

NONSUCH PARK BYLAWS AND DOG CONTROL REVIEW

Head of Service:	Ian Dyer, Head of Operational Services
Wards affected:	Nonsuch Ward;
Appendices (attached):	Appendix One – Analysis of Issues and Remedies

Summary

This report provides members of the Nonsuch Park Joint Management Committee with the outcome of the Byelaw and Dog Control Working Party meeting and proposes a consultation exercise to gauge public opinion on a proposal to launch a pilot licencing scheme to regulate commercial dog walking in Nonsuch Park.

Recommendation (s)

The Committee is asked to:

- (1) Note the outcome of the Byelaw and Dog Control Working Party**
- (2) Agree to keep the existing byelaws but explore further measures to regulate the use of drones and commercial dog walking in the park.**
- (3) Agree to actively promote the Civil Aviation Drone and Model Aircraft Code.**
- (4) Agree to carry out a six-week local consultation exercise to gauge public opinion on a proposal to introduce a pilot licencing scheme to regulate commercial dog walking in Nonsuch Park.**
- (5) To delegate the collation of consultation responses to officers and the decision to commence the pilot scheme to the Chairman and Clerk as set out in the timetable in paragraph 2.13 of this report**

1 Reason for Recommendations

- 1.1 To take additional steps to ensure public safety by implementing a scheme for licencing commercial dog walkers to operate in Nonsuch Park which will require them to operate in a safe and professional manner, provide evidence of public liability insurance and risk assessments to ensure they have considered and have measures in place, to mitigate the risks of conducting their business in a public open space.
- 1.2 To promote the Civil Aviation Drone and Model Aircraft Code to ensure that drones are used safely and with proper regard for privacy.

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2 Background

- 2.1 On 23 January 2023, members of the Joint Management Committee resolved to set up a byelaw and dog control working party comprising of officers and councillors, to further discuss all the options available to the committee for regulating the use of the Nonsuch Park to ensure public safety and enjoyment of the facilities.
- 2.2 The working party met on Monday 6 March 2023 and were tasked with the objective of deciding if the introduction of model byelaws and a public space protection to regulate dog control in the park were the most proportionate and effective tools to deal with current issues.
- 2.3 To agree a pathway, members of the working party had to be clear of the local problems it sought to overcome and decide if there was any existing legislation that could provide the desired remedy.
- 2.4 The group agreed that the main issues they sought to resolve were:
 - General dog control and responsible dog ownership
 - Multiple/commercial dog walking
 - The use of drones
 - The use of electric scooters and electric bikes
- 2.5 An analysis of the above was conducted by the working party and is shown in Appendix One.
- 2.6 On balance it was agreed that although the terminology was somewhat archaic, the existing byelaws, were mostly fit for purpose except for the use of drones in the park and measures to control multiple dog walking.
- 2.7 In conclusion the working party were happy to put forward recommendations to the Joint Management Committee to keep the existing byelaws but put further measures in place to regulate commercial dog walking and the use of drones in the park.

3 Drones

- 3.1 In the absence of a specific byelaw to control the use of drones, the working party agreed that the use of drones could be reasonably controlled by the promotion of the Civil Aviation Drone and Model Aircraft Code.

4 Commercial Dog Walking

- 4.1 Although the existing byelaws state that all dogs should be under proper control, the working party were keen to explore further measures to regulate commercial dog walking.

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- 4.2 The working party agreed that a sensible first step towards regulating commercial dog walking could be licencing commercial dog walkers in Nonsuch Park. This approach has been adopted in other local authority areas and is encouraged by the RSPCA.
- 4.3 The working party were keen to stress that the main reason for licencing should be to encourage safe and professional working practices and to ensure that commercial dog walkers had appropriate insurance and that all necessary risk assessments were in place. The working party agreed that the licence should be modestly priced to cover the administration involved in processing applications to encourage uptake.
- 4.4 The working party raised concerns that introducing a licencing scheme in Nonsuch Park could cause displacement of commercial dog walkers to other parks and open spaces in both London Borough of Sutton and Epsom & Ewell, it was therefore agreed that, if introduced, the licencing scheme should be trailed for a six-month period so that uptake and displacement could closely be monitored.
- 4.5 The working party were advised that ahead of adopting any licence scheme a local consultation exercise should be conducted for a period of no less than six weeks.
- 4.6 It is therefore proposed that a local consultation on adopting a commercial dog walking licencing scheme in Nonsuch Park should be prepared ready to be circulated both online and in hard copy format by both London Borough of Sutton and Epsom & Ewell Borough Council commencing 1 August 2023 and ending on 10 September 2023.
- 4.7 Once the consultation is complete it is proposed that officers collate the responses and present these to the Chair and the Clerk of the Joint Management Committee, to decide if the scheme should go ahead and if so, agree the finer details of the scheme and date of implementation.

5 Risk Assessment

Legal or other duties

5.1 Equality Impact Assessment

5.1.1 None for the purpose of this report

5.2 Crime & Disorder

5.2.1 By keeping existing byelaws, promoting the Drone and Model Aircraft Code and potentially introducing a commercial dog walker licencing scheme, the Joint Management Committee will take a proportionate approach to ensuring that Nonsuch Park is safe and enjoyable for all park users.

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5.3 Safeguarding

5.3.1 The measures proposed in this report are designed to safeguard the public

5.4 Dependencies

5.4.1 The implementation of the commercial dog walker licencing scheme will be dependent on the outcome of the local consultation exercise.

5.5 Other

5.5.1 N/A

6 Financial Implications

6.1 Officer resource will be required to conduct the consultation exercise, all other expenses will be covered from the Joint Management Committee's annual revenue budget.

6.2 **Section 151 Officer's comments:** Costs should be met from existing budgets as outlined above.

7 Legal Implications

7.1 Epsom & Ewell Borough Council's Legal Officer was a member of the working party and has provided advice on the proposals and current legislation contained in the main report and appendix.

7.2 **Legal Officer's comments:** Legal will continue to advise the Committee throughout the process.

8 Policies, Plans & Partnerships

8.1 **Council's Key Priorities:** The following Key Priorities are engaged:

8.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.

8.3 **Climate & Environmental Impact of recommendations:** None

8.4 **Sustainability Policy & Community Safety Implications:** This recommendations in this report are designed to ensure reasonable steps are taken to ensure community safety.

8.5 **Partnerships:** The Joint Management Committee is committed to working with the public and stakeholders to seek their views before implementing new policies for the park.

9 Background papers

9.1 The documents referred to in compiling this report are as follows:

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Previous reports:

- Nonsuch Park Byelaws Review – 23 January 2023

Other papers:

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