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TONBRIDGE & MALLING
BOROUGH COUNCIL

EXECUTIVE SERVICES

Chief Executive

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Dear Councillor

CABINET - TUESDAY, 21ST MARCH, 2017

I am now able to enclose, for consideration at the Tuesday, 21st March, 2017 meeting of the Cabinet, the following reports that were unavailable when the agenda was printed.

Agenda No Item

7. **Public Space Protection Order - Consultation Responses (Pages 3 - 12)**

Further responses received between 7 – 15 March 2017

Yours sincerely

J E BEILBY
Chief Executive

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Additional responses received since 7 March 2017 to 15 March 2017

In total the responses received to the consultation were 59 online and a small number via email or other means.

Below are the additional comments received since 7 March 2017 (when the paper to Cabinet was produced) and the close of the consultation period on 15 March 2017.

| Do you agree with the proposal to deter dog fouling | | | Comments |
|--|----|------------|--|
| Yes | No | Don't know | |
| 7 | 16 | 0 | <p>The majority of dog owners pick up after their dog. And these people and dogs should not be punished. More effort should be made into fining dog owners who do not pick up their dog waste not just in open public spaces but on pavements too.</p> <hr/> <p>Dog fouling will not be deterred by dog leads as the dogs will still foul attached to leads. Most dog owners are responsible and clean up after the dogs and keep them under control but you will not stop the irresponsible ones by this rule just ruin it for all dog owners.</p> <hr/> <p>In favour of (pspo) to deter dog fouling but not in favour of keeping controlled dogs kept on leads.</p> <hr/> <p>I walk my dog every day in Ditton and I'm a respectable dog owner....This would be difficult for me to walk my dog locally if it goes ahead.</p> <hr/> <p>Dogs loose & under control are not a nuisance. There are many abt social behaviours in the borough not associated with dogs.</p> <hr/> <p>Having been a resident of Ditton for many years I can safely say that keeping a dog on a lead will not deter dogs from fouling. You only have to see the state of the pavements from dogs on leads to know it's the irresponsible owners who have moved into the area certainly over the last 5 years that don't pick up the dog mess. Being able to let our dogs run freely on recreational parks is part of their healthy well being. I totally agree that dogs should be kept under control. Again us responsible dog owners have no problem keeping our dogs under control.</p> <hr/> <p>No. I agree that there is a dog fouling issue within my local area but I do not feel the proposal will address or resolve the problem. I think fouling will continue to be a problem, it may temporarily improve in the specified areas but I believe you will see an increased problem in our local quarry and the proposal doesn't address the problem of fouling on local streets. Fouling itself needs to be directly addressed and people fined for THAT offense. Instead I feel the majority of responsible dog owners are being penalised in a half hearted attempt to address the issue.</p> |

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| | <p>As a regular user of the Recreation grounds with my dogs I strongly disagree with this order. My dogs love being able to chase a ball and interact with other dogs. The owners of other dogs that I see on the Recreation grounds always clear up after their dogs and i have not witnessed any out of control dogs that put anyone in danger. I hope command sense prevails in the decision that is made.</p> <hr/> <p>An irresponsible dog owner will not pick up their dog poo whether their dog is on lead or not. This Order will simply punish responsible dog owners who not only pick up their dog poo but responsibly let them off lead to have a good run and leg stretch. It will not change the habits of irresponsible dog owners.</p> <hr/> <p>The majority of dog owners are responsible with their animals. You should look at the littering caused by people which is destroying our open spaces.</p> <hr/> <p>If people are not picking up their dogs poo then it will not matter whether they are on a lead or not... they just wont!</p> <hr/> <p>The very issue you are trying to tackle will still be there, people who do not clean up after their dogs. If you honestly think these people will clean up if there dogs are on a lead your are completely delusional, take a look at all the footpaths where dogs are on a lead and there is your answer. All this will achieve is to alienate all dog owners from the parks. Perhaps you will stop the children and football players next as they leave just as much mess behind them.</p> <hr/> <p>You appear to be penalising the majority for the behaviour of the minority. Instead why not deal with the actual few people who cause the problem. All the people I know with dogs are responsible and have their dogs well trained.this would be a huge shame</p> <hr/> <p>I use Ditton recreational ground to train agility with my dog regularly, I live right next door to the rec and its so handy to pop over to set up my equipment, a training session lasts from 15mins-45 mins and my dog is totally under control and obviously I would clean up after her. I use the rec because, the ground is flat and even and the grounds men keep the grass short. Please consider this before making it a new rule, its important to me that we continue to train. The majority of dog owners are responsible and clean up after their dogs, so why not have the enforcement officers confront the people who don't pick up or can't provide a poo bag instead of spoiling it for everyone!</p> <hr/> <p>does this mean no dogs off lead ? if so that is a rubbish idea as many people whom walk dogs on lead do not clear up</p> <hr/> <p>I have read with interest the incredibly small report on changes to be made to public green areas within Ditton. This announcement of a pending consultation was printed on the "village news " section of the local KM. I am usually drawn to this page for latest news on quiz</p> |
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| | <p>nights, boot sales, functions at the community hall, I would NOT, like I suspect many others, expect news of such importance to be notified here. I know that no one I have spoken to has any knowledge of your proposed consultation and the impact it could have to those of us enjoying RESPONSIBLY the areas in question to meet others with our canine friends. My questions to you are:1] Who has been notified of this consultation period.? 2] What measures have you taken to publicise/advertise the proposal.? 3]Who, has been polled so far for residents opinions.? 4] How many were asked? 5] Numbers of official complaints recorded about dog fouling in these open spaces? 6] Who will be policing the areas and issuing the fines.? 7] Where will the revenue gained be allocated and isn't this just a way to swell the councils coffers? 8] Appeared in KM on 9th March 2017, do you think you have given a fair period to allow residents and users to respond?</p> |
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| Do you agree with the proposal to exclude dogs from children's play areas | | | Comments |
|--|----|------------|--|
| Yes | No | Don't know | <p>If this question is in relation to an enclosed park area then agreed, thought this was in practice already?</p> <hr/> <p>Dogs are not allowed in most childrens play areas anyway so it is fine how it is and children should grow up enjoying dogs as they are a joy not a hinderance as suggested.</p> <hr/> <p>Play areas yes. Recreational fields.... NO!</p> <hr/> <p>Dogs should not be permitted within playgrounds but should be permitted within play areas (eg fields).</p> <hr/> <p>Children's play areas are surrounded by fending and gates, etc. with clear signs for dogs not to enter. Dogs cannot enter these areas unless someone opens these gates. It seems very unfair to prevent dogs going in to parks and recreation grounds when there is a clearly signed and fenced area specifically for children where dogs physically cannot enter.</p> <hr/> <p>We walk our dogs very early in the morning when there are very few people about and no children. Why shouldn't they be allowed off the lead just because others walk them across a football pitch on a weekend??</p> <hr/> <p>I believe that like myself good dog owners should keep there dogs on a lead around the children then once away from them it is ok to release them. The alternative could be to say during certain times of the day. I walk my dog every Sat and Sun at 8am (NO CHILDREN ABOUT EVER) so you could have times so after 5pm is ok in the evenings as an example</p> |
| 11 | 12 | 0 | |

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| | <p>I agree that no dogs In the play areas</p> <hr/> <p>Play equipment playgrounds, already fenced off, Yes. In open green spaces MOST dog owners are responsible and clear up after their dogs. We are NOT all guilty before proven otherwise.</p> |
|--|--|

| Do you agree with the proposal to ensure dogs are on a lead by direction? | | | Comments |
|--|----|------------|---|
| Yes | No | Don't know | <p>If a dog is being out of control in any way then I think it is acceptable that the owner is asked to put their dog on the lead.</p> <hr/> <p>You are taking away the decisions and rights that good dog owners make responsibly.</p> <hr/> <p>Keeping dogs on leads does not solve dog fouling issues.</p> <hr/> <p>See comment above. Also the proposal does not explain what issue is trying to be addressed by the ordet</p> <hr/> <p>Dogs need to be able to run free. Maybe you should concentrate more on the rubbish left on these sites after the football matches have been played on them. Or people riding motorbikes and the like all over them!</p> <hr/> <p>The "On Lead" area in Leybourne Lakes is too small and should be extended to encompass the whole path around the lake nearest to Tesco's. That path is used by cyclists and runners and loose dogs are a major hazard.</p> <hr/> <p>Again I feel by doing this the majority of responsible dog owners are being penalised for the behaviour of a minority.</p> <hr/> <p>The majority of dog owners are responsible and will keep their dogs on lead / put their dogs on lead when children are in the area. Why should the minority of irresponsible dog owners spoil enjoyment for the majority. If the Council are planning to have enforcement officers patrolling and giving out fines, can I ask, why is this not happening now to catch the irresponsible dog owners rather than ban everyone and fine everyone. It is simply unfair.</p> <hr/> <p>I write as a resident and dog owner. As has been stated by Ditton Parish Council, the majority of dog owners in Ditton are responsible citizens who keep their dogs under control and always clear up after their dogs. I accept that there is a minority who do not do so, but these irresponsible people will still be irresponsible after the PSPO is introduced and are unlikely to change their ways. The law as it stands at the moment gives councils the opportunity to fine owners who permit their dogs to foul, or do not keep them under control. The fact that you are now considering introducing a PSPO to further</p> |
| 6 | 16 | 1 | |

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| | <p>tighten regulations is punishing the responsible residents while the irresponsible ones will continue unchallenged. The fact that you are having this consultation shows that you are not using the powers you already have, so why should I believe you will do so in the future? Or are you intending to recruit a small army of dog wardens at public expense to ensure the PSPO is observed?</p> <hr/> <p>How will this be policed? If it is that easy to fine people then do it now to people who's dogs are running wild or are seen defecating in a public space. This has been illegal for over 10 years but it still isn't managed so now all owners will be punished. We bought our dogs with the plan to exercise in our open spaces and this will now have an effect on their health through no fault of our own. The Quarry will become unsafe due to the amount of dogs being in such close proximity, the fencing isn't secure, it is difficult to see into and around so the unruly dogs will be easy to run wild without intervention. Maybe an idea would be to have a period of time eg 9-6 that these places have to adhere to the new rules so if needed dog owners can work around the ban. More policing would stop this being an issue in the first place.</p> <hr/> <p>Who are these authorised people and how will they be recognised. How will the Borough ensure that only dogs which are not under control and are causing a nuisance are affected, otherwise this order could quickly become a blanket ban on off lead dogs and all owners, including the responsible ones, will be penalised. An under exercised dog quickly becomes a nuisance to owner and neighbours and many responsible owners don't have the time/ability to walk many miles every day plus families derive much enjoyment from games like fetch with their trained dogs.</p> <hr/> <p>Many dogs are NOT unruly or a danger. This is tarring all dog owners with same brush. It smacks of a "nanny state" and quite frankly discrimination.</p> |
|--|---|

| Do you agree with the proposal to restrict the number of dogs to six dogs? | | | Comments |
|--|----|------------|---|
| Yes | No | Don't know | Six dogs is far too many for one person to control, 2-3 would be better. |
| 19 | 4 | 1 | |
| | | | <p>This is perhaps a good idea</p> <hr/> <p>Dog walkers seem largely unchecked and as 'pack animals' I feel it is correct to control the ratio of humans to animals. Returning to the fouling problem I also think cleaning up after more than six dogs on one walk must be somewhat challenging.</p> <hr/> <p>Personally I think this should be even lower, 4 absolute max. I do not believe one person can be in control of this many dogs. It is</p> |

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| | <p>unsafe and I do not believe they clear up after their dogs as they probably cannot keep an eye on all of them at the same time.</p> <hr/> <p>In order to maintain total control.</p> <hr/> <p>We feel that the number currently suggested is too high and should be reduced to no more than 4 dogs</p> |
|--|---|

| Do you agree with the proposal to introduce a borough wide controlled alcohol zone | | | Comments |
|---|----|------------|---|
| Yes | No | Don't know | <p>To many under age drinkers frequent the Ditton area for sure. They can only be buying alcohol from local shops.</p> <hr/> <p>Again....address the individuals who are not able to self regulate and behave in a socially acceptable manner.</p> <hr/> <p>Measure 5 suggests that it will be an offense not to cease drinking/ hand over alcohol when asked. There is no requirement stated that the drinker needs to be causing a nuisance so this is potentially open to abuse and needs to be more closely defined.</p> <hr/> <p>The lack of details on the hours of work for TMBC Enforcement Officers and the refusal of Kent Police to manage PSPO mean that there is insufficient information for us to respond to this measure with any real comment. Please supply the required information as we are keen to provide a detailed response to this as it would be directly relevant to West Malling as we have a busy High Street with a large number of licensed premises.</p> |
| 18 | 3 | 2 | |
| | | | |

| Do you agree with the proposal to deter public urination/defecation | | | Comments |
|--|----|------------|--|
| Yes | No | Don't know | <p>supply more toilets</p> <hr/> <p>Unlike dog owners these people do not pick up/clean up after themselves.</p> |
| 20 | 1 | 2 | |
| | | | |

| Do you agree with proposed PSPO for Leybourne Lakes Country Park* | | | Comments |
|--|----|------------|---|
| Yes | No | Don't know | <p>A country park is intended for amongst other things for dogs to enjoy!</p> |
| 6 | 9 | 6 | |
| | | | |

| | | | |
|--|--|--|---|
| | | | <p>see above. Larger area for dogs to be kept on a lead.</p> <hr/> <p>Do not penalise the majority of people who are responsible dog owners for the sake of the minority.</p> <hr/> <p>eastern european people are always there and get away with it</p> <hr/> <p>How about the inconsiderate cyclists, joggers, screaming kids, I expect there is something that annoys us all at some time!!.</p> <hr/> <p>As happens in other areas, it would seem possible for there to be a designated area for BBQs</p> |
|--|--|--|---|

*Not everyone responded to this question

| Do you agree with the proposed PSPO for Tonbridge Memorial Gardens * | | | Comments |
|--|----|------------|---|
| Yes | No | Don't know | <p>Do not penalise the majority of people who are responsible dog owners for the sake of the minority.</p> <hr/> <p>This is a place of remembrance and all visitors should behave with respect including controlling noisy children. In line with the rules for Tonbridge Cemetery all dogs should be on leads at all times in this area.</p> |
| 7 | 4 | 10 | |

*Not everyone responded to this question

| Do you agree with the proposed PSPO for Tonbridge Moorings* | | | Comments |
|---|----|------------|--|
| Yes | No | Don't know | <p>Do not penalise the majority of people who are responsible dog owners for the sake of the minority.</p> |
| 3 | 5 | 13 | |

*Not everyone responded to this question

| Do you agree with the proposed PSPO for Haysden Country Park?* | | | Comments |
|--|----|------------|--|
| Yes | No | Don't know | <p>Do not penalise the majority of people who are responsible dog owners for the sake of the minority.</p> <hr/> <p>As happens in other areas, it would seem possible for there to be a designated area for BBQs</p> |
| 3 | 8 | 10 | |

*Not everyone responded to this question

| Do you agree with the proposed PSPO for Tonbridge Racecourse Sports Ground and Tonbridge Castle?* | | | Comments |
|--|----|------------|---|
| Yes | No | Don't know | <p>Do not penalise the majority of people who are responsible dog owners for the sake of the minority.</p> <hr/> <p>Castle lawn, measure 2: I agree that uncontrolled dogs cause a nuisance but the blanket ban on off lead dogs here punishes dogs which are not causing a nuisance. In other areas the restrictions only apply where an actual nuisance is being caused and I suggest unified rules, being put on a lead when seen causing a nuisance and asked to do so, be applied to all locations except surfaced car parking where they would be required to be on leads at all times.</p> <hr/> <p>As happens in other areas, it would seem possible for there to be a designated area for BBQs</p> |
| 5 | 5 | 11 | |

*Not everyone responded to this question

| Do you agree with the proposed PSPO for Tonbridge Farm Sports Ground?* | | | Comments |
|---|----|------------|---|
| Yes | No | Don't know | <p>Do not penalise the majority of people who are responsible dog owners for the sake of the minority.</p> <hr/> <p>Tonbridge farm car park: This location is popular with dog walkers and controlled dogs do not necessarily cause a nuisance when exercised on the extensive grassy areas around the perimeter. These areas benefit from being better drained and less muddy than the main sportsground in winter, the area within the restricted zone needs to be more accurately defined. The restrictions should apply only to the surfaced areas.</p> |
| 4 | 5 | 12 | |

*Not everyone responded to this question

| Do you agree with the proposed PSPO for Tonbridge Cemetery?* | | | Comments |
|---|----|------------|--|
| Yes | No | Don't know | <p>Do not penalise the majority of people who are responsible dog owners for the sake of the minority.</p> |
| 8 | 3 | 10 | |

*Not everyone responded to this question

| Is there anything else that you would like to see included or any other comments? | Comments |
|--|--|
| | <p>Regarding dogs being kept on a lead, although I do not agree with this a possible compromise could be having designated times when dogs can be let on/off like at the beach and maybe seasonal. For</p> |

example dogs can go off lead between hours of 6am - 10am and 6pm-10pm in the summer months. I have children who play football on Ditton Rec and Community Centre and the dog mess infuriates me and is a worry. But I am also a responsible dog owner. To put a complete ban of dogs being off lead I think is unfair, I do think a compromise is the best solution.

The consultation process lacks any rationale for implementing the proposals! For a meaningful consultation the reason for the proposal should be clearly stated e.g. What is the problem that is trying to be addressed

How will an "Authorised Person" be recognised?

I am completing this survey in response to the proposed restrictions for dog walkers in Ditton. As a Tonbridge and Malling resident I would like to see the presence of a dog warden in Ditton. I have never seen one in all the time I have lived here!

The Council's plan for these problems appears unfair and discriminatory towards responsible dog owners. The Council's plans to enforce the PSPOs should already be in action to ensure the problems do not exist in the first place!

I normally walk my dogs every morning on New Road Recreation Ground in Ditton. It is common, especially in the warmer months, to find litter strewn over the area, including broken glass and evidence of drug use. I would consider the Council and/or the Police acting to prosecute the individuals responsible for these acts, which would seem to be a bit more anti-social than allowing one's dog to run free and play fetch for a while, to be a better use of public funds. In fact the Council makes a great deal of public-spirited individuals and groups carrying out litter picks in the borough. It would be better if such clean up operations were not needed and the Council used the powers it already has to enforce anti-social behaviour rather than penalising a group of dog-owners who, by and large, are responsible in the first place. I do hope someone actually reads the replies to this survey, and it is not merely used as a tick box operation to justify a decision that has already been made by the Council. Perhaps you could prove this to me by answering the following question and emailing the answer to me at davidcooper@dittonhome.co.uk How many times in the last 12 months were fines imposed on dog owners in the Borough who had allowed their dog to foul a public space?

It is worth noting a lot of dog walkers are like myself lone female, how are you going to police this? because there are a lot of strangers walking around pretending to be dog wardens and dog walkers who are dog thieves or worse. The park I walk my dog in (Ditton) has 7 different ways to enter how are you going to ensure everyone abides by the rules? why can't we have a designated area within the park for our dogs to run free and chase a ball especially during the winter months when it is the only safe

place to walk a dog that is slightly lit up, I get home from work and walk my dog in the dark across the field and play ball with her, are you suggesting we all walk in the nature reserve which has no lights at all on our own? (how long before some pervert see this and takes his opportunity to pounce). The park in Ditton is the only place we can walk our dogs off lead other than the nature reserve. This country should be ashamed of itself we have a reputation of being dog lovers, this is obviously not the case as you now seem to want to remove them all, like I said perhaps you could also look at all the people who leave food, glass bottles, personal belongings and general household rubbish all across our park they are no better, I know I regularly pick it all up.

I would suggest a requirement to keep dogs off sports pitches at all locations when a match is being played. For responsible owners with control over their dogs this does not necessarily require them to be on leads. This aligns with the country code requirement for dogs to be under close control around livestock but not necessarily on a lead. Simple unified rules will be easier for all to remember and obey. I am concerned that complicated rules will not be understood leading to further blanket bans and ever more restrictions for the responsible owners. The issue of authorised persons need close definition and control. In our village we have a small number of irresponsible dog owners who cause problems and the default solution is always to ban all dogs. This needs to be closely controlled as a small number of offenders can quickly spoil things for the majority. It is a lazy way to deal with a problem. Responsible owners also pay their council tax and are entitled to enjoy amenities as long as they don't interfere with the enjoyment of others.

I would like to register my disappointment that it has come to this for dog owners, when it is the minority spoiling it for others.

As a responsible dog owner, I clear up my dogs mess and have control of him off the lead.

I know there are people who do not and it is those that should be caught and punished. I know of people that have had their dog attacked by others because of people that choose not to control their dog. Luckily mine has not been one of them.

There is an unacceptable amount of dog faeces in the borough. It is a blot on our beautiful parks, roads and fields.

However, I do not see how enforcing this PSPO will reduce this.

People choose not to pick up after their dog whether they are on or off the lead.

I ask the question also, how do you hope to enforce this with one dog wardens or the whole borough? Who will have the power to stop and fine people breaking the order?

Finally, why has this only just come to light? I normally hear about these things through my neighbourhood watch, but some reason this has been kept off the radar?