

Appendix 1

Consultation on proposed new Dog Control Public Space Protection Orders in Merton – Summary report

**January 2018
Consultation & Community Engagement Team**

1. INTRODUCTION AND PURPOSE OF THE CONSULTATION

- 1.1 Residents, friends' groups, police and dog walkers have told us that they are concerned about growing numbers of dog-related problems in public places, including dog fouling, unmanageable groups of dogs, and dogs in children's play areas.
- 1.2 Whilst it is acknowledged that most dog owners and dog walkers behave responsibly, as a result of growing concerns the Council has opted to consider action against those who don't.
- 1.3 One solution that could be effective is to introduce a new Dog Control Public Space Protection Order (PSPO) made under the Anti-social behaviour, Crime and Policing Act 2014, which would replace Dog Control Orders (DCOs.) made under the Clean Neighbourhoods and Environment Act 2005.
- 1.4 Merton currently has two DCOs in place:
 - It is an offence for any dog owner or dog walker to fail to clear up after their dog. This order applies across the whole borough.
 - Designated dog-free areas. This order applies to specific parts of the borough, for example, children's play areas.
- 1.5 These Dog Control Orders ceased to exist in October 2017 however under transitional provisions in the 2014 Act they automatically become effective as PSPOs until October 2020. The Dog Control Public Space Protection Order which the council is proposing to introduce in their place would cover the following:
 - Prohibition of dog fouling, ensuring owners and walkers clear up after their dogs. This would include Morden Hall Park and Mitcham Common, but excluding Wimbledon Common, which has its own byelaws. To replace the existing DCO.
 - Dog exclusion areas such as playgrounds and enclosed/fenced play or sports areas, including multi-use games areas, basketball and tennis courts, outdoor gyms, bowling greens and skate parks. To replace the existing DCO.
 - Dogs must be put on a lead in public open spaces when directed to do so by an authorised council officer, council-appointed specialist contractor or police officer/police community support officer. This would include Morden Hall Park and Mitcham Common, but excluding Wimbledon Common, which has its own byelaws. This PSPO is being considered because we have received growing reports from park users whose dogs are being attacked by loose dogs whose owners have no control over them.
 - The maximum number of dogs that can be walked by one person in all public open spaces at any one time is four. This would include Morden Hall Park and Mitcham Common, but excluding Wimbledon Common, which has its own byelaws - This order is being considered due to concerns about the ability of dog walkers to properly manage more than four dogs at any one time and clean up after them. The proposed order suggests a four dog maximum based on the precedent set by other London boroughs: of those who have adopted a maximum dogs order, many have set the limit at four, including neighbouring boroughs Croydon and Lambeth.

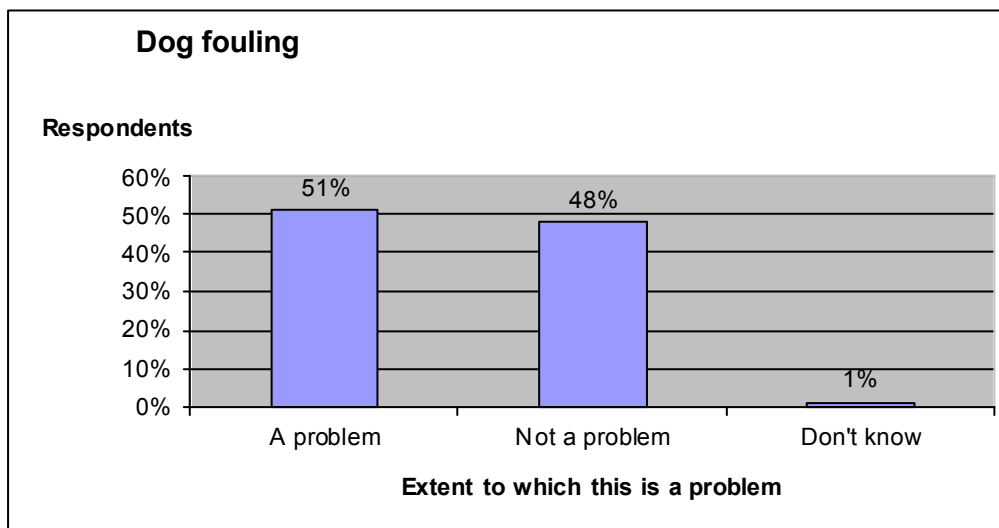
- 1.6 Contravention of a PSPO results in the issue of a fixed penalty notice. Non-payment may result in prosecution and a fine of up to £1,000
- 1.7 To ascertain whether a PSPO is needed in the borough to tackle concerns about dog-related problems, the Council carried out a programme of public consultation seeking the views of local residents, park users, dog owners and other stakeholders.
- 1.8 The consultation was not carried out as a quantitatively representative survey. The feedback received should therefore not be interpreted as a deciding vote on the matter, more as indicative of public feeling.

2. METHODOLOGY

- 2.1 The public consultation on the proposed new Dog Control Orders was launched on 24 August 2017 and ended after almost 10 weeks, on 30 October 2017.
- 2.2 A number of stakeholders were identified as important consultees to be notified of and included in the consultation. This included:
- Friends of Parks
 - Members of Merton's Dog Watch, a neighbourhood watch scheme for dog walkers
 - The Kennel Club UK
 - Battersea Dogs and Cats' Home
 - The Dogs Trust
 - The Professional Dog Walkers' Association
 - The National Association of Pet Sitters and Dog Walkers
 - The National Trust (which owns Morden Hall Park)
 - Wimbledon Common
 - Neighbourhood Watch and Safer Neighbourhood teams
 - Elected members of Merton Council
 - The local press
- 2.3 Notification and publicity of the consultation took place through a number of methods:
- All of the details of the consultation were posted on the council's website, both on its Dog Control pages and on its consultation database.
 - A letter outlining the consultation and details of the proposed DCOs was sent to the above-listed stakeholders (see Appendix 1). The letter included a link to Merton Council's Dog Control consultation web page, where they would be able to find out more and complete an online survey about the proposed PSPOs (see appendices 2 and 3).
 - Posters were put up on notice boards and at entrances to parks and green spaces in the borough to inform park users and local residents of the consultation and how they could get involved (see Appendix 4).
 - A notice about the consultation was put in My Merton, to inform residents.
 - A press release was issued, which featured in local newspapers as well as on the Council's website.
 - The consultation was publicised through Merton Council's Twitter account with a link to the online survey to encourage greater feedback on the proposals.
 - Attendees at the Council's annual Community Forums were notified of the consultation and informed of how they could get involved.
 - Paper copies of the online survey were made available for people upon request.

3. RESULTS/FEEDBACK

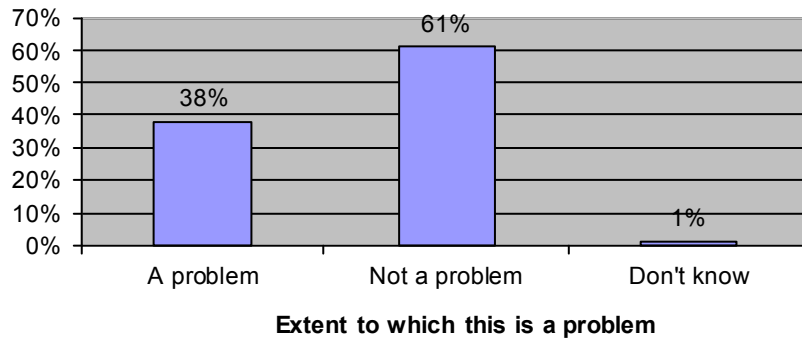
- 3.1 The key aim of the consultation was to obtain qualitative feedback on the proposed Dog Control Orders. The Council did not sample the local population and consequently did not target a representative proportion of people; rather, the aim was to gauge people's views and ensure all relevant factors are taken into account in reaching a decision. Therefore the results of the consultation should be viewed as an indication of the strength of feeling, not as an accurate quantitative assessment.
- 3.2 A total of 1,243 people completed the survey, primarily online, with seven paper copies received.
- 3.3 Of the 1,243 respondents, 77% lived in Merton, 54% owned a dog and 56% regularly walked one or more dogs.
- 3.4 Respondents were asked to rate a list of dog-related issues by how much of a problem they felt they were in Merton. As can be seen by the graphs below, in three cases, the majority of respondents did not feel that the issues asked about were a problem in the borough¹. In the case of dog fouling, however, opinions were more evenly divided.



¹ The survey's answer options 'A very big problem' and 'Quite a big problem' have been combined in the graphs and are shown by the 'A problem' bar. Answer options 'A minor problem' and 'Not a problem at all' have been combined in the graphs and are shown by the 'Not a problem' bar.

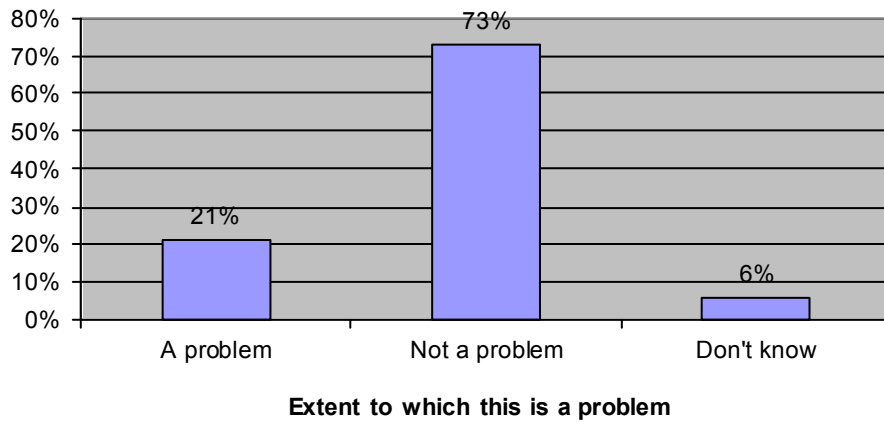
Dogs not kept under adequate supervision by their owners

Respondents



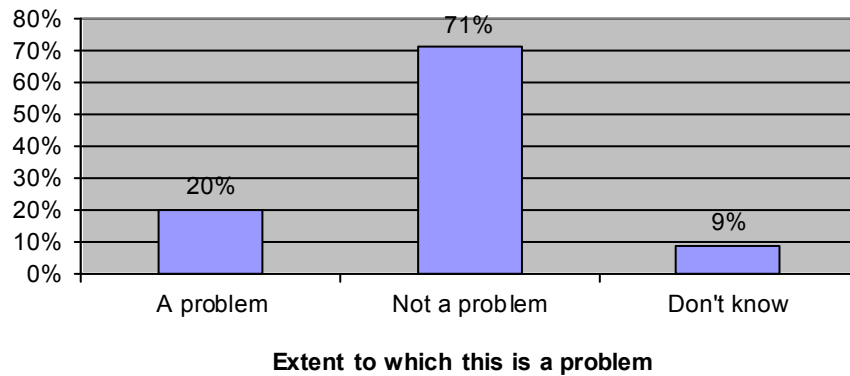
Aggressive behaviour by dogs towards people

Respondents

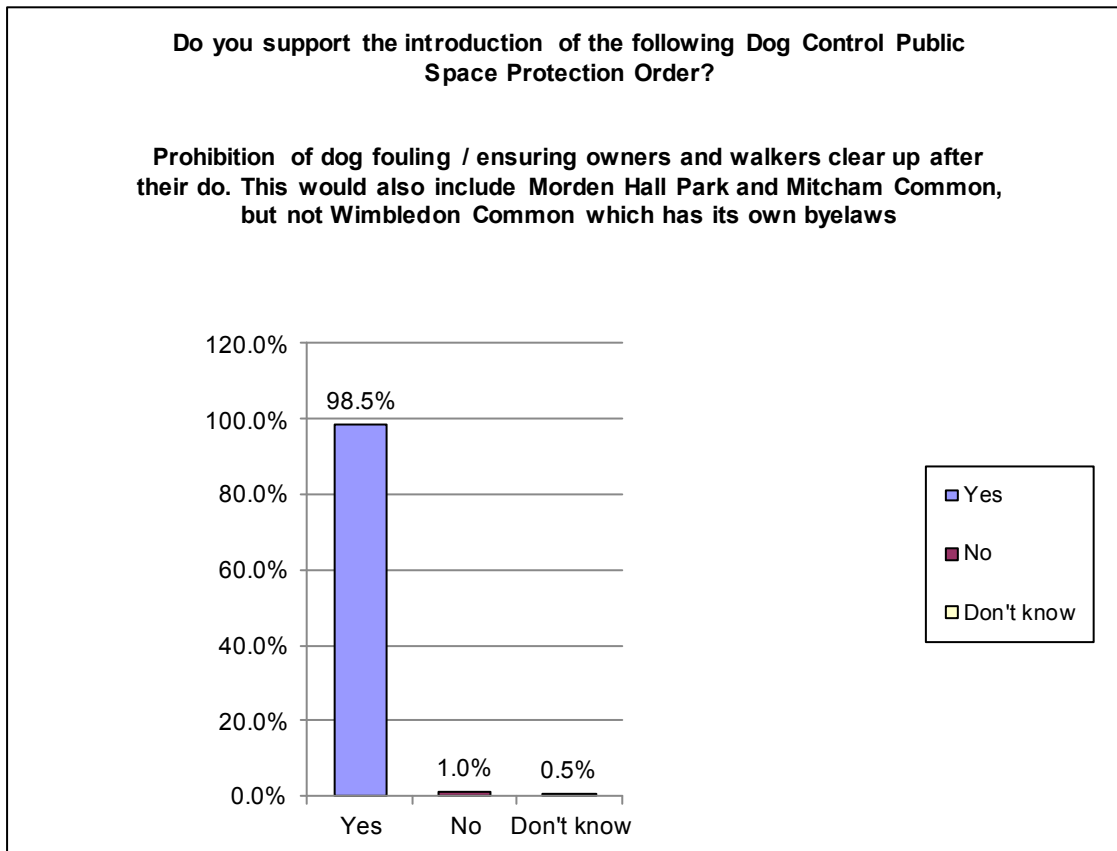


Dogs attacking or fighting with other dogs and animals

Respondents

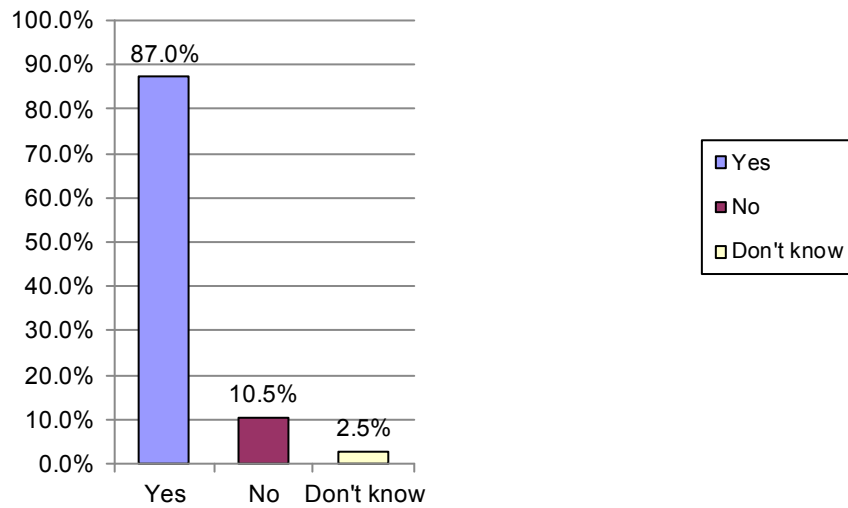


3.5 Although the majority of respondents indicated that they didn't feel dog-related problems were a concern in Merton, a high number, when asked, still felt that Dog Control PSPOs should be brought into effect:



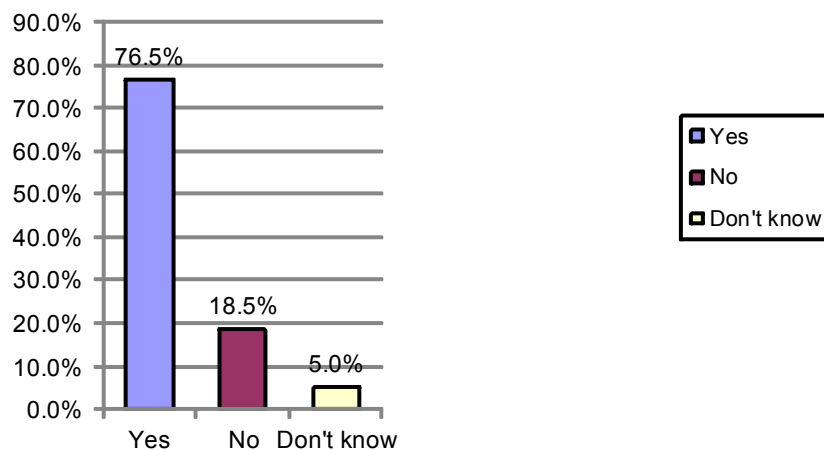
Do you support the introduction of the following Dog Control Public Space Protection Order?

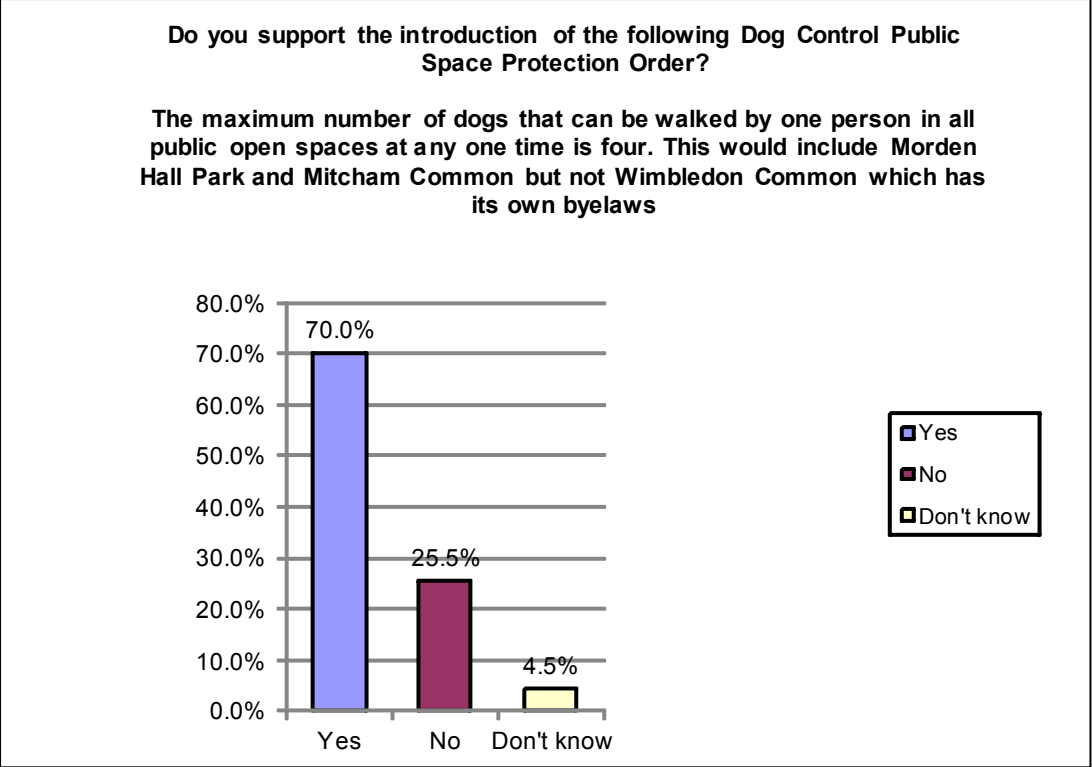
Dog exclusion areas such as playgrounds and enclosed/fenced play or sports areas (including multi-use games areas, basketball and tennis courts, outdoor gyms, bowling greens and skate parks. This would also include Morden Hall Park and Mitcham Common, but not Wimbledon Common which has its own byelaws



Do you support the introduction of the following Dog Control Public Space Protection Order?

Dogs must be put on a lead in public open spaces when directed to do so by an authorised officer. This would also include Morden Hall Park and Mitcham Common but not Wimbledon Common which has its own byelaws





- 3.6 When broken down between dog owners and those who don't own dogs, the difference in levels of support for the proposed PSPOs was as follows:
- Support for a dog fouling PSPO: 98% of dog owners in favour; 99% of those who don't own dogs in favour.
 - Support for a PSPO for dog exclusion areas: 79% of dog owners in favour; 97% of those who don't own dogs in favour.
 - Support for a PSPO for dogs to be put on a lead when directed to do so: 62% of dog owners in favour; 93% of those who don't own dogs in favour.
 - Support for a PSPO forbidding more than four dogs to be walked by one person at any time: 56% of dog owners in favour; 87% of those who don't own dogs in favour.
- 3.7 The above differences were similar when levels of support between dog walkers and those who do not walk dogs were looked at.
- 3.8 Whilst there is clearly a marked difference in levels of support for some of the proposed PSPOs between dog owners/walkers and those who do not own/walk dogs, it is noticeable that for all sets of respondents, the majority were still in favour of each of the proposed orders.
- 3.9 989 comments were received in response to an open question about how respondents would be affected by a restriction of only being able to walk four dogs at any one time. Some of these comments were from professional dog walkers expressing concern about the impact upon their businesses and people who use dog walking services concerned about the availability of such services should a restriction be introduced. Others were from respondents saying they would not be affected at all, that they supported the restriction on safety grounds, and that they felt more than four dogs could not be controlled

- by one person. Due to time constraints, a detailed analysis/breakdown of these comments is not available at the time of writing this report.
- 3.10 Support for the PSPOs came from a mixture of non dog owners, dog owners and dog walkers, with all three stating concerns about dogs not being kept under control by their owners, e.g.:
- “I am a pet owner, not a professional dog walker and I have felt intimidated when coming across large groups of dogs which very often do not seem to be completely under one person's control.”
 - “I would feel much safer as several dog walkers cannot control the numbers they walk. Max should be three.”
 - “As a qualified dog trainer I think 4 dogs is a reasonable and responsible number to be walked by 1 person.”
- 3.11 Of those who were opposed to the proposed PSPOs, the main concerns were about the businesses and future availability of dog walkers:
- “As a professional dog walker I walk more than 4 dogs and my business, along with many others, would be greatly affected. In the main professional dog walkers do have control of their dogs and do pick up after them.”
 - “The lady we use regularly would struggle to remain in business, and is well able to control 6-8 dogs at a time. Walkers should be licenced by ability and competence, rather than a blanket number restriction.”
 - “Costs of dog walkers will go up and less availability.”
- 3.12 A further 772 respondents left general comments in response to the overall consultation. Due to time constraints, a detailed analysis/breakdown of these comments is not available at the time of writing this report, but the majority appear to reiterate the previous points made about how the PSPOs might affect people, from concerns about a potentially negative impact upon dog owners, to comments of support for the PSPOs. There were also comments questioning how the new PSPOs would be enforced and comments voicing concern about existing dog-related problems such as fouling and intimidation.
- 3.13 In addition to the completed surveys, two people commented on the consultation by sending emails to the council. These written responses consisted of a mixture of support and opposition to the various PSPOs. They also included queries about whether the council would introduce licenses for dog walkers, how the PSPOs would be enforced and requested further information on the proposed limit of four dogs per person and how this PSPO might apply to groups of people walking dogs.
- 3.14 The Dogs Trust responded to the consultation with an email, which voiced support for all four of the Council’s proposed Dog Control PSPOs. However, the Trust also stated that it favoured two of the orders above the others: an order for dog fouling; and an order to put dogs on a lead when directed to do so, as it felt that these two orders would be more targeted towards owners that allow their dogs to cause a nuisance.

4. CONCLUSION

- 4.1 In carrying out a public consultation on the proposed Dog Control Public Space Protection Orders, Merton Council has sought to gauge an indication of public feeling on the orders.
- 4.2 A significant number of responses were received to the consultation, the majority from Merton residents, but with a fairly equal split between dog owners/walkers and non-dog owners/walkers.
- 4.3 Whilst most respondents did not feel out of control dogs are a significant problem in the borough, all four of the proposed PSPOs received more support than opposition from respondents.
- 4.4 One of the main concerns that arose from the consultation was that of enforcement. Many respondents felt that dog fouling, for which Merton already has an order in place, is not enforced strongly enough. There was therefore some concern over how further orders will be enforced.
- 4.5 The recommendations which will be put to members for consideration will be informed by the comments received from all parties.

Appendix 1 - Letter about the consultation

ENVIRONMENT AND REGENERATION DEPARTMENT

(RecipientName)
(Address1)
(Address2)
(Address3)
(Postcode)

Leisure and Culture Greenspaces
London Borough of Merton
Merton Civic Centre
London Road
Morden SM4 5DX

21 August, 2017

Dear X

New Dog Control Public Space Protection Orders

Residents, Friends of Parks, police and dog walkers have told Merton Council that they are concerned about growing numbers of dog-related problems in public places, including dog fouling, unmanageable groups of dogs, and dogs in children's play areas. Whilst we know most dog owners and dog walkers behave responsibly, the council needs to consider action against those who don't.

A Public Space Protection Order is a new measure, created by the Anti-Social Behaviour, Crime and Policing Act 2014, which replaces some existing legislation and introduces wider discretionary powers to deal with any particular nuisance or problem that is detrimental to the local community's quality of life.

The council currently has two Dog Control Orders in place:

- It is an offence for any dog owner or dog walker to fail to clear up after their dog. This order applies across the whole borough.
- Designated dog-free areas. This order applies to specific parts of the borough, for example children's play areas.

We are now consulting residents and visitors to the borough on plans to replace these Dog Control Orders, which are due to expire, with Dog Control Public Space Protection Orders that would cover the following:

- **Prohibition of dog fouling** ensuring owners and walkers clear up after their dogs.
- **Dog exclusion areas** such as playgrounds and enclosed/fenced play or sports areas, including Multi-Use Games Areas, basketball and tennis courts, outdoor gyms, bowling greens and skate parks

- **Dogs must be put on a lead in public open spaces when directed** to do so by an authorised council officer, council-appointed specialist contractor or police officer/police community support officer. This would include Morden Hall Park and Mitcham Common, but excluding Wimbledon Common, which has its own byelaws.

This PSPO is being considered because we have received growing reports from park users whose dogs are being attacked by loose dogs whose owners have no control over them. Many park users have said they avoid visiting certain parks due to dogs being off the lead.

- **The maximum number of dogs that can be walked by one person in all public open spaces at any one time is four.** This would include Morden Hall Park and Mitcham Common, but excluding Wimbledon Common, which has its own byelaws.

This order is being considered due to concerns about the ability of dog walkers to properly manage more than four dogs at any one time and clean up after them.

Contravention of a PSPO results in the issue of a fixed penalty notice. Non-payment may result in prosecution and a fine of up to £1,000.

Have Your Say

Tell us what you think about Dog Control Orders by visiting www.merton.gov.uk/dogcontrolorders and completing our online survey from 24 August 2017. All responses must be received by Monday 30 October 2017, when the consultation closes.

Appendix 2 - Consultation survey form

Dog Control Public Space Protection Orders, 2017

We are proposing to introduce Public Space Protection Orders (PSPOs) in Merton to control antisocial behaviour caused by irresponsible dog owners, including dogs being out of control and attacks by loose dogs on other dogs, animals and people. The PSPOs would cover dog fouling, dogs on leads, exclusion areas and multiple dog walking.

Please tell us what you think about dog control in the borough and about the proposed PSPOs by taking a few minutes to complete our survey.

To find out more about the proposed PSPOs, visit: www.merton.gov.uk/dogcontrolorders

Dog Control Public Space Protection Orders

1: Do you live in Merton?

Please select one option only.

Yes []

No []

2: If yes, please tell us your post code.

3: Do you, or others in your household, own a dog?

Please select one option only.

Yes []

No []

4: Do you regularly walk a dog/dogs?

Please select one option only.

Yes []

No []

5: If yes, on average how many dogs do you walk at any one time? Please note a maximum response of 20 can be entered.

6: Are you responding as:

Please select one option only.

- An individual
- A professional dog walker
- Both

7: How much of a problem do you think the following are in your area?

Please select one option only in each row.

	A very big problem	Quite a big problem	A minor problem	Not a problem at all	Don't know
Dog fouling	[]	[]	[]	[]	[]
Dogs not kept under adequate supervision by their handlers	[]	[]	[]	[]	[]
Aggressive behaviour by dogs towards people	[]	[]	[]	[]	[]
Dogs attacking or fighting with other dogs and animals	[]	[]	[]	[]	[]

8: Do you support the introduction of the following Dog Control Public Space Protection Orders in Merton?

Please select one option only in each row.

	Yes	No	Don't know
Prohibition of dog fouling / ensuring owners and walkers clear up after their dogs	[]	[]	[]
Dog exclusion areas, such as playgrounds and enclosed/fenced play or sports areas (including Multi Use Games Areas, basketball and tennis courts, outdoor gyms, bowling greens and skate parks)	[]	[]	[]
Dogs must be put on a lead in public open spaces when directed to do so by an authorised officer. This would also include Morden Hall Park and Mitcham Common but not Wimbledon Common which has its own byelaws	[]	[]	[]
The maximum number of dogs that can be walked by one person in all public open spaces at any one time is four. This would include Morden Hall Park and Mitcham Common but not Wimbledon Common which has its own byelaws	[]	[]	[]

9: How would you be affected by a restriction of only being able to walk four dogs at any one time, if at all?

10: Please leave any additional comments and feedback you may have about issues relating to the proposed Dog Control Public Space Protection Orders.

About you

You do not have to answer these questions but doing so helps us see how representative the responses to the survey are. This will help us plan improvements to our services more effectively. What you tell us is strictly confidential and will not be used for any purpose other than analysing this survey.

11: Are you?

Please select one option only.

Male []

Female []

12: What is your age group?

Please select one option only.

- Under 16 []
- 16-24 []
- 25-34 []
- 35-44 []
- 45-54 []
- 55-64 []
- 65-74 []
- 75 or over []

13: Do you consider that you have a disability?

Please select one option only.

- Yes []
- No []

14: How would you describe yourself?

Please select one option only.

- White – English/Welsh/Scottish/Northern Irish/British []
- White – Irish []
- White - Gypsy or Irish Traveller []
- White - Any other White background []
- Black or Black British - Caribbean []
- Black or Black British - African []
- Black or Black British - Any other Black background []
- Asian or Asian British - Indian []
- Asian or Asian British - Pakistani []
- Asian or Asian British - Bangladeshi []
- Asian or Asian British - Chinese []
- Asian or Asian British - Any other Asian background []
- Mixed/multiple ethnic groups - White and Black Caribbean []
- Mixed/multiple ethnic groups - White and Black African []
- Mixed/multiple ethnic groups - White and Asian []
- Mixed/multiple ethnic groups - Any other Mixed background []
- Other ethnic group - Arab []
- Other ethnic group - Any other ethnic group []

Thank you for completing this survey. Your feedback is important and will be used to inform our decision on whether Dog Control Public Space Protection Orders are required in Merton and which specific PSPOs are needed.

Appendix 3 - Further information provided online about the proposed PSPOs

What is a Public Space Protection Order (PSPO)?

A PSPO is a new measure, created by the Anti-Social Behaviour, Crime and Policing Act 2014, that replaces some existing legislation and introduces wider discretionary powers to deal with any particular nuisance or problem that is detrimental to the local community's quality of life. PSPOs seek to ensure that the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour. The Orders can be enforced by fixed penalty notices and prosecution.

Why do we need Public Space Protection Orders for dog control?

Residents and park users have told us that dog fouling, dogs off their leads, unmanageable groups of dogs, aggressive dogs and dogs in children's play areas and on sports pitches are a concern. We also recognise that there are a minority of owners who allow their dogs to intimidate people and other animals and damage the environment.

We are committed to tackling these issues and as such, the Council is considering making PSPOs based on the issues we hear most about from residents and invites comments and alternative suggestions in this consultation from anyone who lives, works or visits the areas concerned.

What PSPOs is the council considering?

- Prohibition of dog fouling/ensuring owners and walkers clear up after their dogs
- Dog exclusion areas, such as playgrounds and enclosed/fenced play or sports areas (including Multi Use Games Areas, basketball and tennis courts, outdoor gyms, bowling greens and skate parks).
- Dogs must be put on a lead in public open spaces when directed to do so by an authorised council officer, a council-appointed specialist contractor or police officer/police community support officer. This would also include Morden Hall Park and Mitcham Common but not Wimbledon Common which has its own byelaws.
- The maximum number of dogs that can be walked by one person in all public open spaces at any one time is four. This would include Morden Hall Park and Mitcham Common but not Wimbledon Common which has its own byelaws.

What will the penalty be for anyone found breaching a PSPO?

A fixed penalty notice will be issued. Non-payment may result in prosecution and a fine of up to £1,000.

Who can enforce the Orders?

Authorised council officers, council-appointed contractors, police officers and police community support officers (PCSOs).

Is anyone exempt from the Orders?

The Orders will not apply to registered blind persons and their guide dogs or to dogs registered with Dogs for the Disabled, Support Dogs and Canine Partners for Independence, on duty police dogs and rescue dogs.

How will I know where the PSPOs apply?

Putting a dog on a lead of no more than two metres in length when directed by an authorised council officer or police officer/police community support officer will apply to all public open space across the borough, including Morden Hall Park and Mitcham Common but excluding Wimbledon Common, which has its own byelaws.

Dog exclusion areas will be indicated by appropriate signage.

A restriction on individuals of walking no more than four dogs at any time would also apply to any public open space in Merton, including Morden Hall Park and Mitcham Common but excluding Wimbledon Common, which has its own byelaws.

Will I be able to walk my dog in any public open space, like parks?

There are certain places, known as exclusion zones, where dogs are not allowed, such as children’s play areas and ball courts.

What does the consultation seek to do?

The consultation is aimed at balancing the interests of dog owners and non-dog owners. The consultation seeks to obtain information and opinions from local residents, park users, dog walkers and other user groups.

We want to balance the interests of those affected by the activities of dogs, bearing in mind the need for people, in particular children, to have access to dog-free areas and areas where dogs are kept under strict control, and the need for those in charge of dogs to have access to areas where they can exercise their dogs without undue restrictions.

The information we receive from the consultation will be used to help decide what the sensible approach to dog control in Merton may be.

What are the next steps?

Once we have received the results of the consultation, we will assess comments from all parties and determine if and in what format dog control PSPOs should be made.

The proposed timetable is as follows:

Thursday 24 August – Monday 30 October, 2017	Consultation on proposed PSPOs
Late Autumn/Early Winter	Consideration of consultation responses and decision on which orders to adopt
Spring 2018	PSPOs in place

Appendix 4 - Poster advertising the consultation

MERTON COUNCIL

What's up dog?

Consultation on dog controls in our parks

Merton Council is considering new rules to safeguard our parks against uncontrolled dogs and irresponsible dog walkers.

Find out more and tell us what you think at:

merton.gov.uk/dogcontrolorders



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