

# SHEVIOCK PARISH COUNCIL

The minutes of the Parish Meeting held on Monday 23rd November 2009 in the Sheviock Memorial Hall, Crafhole at 7.30pm.

**PRESENT.** Councillors CK Kennedy Chairman, JM Snowling Vice Chairman, Councillors Mrs. D Mathias, Mrs E Heapy, P Nicholas, C Wallin, P Harrison, Cornwall Councillor George Trubody, Paul Williams, and Checkie Taylor Public Health and Protection Service Cornwall Council. In the absence of the Clerk Councillor Harrison acted as Clerk for the Parish Meeting. There were 30 members of the public present.

## 1. APOLOGIES.

None.

## 2. DECLARATIONS OF INTERESTS.

The Chairman stated that if anyone at this meeting thought he had a prejudicial interest in the dog ban item he would willingly leave the room. No one present stated that the Chairman had a prejudicial interest in the item and the Chairman remained in the room. In response to a question from a member of the public, The Chairman stated that the Councillors had no preconceived ideas.

Councillors Kennedy, Mathias, Snowling and Wallin declared that they owned dogs.

## 3. REASON FOR CALLING PARISH MEETING

### The Clerk had received the following:

A motion proposing that a Referendum of the whole Parish be held, on the following question:

“Should the seasonal ban on dogs on the Beaches at Portwrinkle be altered?”

“At a Parish Council Meeting on the 9<sup>th</sup> November 2009 members of Sheviock Parish Council voted to rescind the Dog Ban on the Harbour Beach, Portwrinkle. This decision overturned the decision of a Parish Consultation held in 2004 and thereby ignores the wishes of the majority of parishioners.

This meeting has been called by the following two councillors of this Parish.

Peter Nicholas, 16 Kimberley Foster Close, Crafhole

Elizabeth Heapy, Hillside Cottage, Crafhole

## 4. CHAIRMAN'S INTRODUCTION

The Chairman briefed the meeting as follows:

### Structure of tonight's meeting

- ◆ Welcome and ask for declarations of interest from Councillors.
- ◆ Explain the rules for a Parish Meeting and for any Polls/Referenda that may be called
- ◆ Explain the current Dog Ban.
- ◆ Summarise the advice the Parish Council has been given (we have Checkie Taylor and Paul Williams Officers from Cornwall Council here to correct anything we get wrong).
- ◆ Explain the decision the Parish Council reached at its last meeting.
- ◆ Open the meeting for debate.

### Rules for Parish Meetings

- The Chairman of the Parish Council shall chair the meeting;
- Minutes of the meeting must be kept by the Parish Clerk;
- Any resolution is decided by a majority of those present and everyone present and on the register of electors is entitled to a single vote;
- The decision from a vote is final unless a Poll/Referendum is called;
- The Meeting has the power to discuss parish affairs and pass resolutions thereon but such resolutions do not bind the parish council.

### Rules for Polls/referenda that may be called

- ◆ A poll/referendum shall not be taken unless
  - the chairman of the meeting consents, or
  - the poll is demanded by the lesser of at least 10 who are present or one third of those present, who are on the register of electors;
- ◆ The poll must be paid for by the Parish (estimated cost is £1,500 based on last election of a councillor)

- ◆ The poll must be held between 14 and 25 days after it is demanded;
- ◆ Each question on the ballot paper must be answered by a straight yes or no;
- ◆ The questions and the answers received relate to the Parish and the Parish Council. They are not binding on Cornwall Council.

#### **The current Dog Ban**

- ◆ The 1984 Dog Ban bye law legislation used for our beaches is unique in Cornwall;
- ◆ The rest of Cornwall uses Dog Control Orders and the Unitary Authority will almost certainly change Portwrinkle to a Dog Control Order in due course;
- ◆ Dog Control Orders are more flexible in that times and periods can be set and fixed penalty notices can be issued on the spot;
- ◆ There are multiple owners of the Finnygook beach and a legal defence against both the current bye law and a Dog Control Order is that a person was 'on the beach with the beach owners consent'. Hence the Dog Warden has issued notices of prosecution for the Harbour beach but is unable to do the same for Finnygook beach.

#### **Advice received by the Parish Council's regarding the Dog Ban**

- ◆ The dog ban has been in force since 2005 and has run for 4 full years 2006, 7, 8 and 9;
- ◆ Every year there have been complaints that it has not been enforced;
- ◆ The Parish Council has asked the Police and Council Officers to attend the last two Council meetings and advise how a ban could be enforced;
- ◆ The advice received is that without the support of all owners of the Finnygook Beach enforcement on that beach is very difficult;
- ◆ There are only 2 Dog Wardens; they are not available all the time at Portwrinkle and the Police advise issuing notices is a low priority so practical enforcement is very difficult;
- ◆ The advice was that if we moved to a Dog Control Order that provides the flexibility to give out fixed penalty notices and that if there was an area of beach on which dogs were allowed that was clearly signed the Dog Control order could be applied even on private parts of a Beach covered by an Order.

#### **What the Parish Council decided at its last meeting**

- ◆ This was an issue that had split the community for many years and a solution would be an improvement ;
- ◆ What is in place satisfies the wish for dog free beaches in name only because dogs are still on the beach in the summer;
- ◆ That we should ask Cornwall Council to change the Current Bye Law to a Dog Control Order this will be at no, or minimal, cost to the Parish;
- ◆ To apply the Dog Control Order to the Finnygook beach and not the Harbour Beach for 2010, to monitor the effect on enforcement and local views for both beaches and review the situation in September 2010;
- ◆ A Dog Control Order can only be introduced after consultation carried out by Cornwall County;
- ◆ Decide how we should proceed in future years – options would include extending the seasonal ban to the harbour beach, having it applied for a reduced period or for certain hours, requiring dogs to be on a lead at certain times, etc.

#### **The meeting is now open for debate**

- ◆ Individual contributions will be limited and in order to ensure we can finish at a reasonable hour please only make a contribution if you are making a new point.
- ◆ The order of debate will be:
  - Management of dogs on the beaches at Portwrinkle
  - The question of a Poll/Referendum
    - Is it required and what will it achieve?
    - If it is, what are the questions to be asked?

## 5. DEBATE

The following comments were made by members of the public and, where appropriate a response from the Parish Council or Public Health and Protection Service Cornwall Council is added:

- Councillor Nicholas emphasised that under the legislation for Dog Control Orders the views of dog owners and non-dog owners have to be taken into account. An Exercise Area for dogs should be available and there should be a proper system for enforcement.
- Paul Williams said that there had to be a balance.
- Councillor Mathias said that there was no alternative to the beach because of cows and sheep in the rural parish.
- Dogs could be exercised on public foot paths
- There were two beaches and therefore one should be dog free and the other available for dogs. People would be happier; however there were irresponsible adults. The Harbour Beach should have no restrictions whilst the Finnygook beach should be dog free.
- Both beaches should free of dogs. People exercise their dogs in Shevioc. There were other places such as the moors.
- Allowing dogs on the beaches helped the three local major employers.
- A compromise was the way ahead.
- Public paths were owned by someone.
- How many dog wardens were there?
- Checkie Taylor said there were 2 for Caradon area. If people are caught fixed penalty notices are issued. The dog wardens could not be everywhere but they will do their best.
- The referendum is expensive in cost – maintain the status quo.
- Always assume a dog will make a “pooh” so carry a bag. Dogs shouldn’t be on the beach in summer. However human rubbish is also a problem.
- Public footpaths cannot be used because of cows and sheep. Dogs should be allowed to cool off in the sea.
- The Harbour Beach is owned by the Antony Estate and Cornwall Council so that is the beach to be kept dog free. This beach is the best for children.
- Checkie Taylor said that the difference between a Dog Ban and a Dog Control Order was that the Parish could decide the wording of the Order. Then Cornwall Council would check the legality. The Finnygook beach has multiple owners.
- The Chairman stated that since the last Parish Council meeting, the Council had been made aware that enforcing a Dog Control Order on a beach with multiple owners was difficult if not impossible if all the owners did not support the proposed order. Therefore the Parish Council had changed the selection of the dog free area to the Harbour beach.
- A number of members of the public stated that they had suffered abuse from dog owners on the beaches during the summer. Two had been attacked by dogs off leads.
- Councillor Mathias said that there was a misconception about the Council’s discussion at the last Parish Council meeting. We should decide amicably one beach dog free; one beach dog friendly. We should also consider visitors to Portwrinkle including those from abroad with dogs. The Parish Council will have to make a decision.
- Councillor Heapy said that the move to a Dog Control Order was worth thinking about.
- There is a risk to children from the faeces of dogs – Toxocara. Health and safety of humans should be considered. Challenge – keep children safe. Justify the risks.
- Checkie Taylor said Toxocara was very rare. 99.9% of dog owners have their dogs wormed. Cases of Toxocara in children are minimal about 20 a year. There are a minority of dog owners who do not pick up their dogs “pooh”.
- Children from places outside the Parish e.g. Millbrook use the beaches in summer. The beaches should be dog free.
- The Chairman restated that the proposal was to have one beach dog free.
- There are no responsible dog owners.
- The Dog Wardens are not available on Sundays.
- There was a referendum where the majority of Parishioners voted for a Dog Ban. There were plenty of other places to go. Dogs are very fractious in hot weather. We must protect children.
- Councillor Harrison pointed out that of the 558 people on the Electoral Role, only 154 had voted in favour of the Dog Ban. The village of Shevioc and all the outlying hamlets were not included. It was not a referendum but a poor consultation.

- Councillor Nicholas said the ballot papers were botched – it was not a referendum. The consultation was open to question. Dogs had to be allowed to run free not on footpaths but in exercise areas. If not the Parish Council is open to challenge. We should have a dog free beach. The Rame Cluster of Parishes must put pressure on Cornwall Council for more dog wardens.
- Dogs should be kept on leads but there was also the problem of human rubbish, bottles, nappies, etc.
- There are dogs off leads on the roads, particularly Shevioc Lane. Dogs should be on the lead at all times. The Parish Council should think very carefully about their decision.
- There should be a referendum for the entire Parish with clear questions. The referendum should ask which beach should be free.
- The Chairman stated that if a compromise was the practical solution, the Harbour Beach should be dog free and the Finnygook beach not. There are 5 owners of various parts of Finnygook beach.
- Local dog owners obey the current dog ban; tourists do not.
- Why have a referendum?
- The Chairman said that the Parish Council would consult all owners of the Finnygook Beach seeking their support. However they assessed that not all the owners would support a Dog Control Order for the beach. The owners have a right of way by prescription across the beach. A Dog Control Order restricting dogs from Finnygook would be difficult to enforce. A defence would be that the dog owner had permission from the owner (s) of the beach.
- The Harbour beach should be dog free and the Finnygook beach not.
- How would a Dog Control Order be enforced?
- Checkie Taylor said that whatever the Parish Council decide, it would be enforced.
- The Chairman said that the Parish Council were aware two meetings ago that enforcement was difficult. That was why they looked at a compromise trial for one year. Cornwall Council would run the consultation therefore there was no need for a referendum. Another Parish Meeting could be held in September 2010 and we could then spend £1500 on a referendum if necessary. We could do nothing, poll now or next year. The Parish Council had made no firm decisions.
- Councillor Nicholas that if we remove the Dog Ban then we would have a Dog Control Order. We cannot enforce a ban on dogs on Finnygook beach.
- Councillor Mathias said that a Dog Control Order should only be for the summer holidays.
- The Chairman said that a Dog Control Order on one beach would be from Easter to September with dog fouling not permitted on both beaches throughout the year.
- Councillor Heapy pointed out that consultation would be across Cornwall. Cornwall Council should take local feelings into account.
- Does Cornwall Council have scientific evidence of the incidence of Toxocara on Beaches?
- Paul Williams said that they do not but added that most children catch Toxocara from their own pets.
- Councillor Nicholas said that as part of Cornwall's consultation, the points raised by the Parish Meeting would have to be considered.
- The Chairman said that the proposed compromise would achieve one beach that was virtually dog free. The beach would have to be carefully signed. People would have a choice of which beach to use. There is no question of reducing the timescales of the existing Dog Ban.
- Paul Williams confirmed that dog fouling is an offence all the year round.
- Councillor Nicholas emphasised the flexibility of Dog Control Orders.
- It was suggested that an article could be written for the February Parish magazine with coherent argument for the compromise.
- The Chair said this would be too late and Checkie Taylor confirmed that it would take at least 5 months to obtain a Dog Control Order.
- People need to have the information (this was mentioned by a number of those present).
- Councillor Nicholas asked if we need a referendum.
- All Parish Councillors agreed that we should go ahead with one beach free from dogs.
- Councillor Wallin reminded those present that if the meeting voted for a referendum this would cost £1500 and this would be paid for out of the rates.
- There were not enough people present for a decision to be made on the compromise and many people did not understand what was going on.
- Councillor Snowling said that he was against dogs on beaches because dogs and children did not mix. However in his opinion the compromise of a Dog Control Order for the Harbour Beach but not for the Finnygook beach was the way ahead.

## **6. DECISIONS**

The Chairman said that:

- The minutes of the meeting together with a summary explaining the reasons for the latest proposal by the Parish Council would be produced by the 7<sup>th</sup> December 2009.
- The minutes together with the summary would be sent hopefully to at least 90% of those living in the Parish.
- He was in agreement with the suggestion that the people who distributed the Parish Magazine should be approached to distribute the minutes and summary.
- There would be a Parish Meeting on 14<sup>th</sup> December 2009 to discuss the proposed compromise draft Dog Control Order.

## **7. WITHDRAW OF MOTION**

A motion proposing that a Referendum of the whole Parish be held, on the following question:  
“Should the seasonal ban on dogs on the Beaches at Portwinkle be altered?” was withdrawn.

**The Next Parish Meeting was fixed for 14<sup>th</sup> December 2009.**

The Chairman closed the meeting at 9.35 PM.

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