

Equality Impact Assessment (EqIA)

Dog-related Public Spaces Protection Order (PSPO) 2024, made under the Anti-social Behaviour, Crime and Policing Act 2014

This is a revised and updated EQIA from the original 2020 document. It is for external stakeholders.

Brief overview of aims and objectives.

- 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.
- To recognise and implement the requirements of the Equality Act 2010, Dorset Council's Equality Strategy and guidance published by the Equality and Human Rights Commission.

Background to the proposal

The existing Dog Related Public Spaces Protection Order ceases to exist from 1st January 2024. A new Order is required to provide controls over;

- 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 from the 1 January 2023 – 31 December 2025, after which there will be a further statutory review.

The enforcement of this is Order is via fixed penalty notice, the fine of which is currently set by central government at £100 to be paid within 28 days, reduced to £75.00 if paid within 14.

Evidence gathering and engagement used in drafting the EQIA.

We have collected data from the following sources:

- [Census 21](#)
- [State of Dorset 2021 see Appendix A](#)

Consultation has also taken place with the following organisations;

- Public consultation with 4221 responses
- Statutory Consultees – Dorset Police; Dorset Police and Crime Commissioner; Landowners and Town and Parish Councils.
- Various organisations associated with dog ownership and Equality, Diversity and Inclusion (EDI), e.g.
 - The Kennel Club
 - RSPCA
 - Dogs Trust and Dorset Dogs
 - Dorset Police and the Police and Crime Commissioner
 - Dorset Blind
 - MS Society
 - Dorset Stroke Organisation
 - Diverse Abilities
 - Access Dorset

What did this tell us?

Compared to the census of 2011, the 2021 census shows that the population aged over 65 years has increased by 25% and specifically those over 80 years has increased by 17.5%.

As the overall population figure remains roughly the same, this aging population is likely to mean a greater reduction in our resident's physical mobility and sensory awareness.

There has also been an increase in the take up of disability related benefits from 4.4 (2011) to 15% (2021). Due regard should be given for dog owners to be able to access a suitable, level environment where their dogs can be exercised off lead.

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 assistance dogs, but it is appreciated that their needs must be considered as part of this process. This is a requirement under Equality legislation. The Equality & Human Rights Commission (EHRC) define an assistance dog as dogs that are trained to help people with hearing difficulties, epilepsy, diabetes, physical mobility problems and more. Assistance dogs carry out a variety of practical tasks for people as well as supporting their independence and confidence.

Assistance dogs are not pets and are treated as 'auxiliary aids'. Assistance dogs are highly trained which means they:

- will not wander freely around the premises,
- will sit or lie quietly on the floor next to their owner,
- are unlikely to foul in a public place.

Most are instantly recognisable by a harness or jacket. However, the law does not require the dog to wear a harness or jacket to identify it as an assistance dog, nor for owners to carry paperwork for such purposes.

Some, but not all assistance dog users, will carry an ID book giving information about the assistance dog and the training organisation together with other useful information.

(Source: Assistance Dogs: a guide for all businesses, EHRC; 2018)

The exemption provisions for assistance dogs in the current PSPO does not comply with the requirements in Equality law nor reflect the above guidance. The new Order will contain a revised definition for an assistance dog and wording on exemption provisions, see appendix B.

The revised training plan for officers will include our new approach to enforcement when dealing with assistance dogs or persons claiming exemption due to mobility issues or other impairments.

Who have we engaged with and consulted with as part of this assessment?

Consultation has taken place with the

- Equality & Human Rights Commission requesting guidance on assistance dogs.
- Dorset Council's Equality, Diversity and Inclusion Reference Group. A presentation given and advice sought on definition and content of the order.
- Dorset Council Legal Services requesting guidance on assistance dogs.

Further Information needed.

Yes, a response to our approach to enforcement has not been received from the EHRC.

Is and EQIA required?

Yes

For each of the protected characteristics groups below, please explain whether your proposal could have a positive, negative, unclear or no impact. Where an impact has been identified, please explain what it is and if unclear or negative please explain what mitigating actions will be taken.

- use the evidence you have gathered to inform your decision making.
- consider impacts on residents, service users and employees separately.
- if your strategy, policy, project or service contains options you may wish to consider providing an assessment for each option.
- see guidance for more information about the different [protected characteristics](#).

Key to impacts

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.

Impacts on who or what?	Choose impact	How
Age	Negative Impact	<p>As our population for Dorset is getting older there is a likelihood of reduced mobility and agility. Difficulties with removing dog fouling and keeping a dog on lead is more prevalent.</p> <p>Difficulty with access on to land which is unlevel.</p>

	Positive	<p>People (in particular under 5) will have less potential to be harmed by un-cleared faeces or distressed by coming into contact with it.</p> <p>Accidental trips from uncontrolled dogs may be reduced</p>
Disability	Negative	<p>Those with hidden and visible disabilities.</p> <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 and cognitive impairment). Reduced ability to communicate (i.e. hearing impairment, speech impairment).</p> <p>Ability to understand the restrictions (mental impairment). 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>

	Positive	<p>The PSPO exempts assistance dogs in certain circumstances.</p> <p>Prevents working assistance dogs from being distracted by other dogs wishing to interact.</p>
Gender reassignment and Gender Identity	Neutral Impact	Not anticipated at this stage that there are any impacts on this group.
Marriage or civil partnership	Neutral Impact	No impacts have been identified.
Pregnancy and maternity	Unclear	Any heavily pregnant individuals may be less able to remove dog fouling and to travel further to exercise their dogs.
Race and Ethnicity	Negative Impact	<p>Understanding of written English used on signage to mitigate this Dorset Council uses symbols and translation software can be put on mobile telephones.</p> <p>Understanding Animal Welfare & Dog Control Officers or authorised officers (Enforcement Officers) in conversation. Where a Fixed Penalty Notice (FPN) is served, understanding the content of such a penalty.</p>
Religion and belief	Neutral Impact	Not anticipated at this stage that there are any impacts on this group.

Sex (consider men and women)	Neutral Impact	Not anticipated at this stage that there are any impacts on this group.
Sexual orientation	Neutral Impact	Not anticipated at this stage that there are any impacts on this group.
People with caring responsibilities	Neutral Impact	Not anticipated at this stage that there are any impacts on this group.
Rural isolation	Neutral Impact	Likely that in rural areas there will be more places to exercise dogs and this can be a social activity.
Socio-economic deprivation	Unclear Impact	No access to private transport may restrict the ability to travel further to exercise a dog. Ability to provide a suitable lead.
Single parents	Neutral Impact	Not anticipated at this stage that there are any impacts on this group
Armed forces communities	Neutral Impact	Not anticipated at this stage that there are any impacts on this group

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 end of
Dog owner has protected characteristics requiring an assistance dog.	The Order will exempt people with certain characteristics who require a dog to provide assistance. The definition of an assistance dog has been reviewed and updated following guidance from our legal team.	Janet Moore	September 2023
	The approach to enforcement has been revised and is included as part of the Officer training programme.	Janet Moore	December 2023
Dog owner due to age/mobility/latter stages of pregnancy is unable to clear fouling or comply with any other restriction.	Officers to receive ongoing training about this aspect of enforcement including the provision to provide a letter to the dog owner to carry and present if approached again by an officer. Training plan to be agreed and documented.	Janet Moore/ Michelle Jones	December 2023
Dog owner with limited understanding of written English	In line with Government accessibility guidelines. Clear unambiguous signage is used, suitably located and in adequate numbers using internationally recognised	Janet Moore/ Michelle Jones	September 2023

Issue	Action to be taken	Person(s) responsible	Date to be completed by end of
	<p>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 Speak facility.</p>		
Approaching Dog Owners with limited understanding of English (where English may not be their first language)	Authorised Officers have mobile phones with translation abilities.	Janet Moore/ Michelle Jones	September 2023
Achieving consistent enforcement	All officers are subject to a training programme that includes the consistency of enforcement. This covers how to deal with vulnerable people and/or those with disabilities and understanding when discretion should be applied in order to achieve fair and consistent outcomes.	Jane Williams/ Michelle Jones	December 2023
	Team leader to review enforcement activities on a regular basis (6 months).	Michelle Jones	Ongoing
Use of bins, their location, height and emptying	To date officers have been working with Dorset Council Waste to place appropriate signage on litter bins advising that they can be used as a depository for wrapped dog fouling.	Janet Moore/ Michelle Jones	
	The necessity for this will be reviewed.		December 2023

Issue	Action to be taken	Person(s) responsible	Date to be completed by end of
	Information on how to pick up and properly dispose of dog fouling will be reviewed and provided on the council's website.		September 2023

EqlA Sign Off

Officer completing this EqlA:	Janet Moore	Date:	11/09/2023
Animal Welfare and Dog Control Team Leader:	Michelle Jones	Date	19/09/2023
Equality Lead:	James Palfreman-Kay	Date:	19/09/2023
Legal Services Lead:	Rebecca Buck	Date:	18/09/2023

Census data – Dorset Council area

Population figures

	Dorset Council area		
	Total population	% 2011	% 2021
All males		48.9	48.6
All females		51.1	51.4
0-15 years		15.9	15.2
16-64 years		55.4	55.2
65+ years		28.6	29.6
	379, 584		

Source: 2021 Census, Office for national Statistics

15% of the population based on those claiming Disability Living Allowance, Personal Independence Payments or Attendance Allowance in the Dorset Council area.

Additionally,

20% of Dorset residents have long term health problem or disability.

Source: State of Dorset 2021

Appendix B

Definition to be used in the PSPO with regard to hidden or visible disability and assistance dogs.

- A. This Order shall NOT apply with regard to **disposal of faeces** where a person;
- a) has hidden or visible disabilities for which an assistance dog is needed to carry out normal day-to-day activities **and** the dog is working; or
 - b) has hidden or visible disabilities which have a substantial effect on their ability to collect faeces from where it is deposited and on the judgement of the authorised officer, in following the Dorset Council protocol on enforcement of the PSPO, agrees that the circumstances for exemption exist.

[i.e. a FPN may be served but written mitigation may be supplied for consideration to seek its 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

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

has hidden or visible disabilities for which an assistance dog is needed to carry out normal day-to-day activities and the dog is working.

Definitions:

‘working,’ in the context of this Order, means the dog is operating in a manner expected of an assistance dog and in line with the guidance from the EHRC

Assistance dogs are highly trained which means they:

- *will not wander freely around the premises,*
- *will sit or lie quietly on the floor next to their owner,*
- *are unlikely to foul in a public place.*