

## Appendix B

Consultation on the proposed extension of existing Orders was sent to:

- All Dorset Councillors
- All Parish and Town Councils
- The 'Friends of' groups in Weymouth representing public open spaces
- Dog Friendly – Weymouth
- Big4Littlemoor
- Dogs Trust
- Dorset Association for the Disabled
- Dorset Blind Association
- Margaret Green Animal Shelter
- National Trust
- Natural England
- Police
- Police and Crime Commission Forum
- RSPCA - West Dorset Branch
- The Kennel Club

The following are the verbatim responses received:

### **1. Weymouth Town Council**

Weymouth Town Council do not support the extension as is of the existing Weymouth PSPO but would like to have parity with other Seaside PSPOs which ban dogs from certain areas between 1st May and 30th September. This desire is supported by the results of the 2015 survey where 63% were in favour of this and a 2019 request from local business to reduce the ban which currently extends to 31st October. Weymouth Town Council would like a variation to the PSPO to achieve this, with public consultation.

### **2. Kennel Club**

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 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 of 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. Therefore we welcome the wording of the proposed PSPO which provides for landowner/occupier discretion.

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 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, 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. For instance, a “dogs on lead” order for a picnic area is unlikely to be necessary in mid-winter.

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’.

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.

In Schedule 2: Exclusion of dogs in West Dorset, North Dorset and Weymouth PSPOs, we have a concern about the wording of the order. *“All land within the administrative area of the council which comprises of... any other fenced (and/or hedged and/or walled) park, sporting or recreational facility signed at its entrance(s) as a ‘dog exclusion area’ (where the sign uses those particular words or uses words and/or symbols having a like effect)”*. This would suggest that any enclosed park with an appropriate sign could become an exclusion area at any point after the order was made, even if it has not been outlined in a consultation. It also does not indicate whether the signage needs to be provided by Dorset Council. We would be concerned that a parish council may read this and interpret it as them having the authority to designate a park as dog exclusion, if it is enclosed and they put up signage.

### **Seasonal Exclusions**

Where a seasonal restriction has been proposed we would ask the council to consider whether a time restriction would be an appropriate addition. We have received feedback and evidence that many beaches are empty in the early mornings and late evenings, a key time for many dog owners to exercise their dogs. Beaches can be an important local resource for owners to make sure their

dogs get the required daily off lead exercise and we see no reason why it should be restricted at times of the day when it is little used, even in the high season.

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 with the West Dorset PSPO. This coincides with the current bathing season of 15th May to 30th September. We oppose restrictions that commence on Good Friday (or dates linked to Easter) and continue to a set date in the autumn. Over the next three years, Easter varies by up to 17 days.

Taking the example of the proposed Weymouth Beach restriction from Good Friday to 31st October, walking your dog would be perfectly legal on the beach before 10th April 2020 but would be an illegal activity, with a potential £1,000 fine, on the same date the following year.

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 an 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.

### **Registered Assistance Dogs**

We would strongly suggest you use the exemptions outlined in the North Dorset PSPO for all four extensions, with the suggested amendments. We welcome the

reference to Assistance Dogs UK and the inclusion of all registered charities, however, it is important to note it 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 and recognise that many disabled people enjoy the company of a pet dog (i.e. not acting as an assistance dog).

We would 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).”

With relation to dog access restrictions such as a “Dogs on Leads Order”, on-site signage should make clear where such restrictions start and finish. This can often be achieved by signs that on one side say, for example, “You are entering [type of area]” and “You are leaving [type of area]” on the reverse of the sign.

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

### **3. The Friends of Rodwell Trail and Sandsfoot Castle:**

The Friends of Rodwell Trail and Sandsfoot Castle having been advised of the new Dorset Council's intention to have a single dog-related PSPO.

As Chair I write to confirm that the current Weymouth & Portland provision for dogs to be on leads on the Rodwell Trail and in Sandsfoot Castle Gardens is required for well-being and we support the continuation of the present arrangements into the long term.

More enforcement would be nice particularly on the Trail. At present the dog fouling is low in both areas – so that is good.

#### **4. The Friends of Lodmoor Country Park**

Thank you for inviting The Friends of Lodmoor Country Park to comment in the proposal to extend the existing PSPO relating to dogs until December 2020.

We held our Autumn Open Meeting tonight, Thursday 12th September, and discussed this with members present.

They supported the view of the committee that we would be happy to have the existing orders extended whilst a public consultation is planned and implemented by the new Dorset Council.

The committee of FoLCP will be encouraging all our members to respond to the future consultation. We have regular comments from Park users regarding the existing PSPO, expressing concern that the order is ignored by dog owners despite our efforts over the past 3 years to inform them in a friendly way.

At our annual Jam / Sandwich event in July, when the new Orienteering Courses were officially launched, I approached a middle aged woman who was in the play area with another woman, some small children and three off-lead dogs. I politely said that the dogs should be on a lead and was subjected to an aggressive stream of abuse (which is all too often the response.) However her most telling statement was, “It’s only a council law”.

Lodmoor Friends strongly believe that until the PSPO in Lodmoor Country Park is enforced through the administering of fines to those who flout this “council law” the situation will never improve.

We acknowledge your shortage of funds and manpower, but would be very grateful if appropriate officers could attend the defined PSPO area and enforce the orders.

A few shock fines might work where our friendly efforts have been consistently scorned.

#### **5. Dog-friendly Weymouth Group**

Thank you for asking for our thoughts on the proposed extension.

The dog friendly Weymouth group came about when the original PSPO was created, going against a public response that was in favour of keeping the dates of May through September.

The extension made earlier this year was not welcome. We had expected to be taking part in a public consultation, however we appreciated that the creation of the unitary council had made this exercise difficult.

We are now being asked for an opinion on a further extension.

We have canvassed opinion on our Facebook group and by talking to other dog walkers. The overwhelming response has been that the extension is not acceptable and that the dates should be reverted and bring Weymouth back into line with Dorset as a whole.

We feel that the Environmental Health team have known since the extension was made that there was a 12 month window in which to plan and ensure that a consultation took place. They would also have know that it was highly likely that an amalgamation of the existing PSPOs would be needed. We agree that one PSPO for Dorset makes sense. We feel that we have been let down in this matter.

We appreciate that our objections to the extension may not be successful. If this turns out to be the case, we propose that along with the extension of the PSPO end date that the dates for the ban of dogs on the beach are varied back to May 1 to September 30. Our understanding is that the ASB act does allow for this to take place.

If you believe that this is not possible please furnish us with the reasons for rejecting the proposal.

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