

## **Report to Council 23<sup>rd</sup> February 2019**

### **Appendix 2 – Outline of submission received by the Kennel Club in response to the public consultation to extend the existing Public Spaces Protection Order in relation to dog control with the Council's response.**

#### **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. They would 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. The proactive measures can include: increasing the number of bins; communicating to local dog owners that bagged deposits can be disposed of in normal litter bins; running responsible ownership and training events; or using poster campaigns to encourage owners to pick up after their dog.*

The Council has bins sited throughout the district. In addition, the Parish and Community Councils also have several bins that they are responsible for. If an application is made for a bin to be sited in a particular place the request is always considered and a bin installed if it is an appropriate site and accessible for emptying. The Council uses social media and continually posts to local groups the importance of picking up after dogs. Articles are regularly put into Three Rivers Times and the Animal Welfare & Licensing Inspector attends local fetes and open days with promotional material.

#### **Dog Exclusion**

*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. 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. 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.*

The Council accepts children and dogs can socialise safely under responsible adult supervision. But there are also children and adults in the community who are not comfortable with dogs and some are frightened of them. There will also be members of the community that are allergic to dogs. Children, when excited, can emit loud squealing noises and their running around can also excite dogs if they were permitted in these areas. Adults, however responsible, can easily be distracted by their children or others and fail to notice where their dog is or what it is doing; this could potentially result in accidents or injuries. It would also deter those frightened of dogs to use the facilities. The enclosed picnic area is a fenced grassed area with tables where those not wishing to encounter dogs can also go to to play, enjoy other recreational activities or simply to sit and enjoy a book or coffee without the chance of intrusion from a dog/s all year round. The Council has to make an informed decision which benefits all members of the community, and therefore considers that the dog exclusion restriction from these areas should remain.

## **Dog Exclusion - Chorleywood House**

*The Kennel Club recognises the importance of preventing dogs from chasing/attacking livestock. While data on livestock worrying is limited, we know that nationally the majority of attacks take place without the owner being present. We believe that alongside the potential introduction of a PSPO that other measures should be introduced to help minimise the risk of livestock worrying. These solutions include the following: improving signage, identifying where off-lead is not a problem, signposting alternative or better routes, speaking with visitors, re-routing paths and fencing off paths for example.*

The Council invites farmers to use the 3 fields identified in the Order to graze their animals, mainly sheep and cattle. This resulted in sheep particularly falling victim to attacks from uncontrolled dogs. In too many cases the sheep were killed or had to be destroyed. This caused alarm, distress and a financial implication to the farmers. In most of these cases the dogs were accompanied but their owners either had no recall control or were too far away from their dog/s to see what they were doing. The Council and the Parish Council tried many ways of resolving this; informal signage, posters, information on websites and social media, speaking to dog owners/walkers but the incidents continued leaving little option but to introduce an exclusion of dogs restriction. There are already paths in place that go around these fields but dog walkers cut through them (there is no public footpath running through them) rather than follow the paths. However, in an effort to introduce reasonable restrictions, because the animals are only brought there for a few months of the year, the restriction only applies from 1<sup>st</sup> June to the 30<sup>th</sup> September (inclusive) which are the months the fields are usually occupied by the animals. Signage clearly states that dogs are excluded and gives the dates this applies to. The Council takes the view this restriction should remain to assist in reducing dog worrying/attack incidents as well as reducing the risk of passing Neospora and Sarcocystosis to the grazing animals.

## **Dogs on Leads**

*We do not oppose the proposal for a “dogs on lead” order for the area surrounding the Aquadrome café, but would ask the local authority to ensure suitable signage is erected to inform dog walkers of the restrictions.*

The Council has erected A4 sized signs mounted on posts at the front boundary of the grassed area outside the café. They are also on the outside walls of the public lavatories. In addition stencil signage identifying a “Dogs on Leads Zone” have been painted onto the footpaths in both directions.

## **Dogs on Lead by Direction**

*The Kennel Club strongly welcomes “dogs on leads 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 local authority 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. We would also recommend that local authorities make use of other flexible targeted measures at their disposal such as Acceptable Behaviour Contracts and Community Protection Notices.*

Only the Animal Welfare and Licensing Inspector is authorised to enforce this restriction. The Inspector is fully trained in animal behaviour and is also an Approved Examiner for the Kennel Club’s Good Citizen Dog Scheme. Community Protection Notice Warnings, Notices and Acceptable Behaviour Contracts are regularly used in cases where incidents have

occurred and the Inspector has not been present or the dog owner has been previously spoken to about the reported behaviour and this will continue.

### **Maximum number of dogs one person can walk**

*The Kennel Club feel that an arbitrary maximum number of dogs a person can walk is an inappropriate approach to dog control that will often simply displace and intensify problems in other areas. The maximum number of dogs a person can walk in a controlled manner depends on a number of factors relating to the dog walker, the dogs being walked, whether leads are used and the location where the walking is taking place. An arbitrary maximum number can also legitimise and encourage people to walk dogs up to the specified limit, even if at a given time or circumstance, they cannot control that number of dogs.*

*We thus suggest that defined outcomes are used instead to influence people walking one or more dogs, be that domestically or commercially, such as dogs always being under control, or not running up to people uninvited, on lead in certain areas etc.*

*For example, an experienced dog walker may be able to keep a large number of dogs under control during a walk, whereas an inexperienced private dog owner may struggle to keep a single dog under control. Equally the size and training of the dogs are key factors; this is why an arbitrary maximum number is inappropriate. The Kennel Club would recommend the local authority instead uses the proposed “dogs on lead by direction” orders and targeted measures such as Acceptable Behaviour Contracts and Community Protection Orders to address people who don’t have control of the dogs they are walking. A further limitation of a maximum number of dogs per person is that it does not stop people with multiple dogs walking together at a given time, while not exceeding the maximum number of dogs per person. Limits can also encourage some commercial dog walkers to leave excess dogs in their vehicles, which can give rise to welfare concerns.*

*If a maximum number of dogs is being considered due to issues arising from commercial dog walkers, we instead suggest councils look at accreditation schemes that have worked very successfully in places like the East Lothian council area. These can be far more effective than numerical limits, as they can promote wanted good practice, rather than just curb the excesses of just one aspect of dog walking. Accreditation can also ensure dog walkers are properly insured and act as advocates for good behaviour by other dog owners.*

The Council included a maximum number of dogs restriction as a result of complaints received about multiple dogs in the charge of one person. Owners walking one dog, the elderly and people with children reported feeling intimidated when coming across a large group of dogs running free. Out of control dogs, dog attacking other dog incidents and dog fouling reports were also regularly received. It was also noted that commercial dog walkers from outside of Three Rivers area were coming into the district with multiple dogs. The Council has held a Green Flag Award for its open spaces for many years but at the time of the Green Flag inspection in 2015, comments were made by the Inspector about the amount of deposited dog waste in our open spaces. It was considered that 4 dogs was a reasonable number of dogs that one person could responsibly be in charge of. Although commercial dog walkers were against the restriction claiming it would affect their businesses, consideration was given to the reports received as well as comments made in the original consultation.

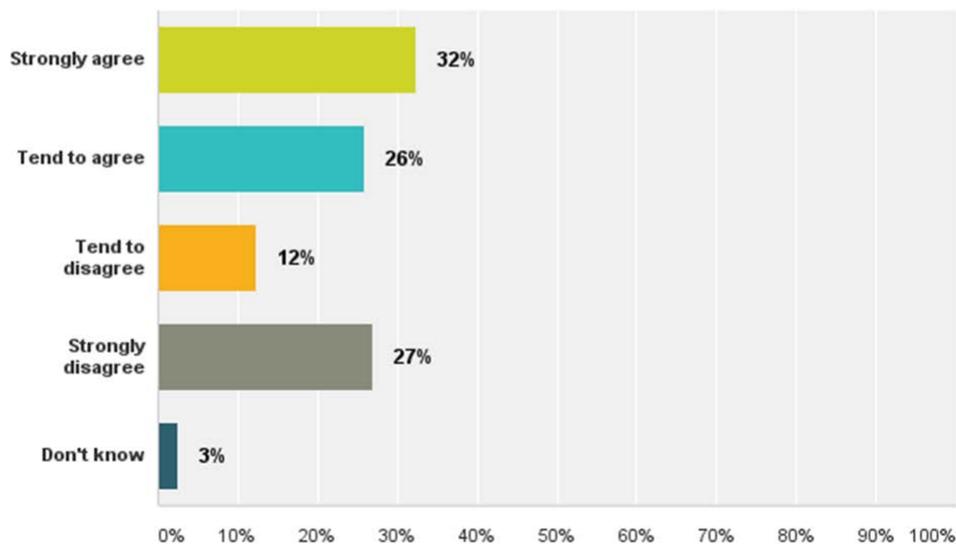
Over half (58%) agreed with the proposal to restrict the number of dogs permitted to be walked by any one person in all places where public have access, to a maximum of 4. It was felt by many respondents that owners could not control the dogs’ behaviour and the faeces removal of more than 4 (102 records). Some respondents revealed that they (or their dogs) felt intimidated by big groups of dogs (24 records) and there were many mentions of

professional dog walker issues (40 records). However, professional dog walkers (or users of) often stated that limiting the number of dogs would affect their livelihood (41 records). It was also highlighted by some that the number of dogs was not the issue, but rather than type, size and control adopted by the owner/walker (101 records).

Please see the graph and comment excerpts below for further insight.

**Q9 The Council is proposing to restrict the number of dogs permitted to be walked by any one person, in all places where the public have access, to a maximum of 4. Using the scale below, how strongly do you agree or disagree with this proposal?**

Answered: 2,759 Skipped: 115



Key respondent comments (taken from original public consultation undertaken 2015).

**Issues experienced/predicted with more than 4 dogs being walked**

- “A lot of people are not strong enough to control 4 large dogs”*
- “I believe that it is almost impossible to control, on or off the lead, more than 4 dogs.*
- “As a professional dog walker, I DO agree with this proposal. I often see people with large groups of dogs being walked off lead, with the walker appearing to have little control over the group of dogs”*
- Think this is still too many. Become a pack”*
- “How is somebody in charge of 4 dogs going to be able to pick up their dogs mess?!”*
- “4+ dogs tend to form a pack and can be intimidating and less easy to control”.*

## Professional dog walker issues

*"Dog walkers do not clear up when taking large numbers of dogs out"*

*"It is intimidating coming across a 'pack of dogs' when walking in the woods when they are in the hands of a professional dog walker".*

*"It is unfair to dogs when 'dog walkers' walk up to 10 dogs. This is also intimidating to local walkers who walk their own pets"*

*"Some professional dog walkers maximise earnings at the expense of safety"*

*"The dog walkers who run a business are a nightmare for regular dog walkers, they can't control their dogs and they don't pick up their mess"*

## Professional dog walker livelihoods

*"This appears to be a clause aimed at ruining the livelihood of local dog-walkers. I believe dog walkers are subject to separate regulations eg no more than 6 dogs, which is reasonable.*

*Makes no sense at all. All you are doing is prohibiting a dog walker from earning a living. My dog walker sometimes walks 6 at a time all off the lead and they just follow each other and have the best time. They never run off or cause any trouble.*

## Enforcement has too many variables

*It all depends on what dog, size breed etc"*

*This question cannot be answered as the number of dogs in the control of one person is dependent on the nature of the dogs."*

*This depends on the breed and size of the dogs. Four Jack Russel's will be very easily controlled however four German Shepherd may not be very easily controlled".*

The knowledge of the maximum of 4 dogs per person restriction is now known by the local community and there is a general acceptance of the rule. This became evident during the recent animal activities licensing inspections in November, December 2018 and January 2019. Home boarders and day care operators are required to have a written procedure detailing at least 2 walks per day per dog for a minimum of 20 minutes. The number of dogs they are permitted to board is reliant on the number of recognised habitable rooms in their property. The average 3 bedroom house with no residential dog would be able to take in 5 dogs but this could be more as 2 dogs from the same household are classed as one. There are 22 operators currently licensed. Therefore, to comply with their statutory conditions, that would be an additional 22 people walking a pack of dogs twice a day in addition to the commercial dog walkers and dog owners in the community. But, at the time of their inspection, all of the home boarders and residential dog day care operators remarked that they choose to only take out a maximum of 4 dogs as this is the number they feel comfortable with. Most said they choose to only take 2 at a time even though it means they go out on more than one occasion, some said they take someone else with them regardless of how many dogs they have with them.

Calls regarding feeling intimidated or concerned by large numbers of dogs running free have considerably reduced. The general public are challenging walkers seen with more than 4 dogs and reporting them allowing for follow up.

**Comments below have been taken from the recent public consultation (undertaken December 2018 - January 2019):**

*Always seeing commercial dog walkers with more than 4 dogs all off the lead even 2 or 3 loose are a bit of a nuisance because they become a pack.*

*A person cannot handle more than two dogs at a time*

*Four dogs often uncontrollable; three dogs easier to control.*

*4 dogs is too many. Totally ridiculous. 2 should be the limit.*

It is accepted that some people will have more experience with multiple dogs than others therefore consideration has been given to other options. These include having a defined area in the district where there is no limit on the numbers of dogs, and introducing a commercial dog walker's accreditation or licence scheme. There are a number of issues (listed below but not exhaustive) that would need to be addressed for any defined area:

- It would have to be on Council owned land.
- It would have to be fenced off so there would be a financial implication.
- The area would need to be cleaned as there will still be irresponsible people who do not clear up after their dogs. This would need to be done frequently as the area would soon become filled with accumulations, therefore a financial implication.
- There would be an impact on parking in the area. Some Council owned land does not have separate parking which would mean vehicles would be left on the highway. This may cause issues with pedestrians.

The idea of opening an accreditation scheme for commercial dog walkers also has issues to be considered:

- Monitoring and administration.
- Checking only accredited walkers are using the open spaces.
- How we would determine who was eligible to be accredited to the scheme.
- Would the scheme only apply to commercial dog walkers, if not why not?

The Council contacted the London Borough of Wandsworth and East Lothian Council. Their schemes rely on the commercial walkers signing up to a code of conduct. Both areas have a team of officers which include Parks Police, Animal Wardens, Parks Patrol who are able to enforce this. Three Rivers does not have the same staff resources to create, monitor, administrate and enforce a similar scheme. Commercial dog walkers are not regulated or required to be licensed therefore the Council takes the view that the maximum 4 dog per person restriction should apply to all regardless of that person being an owner or a commercial dog walker. Three Rivers is a rural area with many open spaces which are attractive to dog walkers. It is likely that if the restriction was not in place that walkers with multiple dogs would misuse the facilities leading to a return of more anti-social behaviour reports. It is also clear from the results of the public consultation that the residents are in favour of the restriction.

### **Exemptions for Assistance dogs**

*We welcome the exemptions for assistance dogs in the existing order, however for the extended order we would suggest alternative phrasing as outlined below.*

*When introducing a dog control PSPO local authorities should consider the potential negative impacts on vulnerable groups and their requirements under the Equality Act 2010.*

*The most obvious potential adverse impact is upon those who rely on assistance dogs and registered blind people, who may either be unable to comply with conditions contained within the Order, or the effect of the Order would be to exclude them from accessing public spaces. Appropriate exemptions from dog fouling and dog exclusion Orders should be included in PSPOs, for registered blind people and those who rely on assistance dogs. Though the council should recognise that many disabled people enjoy the company of a pet dog (i.e. not acting as an assistance dog) and this also needs to be considered.*

*Assistance Dogs UK currently have eight member organisations which can be viewed here - <http://www.assistedogs.org.uk/>. However, the membership of Assistance Dogs UK is not a definitive list of all UK assistance dog organisations, and may change during the currency of the PSPO, it also 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.*

*We would encourage the Council adopts the definitions of assistance dogs as used by Mole Valley District Council which can be found on page 4 of this document*

The Council views it as sensible to pre-empt any changes to the names of the existing charities and will recommend to Council that the definition wording from Mole Valley District Council paragraphs (a) – (c) are used if it agrees to extent the existing PSPO (**shown at Appendix 3**). But considers that paragraph (d) creates an exemption for self-trained dogs which are not necessarily accepted as equivalent to the dogs trained by the prescribed charities. Those charities have strict guidelines to ensure common and transparent standards of dog training. Not adopting the wording of paragraph (d) reduces the risk of 'fake' assistance dogs which have not been trained falling into the exemption criteria. The Council is aware that a change in the wording would amount to a 'variation' but considers that the requirements of s.61 and s.59(5) are met; the reason being the variation to the wording does not make the prohibition or requirement more extensive.

### **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).”*

*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.*

Signage advertising the PSPO was purchased and erected in all areas throughout the district. Metal signs are in the parks and open spaces. In addition adhesive stickers are on lampposts and other metal receptacles throughout the district.