

WIMBORNE MINSTER TOWN COUNCIL

MINUTES of an EXTRAORDINARY MEETING of the TOWN COUNCIL via video link held on FRIDAY, 20 NOVEMBER 2020 at 11.00 am

MEMBERS PRESENT VIA VIDEO LINK

Cllr S K Bartlett – Town Mayor & Chairman of the Council  
Cllr K F Webb – Deputy Town Mayor & Vice-Chairman of the Council  
Cllr D Burt  
Cllr C L Butter  
Cllr C A Chedgy  
Cllr L C Hinks  
Cllr M J Hopkins  
Cllr D J March  
Cllr W J Richmond  
Cllr A E Roberts  
Cllr F Shirley  
Cllr M R Tidd

MEMBER NOT PRESENT

Cllr S Wheeler

OFFICERS PRESENT VIA VIDEO LINK

Town Clerk  
Assistant Town Clerk

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DORSET COUNCIL DOG RELATED PUBLIC SPACES PROTECTION ORDER 2020 (Min 313 – 06.11.20)

The Town Clerk submitted a report, a copy of which had been circulated to each Member and a copy of which appears as **Appendix A** to these Minutes in the Minute Book.

The report set out details of the Dorset Council Dog Related Public Spaces Protection Order 2020 which would come into effect on 1 January 2021.

The Chairman indicated that following a straw poll of Members there was a clear majority in favour of giving a general consent in respect of Sections 3 and 5 of this Order so that the status quo on the Town Council's recreation grounds could be maintained.

The Chairman reminded the meeting that all Members of the Council had received copies of emails and letters from concerned residents about the effects of this Order.

Cllr Chedgy proposed a motion that the Town Council give general consent in respect of Sections 3 and 5 of the Order to disapply the prohibition of dogs entering or remaining on marked pitches or requiring them to be on leads within 5 metres of a marked pitch. She added that, in her view, Dorset Council had not fully complied with the statute or the Government’s guidance when making this Order. She therefore felt it was unlawful.

The Town Clerk agreed with Cllr Chedgy and he would be writing to the Head of Legal Services at Dorset Council to express this view.

Upon the motion being put, Cllr Webb proposed an amendment that the consent should be time-limited to 12 months so that the Town Council could carry out its own survey to assess whether the responses were similar to Dorset Council’s data collected earlier this year from a consultation exercise which Dorset Council had used to justify making the Order. She felt that in view of the high response rate to Dorset Council’s consultation exercise it should not be ignored. Upon being put to the meeting, the amendment was declared lost.

The original motion by Cllr Chedgy was then put to the meeting and a recorded vote was requested the result of which was as follows:

For the motion: Cllrs Burt, Chedgy, Hinks, Hopkins, March, Richmond, Roberts and Tidd.

Against the motion: Cllr Webb.

Abstentions: Cllrs Bartlett, Butter and Shirley.

The motion was declared to be carried.

**RESOLVED that in accordance with sections 3.3.2 and 5.2.2 of The Dorset Council Dog Related Public Spaces Protection Order 2020 dated 23 October 2020 this Council gives general consent under those sections to enable the status quo on its recreation grounds to be maintained in relation to the use of those recreation grounds by users in control of dogs and that Dorset Council be advised accordingly.**

(Note: Cllr Bartlett asked it to be recorded that he had abstained from voting on this item because as Chairman of Dorset Council’s Scrutiny Committee he did not wish to be barred from fulfilling his role if the Order came before his Committee.)

The meeting closed at 11.33 am.

Signed .....Date.....  
Town Mayor and Chairman of the Council

WIMBORNE MINSTER TOWN COUNCIL

Date: 20 November 2020

Extraordinary Meeting of the Town Council – Item 2

Report by: Town Clerk

**The Dorset Council Dog Related Public Spaces Protection Order 2020**

Members are aware that this Order was referred to the Recreation & Leisure Committee at its meeting on 6 November 2020 before we were aware that there were provisions in the Order which would allow land owners such as the Town Council to effectively disapply those provisions which it wished to. The decision as to whether to disapply any of the provisions in respect of the Town Council's recreation grounds was referred to the Town Council.

The Order comprises the following six sections:

1. General provisions
2. Removal and disposal of dog faeces
3. Dogs to be excluded from identified areas
4. Dogs to be kept on a lead when directed to do so by an authorised officer
5. Dogs to be kept on lead in identified areas
6. Penalty

These sections are to be read in relation to the schedules attached to the Order:

Schedule 1 - General land provision

Schedule 2 - Exclusion of dogs

Schedule 3 - Dogs to be kept on leads

Members were sent a copy of the Order on 6 November 2020 and a further copy is attached herewith (**Appendix 1**).

It is clear from the number of emails and letters received from users of the Town Council's recreation grounds that the stringent restrictions proposed in the Order will cause inconvenience and distress to many of them. A synopsis of the representations made by our residents was also sent to Members and is again attached herewith (**Appendix 2**).

**Following a straw poll of Councillors it is clear that there is a majority in favour of disapplying those restrictions in the Order to maintain the status quo for those people in control of dogs. A formal vote will therefore be required in relation to the Order as follows:**

**Section 1 – General Provisions**

These cannot be disappplied. **No vote is required.**

### **Section 2 – Removal and Disposal of Dog Faeces**

The Town Council would wish to retain the requirement for those people in control of dogs to have to pick up and dispose of the faeces. Therefore, the Town Council would not disapply this provision.

**No vote is required.**

### **Section 3 – Dogs to be Excluded from Identified Areas**

This section would apply to the marked football and rugby pitches at both Redcotts Recreation Ground and Leigh Park Playing Field and if not disapplied would ban dogs from entering and remaining on those pitches at any time.

**A vote is required to maintain the status quo by disapplying this section.**

General consent would then be given to allow dogs to enter and remain on any marked sports pitch on land within the ownership of the Town Council (see section 3.3.2).

[Note: This section would continue to apply to the play areas, tennis courts and bowling green which are fenced.]

### **Section 4 - Dogs to be kept on a lead when directed to do so by an authorised officer**

The Town Council would wish to retain the requirement for those people in control of dogs to have to be put leads on their dogs in order to prevent an anti-social incident. **No vote is required.**

### **Section 5 - Dogs to be kept on lead in identified areas**

**A vote is required to maintain the status quo by disapplying this section.**

General consent would then be given to allow dogs to be off a lead within 5 metres of any marked sports pitch at any time on land within the ownership of the Town Council (see section 5.2.2).

## Anti-social Behaviour, Crime and Policing Act 2014

### **The Dorset Council Dog Related Public Spaces Protection Order 2020**

Dorset Council ("the Council") hereby makes the following Order:

This Order shall be known as The Dorset Council Dog Related Public Spaces Protection Order 2020 and shall come into force on 1<sup>st</sup> January 2021 for a period of three years.

When in force this Order supersedes the following:

The Dogs Exclusion (East Dorset) Order 2010 as extended (became provision of a Public Spaces Protection Order from 20 October 2017).  
The Fouling of Land by Dogs (East Dorset) Order 2010, as extended (became provision of a Public Spaces Protection Order from 20 October 2017).  
The Purbeck District Council (Dogs - Designation of Land in Purbeck) Order 2003 (became provision of a Public Spaces Protection Order from 20 October 2017)  
The North Dorset Dog Related Public Spaces Protection Order 2019  
The West Dorset Dog Related Public Spaces Protection Order 2017, as extended  
The Weymouth and Portland Dog Related Public Spaces Protection Order 2016, as extended

And for the duration of this Order the following byelaws will be of no effect in relation to the restricted area:

The Lychett Matravers byelaw for the exclusion of dogs 1992  
The Lychett Matravers byelaw related to Upton recreation Ground 1990  
The Purbeck District Council byelaw related to dogs on the beach and dogs on leads 1989 (Studland and Swanage)

This Order has 6 sections and should be read in conjunction with the related Schedules.

#### Contents

1. General provisions
2. Removal and disposal of dog faeces
3. Dogs to be excluded from identified areas
4. Dogs to be kept on a lead when directed to do so by an authorised officer
5. Dogs to be kept on lead in identified areas
6. Penalty

Schedule 1 – General land provision  
Schedule 2 – Exclusion of dogs  
Schedule 3 – Dogs to be kept on leads

## Section 1 - General provisions

- 1.1 Where specified in this Order 'the Council' means the Dorset Council
- 1.2 A person who habitually has a dog in their possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.
- 1.3 This Order shall NOT apply with regard to **disposal of faeces** where a person in charge of a dog;
- 1.3.1 is registered as a blind person and uses a dog trained by a member of Assistance Dogs UK or any other UK registered charity whose activities include the training of assistance dogs and upon which they rely for assistance; or
  - 1.3.2 has a physical or mental disability which has a substantial and long term effect on their ability to carry out normal day-to-day activities in respect of a dog trained by a member of Assistance Dogs UK or any other UK registered charity whose activities include the training of assistance dogs and upon which they rely for assistance; or
  - 1.3.3 has a physical or mental disability which has a substantial and long term effect on their ability to carry out normal day-to-day activities in respect of a dog upon which they rely for assistance in connection with their disability; or
  - 1.3.4 has a physical or mental disability which has a substantial and long term effect on their ability to carry out normal day-to-day activities such that they are unable to collect faeces from where it is deposited.
- 1.4 This Order shall NOT apply with regard to complying with a **direction by an authorised officer to put their dog on a lead**, where a person in charge of a dog
- 1.4.1 is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 23358) and upon which they rely for assistance.
- 1.5 This Order shall NOT apply with regard to complying with **exclusion of dogs from identified land**, where a person in charge of a dog
- 1.5.1 is registered as a blind person and uses a dog trained by a member of Assistance Dogs UK or any other UK registered charity whose activities include the training of assistance dogs, and upon which they rely for assistance; or
  - 1.5.2 has a physical or mental disability which has a substantial and long term effect on their ability to carry out normal day-to-day activities, in respect of a dog trained by a member of Assistance Dogs UK or any other UK registered charity whose activities include the training of assistance dogs and upon which they rely for assistance.
- 1.6 In this Order the following definitions apply:
- 'an authorised person' means a person authorised for the purpose of this Order by the Council, including the purpose of giving directions under section 4 of this Order.
- 'road' is all public highways having a right of passage for motor vehicles (which includes areas of pavement, footway and verge set aside for pedestrians within such a highway), with 'motor vehicle' being as defined in section 185(1) of the Road

Traffic Act 1988 and section 136 (1) of the Road Traffic Regulation Act 1984 as 'a mechanically propelled vehicle, intended or adapted for use on roads'.

## **Section 2 - Removal and disposal of dog faeces**

2.1 This Section applies to the land specified in Schedule 1.

2.2 If a dog defecates at any time on land to which this Order applies and a person who is in charge of the dog at that time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless

2.2.1 They have reasonable excuse for failing to do so; or

2.2.2 The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to this failing to do so.

2.3 For the purposes of this Section –

2.3.1 Placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land

2.3.1.1 Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for, or suitable means of removing it, shall not be a reasonable excuse for failing to remove the faeces.

## **Section 3 - Dogs to be excluded from identified areas**

3.2 This Section applies to the land specified and at the times specified in Schedule 2.

3.3 A person in charge of a dog shall be guilty of an offence if, during the periods specified in Schedule 2, they take the dog onto, or permit the dog to enter or to remain on, any land to which this section applies unless –

3.3.1 They have a reasonable excuse to do so; or

3.3.2 The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to the dog entering or remaining on such land.

## **Section 4 - Dogs to be kept on a lead when directed to do so by an authorised person**

4.1 This section applies to land specified in Schedule 1.

4.2 A person in charge of a dog shall be guilty of an offence if, at any time, on any land to which this Order applies, they do not comply with a direction given by an authorised person to put and keep the dog on a lead of not more than 2 metres (6 foot, 6 inches) in length unless –

- 4.2.1 They have reasonable excuse for failing to do so; or
  - 4.2.2 the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to this failing to do so.
- 4.3 An authorised person may give a direction to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or disturbance to any other person (on land to which this section applies) or the worrying or disturbance of any animal or bird.
- 4.4 The dog's lead shall not exceed 2 metres (6 foot, 6 inches) in length from handle to dog collar.

#### **Section 5 - Dogs to be kept on lead in identified areas**

- 5.1 This Section applies to the land specified and at the times specified in Schedule 3
- 5.2. A person in charge of a dog shall be guilty of an offence if, during the periods specified in Schedule 3, on any land to which this Section applies he does not keep the dog on a lead unless –
- 5.2.1. He has reasonable excuse for failing to do so; or
  - 5.2.2. the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to this failing to do so.
- 5.3. The dog's lead shall not exceed 2 metres (6 foot, 6 inches) in length from handle to dog collar.

#### **Section 6 – Penalty**

- 6.1 A person who fails to comply with this Order without reasonable excuse is guilty of an offence under Section 67 of the Anti-social Behaviour, Crime and Policing Act 2014 and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- 6.2 In accordance with Section 68 of the Anti-social Behaviour, Crime and Policing Act 2014, an authorised person may issue a fixed penalty notice to anyone they have reason to believe has committed an offence under this Order. Such notice offers the person to whom it is issued the opportunity to discharge their liability to conviction for the offence by payment of a fixed penalty. The penalty is set at £100.00 to be paid within 28 days but is reduced to £75.00 if paid within 14 days.

Date: 23 October 2020



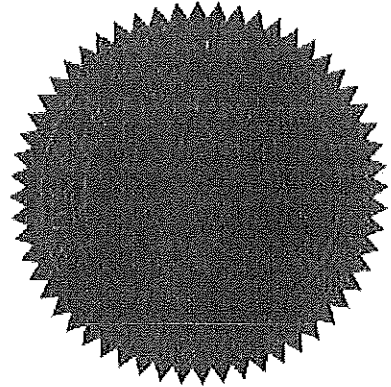
THE COMMON SEAL OF DORSET  
COUNCIL

Was hereto affixed in the presence of:-



A handwritten signature in black ink, appearing to be 'A. Shaw', written over a horizontal line.

Authorised Officer



## **SCHEDULE 1 – General land provision**

Land to which removal and disposal of dog faeces applies (Section 2), and dogs on lead by direction by an authorised officer (Section 4):

1. Subject to the exception in Paragraph 2 below, all land which is in the administrative area of the Council and
  - (i) which is open to the air (which includes land that is covered but open to the air on at least one side) and
  - (ii) to which the public are entitled or permitted to have access (with or without payment).
2. Excepted from the description in Paragraph 1 above is land that is placed at the disposal of the Forestry Commissioners under Section 39(1) of the Forestry Act 1967.

## **SCHEDULE 2 - Exclusion of dogs**

Land to which dogs are excluded at all times unless otherwise specified;

1. All land within the administrative area of the Council which comprises any fenced (and/or hedged and /or walled) children's play area, children's pool and/or sandpit, skateboard park, tennis court, basketball court, bowling green or putting green or any other fenced (and/or hedged and /or walled) park, with a marked sporting or recreational facility signed at its entrance(s) as 'No Dogs' (where the sign uses those particular words or uses words and/or symbols having a like effect); and
2. All marked sports pitch playing surfaces or athletics tracks within the administrative area of the Council. – see also Schedule 3 for perimeter control; and
3. Between 1<sup>st</sup> May and 30<sup>th</sup> September the following beaches (maps for each are attached and these restrictions are marked in red):
  - a. Front Beach, Swanage (map 1); and
  - b. West Beach, Charmouth (map 2); and
  - c. Front (Town) Beach, Lyme Regis (map 3); and
  - d. East & West Beach, West Bay (map 4); and
  - e. Seatown Beach, Chideock (map 5); and

- f. Weymouth Central Beach extending from the northern boundary of the designated Dog Exercise Area at the Pavilion end to the groyne at Greenhill and including Greenhill Beaches, Weymouth, (map 6).

### **SCHEDULE 3 – Dogs to be kept on lead – land and times**

Land on which dogs shall be kept on a lead at all times unless otherwise specified;

1. Municipal Cemeteries, churchyards and graveyards; and
2. Council owned Allotments where dogs are permitted;
3. Formal Public Gardens where dogs are permitted (a map is provided for Nothe Gardens, Map 9); and
4. Within 5 metres of the marked perimeter of sports pitch playing surfaces and athletics tracks; and
5. Council owned car parks; and
6. On the Rodwell Trail, Weymouth; and
7. On the roads and walkways close to the beaches namely (and shown as yellow on the enclosed maps):
  - a. At Charmouth, Lower Sea Lane from the car park access, including the 3 car parks off Lower Sea Lane close to the beach, the footpath leading to the beach including the bridge and paths adjacent to the heritage centre (Map 2); and
  - b. At West Bay on the Esplanade, Quay, Quayside, road, pavements, grassed area and paved island in front of the George Hotel, slipway piers, the car parks and main Pier (Map 4); and
  - c. At Lyme Regis on the Marine Parade, Cart Road, Bell Cliff, the harbour, slipway and sea walls, the entrance to Cobb Road, Ozone Terrace, the entrance to the public car park and boat park, and the harbour wall, Cobb Gate car park and the esplanade extending from it eastwards up to its junction with Long Entry and known as Gunn Cliff Walk, to extend along the sea wall above Church Beach, and up to the Charmouth Road car park via the provided steps (Map 3); and
  - d. At Swanage, The Parade, and associated roads leading to The Parade and the beach, (Map 1); and
  - e. At Studland, access to South Beach (also known as Knoll beach and Middle beach) from the car park, including the car park and staircases leading on to the beach, (Map 7) and
  - f. At Weymouth, The Promenade from the Pleasure Pier to Bowleaze, Weymouth (Map 6, highlighted in yellow), extending when the road

**Extraordinary Town Council Meeting – 20 November 2020**

**Issues raised by public on dog PSPO**

1. It will be necessary for people to drive somewhere to let their dog off the lead - not good for monetary or health reasons, or climate change due to increased traffic on roads.
2. Those with limited mobility may not have the option of driving to another area to walk their dog off the lead, especially if they do not have a car.
3. Additional parking would be needed at other places such as By The Way and Eye Bridge.
4. Dogs need off-lead time to exercise properly.
5. The order assumes that dog owners are not responsible and do not pick up after their dog. Not the case as dog warden reports evidence.
6. This is being done to benefit football clubs/footballers who use the park once a week and a large proportion of which will not be local or precept payers. A larger proportion of precept payers use the park each day for dog walking which exercises both themselves and the dog. Is the Town Council prioritising the footballers as they pay to hire the pitches?
7. Many dog owners live alone and walking their dog in the park is a social activity for them. Benefits for physical and mental health.
8. Having dog walkers using the park in the day helps to minimise anti-social behaviour.
9. This will cause division within the community of Wimborne. Parks are intended for use by all the public.
10. Dogs would be crowded into a much smaller area which could lead to socialisation problems between different dogs.
11. Littering and not dog excrement is the bigger problem. The dog warden should fine people for not clearing up after their dog. There is no evidence that there is a dog fouling problem. However, litter is frequently left behind after football matches including tape, water bottles and disposable coffee cups. Other antisocial behaviour by footballers includes spitting and not using the public toilets but urinating in hedges on the boundary to residences.
12. During COVID restrictions this is placing another curtailment on exercising.
13. During the winter the football pitches are often unusable, but dog walkers use the grounds every day, several times a day whatever the weather causing very little damage.
14. Impact on dogs due to less socialisation opportunities.
15. How will compliance with the Order be policed? Who will fund this? Why is drug taking, alcohol consumption and other anti-social behaviour not being tackled?
16. Will the ban only be during the football season?
17. Will the pitches be fenced off to prevent foxes, cats and other animals defecating on the pitches?
18. Will the council mark out the 5 metre exclusion zone? Some of this exclusion zone will encompass roads and pavements.
19. Will poo bins be moved so as not to be within the 5 metre zone?

20. There appears to be no exemption from the 5 metre exclusion zone. Does this mean that even playing fields with fences such as the tennis courts require a 5 metre zone?
21. Presumably basketball court and petanque court included in definition of sports pitches. It is not possible to walk from the south to the north field without passing within 5 metres of a sports pitch.
22. How many WMT Councillors actually live in Wimborne Minster Town Centre and pay the precept? How many have dogs? How many walk their dogs in Redcotts Park and depend on
23. this green space for exercise and recreation? How many voted for/against this DC recommendation?

Suggested compromises/solutions:

24. Consider giving half the park to dog walkers.
25. Could there be specified times when dogs could be walked off lead? The pitches are used for a short period of time each week.
26. Remove the football pitches completely.
27. Review the actual usage and income earned by the Town Council from the 2 marked pitches in the park and consider the financial implication of removing, as an example, the smaller 7/9 a side pitch, leaving the area behind the old First School as a 'lead off' area for dogs; Could local resident dog owners pay a small fee each year to cover the shortfall in income from this pitch?
28. Consider whether the 2 marked pitches could be fenced in, in a similar manner to the playground, leaving the balance of the park free for 'lead off' dog use.
29. If the decision is to keep both marked pitches 'unfenced', is there space in the park for a fenced in dog run area - for example, in the triangle of grass outside the groundsman's garage or on the grass court tennis courts (already fenced in), making use of the grass area that isn't used for tennis courts in the summer (there is space for more than the 3 courts that are usually marked up)?