

<b>Committee(s):</b> Hampstead Heath, Highgate Wood and Queen's Park Committee	<b>Date:</b> 25/11/2020
<b>Subject:</b> Code of Conduct for Dog Walkers and Licensing Scheme for Professional Dog Walkers	<b>Public</b>
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	1, 5, 10, 11, 12
Does this proposal require extra revenue and/or capital spending?	No
If so, how much?	
What is the source of Funding?	
Has this Funding Source been agreed with the Chamberlain's Department?	
<b>Report of:</b> Superintendent of Hampstead Heath	<b>For Decision</b>
<b>Report author:</b> Richard Gentry	

### Summary

The City of London Corporation (Open Spaces) Act 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 proposes the introduction of a Code of Conduct for Dog Walkers and a Licensing Scheme for Professional Dog Walkers at Hampstead Heath. Members are asked to approve the Dog Walkers Code of Conduct, Professional Dog Walker Application Form and accompanying Terms & Conditions for Professional Dog Walkers appended to this report.

A public consultation was completed in 2019 and 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 spaces. The Hampstead Heath Consultative Committee are in favour of the proposed approach.

It is proposed that the Licensing scheme for Hampstead Heath will commence on the 1 April 2021. There will be a need to publish the scheme details for at least 21 days before the date on which the scheme takes effect.

Parallel Code of Conducts and Licencing Scheme will be prepared for consultation with Members of the Highgate Wood and Queen's Park Consultative Groups, which will be presented for Members for approval in February 2021.

## **Recommendations**

Members are asked to:

- Approve the key documents with a view to the Licencing schemes coming in effect on 1 April 2021 (appendix 1-3).
- Approve an initial allocation of 20 licences on Hampstead Heath which can be issued for both AM and PM sessions (para. 22)

## **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 voluntary Code of Conduct for all 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. On the 19 October 2020 the views of the Hampstead Heath Consultative Committee were sought, feedback received from this this group was:
  - A Member (London Council for Recreation and Sport) noted that there was nothing regarding the number of times a dog walker could come onto the land per session. Officers confirmed the finer detail of the terms and conditions would be presented to the HHMC including the implications of the am/pm session and how this impacted dog walkers and their income. Members regarded four to be a sensible number.
  - A Member (Hampstead Conservation Area Advisory Committee) queried why the low limit of 20 licences had been set. Members were advised that 20 licences equated to 800 professional dogs per day whereas 30 licences would be 1,200 professional dogs. The decision was made to start smaller on the side of caution and increase if appropriate.

- A Member (Hampstead Garden Suburb Residents' Association) recommended that wording be included in the Code to state that dogs should be kept on leads in all sports areas.
  - In response to a query with regards to there being no limit on the number of dogs a non-professional walker could bring, Officers confirmed that all dogs needed to be kept under control and all dog walkers would be monitored with the potential for the implementation of further limitations if necessary.
  - With regards to the suggested excluded dog walking areas in Appendix 1, a Member felt that this list needed to be exhaustive and include all temporarily fenced off environmental areas.
5. Following engagement with local stakeholders and users it is proposed to introduce 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 and made contact with 30 different suppliers on Hampstead Heath). In a recent search, at least 12 suppliers were found online to promote their dog walking business on Hampstead Heath. This is quite an intensive industry that can impact on the experience of recreational users. Some dog walkers remain on the Heath whilst dogs are ferried in and out to them on an hourly cycle, creating additional congestion in the visitor car parks. Inevitably these businesses also generate additional dog waste, which either has to be picked up by Rangers and/or disposed of from the dog waste bins.
  6. A cause of concern for visitors and the local community is the regular occurrence of dog walkers walking up to 10+ dogs. Because of economics, these also tend to be Professional Dog Walkers, although some recreational users also walk large numbers of dogs. Officers, visitors and the local community perceive that it is not always possible for one person to effectively control that number of dogs, e.g. picking up after a dog, managing dogs off lead.
  7. Between 1 October 2018 and 1 October 2020, the Heath Constabulary recorded 343 dog related incidents on Hampstead Heath. 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. The proposed Code of Conduct will be voluntary for recreational dog walkers and will therefore be used as an educational tool. Any enforcement action in relation to Professional Dog Walkers would be carried out by the Hampstead Heath Constabulary. The Heath Constabulary's operating procedures will be updated to reflect the new arrangements. 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. The City Corporation may revoke a licence if there has been a breach of any of its Terms and Conditions.

9. Under section 10(4) of the City of London Corporation (Open Spaces) Act 2018 a person who, without reasonable excuse, carries on a specified activity without a licence, or in contravention of the Terms and Conditions of such a licence, also commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale (currently £500). Under section 11 of that Act such offences may be dealt with through the issue of a Fixed Penalty Notice and a separate paper is on today's agenda for this Committee regarding the amount of any Fixed Penalty and delegation of authority to issue Fixed Penalty Notices.

### **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 located 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. The numbers of dogs allowed to be walked via the respective Local Authority licensing schemes are 4 to 6 dogs. This could see a displacement of Professional Dog Walkers to City Corporation managed open spaces if equivalent restrictions are not introduced.
12. A future consideration may be the introduction of a Public Spaces Protection Order (PSPO), if it becomes necessary to introduce an enforceable limit on the number of dogs that can be walked by recreational dog walkers at any one time. A Local Authority may make a PSPO to deal with nuisance or anti-social behaviour in a particular area that is detrimental to the local community's quality of life and there are precedents for PSPOs being used for dog control – for example, at Burnham Beeches. Compliance with the Code of Conduct by recreation dog walkers will inform any future decisions regarding the introduction of a PSPO.
13. The Schedule to the City of London Corporation (Open Spaces) Act 2018 requires the City Corporation to have in place a review process for anyone aggrieved by a decision to revoke a licence, or to refuse to grant a licence. A specific Panel or Committee of three City Corporation Members who are Magistrates will need to be established for this purpose before the new licensing regime goes live, and the Superintendent is in discussion with the Town Clerk about these arrangements. Relevant recommendations will be presented to the Policy and Resources Committee and Court of Common Council in the coming months. There is also a right of appeal to the Magistrates' Court.
14. The existing byelaws deal with specific offences relating to dog control but are primarily reactive to problems that have already arisen. The Code of Conduct

and the Licensing Scheme will encourage better behaviour in a more flexible way and address the wider issues arising from professional dog walking.

## **Summary of Consultation & Proposals**

15. 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.
16. 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
17. The proposed Code of Conduct and Licensing Scheme both reflect that four dogs is the maximum number that any dog walker should have under their control and this approach is broadly in line with other Local Authorities across London.
18. Applicants for a Professional Dog Walking Licence will need to demonstrate, as part of the application process, how they will meet the strategic set out in 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. The Director and the Superintendent already have delegated authority to issue licences arising from the City of London Corporation (Open Spaces) Act 2018.
19. The proposed licence fee for Professional Dog Walkers will be presented for Members consideration as part of the annual review of fees and charges for 2021/22. The fee will then be reviewed on an annual basis.
20. 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.
21. The adoption of a Code of Conduct will enable the City Corporation to build awareness and promote education about caring for the Heath into all communications and activities. A Licensing Scheme for Professional Dog Walkers will additionally allow numbers to be capped at a manageable level, ensure that operators are appropriately insured and adhere to agreed standards, and that they pay a licence fee that covers the reasonable administrative costs

incurred in connection with the Scheme and make an appropriate contribution towards the running costs of the Heath.

22. 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. This figure has been arrived at as it will enable Staff to better manage and monitor professional dog walkers in the morning and the afternoon, e.g. avoiding a surge of professional dog walkers entering the open space in the morning.

### **Key Data**

23. Members will be updated on the number of licenses issued for professional dog walkers on an annual basis.

### **Strategic implications**

24. The introduction of the Code of Conduct for all Dog Walkers and a Licencing Scheme for Professional Dog Walkers contributes 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.
  - (5) Businesses are trusted and socially and environmentally responsible.
  - (10) We inspire enterprise, excellence, creativity and collaboration.
  - (11) We have clean air, land and water and a thriving and sustainable natural environment.
  - (12) Our spaces are secure, resilient and well maintained.
25. It also meets the three objectives and outcomes set out in the Open Spaces Department Business Plan 2020-21: (a) Open spaces and historic sites are thriving and accessible, (b) Spaces enrich people's lives and (c) Business practices are responsible and sustainable.
26. 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.
27. The scheme has been developed to differentiate between professional dog walkers and recreational dog walkers, e.g. professional dog walkers will be issued with an identifier which they will be required to be in possession of when walking dogs on a City Corporation managed open space.

28. As well as education, the City Corporation will review the Hampstead Heath Constabulary Engagement and Enforcement Strategy in advance of the implementation of a Code of Conduct and Licensing Scheme.

#### Financial implications

29. Hampstead Heath (number 803392), is a registered charity, for which the City of London Corporation is the Trustee. 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.
30. The costs of implementing the and administrating the scheme will be met from the Local Risk Budget.

#### Legal implications

31. The City Corporation may make a licensing scheme under section 10 of the City of London Corporation (Open Spaces) Act 2018, to control an activity in an open space that is carried on for commercial gain. 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.
32. There will be a requirement for Staff to administer and enforce the Licencing Scheme.

#### Risk implications

33. 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.

#### Equalities implications

34. An Equality Impact Assessment Test of Relevance has been completed for the introduction of a Code of Conduct for all Dog Walkers and a Licencing Scheme for Professional Dog Walkers has been completed. At this stage, it is considered that there are no negative impacts on the protected characteristics.

#### **Conclusion**

35. The City of London Corporation (Open Spaces) Act 2018 allows the City Corporation to introduce a licensing scheme for commercial activities.
36. The introduction of a Code of Conduct for all Dog Walkers and a Licensing Scheme for Professional Dog Walkers will enable the City Corporation to better regulate commercial activities on Hampstead 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, Highgate Wood and Queen's Park.
37. It is proposed that the Licensing scheme will commence on the 1 April 2021. There will be a need to publish the scheme details for at least 21 days before the date on which the scheme takes effect.
38. Parallel Code of Conducts and Licencing Scheme will be prepared for consultation with Members of the Highgate Wood and Queen's Park Consultative Groups, which will be presented for Members for approval in February 2021.

## **Appendices**

- Appendix 1 - Dog Walkers Code of Conduct for Hampstead Heath
- Appendix 2 - Professional Dog Walkers Licence Application Form for Hampstead Heath
- Appendix 3 - Professional Dog Walkers Terms and Conditions for Hampstead Heath

## **Background Papers**

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

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