

## **REPORT ON CONSULTATION TO REGULATE COMMERCIAL DOG WALKING IN NONSUCH PARK**

<b>Head of Service:</b>	Ian Dyer, Head of Operational Services
<b>Wards affected:</b>	Nonsuch Ward;
<b>Appendices (attached):</b>	Appendix 1- Proposed Consultation Questions Appendix 2- Community Equality Impact Assessment Form

### **Summary**

Following the Joint Management Committee meeting on 19 June 2023, it was agreed that there should be a six-week consultation exercise to gauge public opinion on a proposal to introduce a pilot licencing scheme to formalise and regulate commercial dog walking in Nonsuch Park.

### **Recommendation (s)**

#### **The Committee is asked to:**

- (1) To agree the proposed consultation questionnaire set out in Appendix 1, so that the six-week consultation with the public and stakeholders can commence on 1 April 2024.**

### **1 Reason for Recommendation**

- 1.1 To help protect our environment and wildlife.
- 1.2 To enable Nonsuch JMC to manage and regulate the number of commercial dog walkers who operate in the park.
- 1.3 To ensure that Nonsuch Park continues to be a space that everyone can enjoy safely.

### **2 Background**

- 2.1 Dog walking for commercial purposes is a growing business which requires minimal to no experience. There is very little control in relation to commercial dog walkers use of public land and rights of way.
- 2.2 Many commercial dog walkers exercise multiple dogs at once and many of these are off the lead. This scenario raises questions about the walker's ability to effectively control the dogs in their care.
- 2.3 In proposing to licence these operators we can ensure that commercial dog walkers are regulated and comply with best industry practice for the safety and enjoyment of their dogs, staff and the public.

# Nonsuch Park Joint Management Committee

## 25 March 2024

### 3 Methodology

- 3.1 Once members have agreed to the proposed questionnaire, Epsom & Ewell's Business Support Team will transfer the questionnaire to either Microsoft Forms or Snap Survey Software so that the survey can be published online and hard copies produced.
- 3.2 This will be followed by advertisement of the consultation on both Council's websites, a social media campaign (which will include reaching out to local dog walking groups), advertisements in the park and three roadshows in the park hosted by Epsom & Ewell staff.
- 3.3 The survey will be active 1 April 2024 – 13 May 2024 to capture the Easter break when more people are generally in the park.
- 3.4 Once the survey closes the results will be collated and presented to the Joint Management Committee at their meeting on 17 June 2024.

### 4 Risk Assessment

Legal or other duties

#### 4.1 Equality Impact Assessment

4.1.1 An Equality Impact Assessment will be carried out prior to commencement of any public consultation.

4.1.2 This assessment will seek to ensure fairness and inclusivity in dog-related policies, promoting harmony between dog owners, non-dog owners, and the environment.

#### 4.2 Crime & Disorder

4.2.1 This consultation will gauge public feeling about dog related matters.

4.2.2 The adoption of formal licencing scheme for commercial dog walkers may help to address some of the concerns raised in connection with multiple dog walking.

#### 4.3 Safeguarding

4.3.1 There are no safeguarding issues to consider for this report.

#### 4.4 Dependencies

4.4.1 The successful implementation of a commercial dog walking licencing scheme will depend on the results of the public consultation exercise.

#### 4.5 Other

# Nonsuch Park Joint Management Committee

## 25 March 2024

### 4.5.1 None

## 5 Financial Implications

- 5.1 Officer resource will be required to conduct the consultation exercise and collate the results, this will be funded from existing budgets.
- 5.2 Upon successful completion of the consultation, a further report will be presented to the committee with recommendations to either progress or abandon the scheme. If the recommendation is to progress the scheme, projections for income and expenditure will be set out in the report.
- 5.3 **Section 151 Officer's comments:** Financial implications are set-out in the body of the report.

## 6 Legal Implications

- 6.1 The purpose of introducing a licensing scheme is to limit the number of dogs under the control of commercial dog walkers. By introducing a regime to control this sector it will ensure that commercial dog walkers are licensed to ensure the safety and welfare of the dogs in their control and to others i.e the park users.
- 6.2 There are no strict rules governing the length of consultation period but 4-6 weeks would appear to be a reasonable period.
- 6.3 There are a set of well-established common law rules which set out the requirements of lawful public consultation which are known as the Gunning Principles. They were endorsed by the Supreme Court in the Mosley case. The principles can be summarised as follows:
  - Consultation should occur when proposals are at a formative stage
  - Consultation should give sufficient reasons for any purpose to permit intelligent consideration
  - Consultation should allow adequate time for consideration and response
  - The product of consultation should conscientiously be taken into account by the decision makers.
- 6.4 There are a number of judicial review cases which involved successful challenge to the lawfulness of a consultation undertaken by a public authority, so it is imperative the Gunning Principles are closely adhered to in this case.
- 6.5 S.19 of the Local Government (Miscellaneous Provisions) Act 1976 enables the Council to provide facilities for recreation and to "make available such facilities for use by such persons as it thinks fit either without charge or on payment of such charges as the authority thinks fit". This provision would therefore enable the JMC to introduce a licensing scheme and to charge a licence fee.

# Nonsuch Park Joint Management Committee

## 25 March 2024

- 6.6 Other authorities have also relied upon section 10 of the Open Spaces Act 1906.
- 6.7 In due course a code of conduct will need to be drawn up and a list of conditions that would apply to all and further work will need to be undertaken if this scheme is to be implemented.
- 6.8 **Legal Officer's comments:** Legal implications are set out in the body of the report.

### 7 Policies, Plans & Partnerships

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

- Safe and well.

7.2 **Service Plans:** The matter is included within the current Service Delivery Plan.

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

7.4 **Sustainability Policy & Community Safety Implications:**

Licencing of commercial dog walkers may help to contribute to community safety.

**Partnerships:** A consultation exercise will ensure that all partner organisations are considered and key stakeholders within the park i.e., Friends of Nonsuch, Nonsuch Voles and Nonsuch Watch would also be invited to take part.

### 8 Background papers

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

**Previous reports:**

- Nonsuch JMC Committee meeting 19 June 2023

**Other papers**

- None