

TEIGNBRIDGE DISTRICT COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE 12 NOVEMBER 2019

PART I

Report Title	Interim Report of the Public Spaces Protection Order (for Dog Control) Review Group Councillors Nutley (Chairman), D Cox, Hocking, L Petherick, Phipps and Peart
Purpose of Report	To consider the findings of the Review Group (as requested by the Overview and Scrutiny Committee 19 November, 2018 and Executive 4 December, 2018) and in particular the maximum number of dogs that can be walked at any one time, and the seasonal dog exclusion areas on beaches.
Recommendation(s)	<p>Referring to the terms of reference detailed in paragraph 1.2 below the Committee RECOMMENDS to Executive:</p> <p>(1) In relation to the Public Space Protection Order (PSPO) for Responsible Dog Ownership under ss59 to 75 of the Anti-Social Crime and Policing Act 2014, the number of dogs that any one person can walk at any one time remain at 6, as agreed by Council on 14/1/19 <u>Justification</u> There is insufficient evidence to reduce this number to less than 6.</p> <p>(2) The seasonal dog exclusion areas on beaches remain as 1 April to 30 September, as agreed by Executive on 4/12/18. <u>Justification</u> There is no evidence to suggest the date should be altered to 1 May; there are plenty of beaches that can be used all year round; and the restrictions relate to an area of most beaches but not all of them.</p> <p>(3) The use of body cameras by Community Enforcement Wardens is not progressed. <u>Justification</u> There is no evidence to suggest that body cameras would be beneficial. No member of staff has requested a body camera, they all have work mobiles with the capability to record footage, the additional expense cannot be justified and it would be better allocated towards publicity campaigns.</p>

	<p>(4) In response to the DEFRA Animal Welfare Regulations consultation, the Council respond by suggesting that dog walking individuals who are walking other peoples' dogs (by collecting the dogs from their owners house and returning them) either voluntarily or for a fee should be licensed.</p> <p><u>Justification</u>, Individuals who do not have a residence based business such as those who provide a dog walking service only should be licensed. District Councils currently administer animal welfare licences, and fees are retained by these Councils.</p> <p>The review group also considered that an option was that all dogs should require a licence. This would be a new control.</p> <p><u>Justification</u> It was considered that there was merit in all dogs being licenced. It was noted that all dogs were required to be microchipped and it was considered that while dogs were being microchipped they could be licensed. The suggested increased licensing administration could also be undertaken by District Councils. This requires further consideration by the Review Group.</p> <p>(5) Insurance Regulations are the responsibility of businesses to ensure they are adequately insured for their business, and this issue be included in the issues to be reviewed by the Group in its 12 month review.</p> <p>(6) The Council undertake a publicity campaign to encourage members of the public, Town and Parish Councils to engage with offending and irresponsible dog owners, and assist the Council in upholding the regulations of the Public Safety Protection Order.</p> <p>(7) The Review Group continue to undertake a review of the PSPO following 12 months of its implementation as set out in the Group's terms of reference</p>
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Financial Implications	See paragraph 2.1 below Chief Finance Officer Email: martin.flitcroft@teignbridge.gov.uk
Legal Implications	See paragraph 2.2 below Solicitor and Deputy Monitoring Officer Email: Paul. Woodhouse@teignbridge.gov.uk
Risk Assessment	This was considered as part of the original report to Executive 30/10/18
Environmental/ Climate Change Implications	See paragraph 2.4 below Environmental Protection Manager and Climate Change Officer Email: David.Eaton@teignbridge.gov.uk
Report Author	Report of the Review Group Cllrs Nutley(Chairman), D Cox, Hocking, L Petherick, Phipps and Peart Trish Corns Democratic Services Officer trish.corns@teignbridge.gov.uk David Eaton Environment Protection Manager David.Eaton@teignbridge.gov.uk
Portfolio Holder	Cllr Alistair Dewhirst – Waste Management and Environmental Health Portfolio Holder
Appendices / Background Papers	Discussions of the meetings of the Review Group Survey responses to the Public consultation April/May 2019 RSPCA Guidelines DEFRA guidelines Appendix 1 - past minutes and report taken form the following meetings Minutes of Council 14/1/2019 Minutes of Executive 04/12/2018 Minute O&S 19/11/2018 Minute 227 Executive 30/10/18 Report for Minute 227 Executive 30/10/18

1. REPORT DETAIL

- 1.1 The Review Group met on six occasions. The first meeting was held prior to the 2019 elections, however Councillors D Cox and Nutley having been re-elected remained on the Group.
- 1.2 The terms of reference for the Review Group are as follows:

To monitor the PSPO particularly in relation to:-

1. The maximum number of dogs that can be walked at any one time;
2. The seasonal dog exclusion areas on beaches;
3. The use of body cameras by Community Enforcement Wardens;
4. Government Guidance;
5. Insurance regulations.
6. To identify volunteers to assist the Council wardens in engaging with offending and irresponsible dog owners/walkers to become more responsible.
7. Review the implementation of the PSPO in the first 12 months.

- 1.3** Public consultation was undertaken in 2017, the results of which were summarised in the original Executive report considered by Executive on 30/10/18. Over 2000 responses were received which represented the highest level of responses to a Teignbridge Council survey.
- 1.4** Public Consultation was also undertaken during April and May 2019 advising the public of the review Group and resulted which in the receipt of representations for consideration by the Review group, and requests to address the Group during its review. Councillors were also invited to address the Group or submit written representations for consideration.
- 1.5** The Review Group invited a cross sectional sample as far as possible of members of the public to give evidence and address the Group. The Group heard from Councillors Austen, Bradford, Clarence, Dewhirst, and Russell who had requested to address the group to give evidence. In addition a number of officers addressed the Group: the resorts Manager, Grounds Maintenance Officer, Waste and Cleansing Manager, Devon County Council Stover Park Ranger and the Solicitor. Information from the RSPCA, was taken into account, in addition to advice on bathing water quality and testing.

2. IMPLICATIONS, RISK MANAGEMENT & CLIMATE CHANGE IMPACT

2.1 Financial

Publicity signs and leaflets were altered following the Council decision on 14/1/19 and the Executive Decision on 4/12/18.

Additional administration would be required in relation to licencing dog walking businesses but this can be managed from existing resources with the Council keeping the income received.

The addition of a dog licence for all dogs within Teignbridge would create additional administration and enforcement and it is not clear that the level of fee would cover the implications on the revenue budget.

The publicity campaign would also be delivered within existing budgets.

2.2 Legal

In regard to recommendation (6) the Council should be extremely careful as to what conduct it is seeking to encourage and perhaps the consequences.

2.3 Risks

This was considered as part of the original report to Executive 30/10/18

2.4 Environmental/Climate Change Impact

The proposed policy would have a neutral impact on climate change.

3. ALTERNATIVE OPTIONS

The Review Group considered alternative options on all issues. The group made recommendations as detailed above with their justifications for the recommendations after having considered alternative options.

4. CONCLUSION

The Review Group will be undertaking a review of the PSPO following 12 months of its implementation, as set out in the Terms of Reference above.

**Councillors Nutley (Chairman), D Cox, Hocking,
L Petherick, Phipps and Peart**

Appendix