

## **Appendix 1**

### **Consultees:**

#### Statutory Consultees:

Dorset Police  
Dorset Office of Crime and Police Commissioner

#### Local Consultees:

Portland Town Council  
Beach Office  
Parks Department and the 'Friends' of' groups  
Margret Green Animal Sanctuary  
Dorset County Council (inc Highways)  
Councillors of Weymouth and Portland Borough Council  
Weymouth bid  
RSPCA – Dorset Branch  
MP  
Dog Friendly ( Weymouth)

#### National Consultees:

Dorset Blind Association  
Dorset Association of the Disabled  
Dogs Trust  
Kennel Club  
Natural England  
National Trust  
RSPB

### **Consultation responses:**

#### **Beach Office (internal)**

With reference to your e mail and the proposed way forward to extend the current Dog related PSPO by 12 months, I have had a discussion internally and I agree that your reasoning is the most practical and pragmatic approach.

This will allow for a WTC to be fully consulted, once established, and to be able to comment on the future of the PSPO following the 12 months extension.

Thanks

Kevin Good  
Beach Manager

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**Friends of Lodmoor Country Park**

This is a submission on behalf of The Friends of Lodmoor Country Park.

The Dog-Related PSPO which applies to the children's play area / Green Gm Station 3 in Lodmoor Country Park is essential for the safety & well-being of park-users.

As the play area is unfenced, the PSPO is a compromise, with dogs allowed if on leads and under close control.

The majority of dog owners respect this, but a significant minority still profess to be ignorant of the law, despite the efforts of the Friends of Lodmoor Country Park & the council to make the restrictions clear in a friendly manner (our wooden dog signs & maps & information in noticeboards)

Members of the committee and the Friends continue to encourage responsible behaviour on the part of dog walkers, and being able to refer to & rely on the PSPO is vital. The restrictions are much appreciated by families using the play area and its surroundings, including the access to St John's Primary School.

Any gap in the coverage due to lapsing of the Order would be very detrimental, and so we are in favour of an extension to the Dog-Related Public Space Protection Order which applies to Lodmoor Country Park.

Best wishes,  
Dinah Ellis  
Chairman, Friends of Lodmoor Country Park

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### **Friends of Nothe Gardens**

I have no objection to an extension to the existing controls

Kind Regards  
Roger Genge  
for Friends of Nothe Gardens

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Thank you for making us aware of the need to extend this order. The friends of Radipole Park and Gardens fully support the current Protection Order, and fully support its continuation.

Best Regards,  
Mike Goulden  
Chair

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## **Dogs Trust**

Thank you for getting in touch with Dogs Trust to seek our opinion on the Public Space Protection Orders proposals in your area. As the UK's largest dog welfare charity, we would like to make some comments for consideration below.

### Dogs Trust's Comments

#### 1. Re; Fouling of Land by Dogs Order:

- Dogs Trust consider 'scooping the poop' to be an integral element of responsible dog ownership and would fully support a well-implemented order on fouling. We urge the Council to enforce any such order rigorously. In order to maximise compliance we urge the council to consider whether an adequate number of disposal points have been provided for responsible owners to use, to consider providing free disposal bags and to ensure that there is sufficient signage in place.
- We question the effectiveness of issuing on-the-spot fines for not being in possession of a poo bag and whether this is practical to enforce.

#### 2. Re; Dog Exclusion Order:

- Dogs Trust accepts that there are some areas where it is desirable that dogs should be excluded, such as children's play areas, however we would recommend that exclusion areas are kept to a minimum and that, for enforcement reasons, they are restricted to enclosed areas. We would consider it more difficult to enforce an exclusion order in areas that lack clear boundaries.
- Dogs Trust would highlight the need to provide plenty of signage to direct owners to alternative areas nearby in which to exercise dogs.

#### 3. Re; Dog Exclusion Order and beaches:

- With phone calls often being made to the RSPCA and Police alerting to dogs being left in hot cars in coastal areas, we would urge you to consider the danger animals may be put in, and the difficult decisions owners have to make, by not being allowed to take their dogs onto the beach.
- If the Council does choose to implement this order, Dogs Trust would encourage looking into a compromise between beach goers and dog owners, e.g. allowing dogs onto the beach in the evenings or early mornings, or having dog friendly sections on the beaches.
- Strict dog exclusion restrictions can also lead to a decrease in dog friendly tourism for businesses along the coast, which in turn could have a negative impact on the local economy.

#### 4. Re; Dog Exclusion and sport pitches

- Excluding dogs from areas that are not enclosed could pose enforcement problems - we would consider it more difficult to enforce an exclusion order in areas that lack clear boundaries.
- We feel that exclusion zones should be kept to a minimum, and that excluding dogs from all sports pitches for long stretches of the year is unnecessary. In some cases sports pitches may account for a large part of the open space available in a public park, and therefore excluding dogs could significantly reduce available dog walking space for owners.
- We would urge the council to consider focusing its efforts on reducing dog fouling in these areas, rather than excluding dogs entirely, with adequate provision of bins and provision of free disposal bags

5. Re; Dogs on Leads Order:

- Dogs Trust accept that there are some areas where it is desirable that dogs should be kept on a lead.
- Dogs Trust would urge the Council to consider the Animal Welfare Act 2006 section 9 requirements (the 'duty of care') that include the dog's need to exhibit normal behaviour patterns – this includes the need for sufficient exercise including the need to run off lead in appropriate areas. Dog Control Orders should not restrict the ability of dog keepers to comply with the requirements of this Act.
- The Council should ensure that there is an adequate number, and a variety of, well sign-posted areas locally for owners to exercise their dog off-lead.

6. Re; Dogs on Lead by Direction Order:

- Dogs Trust enthusiastically support Dogs on Leads by Direction orders (for dogs that are considered to be out of control or causing alarm or distress to members of the public to be put on and kept on a lead when directed to do so by an authorised official).
- We consider that this order is by far the most useful, other than the fouling order, because it allows enforcement officers to target the owners of dogs that are allowing them to cause a nuisance without restricting the responsible owner and their dog. As none of the other orders, less fouling, are likely to be effective without proper enforcement we would be content if the others were dropped in favour of this order.

The PDSA's ['Paw Report 2018'](#) found that 89% of veterinary professionals believe that the welfare of dogs will suffer if owners are banned from walking their dogs in public spaces such as parks and beaches, or if dogs are required to be kept on leads in these spaces. Their report also states that 78% of owners rely on these types of spaces to walk their dog.

I would also like to bring your attention to the similar recommendations stated in the Government's ['Anti-social behaviour powers -Statutory guidance for frontline professionals'](#) document, pages 52/53.

We believe that the vast majority of dog owners are responsible, and that the majority of dogs are well behaved. In recognition of this, we would encourage local authorities to exercise its power to issue Community Protection Notices, targeting irresponsible owners and proactively addressing anti-social behaviours.

Dogs Trust works with local authorities across the UK to help promote responsible dog ownership. If you are interested, I can send you a copy of our Services Guide, a document

listing the ways in which we may be able to help with promoting responsible dog ownership in your community. Please do not hesitate to contact should you wish to discuss this matter.

We would be very grateful if you could inform us of the consultation outcome and subsequent decisions made in relation to the Public Space Protection Order.

Yours faithfully,

Jess Hutton  
Campaigns Assistant

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### **Dog friendly (Weymouth)**

I represent a group called Dog friendly (Weymouth) I also have a popular page called dogfriendly.social

Through both the page and group we've met thousands of locals and visitors since 2016. Each sharing their opinion of the extended ban.

We've asked for figures for dog fouling fines since the introduction of this ban. We are actively promoting Weymouth and Portland as a dog friendly place to visit and stay. We have over 200 business who display our sticker.

Over the Christmas and New Year period we have photographic evidence of the dog walkers who visited used our businesses and increased the foot fall.

We understand the concerns expressed by people who dislike dogs, we are active in promoting good dog ownership. Another concern is dog fouling. We challenge people who don't clear up, send positive messages regarding the unacceptable behaviour of a few.

We are active in cleaning our beach with our dog walkers clearing marine litter and nappies from the beach throughout the year. We are proactive in asking people to contact the dog warden office if there is a problem with dog fouling. I have taken responsibility for the area I live in and people understand this is unacceptable. Since 2016 I monitor the area and keep it free from dog litter and also litter dropped by people.

Unfortunately although disability access was accessed after this ban came into force, we feel the source used to predict the amount of disabled people visiting with dogs falls way below the amount of disable people, their families and carers who visit.

Being disabled myself I cannot access the beach from the Groyne at Preston Beach to Overcome corner. It's a constantly moving shingle bank which is 6ft high due to it forming part of the sea defence. There are no disabled access points to the waters edge along the whole length of this section. I suffer from incontinence so walking this area is completely out of the question. Due to accessing facilities, Families who bring the dog with them, cost of kennels are expensive, we have so many people who stay in Hotels Guest Houses Caravan Parks and touring sites. I spoke to many families who use the small areas next to the Pavilion, they explain if their children want to use any of the beach amusements they cannot with a dog. If you have a dog with you and you are disabled you cannot enjoy joining your family at the waters edge due to the ramp being situated against a wall, the plastic ramp is often used by visitors who don't want to sit on the sand. The wheel chairs supplied by The

Lions are sited in front of the beach office and unable if you want to use them on the dog area.

The signage has proved to be confusing and on some occasions out of date until we notified them. Web sites carried out of date information, and many of our caravan parks continued to give out maps until we contacted them in 2018 to advise them the information could lead to their visitors being fined for walking on the beach.

We have been asked to give our opinion by today of the proposed extension. We feel this is too important for just a letter from the stakeholders.

I welcome your response to this email, any advice you can offer would be appropriate.

Linda Stevenson

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### **Kennel Club**

Please find attached our consultation response to the Weymouth and Portland proposed PSPO.

If you have questions or need clarification, please do let us know and we would be happy to provide more information.

### **Issy Cooke**

Public Affairs Assistant  
The Kennel Club

Submitted on 7 January 2019 by: The Kennel Club, Clarges Street, Piccadilly, London W1J 8AB, tel: 020 7518 1020, email: [kcdog@thekennelclub.org.uk](mailto:kcdog@thekennelclub.org.uk)

The Kennel Club is the largest organisation in the UK devoted to dog health, welfare and training, whose main objective is to ensure that dogs live healthy, happy lives with responsible owners. As part of its External Affairs activities, the Kennel Club runs a dog owners group KC Dog which was established to monitor and keep dog owners up to date about dog related issues, including Public Spaces Protection Orders (PSPOs) being introduced across the country.

As a general principle, we would like to highlight the importance for all PSPOs to be necessary and proportionate responses to problems caused by dogs and irresponsible owners. It is also important that authorities balance the interests of dog owners with the interests of other access users.

### **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. The exception to this is when there is a clear indication from the landowner to the contrary.

We would like to take this opportunity to 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.

These proactive measures can include: increasing the number of bins available for dog owners to use; communicating to local dog owners that bagged dog poo can be disposed of in normal litter bins; running responsible ownership and training events; or using poster campaigns to encourage dog owners to pick up after their dog.

## **Dog access**

The Kennel Club does not normally oppose dog exclusion or dog on lead orders in playgrounds or in 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, and that having a child in the home is the biggest predictor for a family owning a dog.

The Kennel Club can support reasonable “dogs on lead” orders, which can - when used in a proportionate and evidenced-based way – include areas such as cemeteries, picnic areas, or on pavements in proximity to cars and other road traffic. However, we will oppose PSPOs which introduce blanket restrictions on dog walkers accessing public open spaces without specific and reasonable justification. Dog owners are required to provide their dogs with appropriate daily exercise, including “regular opportunities to walk and run”, which in most cases will be off lead while still under control.

Their ability to meet this requirement is greatly affected by the amount of publicly accessible parks and other public places in their area where dogs can exercise without restrictions. This section of the Animal Welfare Act was included in the statutory guidance produced for local authorities by the Home Office on the use of PSPOs.

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; this is the approach used by Natural England. 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.

With regards to playing fields, we ask local authorities to consider whether or not access restrictions are absolutely necessary. If they are deemed to be needed, whether time/season limited restrictions would be more appropriate than a continuous exclusion order. We are aware in many areas, dog walkers do allow their dogs to exercise on playing fields when they are not in use.

Of course, we understand the safety reasons behind a restriction while in use. It is also worth noting that compliance with such an order can be difficult for a dog walker if there are no boundaries around the playing field as when exercising their dogs off lead, dogs will not recognise the difference between playing fields and other grassed areas.

The Government provided clear instructions to local authorities that they must provide restriction free sites for dog walkers to exercise their dogs. This message was contained in the guidance document for DCOs, and has been retained in both the Defra/Welsh Government and Home Office PSPO guidance documents, with the Defra guidance for PSPOs stating ‘local authorities should ensure there are suitable alternatives for dogs to be exercised without restrictions’.

A common unintended consequence of restrictions is displacement onto other pieces of land, resulting in new conflicts being created. It can be difficult to predict the effects of displacement, and so the council should consider whether alternative sites for dog walkers are suitable and can support an increase in the number of dog walkers using them.

### **Seasonal Exclusion**

With regard to the proposed dog exclusion orders on Weymouth beach, the Kennel Club believes that the dates should be 1st May – 30th September as this coincides with the current bathing season of 15th May to 30th September. We oppose restrictions which commence on Good Friday (or dates linked to Easter) and continue to a set date in the autumn. Over the course of the next three years, Easter varies by up to 17 days.

Taking the example of the proposed restriction from Wonderland Groyne to Cleethorpes Leisure Centre, walking your dog would be perfectly legal on the beach before 19 April 2019, but would be an illegal activity, with a potential £1,000 fine, on the same date for the following two years.

We are not aware of any evidence that the Easter break is an annual trigger for ongoing anti-social behaviour, which calls into question the need for restrictions to run from Easter to a set date in the autumn. We would question whether such a range in start dates for a PSPO meets the Anti-Social Behaviour, Crime and Policing Act's defined legal test.

If there is evidence of a spike in detrimental activity over the Easter weekend due to increased usage of recreation spots, then a restriction for the busy Easter period would be justified. A separate restriction could then be introduced to address the busier summer months.

### **Dogs on lead by direction**

The Kennel Club strongly welcomes 'dogs on lead 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 the local authority powers 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. There is a danger that, through no fault of its own, a dog could be a 'nuisance' or 'annoyance' to another person who simply does not like dogs.

We would also recommend local authorities make use of the other more flexible and targeted measures at their disposal such as Acceptable Behavioural Contracts and Community Protection Notices. Kennel Club Good Citizen Training Clubs and our accredited trainers can also help those people whose dogs run out of control due to them not having the ability to train a reliable recall.

### **Assistance dogs**

We welcome the intent to include exemptions for assistance dogs from dog fouling, however we would suggest further consideration of the wording contained within the draft Order, specifically with reference to "prescribed charity".

Assistance Dogs UK currently have eight member organisations which can be viewed here - <http://www.assistancedogs.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 also urge the Council to review the Equality and Human Rights Commission guidance for businesses and service providers –

<https://www.equalityhumanrights.com/sites/default/files/assistance-dogs-a-guide-for-all-businesses.pdf>

The Council could consider adopting the definitions of assistance dogs as used by Mole Valley District Council which can be found on page 4 of this document - [https://www.molevalley.gov.uk/media/pdf/1/b/83072\\_-\\_Completed\\_PSPO.pdf](https://www.molevalley.gov.uk/media/pdf/1/b/83072_-_Completed_PSPO.pdf)

### **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