

Committee(s): Hampstead Heath Consultative Committee	Date: 19/10/2020
Subject: Draft Code of Conduct for Dog Walkers and Licensing Scheme for Professional Dog Walkers	Public
Report of: Superintendent of Hampstead Heath	For Discussion
Report author: Richard Gentry	

Summary

The introduction of the City of London Corporation (Open Spaces) Act 2018 in March 2018 enables the City Corporation to operate a scheme (a “licensing scheme”) to control an activity in an open space that is carried out for commercial gain. Where an activity is specified in a licensing scheme (a “specified activity”), the City Corporation may grant a licence for the carrying on of that activity.

This report provides Members with an update regarding the introduction of a Code of Conduct for Dog Walkers and a Licensing Scheme for Professional Dog Walkers to regulate this commercial activity using the powers available through the City of London Corporation (Open Spaces) Act 2018. The Superintendent now seeks wider discussion and engagement with Members on the draft Dog Walkers Code of Conduct, Professional Dog Walker Application Form and accompanying Terms & Conditions.

Final versions of these documents will then be prepared to be considered by the Hampstead Heath, Highgate Wood and Queen’s Park Committee in November 2020.

A public consultation was completed in 2019 and Heath users and local stakeholders acknowledge the prevalence of professional dog walkers using Hampstead Heath for their commercial activity. There is concern regarding the potential increase and the impact that the activity has on users and the continued management of the open space.

Recommendations

Members are asked to:

- Provide feedback Draft Dog Walkers Code of Conduct (Appendix 1)
- Provide feedback on the Draft Professional Dog Walkers Licence Application Form (Appendix 2).
- Provide feedback on the Draft Professional Dog Walkers Licence Application, Terms and Conditions (Appendix 3).

- Provide feedback on the proposal to limit the number of dogs for a Professional Dog Walker, as set out in paragraph 16 and 17.
- Views are sought from this committee on the maximum numbers of dogs that can be walked under one person control (para. 3)
- Views are sought from this committee on the number of licences which can be issued for AM and PM sessions (para. 30)

Main Report

Background

1. In February 2019, the City of London Corporation (City Corporation) procured the services of Jon Sheaff and Associates to research and deliver proposals for a Code of Conduct for dog walkers, plus a Licensing Scheme for those offering this service commercially. Jon Sheaff and Associates carried out engagement in July and August 2019.
2. The project brief included a requirement to carry out an engagement and consultation process with private and Professional dog walkers to inform the development of a Code of Conduct and Licensing Scheme.
3. On 14 October 2019 Jon Sheaff presented an update on the outcome of the engagement work to the Hampstead Heath Consultative Committee. Following consultation, a suggested number of dogs walked under one person's control was five dogs. Further discussion with the Hampstead Heath Consultative Group has favoured a maximum of four dogs being walked by one person at any one time. Officers are proposing that four dogs be walked by one person.
4. The City of London Corporation, through engagement with local stakeholders and Heath users, propose the introduction of a licensing scheme for Professional Dog Walkers to regulate an activity which sees an estimated 30+ companies operating a commercial activity on the open space. (In 2014/15 the Hampstead Heath Constabulary carried out engagement with Professional Dog Walkers. Engaging with 30 different suppliers.) In a recent search, at least 12 suppliers were found online to promote their dog walking business on Hampstead Heath.
5. A cause of concern for visitors and the local community is the regular occurrence of dog walkers walking up to 10+ dogs. Visitors and the local community perceive that it is not possible for one person to effectively control that number of dogs, e.g. picking up after a dog, managing dogs off lead.
6. The development of a code of conduct and licensing scheme will enable the City Corporation to build awareness and promote education about caring for the Heath into all communications and activities.
7. Between 1 October 2018 and 1 October 2020, the Heath Constabulary recorded 343 dog related incidents. They have recorded 256 engagements with Professional Dog Walkers during this period. 6 cases have been brought before the courts regarding dog control over the same period.

8. Any enforcement action would be carried out by the Hampstead Heath Constabulary. The Heath Constabulary's operating procedures will be updated to reflect a proactive change in response to the commercial activity. Constables will engage, explain, encourage and enforce. The four 'E's are based on evidence that people are more likely to comply if they feel they have been treated fairly, have received an explanation, and have been given the opportunity to give their view.
9. A separate paper on 19102020 has been presented to this Committee regarding the delegation of authority to issue Fixed Penalty Notices under the City of London Corporation (Open Spaces) Act 2018.

Current Position

10. Members received a verbal update from the Superintendent of Hampstead Heath concerning the dog walker Code of Conduct and licence consultation in January 2020. In the summer of 2020, a small Working Group was set up, enabling further discussion and development of a Code of Conduct, Professional Dog Walker application form and associated Terms and Conditions. This group met on a number of occasions to discuss the documents which are in draft form at appendices 1 – 3.
11. A number of Local Authorities in London have a licence scheme in place for professional dog walkers, these include: Ealing, Hammersmith & Fulham, Hillingdon, Hounslow, Lambeth, Richmond upon Thames, Wandsworth, Lee Valley Regional Parks and The Royal Parks. Numbers of dogs allowed to be walked via the respective Local Authority licensing schemes are 4 to 6 dogs.
12. A future consideration may be the introduction of Public Space Protection Orders (PSPO). A local authority may make a public spaces protection order to deal with nuisance or anti-social behaviour in a particular area that is detrimental to the local community's quality of life.
13. The introduction of a Code of Conduct will enable Officers to monitor the compliance of the Code, specifically regarding the number of dogs being walked by non-commercial dog walkers who aren't bound by Terms and Conditions of a Licence. This will support any future decisions regarding the introduction of a PSPO.
14. The City of London Corporation (Open Spaces) Act 2018 requires the City Corporation to have in place an appeals process. A specific Panel or Committee would need to be established for this purpose.
15. Existing byelaws do not allow for the regulation of commercial dog walking.

Summary of Findings & Proposals

16. As a result of the engagement and consultation exercise, the following key themes emerged:
 - Open Spaces within the Hampstead Heath Division are for everyone.
 - The value of open spaces is recognised for their health and wellbeing outcomes for those walking dogs.
 - Dog walkers should clean up after their dogs.
 - Dogs should be kept under proper control.
 - Dog walkers should have access to bins for the disposal of waste.
 - All dog walkers should adhere to a Code of Conduct.
17. Professional Dog Walkers would be able to apply for one or more licences, enabling them to walk a maximum of four dogs during the following periods:
 - Morning 7am – 12noon
 - Afternoon 12noon – 5pm
18. Consequently, the Superintendent seeks the views of Members on introducing four as the maximum number of dogs a Professional Dog Walker should have under their control. This would be reflected in the Code of Conduct and Licensing Scheme. This approach is in line with other Local Authorities across London.
19. Applicants for a Professional Dog Walking Licence will need to demonstrate, as part of the application process, how they will meet the strategic aims of the Hampstead Heath Management Strategy 2018 – 2028 (Strategy), specifically Priority 3. Before a license is issued, the City Corporation will evaluate the application, taking into consideration their responses as to how they will meet the strategic outcomes of the Strategy.
20. Fees and charges for the Professional Dog Walker licence fee will be proposed in the annual review of fees and charges for 2021/22.
21. The City Corporation have discussed with English Heritage, Kenwood House the proposed introduction of a licensing scheme for Professional Dog Walkers. The City Corporation will continue to work with English Heritage to ensure visitors use the open space and associated English Heritage land responsibly.

Corporate & Strategic Implications

22. Hampstead Heath is a registered charity, for which the City of London Corporation is the Trustee. The purpose of the charity is the preservation of Hampstead Heath for the recreation and enjoyment of the public. The Hampstead Heath, Highgate Wood and Queen's Park Committee (HHHWQPC) manages Hampstead Heath on behalf of the City of London Corporation and must take decisions in the best interests of the charity.
23. The City Corporation may make a licensing scheme under section 10 of the City of London Corporation (Open Spaces) Act 2018, Where an activity is specified

in a licensing scheme (a “specified activity”), the City Corporation may grant a license for the carrying on of that activity.

24. The adoption of a Code of Conduct and Licensing Scheme contributes towards the achievement of the Hampstead Heath Management Strategy 2018-2028 Strategic Outcomes A: The Heath is maintained as a flourishing green space and historic landscape, B: Improved quality of life for Heath visitors, C: The Heath is inclusive and welcoming to a diverse range of visitors and D: Greater number of and diversity of People taking care of the Heath.
25. It also contributed to the three aims set out in the City of London Corporation Corporate Plan 2018-23: Contribute to a flourishing society, Support a thriving economy and Shape outstanding environments, in particular the following Corporate Plan outcomes:
 - (1) People are safe and feel safe.
 - (2) People enjoy good health and wellbeing.
 - (4) Communities are cohesive and have the facilities they need.
 - (5) Businesses are trusted and socially and environmentally responsible.
 - (12) Our spaces are secure, resilient and well maintained.
26. It also meets the three objectives and outcomes set out in the Open Spaces Department Business Plan 2019-20: (a) Open spaces and historic sites are thriving and accessible, (b) Spaces enrich people’s lives and (c) Business practices are responsible and sustainable.

Implications

27. The scheme has been developed to differentiate between professional dog walkers and private dog walkers.
28. There will be a requirement for Staff to administer and enforce the licencing scheme.
29. As well as education, the City Corporation will review their Engagement and Enforcement Strategy in advance of the implementation of a Code of Conduct and Licensing Scheme.
30. The number of licences issued for Professional Dog Walkers would be monitored and reviewed on an annual basis. Officers propose that in the first 12 months of the scheme, 20 licences for morning walks (7am – 12noon) and 20 licences for afternoon walks (12noon – 5pm) are issued for Professional Dog Walkers on Hampstead Heath.
31. There is the potential that the introduction of a Code of Conduct and Licensing Scheme could attract significant local interest. A Communications Plan will be developed to inform stakeholders.

Conclusion

32. The City of London Corporation (Open Spaces) Act 2018 allows the City Corporation to introduce a licensing scheme for commercial activities.

33. The introduction of a Dog Walkers Code of Conduct and a Licensing Scheme for Professional Dog Walkers will enable the City Corporation to better regulate commercial activities on the Heath. It will also support the proactive delivery of an engage, explain, encourage and enforce approach by the Heath Constabulary in response to dog walking on Hampstead Heath.
34. Any person aggrieved by the refusal of the Corporation to grant a licence, or by the revocation of a licence, may seek a review of the decision by a committee of the Corporation comprising three members who are magistrates. A specific Panel or Committee would need to be established for this purpose. Proposals are being developed to establish such a Committee, comprising a pool of eligible members, from which such hearing panels can be drawn. Relevant recommendations will be presented to the Policy and Resources Committee and Court of Common Council in the coming months.

Appendices

Appendix 1 - Draft Dog Walkers Code of Conduct

Appendix 2 - Draft Professional Dog Walkers Licence Application Form

Appendix 3 - Draft Professional Dog Walkers Terms and Conditions

Background Papers

Jon Sheaff Presentation – Interim Report - Code of Conduct and Licensing Scheme for dog walkers, commercial dog walkers.

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