

## Options Analysis

An options analysis to consider how to manage dog behaviour/control, dog fouling and related issues at the Paddington Old Cemetery.

	<u>Option</u>	<u>Advantages/Disadvantages</u>
1.	<b>Take no action</b>	<p>There have been 74 complaints in 2024. This is an increase on previous years.</p> <p>If no action is taken the complaints are likely to continue, with a real risk that the nature and severity of complaints will continue to increase.</p> <p>Further, if no action is taken, individuals may become disillusioned with the council's mechanism for effectively addressing concerns regarding the ASB/Dog behaviour.</p> <p>Taking no option, does not address the increasing disharmony between dog walkers wanting the freedom to exercise their dog without restriction and users wanting to mourn peacefully and without disturbance.</p>
2.	<b>Issuing a warning letter and/or meeting with dog walkers</b>	<p>A range of steps have been taken so far to try and resolve this without resorting to formal enforcement action. For example, Verbal warnings have been given to those not complying with the cemetery requirements.</p> <p>as</p> <p>Since the consultation review, Enforcement officers have enforced the "losing control" element; with no FPN being issued as most people comply with our request to place a dog on a lead.</p> <p>Six months prior this consultation review, 8 x warnings were issued, and during the consultation period, 4 x warnings were issued. Patrol officers have noted "a noticeable difference in dog owners' behaviour whereby more dogs are on lead when he enters the cemetery".</p> <p>Unfortunately, due to the aggressive nature of some of the dog walkers approached, cemetery staff have often been unable, and increasingly reluctant, to proceed further. Their priority has been to maintain safety and avoid escalating confrontations.</p>

		<p>Cemetery staff have raised concerns, by email, with the Friends of Paddington Group, and posts have been placed on the POC notice boards to encourage more responsible dog awareness and ownership whilst in the cemetery.</p> <p>The position taken since the consultation review has been to 'warn and inform'. Unfortunately, verbal abuse to staff has been a reoccurring theme. For example, it was directly experienced by a director and the Cemeteries Superintendent, <i>anyone</i> requesting a dog walker to keep their dog under control is often met with a barrage of verbal insults.</p>
3.	<b>Acceptable Behaviour Contracts or "ABCs"</b>	<p>An Acceptable Behaviour Contract ("ABC") is an agreement between the Council and an individual to comply with certain rules about controlling their dog.</p> <p>The Kennel Club has suggested that ABCs be used.</p> <p>ABC's requires individuals to engage with us and agree to acceptable use, perpetrators would be invited to a meeting with all relevant parties to discuss the meaning and impact of anti-social behaviour pertaining to their dog, followed by the drawing up of a contract helps them recognise the impact of their behaviour and take responsibility. Going forward this is a potential option for individuals.</p> <p>An ABC is against the person, as opposed to the dog, and where the dog's behaviour is an issue, but where the dogs are being walked by different dog walkers, the issue remains and so the ABC would be ineffective.</p>
4.	<b>A voluntary code of conduct</b>	<p>A voluntary code of conduct could be proposed for all dog walkers to abide by.</p> <p>A code of conduct produced by the Dogs of Paddington Old Cemetery ("DOPOC") has been shared amongst the DOPOC members.</p> <p>Since it was shared with the council there have continued to be dog behaviour/control issues reported, therefore the code has not been effective in tackling these issues. Furthermore, a 'voluntary' code of conduct is only viable for those who are willing to abide by it and is not enforceable against those who refuse.</p>
5.	<b>Injunction</b>	<p>A section 1 injunction against named individuals who are repeatedly allowing their dogs to run out of control or allowing</p>

	ss1-21 of the Anti-Social Behaviour, Crime and Policing Act 2014	<p>them to foul and/or urinate on graves without disposing of the faeces.</p> <p>The Council would need to show that the behaviour has caused, or is likely to cause harassment alarm or distress as per the requirements of section 2 of the 2014 Act.</p> <p>These injunctions require specific individuals to be named (they cannot be sought in respect of “persons unknown”), would require multiple applications and evidence to collected in respect of each individual. It can be difficult to identify who a dog (or dogs) belongs to.</p> <p>The process would involve repeated applications to the Court at an extensive cost.</p> <p>In addition, enforcement of an injunction order is costly, with a further application for committal required in the event of each breach in most circumstances.</p>
6.	<p><b>Community Protection Warnings (CPW) / Community Protection Notices (CPN)</b></p> <p>ss43-58 of the Anti-Social Behaviour, Crime and Policing Act 2014</p>	<p>CPNs/CPWs can be issued if a person’s behaviour is having a detrimental effect, of a persistent and continuing nature, on the quality of life of those in the locality and the conduct is unreasonable.</p> <p>Both the Kennel Club and the Dogs Trust suggest the use of CPNs.</p> <p>CPWs and CPNs require specific individuals to be named and evidence to collected in respect of each individual. This will be challenging as it can be difficult to identify who a dog (or dogs) belongs to.</p> <p>It is often the case that multiple dogs are off lead and running around out of control. As seen on multiple occasions and captured on video footage, the owners are often nowhere in the vicinity of the dogs. Identifying owners and their dogs is to date has been very difficult.</p> <p>Further, this action is against the person, as opposed to the dog, and where the dog’s behaviour is an issue, but where the dogs are being walked by different dog walkers, the issue remains.</p>
7.	<b>Injunction</b>	<p>These injunctions can be sought in respect of a named individual and “Persons Unknown”. The Council can make an application where it is of the view that it would be</p>

	S222 Local Government Act 1972	<p>expedient to do so to promote or protect the interests of the inhabitants of their area.</p> <p>The use of s.222 carries similar challenges to the use of a s.1 injunction under the 2014 Act.</p>
8.	<p><b>Variation of the existing PSPO</b></p> <p>Ss59-75 of the Anti-Social Behaviour, Crime and Policing Act 2014</p>	<p>A variation of the existing PSPO would allow for restrictions to be placed on various activities which are having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality.</p> <p>The implementation of a PSPO enables the establishment of rules that apply universally to everyone, providing all individuals with a clear understanding of what is expected and stop a particular nuisance or problem in a particular area, in this case POC. It goes beyond a code of conduct which is merely advisable, as opposed to being enforceable. It still allows for education, engagement and warnings prior to a (Fixed Penalty Notice) FPN being issued and, if necessary, can be used with the alternative enforcement options above to target persistent individuals permitting their dogs to behave in an uncontrolled or anti-social way.</p>
9.	<p><b>The Local Authorities Cemetery Order 1977, Art 18(1)(e) incorporated in the Brent Cemetery 2008 Regulations provides that no “persons shall play at any game or sport in the Cemetery”.</b></p>	<p>The Local Authorities Cemetery Order 1977, Art 18(1)(e) incorporated in the Brent Cemetery 2008 Regulations provides that no “persons shall play at any game or sport in the Cemetery”.</p> <p>The existing rules coupled with the requirement to have dogs on-lead means that there is no need to include a separate clause for this type of behaviour.</p>
10.	<b>Police powers</b>	<p>The police have powers to deal with aggressive and dangerous dogs and should be contacted if there is the suspected presence of a banned breed. The Council has the power to deal with nuisance dogs.</p> <p>An agreement between the council and local police is in place to exchange information in the course of investigations.</p>

		<p>The LEAD programme, which is a London wide intervention tool enables reports of ASB coming from dogs such as persistent barking, aggressive behaviour etc to be shared and discussed. There are stages of intervention which can result in CBO or worse case a destruction order. The LEAD project is recognised as best practice to deal with lower-level dog related issues and has the endorsement of the RSPCA and police dog units. It is not an advertising campaign about responsible ownership – it's a means of enforcement for 'lower level' dog related issues in-conjunction with the police.</p> <p>Police can/should be called when there is a dog attack.</p>
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