

EXECUTIVE

LEADER: Cllr Jeremy Christophers

PORTFOLIO HOLDER: Cllr Sylvia Russell

DATE: 4th December 2018

REPORT OF: David Eaton
Environmental Protection Manager

SUBJECT: Call In - Implementation of a Public Spaces Protection Order for responsible dog ownership

PART I

RECOMMENDATIONS

The Executive is asked to resolve the following recommendations:-

(1) Consider and approve the implementation of a Public Space Protection Order (PSPO) for Responsible Dog Ownership under ss59 to 75 of the Anti-Social Crime and Policing Act 2014, taking into account the recommendations of the Overview and Scrutiny Committee 19th November 2018 below;

- (a) That the number of dogs that any one individual can walk at any one time be a maximum of six.
- (b) That the annual period of restriction on beaches be reconsidered.

(2) Authorise the Council's Solicitor to draft and make the order.

(3) Authorise the Council's Environmental Protection Manager to issue fixed penalty notices under the PSPO.

1. PURPOSE

Reconsider the Executive Decision on 30 October 2018 on the Public Spaces Protection Order for Dog Control in Teignbridge which was called in by Councillor Cox and supported by Councillors Connett, Dewhirst, Eden, Nutley and Wrigley.

2. BACKGROUND

2.1 Minutes of Executive 30th October 2018

The Environmental Protection Manager presented the report on the Implementation of a Public Spaces Protection Order (PSPO) for responsible dog ownership. Members were advised on the purpose of a PSPO and of the two conditions that

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the local authority must be satisfied on reasonable grounds that are met. An officer working group had reviewed the project and there had been an extensive consultation. The eight suggested controls were outlined, these included existing control, improvements on existing controls and new controls. Members were advised that there was no specific statutory guidance to assist when setting a restriction on the number of dogs that could be walked by a single individual on or off a lead. Members were asked to recommend setting the restriction on the number of dogs and attention was brought to the comments in the consultation on this matter and the responses from interested organisations.

During discussion, Members raised the following points:-

- Should the seasonal dog exclusion date commence from 1 April on beaches? Not just Dawlish Warren Beach
- The majority of dog owners were responsible it was just those few irresponsible owners that caused the issues
- How would enforcement be undertaken and by whom?
- How would public evidence of an offence be acted on?
- There was an issue with dogs being left to roam
- Dog fouling was a real issue in the parishes across the District
- Concerns about working dogs in rural areas; these should be excluded
- What about the existing bye laws?
- How were children play areas defined?
- There was an issue with dog walkers putting dog faeces in bags and hanging on hedges in rural areas
- The maximum number of dogs on a lead should be four.

The Environmental Protection Manager clarified the following:-

- cycle paths, both those adjacent and not adjacent to a Highway, would be covered by the PSPO
- The three Community Environment Wardens would undertake the role of enforcement
- Complaints could be reported on-line
- Hotspots would be targeted
- Walking patterns of offenders would be identified
- Recording of car number plates would help to trace offenders - this would be a non-confrontational way of reporting an offence
- The existing bye laws would remain in place
- Would investigate if Dawlish Town Council Water Fowl Wardens would be able to enforce the PSPO
- There would be a publicity plan to make the public aware of the order and its contents
- The Community Environment Wardens work patterns do vary to cover different times of the day to address issues.

Executive Members discussed the seasonal dog exclusion dates on the beaches, the needs for signage to be clear and the number of dogs that could be walked by a single individual.

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RESOLVED that the:-

(1) implementation of a Public Space Protection Order (PSPO) for Responsible Dog Ownership under ss59 to 75 of the Anti-Social Crime and Policing Act 2014 be approved subject to the inclusion of:-

- Cycle paths to be added as a highway
- working dogs to be added to the existing list of exemptions - farm dogs moving livestock on the highway are not expected to be on a lead
- the maximum number of dogs permissible on or off a lead with a single individual to be four;

(2) Council's Solicitor be authorised to draft and make the Order;

(3) Council's Environmental Protection Manager be authorised to issue fixed penalty notices under the PSPO; and

(4) seasonal dog exclusion areas on beaches from 1 April to 30 September be approved. This to be reviewed in 12 months.

2.2 Minutes of Overview and Scrutiny Committee 19th November 2018

Consideration was given to the call-in of an Executive decision made on 30 October 2018 relating to the Public Spaces Protection Order for Dog Control in Teignbridge. The decision seeks the implementation of a Public Space Protection Order (PSPO) for Responsible Dog Ownership under ss59 to 75 of the Anti-Social Crime and Policing Act 2014.

The decision has been called in by Councillor Cox and supported by Councillors Connett, Dewhurst, Eden, Nutley and Wrigley. Councillor Cox's reasons for call-in are:

1. To clarify the Executive's proposals to extend the dog ban on Ness Beach and Holcombe Beach as it now seems they were included in error.
2. To examine the decision to have only four as the maximum number of dogs on a lead in the light of the decision by East Devon District Council and the comments from the Kennel Club, the Dogs Trust and the Peoples Dispensary for Sick Animals.

Since the Executive meeting on 30 October 2018 there has been a large public response to the decision. Members in considering the call-in should note the number of responses to the decision balanced with the number of people who responded to the consultation. The Environmental Protection Manager gave an update of the number of correspondence received which amounted to approximately 180, and a summary of the key points.

The consultation with the public covered maintaining the existing seasonal dog exclusion areas. The Ness Beach and Holcombe Beach are not covered by the existing seasonal dog ban. It was not the intention that the PSPO restricted access to these beaches.

The Executive report detailed the outcome of the public consultation and included a number of comments from interested organisations. Overall the consultation results did not provide a consensus on the number of dogs a single individual should walk.

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In support of the call-in, Councillor Cox submitted that six was an acceptable number of dogs for any one individual to walk. The support for this was that this would be consistent with East Devon District Council, public liability insurance covers six dogs, for many dog walking businesses this is their only income and limiting the number of dogs to four could result in their businesses folding. He added that a Review Group should be set up to work with responsible dog owners/walkers, to identify volunteers to assist the Council wardens in engaging with offending and irresponsible dog owners/walkers to become more responsible, keep their dogs under control, and always clear up dog faeces from the dogs for which they have responsibility.

The period of the dog ban on beaches for inclusion in the PSPO was not part of the call-in. However the Chairman agreed that this issue could be discussed.

In response to a question on the details of the PSPO at agenda page 14, the Environmental Protection Manager advised that the 'reasonable excuse' under (i) of the heading No more than 'x' dogs, would be at the officer's discretion. In response to further questions, the Environmental Protection Manager advised that highways, cycle paths, and Dawlish Warren Nature Reserve were included in the PSPO.

Resolved

That the following recommendations from this Committee be referred to Executive:-

- (c) That the number of dogs that any one individual can walk at any one time be a maximum of six.
- (d) That the annual period of restriction on beaches be reconsidered.

That a Review Group be set up to primarily work with responsible dog owners/walkers, to identify volunteers to assist the Council wardens in engaging with offending and irresponsible dog owners/walkers to become more responsible, keep their dogs under control, and always clear up dog faeces from the dogs for which they have responsibility, and review the implementation of the PSPO in the first 12 months.

2.3 CLARIFICATION

In reconsidering the restriction on the number of dogs that can be walked by a single individual, members should be aware of the results of the public consultation. This showed that 57% of those consulted were in agreement with this control, 30% of those consulted disagreed with this control and 13% of those consulted didn't know.

Of those in agreement with this control the consultation results did not provide a consensus on the number of dogs a single individual should walk.

| Number | Number | Percentage |
|--------|--------|------------|
| 3 | 588 | 50% |
| 4 | 267 | 23% |
| 5 | 24 | 2% |
| 6 | 18 | 2% |
| Other | 272 | 23% |

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It is also worth noting that 63% of those responding to the consultation were either a dog owner or walker.

The original consultation of the Seasonal Dog Exclusion Areas (Beaches) was based on the existing controls that between

- 1 May and 30 September or
- 1 April and 30 September in Dawlish Warren

a person in charge of a dog shall not take a dog onto, or permit a dog to enter or to remain on, any beach designated as a dog ban area. Appendix 4 contains the specific details of the controls that currently exist. 96% of those consulted were in agreement with this control.

3. MAIN IMPLICATIONS

A PSPO would introduce a clear and simple set of rules that all dog owners would need to comply with across the Teignbridge district. Enforcement would be targeted and graduated to ensure that the irresponsible dog owner is dealt with.

4. TIME-SCALE

The order lasts for not more than three years. It can be extended under s60 (2) by the Council if it is satisfied on reasonable grounds that it is necessary to extend the order to prevent:

- Occurrence or recurrence after that time of the activities identified in the order, or
- An increase in the frequency or seriousness of those activities after that time.

The PSPO can also be discharged and varied by the Council.

5. JUSTIFICATION

The order is required to effectively tackle irresponsible dog ownership within the Teignbridge District.

6. DATE OF IMPLEMENTATION (CONFIRMATION OF DECISION SUBJECT TO CALL-IN)

10.00 a.m. on 11 December 2018

David Eaton
Environmental Protection Manager

Cllr Sylvia Russell
Portfolio Holder for Health and Wellbeing

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| Wards affected | All |
| Contact for any more information | David Eaton 01626 215064 Sarah Selway 01626 215159 |
| Background Papers (For Part I reports only) | None |
| Key Decision | Y |
| In Forward Plan | Y |
| In O&S Work Programme | Y Part of the Council Strategy |
| Community Impact Assessment attached: | N – Completed for the Council Strategy and the proposed controls prior to the Consultation. |
| Appendices attached: | <ol style="list-style-type: none">1. Executive Report dated 30th October 20182. Draft Public Spaces Protection Order Controls3. Consultation Summary4. Existing Seasonal Dog Exclusion Areas on beaches |