



Licensing Committee

18th July 2022

Title	Licensing Committee report on walker of multiple dogs
Report of	Executive Director of Assurance
Wards	All
Status	Public
Urgent	No
Key	No
Enclosures	None
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Summary

This report provides Members with an overview of the of dog walking in the borough and information about how this is regulated and enforced by other boroughs.

Officers Recommendations

1. That the Licensing Committee consider this report and confirm whether officers should progress with the drawing up of a Commercial Dog Walking Licensing regime which will be prepared for the Licensing Committee late 2022.

1. Why this report is needed

- 1.1 The previous committee considered this paper and instructed the council to carry out an assessment and prepare recommendations for the implementation of a licensing scheme that controls the level of commercial dog walking in Barnet's green spaces.
- 1.2 This report is asking the Licensing Committee to consider progressing a proposal to introduce a new licensing scheme for professional dog walkers using Barnet's parks and open spaces on behalf of their clients
- 1.3 This scheme was intended to be linked to the public space protection order currently under implementation by the community safety team.
- 1.4 Dog walking for commercial purposes (commercial dog walkers) 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. Many commercial dog walkers walk multiple dogs at once (on some occasions up to twenty at a time) and many of these are off the lead. This number of dogs off the lead are considered uncontrollable and could be dangerous.
- 1.5 Many people are entering this profession as it is high reward for very little time. A person working five days a week, for two hours per day charging up to £20 per dog. This would equate to an income of around £2000 per month with little outlay.
- 1.6 Commercial dog walkers view green areas such as parks, open spaces and wooded areas as ideal locations to carry out their services, which makes the London Borough of Barnet a prime location for both residents of the borough and non-residents to engage in commercial dog walking due to an abundance of green spaces.
- 1.7 Often, dog walkers meet and walk dogs together. This can mean a lot of dogs off the lead together in one location which may cause intimidation and or the fear of being attacked or injured. Recently an incident was reported of an alleged pack of dogs attacking another dog owner who was protecting their own hound.
- 1.8 Section 10(3) of the Dangerous Dogs Act 1991 states "For the purposes of this Act a dog shall be regarded as dangerously out of control on any occasion on which there are grounds for reasonable apprehension that it will injure any person"
- 1.9 Alongside this there has been an increase in dog fouling in Barnet's parks and open spaces. It is not possible for lone dog walkers to watch and monitor a large number of dogs at one time, particularly if some are off lead. This subsequently leads to defecation when out of sight of the individual responsible for the animals, which will not be picked up.
- 1.10 The Dogs Trust recommend that a walker should walk no more than four dogs at any one time, and most insurance companies will not insure a person for more than six dogs at a time. In partnership with the RSPCA, they have produced guidelines for commercial dog walkers, however there is little recognition of this in the commercial dog walking community.
- 1.11 At present the London Borough of Barnet does not have any licenses or monitoring systems in place for commercial dog walkers.

- 1.12 There are some open spaces that had Public Space Protection Orders (PSPO) in place until May of 2021. These orders were brought in to protect the open space and their users, preventing persistent or ongoing activities that have a detrimental effect on residents, such as dog fouling or intimidation. These orders and any enforcement powers in relation to them were made under The Crime and Policing Act 2014
- 1.13 Enforcement powers were attached to the PSPO in relation to the number of dogs being walked, which included a written warning on the first breach (no more than 4 dogs at any one time and only 2 off the lead). If breached further, a Community Protection Notice (CPN) could be issued which would then be followed up with a fine of up to £1000. An authorised officer can also issue fines of up to £100 for dog fouling.
- 1.14 The Community Safety team are preparing a new PSPO consultation where they will be consulting on 6 dogs with 2 on lead for professional dog walkers. This is subject to change dependant on the consultation response.
- 1.15 LBB currently has a bye law that restricts the walking of dogs from some of its green spaces.
- 1.16 London Borough of Barnet can issue an Animal Welfare Licence for dog boarding (overnight) and dog sitting (daytime only), which do not currently include standard conditions related to dog walking.
- 1.17 In London, several authorities have introduced dog walking licences for a maximum of 6 dogs by commercial dog walkers. These have been introduced using a combination of public space protection orders and bye laws under the following legislation:
- Open Spaces Act 1906
 - Local Government Act 1972, S235
- 1.18. Boroughs such as Bromley, Ealing, Hammersmith and Fulham, Hillingdon, Lambeth, Lee Valley and Wandsworth have all introduced annually charged licenses of which their charges vary (between £175-£300 yearly).
- 1.19 Some charge one amount for residents of the borough (£175) and an increased charge for non-residents (between £250-£300). The number of dogs is limited to between 4 and 6. Licence holders must register themselves with the borough, must have valid insurance to participate in their duties and are listed on the boroughs website. There is an on-the-spot FPN (£100) issued for not having or failing to produce the required licence when requested to by an authorised officer.
- 1.20 These boroughs also set a limit on how many licenses are issued per year (between 40 and 75). This reduces the number of commercial dog walkers in their boroughs.

2. Options available

2.1 The committee has the following options:

- a) Do nothing – This would not address the issue and may exacerbate the ongoing problems.

- b) Seek to Implement a licensing scheme – this would look to limit the number of commercial dog walkers in the borough and provide a framework to enforce against unprofessional conduct, locally, in this business sector and provide funding to enforce conditions against irresponsible business and animal welfare practices.
 - c) Seek to implement a public space protection order (PSPO) – this would help reduce overall antisocial dog walking practices and would need to be enforced using currently established resources. Some funding may be available through the issuing of fixed penalty notices.
 - d) Seek to implement a combined PSPO and Licensing scheme – this would provide a comprehensive regulatory framework to reduce the number of incidents of antisocial and poor commercial dog walking practices leading to intimidation, fear of attack and fouling. This provides funding to regulate commercial activity, allows the council to set appropriate numbers of dogs being walked at any one time based on the resources available to the business.
- 2.2 Officers of the Community Safety Team are proposing to carry out a public consultation into various matters and propose to implement a new PSPO which will seek to limit the number of dogs that can be walked in green spaces. This consultation will allow the council to gauge public expectation in relation to this issue.
- 2.3 The existing controls could be left in place and not replaced by both a licensing scheme and the amended Public Spaces Protection Orders. This is not recommended as the number of professional dog walkers are increasing, as have the number of dogs under their control. Robust controls are required to manage these operators to ensure the welfare of the dogs and to help protect our environment.

3. Reasons for recommendations

- 3.1 This report is asking the Licensing Committee to consider progressing a proposal to introduce a new licensing scheme for professional dog walkers using Barnet's parks and open spaces on behalf of their clients.
- 3.2 Having a licensing scheme would mean that the licensing authority can limit the number of dogs under one person's control. This proposal would be subject to the necessary statutory process and consultation required on any changes to Public Space Protection Orders.
- 3.3 Also, the drawing up of a Commercial Dog Walking Licensing scheme, including a code of conduct and a list of conditions that would apply to all licenses, will allow the committee to decide if they wish further work to implement this scheme to be undertaken.

4. Alternative options considered and not recommended

- 4.1 None

5. Post decision implementation

- 5.1 Should the Licensing Committee agree to the drafting of the new Licensing scheme, further investigation will be carried out into ensuring that all necessary legal processes of introducing the scheme have been undertaken. The councils legal team will be asked to lead the implementation of a new bylaw.
- 5.2 Comprehensive documents outlining the new scheme, including the code of conduct and licence conditions will be written and presented to the Licensing Committee.
- 5.3 Further collaborative work will be taken with colleagues in the Community Safety Team following the conclusion of their PSPO consultation.
- 5.4 The results of this and the Community Safety Teams consultations will be considered along with any additional relevant information

6. Implications of decision

6.1 Corporate Priorities and Performance

- 6.1.1. Implementation of a Commercial Dog walking Licensing Scheme will aim to raise the standards of those walking multiple dogs in the borough. The aim is to assist in the elimination of users of public areas throughout the borough being fearful of and being intimidated by unruly dogs.
- 6.1.2. The approach being taken in relation to the issue of irresponsible dog walkers and fully supports objectives contained within the corporate plan. In particular, it promotes 'Clean, safe and well run' borough ensuring that public areas are 'healthy' for all users.

6.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 6.2.1. The Cost of the additional work to licence and enforce this new scheme will be covered by the fees charged.

6.3 Legal and Constitutional References

6.3.1 This report is seeking to introduce a licensing scheme for the purpose of limiting the number of dogs under the control of commercial dog walkers. It is intended to introduce a regime to control this sector and it will ensure that commercial dog walkers are licensed to ensure the safety and welfare for the dogs in their care and to others i.e. park users.

6.3.2 There are no strict rules governing the length of the consultation period but 4-6 weeks would appear to be a reasonable period.

6.3.3 There are a set of well-established common law rules which set out the requirements of a lawful public consultation which are known as the Gunning principles. They were endorsed by the Supreme Court in the *Moseley* case. The principles can be summarised as follows:

- Consultation should occur when proposals are at a formative stage;

- Consultations should give sufficient reasons for any proposal to permit intelligent consideration;
- Consultations should allow adequate time for consideration and response;
- The product of consultation should conscientiously be taken into account by the decision maker.

6.3.4 There are a number of judicial review cases which involved successful challenges to the lawfulness of a consultation undertaken by a public authority so it is imperative that the Gunning principles are closely followed in this case.

6.3.5 In London several authorities have introduced dog walking licences for up to 6 dogs by professional dog walkers. These have been introduced using a combination of public space protection orders and bye laws under the following legislation:

- Open Spaces Act 1906
- Local Government Act 1972 S235

6.3.6 The Council's constitution, Article 7 Committees, Forums, Working Groups and Partnerships May 2022 details the functions of the licensing committee to include: "All policy matters relating to licensing, with licensing hearings concerning all licensing matters delegated to sub-committees."

6.4 **Insight**

6.4.1. Not relevant to this report

6.5 **Social Value**

6.5.1. Not relevant to this report

6.6 **Risk Management**

6.6.1. None

6.7 **Equalities and Diversity**

6.7.1. The Council has a legal obligation under section 149 of the Equality Act 2010 to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups.

6.7.2. An EQIA will be completed should the decision be made to progress with the dog walking licence scheme

6.8 **Corporate Parenting**

6.8.1. Not applicable in the context of this report

6.9 Consultation and Engagement

- 6.9.1. Although no consultation has taken place to date, should the committee decide to progress with the proposed Commercial Dog Walking Licensing scheme, the Council will be required to consult with certain individual and bodies outlining scope of the scheme approved by the committee.
- 6.9.2. Should the committee decide to progress with the Commercial Dog Walking Licensing scheme the licensing team will report back to the November committee outlining the proposed scheme and highlighting any roadblocks that could delay the progress of its introduction (e.g. need for amendments to or inclusion of new bye laws)
- 6.9.3. Once we are in a position to start a consultation it will be in the form of a 6 - 8 week consultation targeting specific groups and outlining the proposed Commercial Dog Walking Licensing scheme.
- 6.9.4. The consultation document will be sent to all identified appropriate parties and will include the Metropolitan Police, Green Spaces Department and Local Ward Councillors

6.10 Environmental Impact

- 6.10.1. There are no direct environmental implications from noting the recommendations. Implementing the recommendations in the report will lead to a positive impact on the Council's carbon and ecology impact, or at least it is neutral.

7. Background papers

- 7.1 None