



Telscombe Town Council

Lewes District Council

Telscombe Tye Public Spaces Protection Order Consultation Report

December 2018

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Introduction

Public Spaces Protection Orders (PSPOs) can be put in place by district councils to deal with issues that have a detrimental and persistent effect on the quality of life of residents in the area.

PSPOs place conditions or restrictions on what people can do within a specific area. Breaching a PSPO without reasonable excuse is a criminal offence punishable

by a fixed penalty notice or prosecution. A PSPO can last for a maximum of three years but may be extended if justified.

We have a number of PSPOs already in place in Lewes district, addressing issues related to dog fouling and the public consumption of alcohol.

Background

Telscombe Tye is a 200 acre area of downland in the South Downs National Park, extending from Telscombe Village to the south coast. It is registered as Common Land with grazing rights for sheep, and was purchased by Telscombe Town Council in 1989. One of the flocks on the Tye, consisting of 100 sheep, is owned and cared for by the Council on behalf of the community. Sheep grazing helps to maintain the downland, while the sale of lambs from the community flock raises funds for the Council, for public benefit.

Although there is no statutory right of access for people, the Town Council encourages use of the land for quiet enjoyment including dog walking.

Over recent years there have been a number of sheep attacks on the Tye. The Town Council and other agencies (such as Sussex Police and South Downs National Park) have carried out a range of measures to try and prevent sheep attacks. This includes:

- Articles in local media
- Social media activity
- Signage on the Tye
- Campaigns, including 'Take the Lead'
- Advisory events on the Tye
- Prosecution of offences committed under The Dogs (Protection of Livestock) Act 1953
- On-going education with local school children

Despite local measures to reduce the frequency of dog attacks, incidents continue.

Pre-consultation activity

In July 2018 we carried out pre-consultation with key stakeholders to find out initial views on five proposed options, whether there were viable alternative options that had not been considered previously, and whether there were any stakeholder groups to be engaged as part of the full consultation.

Responses were received from The Kennel Club, members of Telscombe Residents Association and Natural England. Option 2 (see PSPO options we are consulting over, below) was developed in consultation with The Kennel Club, following a joint site visit to the Tye with Lewes District Council and Telscombe Town Council staff.

The feedback provided by these groups helped refine the proposals to the final three options below.

Options on which we consulted

Between 27 September and Friday 23 November we carried out a public consultation on three final options for a proposed Public Spaces Protection Order on Telscombe Tye. The purpose of the PSPO options proposed was to protect the lambs and ewes that graze the Tye from being scared, injured or killed by dogs.

The proposals aimed to strike a balance between effectively addressing the problem and not penalising responsible dog owners.

Option 1 – Year round but only in the vicinity of sheep

A person is guilty of an offence if at any time, and without lawful excuse, he or she takes onto, or allows to enter or remain on, Telscombe Tye any dog which is not on a short lead **and which is in the vicinity of sheep**.

For the purposes of this Order, “short lead” means a lead of fixed length and of not more than two metres.

Option 2 – Year round

- I. Subject to paragraph II, a person is guilty of an offence if at any time, and without lawful excuse, he or she takes onto, or allows to enter or remain on, Telscombe Tye any dog and fails to keep the dog on a short lead.
- II. A person is not guilty of the offence in paragraph I so long as he or she keeps the dog in sight at all times AND prevents it from approaching sheep.
- III. A person may not rely on the exception permitted under paragraph II where an authorised officer reasonably requests the person to place the dog on a lead.

For the purpose of this Order, “short lead” means a lead of fixed length and of not more than two metres

Option 3 – More lenient dog control

Any of the options above but replacing “on a short lead” with “on a lead or otherwise under close control” – to mirror the wording of the Dogs (Protection of Livestock) Act 1953. This would permit dog walkers to use an extendable lead, or no lead so long as the dog was under “close control”.

Who responded

- We received 814 responses to the consultation. This includes responses through our survey, via email and letter.
- Responses were received from organisations and community groups. These were Guardians of the Tye, Dogs Trust, The Kennel Club, Brighton Dogwatch, and Saltdean Residents Association.
- The majority of responses were from people in the postcode area BN2.
- People who regularly walk a dog on Telscombe Tye was the largest response group.

In addition to the Lewes District Council survey and email responses submitted, a separate survey entitled 'The People's Survey' was conducted by a local group of interested residents acting under the banner of the Guardians of the Tye.

A report summarising the findings of this separate survey was submitted to the officers carrying out the consultation. While the council is unable to comment on the methodology of this separate survey, it recognises it as a valid form of feedback to this consultation. The survey asked "whether or not people believed PSPO orders should be used on off-lead dog walking on the Tye" which "90% of 432 people surveyed replied No" and 10% replied Yes.

Key findings from the Council survey

- 748 people responded to the survey
- 83% of respondents either disagreed or strongly disagreed that Option 1 would address sheep worrying on Telscombe Tye. 17% either agreed or strongly agreed.
- 81% of respondents either disagreed or strongly disagreed that Option 2 would address sheep worrying on Telscombe Tye. 17% either agreed or strongly agreed.
- 64% of respondents either disagreed or strongly disagreed that Option 3 would address sheep worrying on Telscombe Tye. 33% either agreed or strongly agreed.
- 93% of respondents had not witnessed sheep worrying or a sheep attack on Telscombe Tye. 7% of respondents had.

Findings from other forms of response – emails and letters

- The Kennel Club was broadly supportive of the proposals
- The Dogs Trust was supportive with caveats
- The Guardians of the Tye were against the proposals
- Saltdean Residents Association were against the proposals
- Brighton Dogwatch were against the proposals
- 53 emails and letters were received from residents against the proposals
- 2 emails were received from residents in favour of the proposals
- 2 emails were received that expressed neutral comments about the proposals

How we consulted

- Following the pre-consultation activity outlined on page 2 we published a page on the council's website lewes-eastbourne.gov.uk giving an overview of the consultation and more detailed information about the proposals and consultation available to download.
- An online survey was provided which asked questions about whether respondents agreed or disagreed with the proposals, with an opportunity to provide other comments. This survey included the council's core equality monitoring questions.
- Paper versions of the consultation information and survey were made available on request and to pick up from Telscombe Civic Centre.
- Responses were also invited by email and in writing.
- The consultation survey and accompanying information was made available in different languages and accessible formats such as Braille and audio file on request.

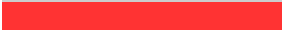



How we publicised the consultation






- The consultation was promoted through a press release which resulted in coverage in the local print media. It also led to a radio interview on BBC Sussex with the lead cabinet member for Environmental Impact.
- A message was sent to the council's consultation mailing list.
- The consultation was promoted on the council's social media profiles.
- The council put up posters on Telscombe Tye alerting local residents to the consultation.
- The consultation information was sent directly to a range of key stakeholders
- Overall there was a high level of awareness of the consultation because of the coverage it received in the local media and on social media by interested residents.

Next steps

- Feedback from this consultation will be presented to Lewes District Council's Lead Member for Environmental Impact and Director of Service Delivery for consideration before the council makes the final decision on whether to make the PSPO and, if so, in what form.
- We will inform respondents of the outcome of this decision.

Survey findings

1. What best describes your reason for responding to this consultation?				
			Response Percent	Response Total
1	I regularly walk a dog on Telscombe Tye		59.27%	438
2	I regularly visit Telscombe Tye but not to walk a dog		17.59%	130
3	I do not regularly visit Telscombe Tye but am a local resident interested in this consultation		14.88%	110
4	Other (please specify):		8.25%	61
Other (common themes)			Response Percent	
1	I visit the Tye to walk a dog		76.66%	
2	I visit the Tye to walk without a dog		16.66%	
3	Other		6.66%	

2. Option 1 - Applicable all year round but only in the vicinity of sheep				
<p>A person is guilty of an offence if at any time and without lawful excuse he or she takes onto, or allows to enter or remain on, Telscombe Tye any dog which is not on a short lead and which is in the vicinity of sheep.</p> <p>For the purposes of this Order, "short lead" means a lead of fixed length and of not more than two metres.</p> <p>How much do you agree or disagree that option 1 would address the issues of sheep worrying at Telscombe Tye?</p>				
			Response Percent	Response Total
1	Strongly agree		8.73%	64
2	Agree		7.78%	57
3	Disagree		9.69%	71
4	Strongly Disagree		73.12%	536
5	Don't know		0.68%	5
			answered	733
			skipped	15
Comments (common themes)			Response Percent	
	I believe there is not enough evidence to support this proposal		17.56%	
	The definition of "in vicinity of" is not clear		12.16%	
	The use of the Tye should not be restricted in anyway		17.56%	
	Dogs should be kept under more lenient control		6.75%	
	Dogs should be kept under stricter control		2.70%	

I support this proposal	6.75%
I am against the proposal	24.32%
Other	12.16%

3. Option 2 – Applicable all year round






I. Subject to paragraph II, a person is guilty of an offence if at any time and without lawful excuse he or she takes onto, or allows to enter or remain on, Telscombe Tye any dog and fails to keep the dog on a short lead

II. A person is not guilty of the offence in paragraph I so long as he or she keeps the dog in sight at all times AND prevents it from approaching sheep.

III. The defence provided by paragraph II does not apply where an authorised officer reasonably requests the person to place the dog on a lead.

For the purpose of this Order – "short lead" means a lead of fixed length and of not more than two metres and "authorised officer" means an officer authorised by Lewes District Council.






How much do you agree or disagree that option 2 would address the issues of sheep worrying at Telscombe Tye?



			Response Percent	Response Total
1	Strongly agree		7.85%	57
2	Agree		9.23%	67
3	Disagree		12.40%	90
4	Strongly disagree		69.01%	501
5	Don't know		1.52%	11
			answered	726
			skipped	22
Comments (common themes)			Response Percent	
I believe that there is not enough evidence to support this proposal			14.92%	
The use of the Tye should not be restricted in anyway			10.44%	
Dogs should be kept under more lenient control			7.46%	
Dogs should be kept under stricter control			8.95%	
I support this proposal			4.47%	
I am against the proposal			20.89%	
Other			32.83%	

4. Option 3 – More lenient dog control As per Option 1 or Option 2 but replacing "on a short lead" with "on a lead or otherwise under close control".

How much do you agree or disagree that option 3 would address the issues of sheep worrying at Telscombe Tye?

			Response Percent	Response Total
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1	Strongly agree		16.25%	118
2	Agree		17.22%	125
3	Disagree		9.23%	67
4	Strongly disagree		54.96%	399
5	Don't know		2.34%	17
			answered	726
			skipped	22
Comments (common themes)			Response Percent	
	I believe that there is not enough evidence to support this proposal		9	12.5%
	"Under close control" is not clear		3	4.16%
	The use of the Tye should not be restricted in anyway		6	8.3%
	Dogs should be kept under stricter control		11	15.27%
	I support this proposal		3	8.3%
	I am against the proposal		9	12.5%
	Other		31	43.05%

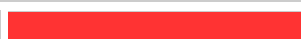

5. If you ever witnessed sheep worrying or a sheep attack on Telscombe Tye?				
			Response Percent	Response Total
1	Yes		6.99%	51
2	No		93.01%	679
			answered	730
			skipped	18




6. If you have ever witnessed sheep worrying or a sheep attack on Telscombe Tye please tell us about it below, including when it took place and the effect it had on you.				
Comments (common themes)			Response Percent	
	I have not witnessed sheep worrying or a sheep attack		41.02%	
	I have witnessed sheep worrying or a sheep attack		25.64%	
	I found it stressful and/or upsetting		5.12%	
	I reported the incident and/or challenged the dog owner		10.25%	
	Other		17.94%	










8. To help us understand who has responded to this consultation, please give us your postcode below.				
Postcode			Response Percent	
	BN2		52.03%	
	BN10		41.37%	
	Other		3.76%	

BN9	1.56%
BN3	1.25%

Equality monitoring data

9. Would you like to answer these questions or skip them?				
			Response Percent	Response Total
1	Answer		61.94%	446
2	Skip		38.06%	274
			answered	720
			skipped	28

10. What is your sex?				
			Response Percent	Response Total
1	Male		42.45%	194
2	Female		57.33%	262
3	Other		0.22%	1
			answered	457
			skipped	291

11. What is your age?				
			Response Percent	Response Total
1	Under 18		0.22%	1
2	18 - 24		3.05%	14
3	25 - 34		7.84%	36
4	35 - 44		14.38%	66
5	45 - 54		29.85%	137
6	55 - 64		26.80%	123
7	65 - 74		14.38%	66
8	75 +		1.96%	9
9	Prefer not to say		1.53%	7
			answered	459
			skipped	289

12. What is your ethnic group?

			Response Percent	Response Total
1	White- English / Welsh / Scottish / Northern Irish / British		95.33%	429
2	White- Irish		1.78%	8
3	White- Gypsy or Irish Traveller		0.00%	0
4	Other white background (expand in text box below)		0.89%	4
5	White & Black Caribbean		0.00%	0
6	White & Black African		0.00%	0
7	White & Asian		0.67%	3
8	Other mixed / multiple ethnic background (expand in text box below)		0.00%	0
9	Asian /Asian British		0.22%	1
10	Indian		0.00%	0
11	Pakistani		0.44%	2
12	Bangladeshi		0.00%	0
13	Chinese		0.00%	0
14	Any other Asian background (expand in text box below)		0.22%	1
15	African		0.00%	0
16	Caribbean		0.00%	0
17	Any other Black / African / Caribbean background		0.00%	0
18	Arab		0.00%	0
19	Other (please specify):		2.67%	12
			answered	450
			skipped	298