designate a park as dog exclusion, if it is enclosed and they put up signage.

Seasonal Exclusions

Where a seasonal restriction has been proposed we would ask the council to consider whether a time restriction would be an appropriate addition. We have received feedback and evidence that many beaches are empty in the early mornings and late evenings, a key time for many dog owners to exercise their dogs. Beaches can be an important local resource for owners to make sure their dogs get the required daily off lead exercise and we see no reason why it should be restricted at times of the day when it is little used, even in the high season.

With regard to the proposed dog exclusion orders on Weymouth beach, the Kennel Club believes that the dates should be 1st May – 30th September, as with the West Dorset PSPO. This coincides with the current bathing season of 15th May to 30th September. We oppose restrictions that commence on Good Friday (or dates linked to Easter) and continue to a set date in the autumn. Over the next three years, Easter varies by up to 17 days.

Taking the example of the proposed Weymouth Beach restriction from Good Friday to 31st October, walking your dog would be perfectly legal on the beach before 10th April 2020 but would be an illegal activity, with a potential £1,000 fine, on the same date the following year.

We are not aware of any evidence that the Easter break is an annual trigger for ongoing anti-social behaviour, which calls into question the need for restrictions to run from Easter to a set date in the autumn. We would question whether such a range in start dates for a PSPO meets the Anti-Social Behaviour, Crime and Policing Act's defined legal test.

If there is evidence of a spike in detrimental activity over the Easter weekend due to an increased usage of recreation spots, then a restriction for the busy Easter period would be justified. A separate restriction could then be introduced to address the busier summer months.

Dogs on lead by direction

The Kennel Club strongly welcomes 'dogs on lead by direction' orders, as these allow responsible dog owners to exercise their dogs off lead without restriction providing their dogs are under control, whilst allowing the local authority powers to restrict dogs not under control.

We would recommend that the authorised officer enforcing the order is familiar with dog behaviour in order to determine whether restraint is necessary. There is a danger that, through no fault of its own, a dog could be a 'nuisance' or 'annoyance' to another person who simply does not like dogs.

We would also recommend local authorities make use of the other more flexible and targeted measures at their disposal such as Acceptable Behavioural Contracts and Community Protection Notices. Kennel Club Good Citizen Training Clubs and our accredited trainers can also help those people whose dogs run out of control due to them not having the ability to train a reliable recall.

Registered Assistance Dogs

We would strongly suggest you use the exemptions outlined in the North Dorset PSPO for all four extensions, with the suggested amendments. We welcome the reference to Assistance Dogs UK and the inclusion of all registered charities, however, it is important to note it does not provide for owner trained assistance dogs. We would therefore encourage the Council to allow some flexibility when considering whether a disabled person's dog is acting as an assistance dog and recognise that many disabled people enjoy the company of a pet dog (i.e. not acting as an assistance dog).

We would urge the Council to review the Equality and Human Rights Commission guidance for businesses and service providers –

<https://www.equalityhumanrights.com/sites/default/files/assistance-dogs-a-guide-for-all-businesses.pdf>. The Council could consider adopting the definitions of assistance dogs as used by Mole Valley District Council which can be found on page 4 of this document - https://www.molevalley.gov.uk/media/pdf/1/b/83072_-_Completed_PSPO.pdf

Appropriate signage

It is important to note that in relation to PSPOs the Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014 make it a legal requirement for local authorities to –

“cause to be erected on or adjacent to the public place to which the order relates such notice (or notices) as it considers sufficient to draw the attention of any member of the public using that place to –

- (i) the fact that the order has been made, extended or varied (as the case may be); and
- (ii) the effect of that order being made, extended or varied (as the case may be).”

With relation to dog access restrictions such as a “Dogs on Leads Order”, on-site signage should make clear where such restrictions start and finish. This can often be achieved by signs that on one side say, for example, “You are entering [type of area]” and “You are leaving [type of area]” on the reverse of the sign.

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

Draft report – Dog-related Public Space Protection Order

[Insert for EqIA review]

Appendix D

Definition to be used in the PSPO's with regard to disability and assistance dogs.

- A. This Order shall NOT apply with regard to **disposal of faeces** where a person;
- a) is registered as a blind person and uses a dog trained by a member of Assistance Dogs UK or any other UK registered charity whose activities include the training of assistance dogs and upon which they rely for assistance; or
 - b) has a physical or mental disability which has a substantial and long term effect on their ability to carry out normal day-to-day activities, in respect of a dog trained by a member of Assistance Dogs UK or any other registered charity whose activities include the training of assistance dogs and upon which they rely for assistance; or
 - c) has a physical or mental disability which has a substantial and long term effect on their ability to carry out normal day-to-day activities in respect of a dog upon which they rely for assistance in connection with their disability; or
[Evidence of the nature of the assistance dog may be requested by an authorised officer]
 - d) who has a physical or mental disability which has a substantial and long term effect on their ability to carry out normal day-to-day activities and on the basis of appropriate medical certification produced to the Council, cannot collect faeces from where it is deposited.
[i.e. a FPN may be served but written mitigation may be supplied for consideration to seek it's withdrawal]
- B. This Order shall NOT apply with regard to complying to a **direction by an authorised officer to put their dog on a lead**, where a person
- a) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which they rely for assistance.
- C. This Order shall NOT apply with regard to complying **with exclusion of dogs from identified land**, where a person
- a) is registered as a blind person and uses a dog trained by a member of Assistance Dogs UK or any other UK registered charity whose activities include the training of assistance dogs upon which they rely for assistance; or
 - b) has a physical or mental disability which has a substantial and long term effect on their ability to carry out normal day-to-day activities, in respect of a dog trained by a member of Assistance Dogs UK or any other UK registered charity whose activities include the training of assistance dogs and upon which they rely for assistance.

Definitions:

'working', in the context of this Order, means the dog is operating in its capacity as an accredited assistance dog. This would normally be 'on lead' or in a harness. The operator is likely to carry an ID book related to the dogs working capacity and notification of the training organisation. This should be presented to the authorised officer on request or be able to be presented at a later date.

'liveried' means that the dog is wearing an instantly recognisable harness or identifying coat as being associated with its function as an accredited assistance dog.

Please note that the numbering may appear different in the actual PSPO Order documentation.