

Cabinet – 7 November 2023

Question from the Public

1. Question from Cllr David Sarson

As mayor of Lyme Regis, I am conveying Lyme Regis Town Council's strong support of the recommendation from the Place and Resources Overview Committee to include in the Dog-Related PSPO the requirement for dogs to be kept on a lead on Lyme Regis Front Town Beach during the winter.

The town council wants to see a total ban on dogs on Lyme's front beaches all-year-round, a view we shared with Dorset Council but unfortunately has not been taken into consideration. This was not one of the options in the questionnaire and we have serious concerns about the integrity of the consultation. We were forced to choose a 'best fit' response, as I'm sure many other respondents were, which potentially skewed the survey results.

As local councillors, our opinion has been formed by talking to people in the community, by listening to the complaints we receive and with consideration of the tragic events related to dogs we are hearing of nationally. We were therefore very concerned the findings of the public consultation were informed by a large majority of non-residents. The town council is here for Lyme residents, 54% of whom favoured dogs on leads during the winter. I'm sure there are more but the silent majority cannot be accounted for.

The town council is responsible for people who use the public areas under our management and we want people to be prioritised over dogs. A dog off a lead is not under control and all we are asking is for dogs to be kept under control while using the Lyme's only sand beach. We feel it's reasonable to retain just one of our four beaches as a safe place for people to play, walk and relax without fear of being knocked over by a loose dog, or heaven forbid, being attacked by an out-of-control dog.

The argument that there are no other accessible places in Lyme Regis where dogs can have off-lead exercise is simply not true. There are many other open spaces, including beaches, fields and bridleways, which are safe and accessible.

The argument that Lyme's beaches aren't busy in the autumn and winter is also untrue. The 'winter period' would include October and February half terms, the Christmas and New Year break and often Easter, our busiest times.

As landowner of the sand beach, the town council is responsible for public safety, enforcement and cleaning; to help us fulfil these responsibilities, we feel it's absolutely essential dogs are not allowed to run loose on the beach.

If Dorset Council allows dogs off lead during the winter, will it take responsibility for public liability, enforcement and cleaning if an accident happens as a result of dogs running freely?

Response from the Portfolio Holder for Culture and Communities

Allowing a dog to foul without proper removal whether on or off lead is an offence under the Order. Both the Town Council and Dorset Council officers are authorised to serve fixed penalty notices should an offence be witnessed. Where dog mess remains and is notified to Dorset Council, our Waste services will arrange for its removal.

The introduction of the new PSPO will not change this.

Dogs must not be allowed to be 'dangerously out of control' in a public place, which means injuring someone or making someone fear they may be injured. This applies to any breed or type of dog. Owners (or the person in charge of the dog at the time) who allow a dog to hurt a person or other dog may be prosecuted and disqualified from owning a dog. Penalties are also available in situations where a dog is allowed to be dangerously out of control and a person is in fear of being injured even without any injury occurring.

Liability for any injury will rest with the owner/person in charge of the dog. Victims of dog attacks can claim compensation if the dog owner is found to have been negligent, which includes the inability to control their dog.

The Town Council is reminded that variations to the Order can be made if significant concerns about public safety arise. Incidents of reported dog fouling or aggressive behaviours will be monitored as part of the normal review process.

2. Question from Debbie Conibere

I fully support the initial recommendation from the Consultation Report point 1.7.3 to harmonise all Dorset Beaches by permitting dogs off leads on the Lyme Regis Town Beach in the winter period, noting that the majority were in favour of dogs off leads. Given that Officers have found the adjacent beaches are not suitable for anyone with mobility issues it is extremely important that dogs are permitted off lead on the Lyme Regis Town Beach to allow those with mobility issues or disabilities to have a safe and accessible space to exercise their dog off lead as per the Animal Welfare Act 2006. Permitting dogs off leads works well on all the other Dorset Beaches under the PSPO and to include Lyme Regis Town Beach would bring consistency across Dorset.

To not permit dogs off leads would go against the majority in favour of dogs off leads and question the reliability of participating in future Consultations should the majority be ignored. It would also go against the statement in point 1.6.1 in gaining consistency across Dorset. A dogs on leads restriction would be neither appropriate nor proportional given the findings in point 1.7.3 that there is no evidence of significant use of this beach compared with other Dorset beaches without restrictions. For the past 2.5 years I have taken daily photographs of the empty Lyme Regis Town Beach which I have submitted as evidence that confirms there is no significant use of the Town Beach during the winter months. Given that many with mobility issues already face huge obstacles in their life being refused to have their companion dog off lead could impact negatively on mental well-being.

I ask Cabinet to please adhere to the initial recommendations from the Consultation Report for dogs off leads on the Lyme Regis Town Beach. This would support a harmonisation of restrictions and would provide an inclusive space for everyone, including law abiding dog owners, especially those with mobility issues or disabilities, to exercise their dogs off leads.

What can Cabinet do to ensure that Lyme Regis Town Beach is in harmony with the other Dorset Beaches under the PSPO to become an inclusive space for everyone to address the issues of those with mobility issues?

3. Question from Richard Daw

Since I have become disabled myself with severe mobility problems, I have realised that Lyme Regis does not have any safe suitable places to walk my dog off lead except the Town Beach and Dorset Council Officers have agreed with this. 54% of respondents were in favour of dogs off leads, leading to the initial recommendation for dogs off leads as per point 1.7.3 of the consultation report which I fully support. To have dogs off leads on the Lyme Regis Town Beach would harmonise all Dorset Beaches . It is extremely important that dogs are permitted off lead on the Lyme Regis Town Beach to allow those with mobility issues or disabilities to have a safe and accessible space to exercise their dog off lead as per the Animal Welfare Act 2006. Permitting dogs off leads works well on all the other Dorset Beaches under the PSPO and to include Lyme Regis Town Beach would bring consistency across Dorset.

To not permit dogs off leads would go against the majority in favour of dogs off leads and would cause people to believe that democracy does not work. If the majority of respondents were ignored then one would question what would be the point of participating in any future consultations. To not permit dogs off leads would also go against the statement in point 1.6.1 in gaining consistency across Dorset beaches. Given the findings in point 1.7.3 a dog's on leads restriction is not proportionate especially given there has been no evidence of usage between the Town Beach and other Dorset Beaches that do permit dogs off leads.

Living with a disability is already difficult, by not providing a safe and accessible space for dog off lead exercise has a severe negative affect on mental well-being as it feels the decision makers do not care for those who with mobility issues Please could Cabinet consider those who are less mobile and go with the initial recommendations from the Consultation Report for dogs off leads on the Lyme Regis Town Beach. This brings all beaches in line with the restrictions and would provide an inclusive space for all to enjoy.

I wish to ask Cabinet how will you ensure the Officers concerns about adjacent unsuitable beaches are taken into account when deciding about year round dog off lead access on the Lyme Regis Town Beach (as a disability doesn't vanish in the summer), taking into consideration those with disabilities so that we are not treated like a second class citizen due to not providing us with a safe and accessible space for dog off lead exercise?

4. Question from Helen Davey-Smith

Given that the Consultation Report findings have led to the recommendation for dogs to be permitted to be off lead during the off-season months of 1st October - 30 April in line with other Dorset beaches, a recommendation that I would like upheld, and that the Consultation Report was the result of Dorset Council's transparent democratic online Consultation that resulted in 54% voting in favour for the current PSPO restriction of dogs on lead in those off season months to be removed, what would be the reason for ignoring that 54% majority requesting dogs to be permitted off lead - as Lyme Regis Town Council seems to want?'

5. Question from Martin and Kay Pennycott

The consultation for the new PSPO, as stated in your terms of reference, "will be a chance for people, residents, business owners, organisations and visitors, to have their say on where and when they think there should be restrictions on dogs in public places, including beaches". The consultation closed on Friday 25th August 2023 with no further comments accepted.

Question - Can the council confirm that all the above views from all stated parties will be included and honoured from the consultation and that any information submitted outside of the above timeframe (including any supplementary information from the LRTC following the meeting on Thursday 5th October 2023) will be discounted and will not influence the recommended decision in anyway?

For Lyme Regis, this would mean going with your own officer's recommendations - a majority vote of 54% for off lead on Sandy Beach in the winter months when the beach is much, much quieter; allowing those with mobility issues to have access to a safe space (alternatives are not safe nor accessible) and will harmonise Lyme Regis with all other areas in Dorset.

Lyme Regis Town Council have a very negative view of dog ownership and seem to be allowing personal opinions to influence their recommendations, which is not representative of all residents at all. Stating that all constituents are against dogs being allowed off lead in the winter months is not my experience nor those of the many people I talk to - both dog owners and non dog owners. Lyme Regis, outside of the Town Council's bubble, is generally a very dog friendly and welcoming place with many of the restaurants, cafes and shops all being dog friendly. The Town Council's view is contrary to this and should not be allowed to sway the decision of a fair and open consultation process.

6. Question from Shaun McConnell

Preamble:

I am in the process of moving to Lyme Regis from Derbyshire. One of the reasons for choosing this delightful town as a place to live is its dog-friendliness, in that the vast majority of shops, pubs and restaurants in Lyme Regis welcome dogs with open arms.

Question:

What direct and documented evidence has been presented to the Cabinet, which would go against the recommendation for permitting dogs off leads in winter, on the front beaches in Lyme Regis?

Response from the Portfolio Holder for Culture and Communities (for questions 3 - 7

Thank you all for your questions. This is a very emotive subject and there are strong feelings held by dog owners and non-dog owners alike. During the whole period of this process, we have received not only impassioned but well-constructed responses and viewpoints from residents, visitors and others. We have tried very hard to give each our full consideration and where necessary have asked for appropriate legal or equality advice from colleagues and other agencies.

We are confident that the process we have undertaken to make the new Dog Related Public Spaces Protection Order has been robust and has followed all the required steps of both the statutory and democratic processes. Due regard has been given to the Equality Act 2012 and our Public Sector equality duty and in setting out our recommendations, we have sought to have a balanced and fair approach to our decision making.