

# ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE

Tuesday, 15 January 2019

<u>Present:</u>	Councillor	T Jones (Chair)	
	Councillors	J Bird A Brame T Cottier T Cox G Ellis S Jones B Kenny	C Muspratt T Smith A Sykes B Berry C Blakeley (In place of A Hodson) J Stapleton (In place of S Foulkes) EA Grey (In place of K Cannon)
<u>In attendance:</u>	Councillors	I Lewis L Rennie	
<u>Apologies</u>	Councillors	K Cannon S Foulkes A Hodson	

## 34 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST / PARTY WHIP

Members were asked to consider whether they had any disclosable pecuniary interests and/or any other relevant interest in connection with any item(s) on this agenda and, if so, to declare them and state the nature of the interest.

Members were reminded that they should also declare whether they were subject to a party whip in connection with any item(s) to be considered and, if so, to declare it and state the nature of the whipping arrangement.

Councillor Christina Muspratt declared a personal interest in general as she is a dog owner.

Councillor Chris Blakeley declared a personal interest in general as he had spoken publicly about his opposition to the proposal and had spoken on behalf of petitioners. He gave assurance however that he would remain open minded at this meeting.

## 35 DOGS PUBLIC SPACE PROTECTION ORDER

Before the commencement of the meeting the Chair announced that in view of the large number of members of the public in attendance the meeting would be displayed in the Council Chamber if anyone wished to be seated. A proposal to move the meeting to the Civic Hall was discussed however the Chair indicated that there would be no facility to webcast the meeting. Following discussion, taking into account the views of members of the public, the meeting continued in its current venue.

The Chair welcomed everyone to the meeting and gave a reminder that this was a Scrutiny Committee – it was not a decision-making Committee and its brief was to make recommendations to Cabinet. The Chair also indicated that Councillors Ian Lewis and Lesley Rennie were in attendance at the meeting as ex-officio Members and would not be voting.

The Chair introduced the report and highlighted that that feedback related to a small minority of dog owners and was clearly not a reflection of the behaviour of many thousands of dog owners in the Borough. The Chair introduced Mike Cockburn, Lead Commissioner – Environment Strategy & Partnerships who gave a presentation on the proposed Dog Control Public Spaces Protection Order – Consultation and Proposed Measures. The report set out the proposed dog control outcomes with the aim to create a safer environment for all users at Wirral's open spaces and parks including dog owners and their pets. The Appendices to the report provided the Proposed Dog Control Public Spaces Protection Order, the Proposed Locations for the Applications of PSPO Measures and the Consultation and Stakeholder Engagement Summary Report. The presentation gave an outline of dog behaviour issues, current dog control measures and provided residents' survey findings and feedback. The initial set of proposed measures was detailed together with the feedback following an extensive 6 week consultation that had generated more than 9,000 responses. The presentation showed that there had been fairly strong agreement and support with some of these proposals and more of a mixed view of opinions on the introduction of dog free zones in certain locations. The Committee were apprised of the final proposals and it was emphasised that certain measures i.e. Dog restrictions on the 5 bathing beaches and marked sports pitches not meeting the threshold outlined and Dogs on lead measures for A and B roads, public car parks, unbounded picnic sites and play equipment and the public areas within allotment sites were not being put forward. Mike Cockburn concluded the presentation by giving a summary of the final proposals that had been determined following extensive consultation with the public and campaign groups. He informed the Committee that if the proposals were approved work would begin to put them in place starting in the Spring and work would continue to involve campaign groups.

The Chair then invited Mr Rob Wilkinson (Wirral Good Dogs) to address the Committee. Mr Wilkinson thanked the Committee for the opportunity to speak

at the meeting. He said that he had been asked to present evidence at this meeting and referred to a previous meeting where the Leader of the Council had referenced 6 cases of toxocariasis in Wirral. Mr Wilkinson said he had been unable to find any evidence of this after making FOI enquiries. He argued that Wirral was one of the best areas in the country for picking up after dogs and that the proposal was 'using a big stick for a small problem' and that PSPO was not the solution to the issue. In response to Mike Cockburn's assertion that the Council had met with campaign groups who were supportive of the proposed measures he maintained that the RSPCA were not in agreement. Mr Wilkinson also argued that the proposal would put in place the enforcement agency, Kingdom, the right to impose fines on owners with dangerous dogs however fines would not impact on lifestyles. He provided examples of various dog owners' concerns e.g. the concerns of an assisted dog owner and disputed that Kingdom would have properly trained staff. He also maintained that alternative suggestions should be considered and that the Council should consider measures that were 'creative not punitive'. He further believed that not many fines would be realised as there was a loophole that dog owners did not legally have to provide their names and addresses.

The Chair then opened the meeting up to questions from members of the Committee.

A member sought clarification on the fact that currently dogs were not allowed in cemeteries and children's playgrounds. The Member asserted that there was an increase in new playing field areas being marked out in some parts of the Borough and asserted that if the proposals were put in place dog owners would only move to new areas. Wirral was promoted as a healthy area to live and there was no evidence that the measures would work. The member further commented that the proposals would demonise the majority and divide people in the Borough.

A member questioned how the Committee was expected to vote on the adoption of measures that were currently in draft form and incomplete. The question was also raised on whether there was existing law to deal with violent dogs and why that could not be utilised. It was also questioned why there was a far greater evidence of littering cases than dog fouling in the last 3 months. The costs were also questioned in that if there was to be no additional cost to the Council how would more staff be employed? A further question was raised on the matter of bowling greens and tennis courts as users of such facilities may also be dog owners and how might such users continue to use and benefit from these facilities. The member also questioned how the proposals would fit with the ethos of encouraging exercise to counter obesity and improve mental health and wellbeing in the Borough. The question was also put as to how Kingdom would enforce the PSPO. The observation was made that 30,000 signatures had been put to a petition against the proposal and that the proposed measures were draconian, punishing the majority for the actions of the few.

A member of the Committee questioned how the proposals would address the problem of the times of day when dogs are most likely to be walked as enforcement officers would not be working at these times. It was anticipated that the enforcement would be 'easy wins' and would not address street cleanliness and would only serve to prevent people from accessing open public spaces which would impact on social isolation.

The Chair invited Mike Coburn to respond to the questions raised by members of the Committee. Mike Coburn explained that a by-law currently excluded dogs from cemeteries however this was not enforced. The proposals would relax current legislation to allow dogs to be taken on a leads which would enable people to visit these spaces with their dogs. The existing by-laws with regard to playgrounds did not include playing fields and the Council was under pressure to maintain the facilities it has. There was a culture of non-reporting of dog fouling on playfields however there was awareness of this issue amongst park staff. He was in agreement with the views raised by members of the public that there was insufficient bins provided for dog waste that resulted in use of public bins and commented that this was one area that the Council would wish to address.

A member then questioned why individuals could not be sent on dog training courses and asked why this was not included as an alternative measure. Mike Cockburn explained that the PSPO was in draft form that set out the principles of the proposed measures and that this would need to be completed as it was not a final document. A member reiterated the point that the Committee was being asked to vote on something incomplete that was still being worked on to which the response given was that working was in the final stage and all that was now to be included was the maps of the locations listed in the draft. Mike Cockburn provided the example of Barnsley Council where the figure of 300 fines gave an indicator of the outcome of the proposed measures. Members were informed that in relation to costs additional resources would have to be appointed by Kingdom to make the proposed scheme work. He added that the key point was that the vast majority of open spaces – including beaches – would be free to go to and there would be no restricting measures.

The Chair addressed members of the public in attendance noting that there would undoubtedly be a public meeting on this matter however it was important that members of the Committee be afforded the opportunity to speak at this meeting.

A member deemed the proposals as a draconian policy and expressed the view that a six dog policy was nonsense. The view was expressed that the issue of dog fouling could be dealt with using existing contracts. It was questioned why the other issue - dealing with dogs attacking people or other dogs could also not be dealt with using existing laws. The idea of no cost to

the Council was also disputed as it was argued there would be infinite cost to the Council.

Another Member questioned the evidence of alleged visits of children to A & E as a result of injuries caused by dogs and posed the question of how the PSPO would address this issue. The question was also raised as to the lengths of extendable leads and why the length of leads had to be limited.

Mike Coburn addressed the questions and explained that where there was no provision the PSPO would give enforcement officers the ability to act out control. He addressed the question of the numbers of enforcement officers employed acknowledging that numbers had been depleted but that staff levels were now being maintained. With regard to signage he informed the Committee that there was a small capital programme to introduce signage. On the question of resources he informed that existing resources would be utilised and that Kingdom would be required to employ more staff and the money for this would be made from Court fines. In relation to dog-biting issues it was explained that extendable leads were not good practice. In relation to the PSPO's there was an abundance of use in other parts of the country e.g. Mid Wales and Devon where people were used to seeing this carried out. The evidence based information on dog bites and attacks gave rise to the need for these issues to be addressed.

A member commented that Wirral clearly did have an issue with dog fouling however, almost without exception, it occurred on private roads not public areas and the proposals would not address this problem. There was huge concern from members of the public about the way Kingdom would pursue enforcement as there was no trust in Kingdom operatives. Mike Cockburn gave details of consultation with campaign groups and other bodies such as the Kennel Club and officers had also consulted the Police and Crime Commission. The issue of 6 dogs per individual had been determined as this was the number of dogs per walker usually adopted for insurance purposes.

A member recognised the need for some measures given the evidence based concern around the increased numbers of dog attacks reported in 2017. However it was noted that the Council's response to the survey needed to be proportionate with the response to the views expressed.

A member questioned why the proposal was to fine irresponsible dog owners as this would not achieve the outcome of showing people where they were going wrong. Again the view was expressed that the majority would be penalised for the behaviour of the few. The member also raised the issue of health benefits that would be denied if residents were to be prevented from accessing public areas as there were clear benefits of dog walking on mental health.

Another member raised the issue of dangerous and aggressive dogs and asked how the PSPO would add to the contract. It was questioned why in-house or Kingdom staff could not enforce existing legislation. It was also questioned whether the fines would be 'easy wins' and not about making the contract more viable.

A member noted that last year officers had been asked to look into appropriate measures and to consult Wirral residents and that is what had happened. A major consultation had been carried out and the results clear. It was suggested that the Committee could recommend that the proposals be adopted for a period of 3 years. A further suggestion mooted the option to agree the proposals be put in place for a period of 12 months on the basis that this be subject to a full review after this time.

With regard to enforcement Mike Cockburn explained that the proposal was that if a dog was not under control and the owner was not compliant with the measures detailed then this would be enforced. A member responded to this with the view that this was not a sensible way forward if the intent was to modify bad behaviour on the part of irresponsible dog owners and that prevention would be the way forward. Mike Cockburn responded that people wished to see a behaviour change and that is what the PSPO would serve to do.

Rob Wilkinson agreed that the Borough wanted dog fouling off the streets and parks but argued that the Council already had the legislation in place for this. Irresponsible dog owners needed to be educated and that other means of dog control by licences, dog chipping and dog tags could result in a possible revenue and address the issue of dangerous dogs.

A member expressed the view that the proposed PSPO was merely being used as a 'cash cow' and that current legislation should be enforced. The PSPO was counter to the Council pledges to residents and the suggested measures perverse in the light of the recommendations to tackle loneliness and isolation in older members of the community

It was then moved by Councillor Brian Kenny and seconded by Councillor Tony Smith that;

This Environmental Overview & Scrutiny Committee having considered the public consultation exercise agrees to ask Cabinet to implement the final PSPO proposal for a 12 month period, to be subject to a full review after 12 months.

It was moved as an amendment by Councillor Chris Blakeley and seconded by Councillor Adam Sykes that;

1. Committee recognises that to date, the Council and its contractors have failed to use all existing legislation to deal with the issue of dog fouling and anti-social behaviour of the minority of dog owners.
2. Committee believes that banning dogs from public recreation areas and open spaces is causing distress and upset to thousands of people across Wirral.
3. Committee notes that the current proposal does nothing to tackle dog fouling in residential roads, shopping areas and outside schools, but instead makes it easier for Kingdom and the Council to boost income through fines.
4. Committee does not believe the Cabinet Member has taken into account concerns outlined in the consultation or has considered how this problem will negatively impact on the Wirral visitor economy.
5. Therefore Committee asks Cabinet to withdraw these proposals, and instead instruct Council officers to use its existing powers to their full extent to deal with the minority of dog owners who act in an irresponsible manner.

The amendment was put and carried (8:7).

**Resolved – That;**

- 1. Committee recognises that to date, the Council and its contractors have failed to use all existing legislation to deal with the issue of dog fouling and anti-social behaviour of the minority of dog owners.**
- 2. Committee believes that banning dogs from public recreation areas and open spaces is causing distress and upset to thousands of people across Wirral.**
- 3. Committee notes that the current proposal does nothing to tackle dog fouling in residential roads, shopping areas and outside schools, but instead makes it easier for Kingdom and the Council to boost income through fines.**
- 4. Committee does not believe the Cabinet Member has taken into account concerns outlined in the consultation or has considered how this problem will negatively impact on the Wirral visitor economy.**
- 5. Therefore Committee asks Cabinet to withdraw these proposals, and instead instruct Council officers to use its existing powers to their full extent to deal with the minority of dog owners who act in an irresponsible manner.**