

O&S Public Questions – 19 November 2018

The following questions have been received. The answers are given by the Portfolio Holder for Health and Wellbeing.

| | Questions | Answers |
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| Questioner 1 | 1. The suggestion that owners are irresponsible if they have just used & disposed of, could then be stopped and fined for not having one is unreasonable. Perhaps the Council should consider placing a bag dispenser at locations near disposal bins? | <p>Teignbridge appreciates the vast majority of dog owners are responsible. Unfortunately it is the minority that are irresponsible and is it those people who do not carry bags who also do not pick up. We continue to encourage dog owners to take a few bags with them on every walk. However enforcement officers will take a common-sense approach to the new powers.</p> <p>Officers will generally approach people at the start of their walk – at the entrance to parks or in car parks at popular dog walking spots – when owners would be expected to have a supply of bags with them. Officers will also be reasonable when considering any explanation offered as to why a person is not carrying bags. Officers will also approach those owners who have failed to pick up after their dog(s)</p> |
| | 2. I am disabled and have more than one dog, so other than my blue badge in my car, I don't have disabled identification with me, so again, how will this be dealt with? | If this situation was to arise officers could accompany someone to their vehicle if there was any doubt. |
| | 3. I'm also confused as to suggesting that blind owners could be considered exempt, yet could they walk more than one dog? | When a final decision is made on the PSPO Officers will ensure that the exemptions are clear and unambiguous. |
| Questioner 2 | 1. What research has been carried out into the economic impact of banning dogs a month earlier than planned? | The consultation and subsequent research was carried out on the basis of maintaining the existing seasonal dog exclusion areas for beaches. |

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| | 2. What research has been carried out into how many small (dog walking) businesses will go out of business as a result of the max 4 dogs? | The Executive were made aware of the variety of views and professional advice about the number of dog's one person could walk. The decision by the Executive will now be reconsidered by the Overview and Scrutiny Committee on Monday 19 November with further recommendations being made back to the Executive who can decide whether to take into account those recommendations or uphold their original decision. |
| | 3. Are TDC saying that my dog walkers, with no complaints at all to their name, have been remiss in their care of the 6 dogs they have been licenced to walk up until this PSPO? | The concerns raised by the public regarding the restriction on the number of dogs that can be walked by one person will be considered by the Overview and Scrutiny Committee on Monday 19 November. Overview and Scrutiny can then provide a report back to Executive with any more recommendations. Executive can then reconsider any decisions and decided whether or not to change the original decision. |
| | 4. How many families would use these areas of the beach during the extra time, bearing in mind they are mostly at school during this time and what impact do they have on the economy and the cleanliness of the beaches? | The consultation, research and expert guidance was carried out on the basis of maintaining the existing seasonal dog exclusion areas for beaches. |
| | 5. What does TDC plan to do to mitigate welfare issues for dogs that are now left at home during the day due to the lack of availability of dog walkers | This concern will be raised regarding the restriction on the number of dogs that can be walked by one person and any impact it may have on professional dog walkers will be considered by the Overview and Scrutiny Committee on Monday 19 November. |
| | 6. Will working dogs be exempt from the rules? | At their meeting on 30 October, the Executive resolved that working dogs should be added to the existing list of exemptions - farm dogs moving livestock on the highway are not expected to be on a lead. |
| | 7. How do TDC plan to enforce the PSPO and how will this be realistically financed. | Teignbridge has a small team of enforcement officers who routinely patrol hotspots around the district, including early mornings, evenings and on weekends. Anyone can report issues for investigation. This is an existing service which is budgeted for within the overall Council finances. |
| | 8. What percentage of your constituents actually agree with these proposals and how many objections have you had? | The results of the public consultation were included in the agenda report to the Executive. The details of the comments since the decision will be presented at the meeting on Monday 19 November 2018. |

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| | | | <p>Work started on preparing the PSPO in 2016. Because we planned on putting one in place, we needed to tell people. As part of our legal duties to consult, we invited views from the public, town and parish councils, groups and interested parties, on what the PSPO should include. We did that between June and October 2017.</p> <p>We had more than 2,000 responses. Most supported the control and asked us to provide resources to be able to target irresponsible dog owners. It has always been our intention to apply any enforcement measures proportionately and with common sense, and the same will apply with the PSPO.</p> <p>Teignbridge committed to bringing a PSPO in across the district through its Council Strategy, a 10-year plan of action adopted by elected members in 2015. People were able to have their say on the strategy and shape its promises. Keeping our streets, green spaces and beaches clean was the top most important issue for residents and businesses.</p> |
| | 9. | What percentage of car park and cafe revenue in Teignmouth and Shaldon is due to dog walkers, holiday makers and locals alike? | Unfortunately, this data is not available. However, we do recognise that lots of dog walkers (and dogs) enjoy our open spaces. The vast majority will still be able to walk their dogs without anything to worry about. The PSPO is about targeting the minority of irresponsible owners who do not pick up after their dog or control it. |
| Questioner 3 | 1. | How am I to comply with the legal requirement that I provide for my dogs' physical and mental welfare if my highly professional dog walker can no longer operate as a result of your new restrictions? My dog sitter is an essential part of my dog care structure, for those times I am away on business, holiday, or events such as a recent family funeral. | This concern will be raised regarding the restriction on the number of dogs that can be walked by one person and any impact it may have on professional dog walkers will be considered by the Overview and Scrutiny Committee on Monday 19 November. |

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| | <p>2. Currently I walk two dogs for a friend who has severe arthritis, in addition to my own four dogs. As my friend is recently widowed, and very restricted because of her arthritis, her dogs are her companions and the structure for her life. She walks them alongside her mobility buggy and takes them to various day care centres and canine hydrotherapy facilities. Once a week they walk with my dogs so they can get an off-lead run. If we could not do this, and the day care centre could not operate she would be unable to keep her dogs. Apart from the personal misery this would entail, who would pick up the increased cost to the NHS of her inevitable decline in health?</p> | <p>We are very mindful that the PSPO is used in a way that helps make the enforcement process simpler and is used proportionately.</p> <p>While there are laws covering dog fouling and irresponsible dog ownership, it was identified as being patchy and in some places Teignbridge has no control over enforcement. This inconsistency makes enforcement more challenging in areas where people have reported a problem. Dogs must be kept on leads on the highway and on footpaths next to a highway (do we need to state speed limit). This is because loose dogs have been a hazard to vehicles, cyclists and walkers. Most dogs love being off the lead and in many circumstances, so long as your dog is safe and under control, that is absolutely fine – but if it is next to a road then it may not be safe and could be dangerous, perhaps even fatal to the dog or a person.</p> <p>The concerns raised by the public regarding the restriction on the number of dogs that can be walked by one individual will be considered by the Overview and Scrutiny Committee on Monday 19th November.</p> |
| | <p>3. Who is going to be able to justify this decision if it causes an enormous rise in abandoned animals and overflowing rescue centres because owners (especially those who go out to work) are deprived of their current methods of looking after their dogs? Or if there is a rise in aggressive dog behaviour because dogs have been shut in all day long and poorly socialised?</p> | <p>The PSPO is not aimed at keeping people from walking their dogs. People will still be able to walk their dogs – we would not advocate keeping dogs shut in all day – and dogs will still be able to have exercise and opportunities to socialise.</p> <p>The decision by the Executive has been called in and is being reconsidered by Overview and Scrutiny Committee on Monday 19 November. Overview and Scrutiny can then provide a report back to Executive with any more recommendations. Executive can then reconsider any decisions and decided whether or not to change the original decision. If it does not get called-in then it becomes council policy.</p> |

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| Questioner 4 | 1. | Why is the Ness (and other beaches) being proposed to be restricted when the Ness already has clean beach and water standards and currently allows dogs? Where is the evidence based decision making process? | The concerns raised by the public regarding the proposed restriction on the Ness beach will be considered by the Overview and Scrutiny Committee on Monday 19 th November. |
| | 2. | Why is the council responding to the voice of a small vociferous minority of Dog haters when the vast majority are in favour of letting the previous system stand? | Teignbridge is responding to what our residents tell us concerns them most. Dog control and fouling is something residents and councillors contact us about and want to see us do more to tackle. We believe by introducing a PSPO for dog control we can use the new powers available to us to tackle inconsistencies which mean people can currently allow their animal foul in public places or behave dangerously – and get away with it. The Council consulted on the proposed controls and this took place between June 2017 and October 2017 and received over 2000 responses. |
| | 3. | Why is the council considering it fair and reasonable to punish the vast majority of responsible dog owners for the perceived poor actions of a very small minority? | The vast majority of the controls mirror the existing controls. Responsible dog owners will already be adhering to the controls. These controls will allow the Council to tackle those who act irresponsibly. |
| | 4. | Has the council considered increasing penalties for the exceptional minority transgressors but maintaining access for all? | The PSPO aims to strike a balance and it has been used elsewhere to support law-abiding dog owners and deal with those who flout the rules or are irresponsible. The figure set by the Executive of £100 is the maximum amount allowed by the law. |
| | 5. | Has the council considered the negative impact a dog ban would have on local businesses which are currently supported by numerous dog walkers if these dog walkers were driven elsewhere? There is clear evidence of "empty beaches" in other areas where similar proposals have been implemented? | Many dog walkers can continue to walk their dogs as they do normally in the places they already do. The concerns raised by the public regarding the proposed restriction on beaches will be considered by the Overview and Scrutiny Committee on Monday 19 th November. |

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| Questioner 5 | <p>1. Regarding numbers of dogs controlled by an individual. The Kennel Club and other recognised organisations advise that restricting numbers is not an effective method of ensuring proper control. Insurance restricts professional dog walkers to a maximum of 6 dogs at a time. Owners of more than 6 dogs are few and far between by the vast majority are dedicated dog enthusiasts with years of experience training dogs for sports, who have good control over all their dogs if they choose to walk them in large groups. Considering this we wish to ask why a restriction is considered necessary and by what evidence and reasoning? What does the council hope to achieve by it?</p> | <p>The purpose of a restriction on the number of dogs is to ensure responsible owners are able to control their dogs when they are in a public space and be able to collect any poo. The evidence for the control is contained within the results of the public consultation. Concerns raised regarding the restriction on the number of dogs that can be walked by one person will be considered by the Overview and Scrutiny Committee on Monday 19th November.</p> |
| Questioner 6 | <p>1. Would the scheme I outline below be worthy of deeper consideration?</p> <p>The responsible dog owner programme</p> <p>The problem: Using dog wardens to patrol beaches requires administration, money and legal/financial management to administer and collect fines. At best it delivers sparse and random coverage of the beaches during the summer, and at worst it antagonises and annoys the responsible dog owners who do their best to make their dogs and their behaviour no problem for other users of the beaches.</p> <p>A better solution Give the responsible dog owners the opportunity to take a more active responsibility for promoting good</p> | <p>This is a really good suggestion and the code of conduct as suggested is already followed by the vast majority of responsible dog owners.</p> <p>Schemes already exist that people can sign up to and get involved with. One is called Devon Loves Dogs and is part of the South East Devon Habitat Regulations Partnership which is jointly managed by Teignbridge, Exeter and East Devon councils. Devon Loves Dogs is a free membership scheme for dog owners and dog walkers. Our aim is to protect our treasured countryside and encourage responsible dog ownership so that we can continue to enjoy our special wildlife sites now and in the future.</p> <p>Teignbridge has a small team of enforcement officers who routinely patrol hotspots around the district, including early mornings, evenings and on weekends. Teignbridge will investigate all complaints that are received - although the response we can provide will vary depending upon the quality of information that is provided.</p> |

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| | <p>behaviour on the beaches. Have a code of conduct to which responsible dog owners sign up and provide 'Responsible Dog Owner' arm-bands which shows that they have the Council's approval to politely challenge bad behaviour when they see it. Importantly they should have no legal powers or be allowed to threaten people with fines. Also don't impose training courses on them; keep it simple and informal. More importantly there should be as many of them as possible. If there were ten at a time on a beach would send out a loud message that badly behaved dog owners are were not welcome.</p> <p>The execution of the programme</p> <p>Setting up a page somewhere on the internet where anyone who wants to participate can purchase an armband for a very reasonable cost (say £1) as long as they tick a box to say they have read and will adhere to the code of conduct. The armband together with a copy of the code of conduct should then be sent to them by post. This should involve the council in minimal costs and effort.</p> <p>The code of conduct</p> <p>This is the sort of thing that can be tuned as we go along, but as a starter we suggest the following:</p> <p>Responsible dog owners should:</p> <ol style="list-style-type: none">1. Wear the armband whenever they are able and willing to uphold the code on their dog walks.2. If they see anyone not picking up dog mess or allowing their dogs to be a nuisance to others they should very politely explain their role and request the dog owner to do the right thing. | <p>The team are all always ready to report and respond where necessary which means there is a relatively high chance you will be caught should you not clear up after your dog has fouled. For example we would be in a better position to take action should you be able to provide a full description of what happened (including date, time, location, what you witnessed, description of the dog/owner and as much information as possible about the incident - also any information regarding the offender - which could include name/address (if known), vehicle registration number or any other identifying feature.</p> <p>You may be asked to provide a witness statement - although you will be provided with information and help with that, and if the fixed penalty is not payed it is likely that you would be asked to attend court.</p> <p>It is only with people getting involved and reporting problems that they see in their neighbourhood that we will be able to solve more problems and take more enforcement action on issues such as dog fouling.</p> |
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| | | <ol style="list-style-type: none"> 3. At no time should the responsible dog owner get angry or abusive no matter what is said to them. 4. Carry additional doggie bags and offer them to anyone who says that they 'have forgotten to bring them with them' or who says that 'they don't do that because the tide washes them away'. 5. Be willing and ready to pick up other people's dog mess whenever they see it. 6. Explain that the reason they are there is that there have been serious attempts to close off the beach to dogs because of the fouling and that failure to help keep the beaches clean could mean that they lose access altogether in the summer months. | |
| Questioner 7 | 1. | Why was the response to the public consultation disregarded with regard to bringing forward the proposed dog ban? 96% of public responded no change required. | The Executive was provided with information regarding the results of the public consultation in the report at their meeting of 30 October 2018. |
| | 2. | On what evidence did they base their decision on to extend dog byelaw to include April? If it was bathing water quality then The Ness Beach has excellent bathing water quality and is a dog beach all year round. So why the need to introduce the byelaw a month earlier? | A report and supporting evidence were considered by the Executive at its meeting on 30 October 2018 before members made their decision. |

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| Questioner 8 | <p>1. (part of long email, with main question shown below) Yes there's is dog walkers out there that are not setting a good example and walking 8 to 12 which is ridiculous and irresponsible, but penalise them and not the walkers who run small business that only just make a living as it is. I don't take a massive wage! I make sure the money goes into the business to make sure I'm the best I can be. What I'm basically asking is please reconsider the 4 ruling! Make 6 the maximum or even 5 possibly.</p> | <p>The concerns raised regarding the restriction on the number of dogs that can be walked by one person will be considered by the Overview and Scrutiny Committee on Monday 19 November.</p> |
| Questioner 9 | <p>1. Myself, along with hundreds of other locals are completely baffled by this recent decision. I would like to ask why it is responsible dog owners who are being punished? Surely it would make more sense to enforce and fine the irresponsible dog owners (and litter slob!) rather than a blanket rule across the whole area which massively affects us responsible dog owners. (It's like saying to children if you can't share your toys none of you can have them.) I have to question why council resources aren't better spent tackling the litter situation on the beaches which is getting out of hand.</p> | <p>Responsible dog owners will not be punished. The intention is they are used where needed to help tackle persistent issues that are damaging communities. When used proportionately and appropriately they can be effective in dealing with some issues local residents and businesses face on a daily basis, or tell us are becoming a problem for them.</p> <p>The PSPO will be used to deal with irresponsible dog owners in areas where we currently have no enforcement powers. Currently in Teignbridge, byelaws which apply to some council-owned parks, green spaces and beaches cannot be enforced using fixed penalty notices and offences must be prosecuted through the courts which can be costly and is a procedure rarely used.</p> <p>We are committed to dealing with issues of beach litter too and have a range of powers available to help tackle problems where we know they are happening. Dropping litter is illegal and, while we can take action, we would encourage people to report littering offences to us and for everyone to take their rubbish home.</p> |

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| | <p>2. Are we really going to risk putting our local high street shops under more duress from losing customers put off from coming to the town because they can't walk their dog properly or park their car? Let's be honest we live in the countryside. Dogs are everywhere, it's a part of local life and without wanting to sound insensitive it's not like people aren't going to encounter dogs anywhere else. What next are we going to ban cats from roaming freely in case we upset somebody with a cat phobia?</p> | <p>Public Space Protection Orders (PSPOs) are broad powers which allow councils to enforce and manage particular anti-social activities taking place within a specified area. They are used where needed to help tackle persistent issues that are damaging communities. When used proportionately and appropriately they can be effective in dealing with some issues local residents and businesses face on a daily basis, or tell us are becoming a problem for them.</p> <p>The PSPO is designed to help us tackle issues where we currently cannot take enforcement action, not prevent people from walking dogs properly. People can still walk their dogs where they usually do.</p> |
| | <p>3. Local businesses have suffered severely with the new parking restrictions in place over the last 18 months. I am a local business owner and a lot of our customers have told us they've been put off coming to Teignmouth because they can no longer park (one example I can give is Shute hill which is now residents permit parking during working daytime hours on the outskirts of town is completely empty during the daytime! (What a waste!) Many of our customers are dog walkers who pop in on their travels. Am I going to be losing them now too?</p> | <p>The concerns around the permit scheme are being considered separately by the Teignbridge Highways and Traffic Orders Committee.</p> |
| | <p>4. Also, if it turns out there is a ban on walking your dog off the lead, does this mean all that we are going to end up with is hundreds of massively long retractable leads all over the place causing a trip hazard!?</p> | <p>The proposed Public Space Protection Orders (PSPOs) does not propose banning walking your dog off the lead. It does however propose dogs on leads areas and that dogs are kept on a lead of less than 2m in length whilst on or adjacent to the public highway, footpaths and cycle paths.</p> |

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| | <p>5. Whilst I can appreciate Teignbridge is on a mission to clean up the area and make the environment cleaner I cannot fathom how imposing new dog restrictions is going to help with this. Maybe looking at key problem areas that are known for having poo like lower Brimley road? The beach as far as I have seen is free of dog poo as it's us dog walkers that make sure others pick up after their dogs!</p> | <p>The proposed Public Spaces Protection Order (PSPO) would introduce controls that allow hot spot areas to be targeted with effective enforcement.</p> |
| | <p>6. I would also like to add that the amount of notice Teignbridge gave for the original appeal to get this reviewed was very little. Less than a week? I wasn't even aware of the original consultation. Was there a door to door leaflet campaign? I didn't get one. Was it only advertised online? Should more effort have been made to make people aware of this? YES!</p> | <p>The decision of the Executive was advertised in the normal way on the Councils website. The call in procedure is for Councillors to activate.</p> <p>The consultation on the proposed controls was widely publicised by;</p> <ul style="list-style-type: none"> • Covered by local media, • Social Media campaign • Visiting local events, fairs and fetes during the summer • Contacting all Councillors and Parish Councils • Providing posters for display • Contacting all licenced businesses • Contacting local and national organisations with an interest in animal welfare. |
| | <p>7. I would also like to know what Teignbridge plans are on how they expect to enforce these new restrictions. One can only presume this will be coming out of taxpayer's money? Does this mean they will be getting police to arrest people who aren't walking their dog on a lead? How will you obtain their details if they refuse to give their name? I wonder how many more resources this will take up when it could be better spent elsewhere.</p> | <p>Teignbridge has a small team of enforcement officers who routinely patrol hotspots around the district, including early mornings, evenings and on weekends. All staff, members, residents and visitors are able to report issues for investigation. This service is an existing service which is budgeted for within the overall Council finances.</p> |

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| Questioner 10 | 1 | <p>Could you please clarify whether the recently agreed PSPO which comes into force in January 2019 will be extended to include the whole of Teignmouth beach and Holcombe beach? i.e. will dogs be banned from all of the front beach between 1st of April and 30th of September?</p> | <p>The PSPO is not in force as the decision has been called in. The concerns raised by the public regarding the seasonal dog exclusion areas on beaches will be considered by the Overview and Scrutiny Committee on Monday 19th November.</p> |
| Questioner 11 | <p>1</p> <p>2</p> <p>3</p> | <p>It is impossible to know the perpetrators of fouling. Given that all disabled and blind persons are exempt from picking up faeces, how is anyone to know that the fouling does not emanate from that source?</p> <p>Unless it is solely dog ownership you wish to make socially unacceptable, are measures to be implemented against persistent litterers, for example banning picnics on beaches etc?</p> <p>Would the council seek to outsource the enforcement of such policies, several areas who have done so have used agencies which have employed aggressive and underhand tactics.</p> | <p>If residents, Council officers, Councillors or visitors witness a dog fouling and the owner not picking up this should be reported so that action can be taken.</p> <p>This specific Public Spaces Protection Order is solely to tackle the irresponsible dog owners. There are no plans to implement additional measures as detailed in the question.</p> <p>The council has no plans to outsource the enforcement of the Public Spaces Protection Order</p> |

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| <p>Questioner 12</p> | <ol style="list-style-type: none"> <li data-bbox="474 191 1281 925">1. Is the proposed restriction on the amount of dogs to be walked by one person, within the district, proportionate to the specific harm or nuisance that this is causing and have the Committee considered the unintended consequences for each aspect of these dog Control Orders. A professional dog walker is an essential part of many people's dogs care structure, providing for their physical and mental welfare whilst their owners work or are unwell. They are a lifeline to the elderly and others whose pets are their only companions. To offer this service it has to be a viable source of income for professional walkers and it is not viable to walk 4 dogs at a time, without charging excessively. Six is a viable number and is supported by all the Insurance companies that provide walkers with Liability insurance. Without this service there will be a rise in dogs going in to rescue as people will be deprived of their current method of looking after their dogs led a possible rise in aggressive behaviour because dogs have been shut in all day and poorly socialised. How will this be addressed? <li data-bbox="474 925 1281 1197">2. The Home Office guidance encourages councils to publish a list of alternative sites that dog walkers can use to exercise their dogs without restrictions. If the PSPO covers all public space within Teignbridge have the Council decided on areas where dogs can be exercised by dog walkers with more than 4 dogs, without fear of being issued a Fixed Penalty Notice. <li data-bbox="474 1197 1281 1378">3. The Council are also encouraged to consult dog law and welfare experts before seeking a PSPO. Has the Council consulted with the Kennel Club or The Dogs Trust on this matters looked at an alternative way of dealing with the issues of concern such as the L.E.A.D | <p>The concerns raised by the public regarding the restriction on the number of dogs that can be walked by one individual will be considered by the Overview and Scrutiny Committee on Monday 19th November.</p> <p>This will be considered when a final decision is made on the Public Spaces Protection Order.</p> <p>As part of the Council's consultation we contacted and received responses from the Kennel Club, Dogs Trust and PDSA. There responses to the control are included in the original Executive Report.</p> |
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| | <p>initiative between the local Authority and Local Police force. This initiative has been backed wholeheartedly by the Kennel Club, National Dog Warden Association and the RSPCA and targets the offenders, rather than penalising the whole community, because of the actions of a minority and has proved to be extremely effective in the areas that it has been implemented in.</p> <p>4. East Devon Council has limited the number of dogs to be walked by one person to 6 and the PSPO order applies to Public Parks, not to all open spaces such as woodland and moorland, where there are few members of the public, and young children, and a restriction is disproportionate to the perceived nuisance.</p> <p>5. The policy of asking members of the public to photograph number plates of possible offenders, and then report them, is a system that is open to abuse. Any person with an issue could report a completely innocent individual and lead to a great deal of distress and a waste of an Environmental wardens precious time. There needs to be a published policy for the public to access on how to report unreasonable behaviour rather than relying on some snap happy person who dislikes any, or all, dog owners.</p> | <p>The control implemented in East Devon was detailed in the Executive report considered by member when making their decision.</p> <p>The policy of the Council regarding dog fouling and other environmental offences is for those who witness the event to obtain sufficient evidence to allow action to be taken. This could be a description of the individual, details of the dog, the time of the offence, the regularity of the offence, home address or vehicle registration details. Officers will then use this information to investigate the offence and identify the culprit.</p> |
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