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20<sup>th</sup> December 2024

Dear Mr Travers,

**Regulation 28 Report - Action to Prevent Future Deaths – Natasha Johnston**

The following information is written to provide clarity in response to queries raised by the Coroner relating to the tragic death of Natasha Johnston in January 2023.

Currently there is no standardised approach to the regulation of professional dog walkers across England, with a variety of different schemes in place in different areas, or often none at all. The responsibility for providing overall regulation on issues such as the number and weight of dogs being walked sits with the Department for Environment, Food and Rural Affairs (DEFRA), while 'dog services' and animal welfare licensing are a Borough and District (or Unitary) Council function, usually as part of its Environmental Health responsibilities.

The latter also has the power to serve Community Protection Notices to owners whose dog's behaviour is having a continuing and detrimental effect on the wellbeing of others, as well as the ability to issue Public Space Protection Orders (PSPOs) in specific geographical areas.

It was recognised that in its role as a responsible landowner, Surrey County Council should also take some form of action to promote positive dog walking behaviour in light of this incident, with a particular focus on Professional (paid) Dog Walkers who are often seen with multiple dogs at its countryside sites. For clarity, the guidance applied by Surrey County Council (that has been referred to by the Coroner), most notably its 'Dog Walking Code of Conduct', was implemented in response to the incident involving Ms Johnston rather than being in place prior to the event.

During Spring/Summer 2023, Council officers discussed this issue with a number of stakeholders before developing an options appraisal, with options that ranged from taking no action through to a formal licensing scheme for users of its Countryside Estate (in this case a license would only apply to Surrey County Council land, because wider licensing is a District and Borough function).

While a paid-for licensing scheme was considered, the likely result would be the displacement of the problem onto neighbouring landowners rather than directly addressing the underlying issues. It was considered important to avoid a situation whereby each landowner implements their own licensing scheme, as the public (including professional dog walkers) often do not know whose land they are using, so schemes with different rules, pricing structures etc. would cause significant confusion, frustration and ultimately be ineffective.

There was also concern regarding the practicality of the resource required to enforce licensing across Surrey's significant countryside estate (10,000 acres). While licensing would generate some limited income, it would not be sufficient to pay for the additional resource required to effectively administer the scheme.

Licensing would also impact the viability of professional dog walkers themselves, many of whom are micro businesses. A balanced approach was required that did not excessively restrict professional dog walkers' ability to operate, as there was (and is) an evident need for their services. The Pet Food Manufacturing Association (PFMA) revealed 2.1m people (19% of current dog owners) collected a new pet during the pandemic but as many people have returned to the workplace, professional dog walkers support good canine welfare by exercising the pet when the owner cannot.

## Code of Conduct

Considering the issues above, it was felt the most pragmatic way forward was to take an education-focused approach to improving behaviours, spearheaded by a communications and an engagement campaign for a new "Dog Walking Code of Conduct". This was designed with the intention of communicating clear and simple messaging for *all* dog owners (not only professional dog walkers), as it was considered essential to be clear in precise terms about what responsible dog walking entails, so that all visitors with dogs are aware of how to 'do the right thing' for other countryside users, livestock and wildlife.

Surrey County Council's Dog Walking Code of Conduct is largely based on the well-established Countryside Code promoted on Gov.uk that establishes responsibilities for visitors to the countryside and those who manage the land. The final version of the code was put together following consultation with partners and other landowners including Thames Basin Heaths Partnership, Battersea Cats and Dogs, The Ministry of Defence (MOD), The National Trust, Horsell Common Preservation Society, Surrey Hills National Landscape and some of Surrey's Boroughs and Districts. As part of this process officers also sought the counsel of an industry expert who provided independent advice on content and appropriate language for the code.

To incentivise professional dog walkers (as the primary target audience) to sign up to the code of conduct and confirm they will support its guidelines, businesses are listed on the Council's website upon satisfactory provision of their business details and Public Liability Insurance. Businesses who sign up are also provided with car stickers to publicly endorse they are supporters of the code and promote the responsible behaviours within it.

The scheme went live in January 2024 and has been extremely effective with 122 professional dog walking companies signing up to date, including some from London and other neighbouring counties who use Surrey County Council's sites. Many of those who have signed up are hugely supportive and have offered to become ambassadors to help promote responsible dog walking amongst their networks, helping the Council to further its reach.

Not only has this process allowed the Council to positively engage with professional dog walking businesses, many of which it did not know existed, but in holding their details on file it means any concerns or complaints can be directly. If not addressed, then consultation with the local District of Borough Dog Warden could take place.

The Dog Walking Code of Conduct highlights that walkers should only walk the maximum number of dogs that can be safely controlled, with advice for no more than six. This figure was carefully considered; six dogs is the number referred to in guidance from DEFRA on Public Space Protection Orders (please find extract below) and is the usual maximum used by insurers for professional dog walking cover.

### Maximum number of dogs under a PSPO

When setting the maximum number of dogs able to be walked by one person, the most important factor for authorities to consider is the maximum number of dogs which a person can control; expert advice is that this should not exceed six.

The industry expert advised a lower maximum figure could reduce viability and credibility with professional dog walkers and risked undermining the 'engagement and education' approach. They added that emphasis should be placed on the number of dogs that can *be safely controlled* as every

dog and walker are different, and so simply stating a fixed maximum without further context would not be sufficient.

Surrey County Council officers have hosted multiple outreach events during 2024 to promote the code of conduct, which has included working in partnership with other landowners, such as Guildford Borough Council, to show a collaborative approach and amplify our messaging.

### **Ongoing Commitment**

While the Code of Conduct is considered to be an effective step in the right direction, it is acknowledged ongoing action will be required. Annual reminders are in place to ensure those who have signed up to the Code of Conduct continue to have valid Public Liability Insurance; and where this is not provided, their details will be removed from the Council's webpage.

As part of its communications programme, the Council sends regular newsletters to professional dog walkers promoting good practices and thanking them for their cooperation. The Code of Conduct will also be promoted on a regular basis through the Council's 'Explore Surrey' social media channels and as part of its approach, 'ambassadors' from the professional dog walking community are being used to champion responsible dog walking and spread the word to encourage their peers to sign up.

Officers will continue to monitor feedback from the public and professional dog walkers, both formally and anecdotally to review the effectiveness of the Code of Conduct, especially on Surrey County Council's land. They are also committed to improving their understanding of this work area, with one officer recently completing a professional dog walking qualification so that the Council has a better understanding of their requirements and best practices.

It is acknowledged that legislation and guidance around dog walking is an evolving area, but Surrey County Council is committed to continuing to work with its partners to improve dog walking standards and behaviours. The common consensus from discussions with stakeholders in this space (including professional training providers) is that any universal regulation of dog walking needs to be delivered at a national level, likely led by DEFRA. The Council will continue to keep its approach under review, develop its processes as needed, and looks forward to further legislation and clarity on this issue.

Yours sincerely,



**Chief Executive of Surrey County Council**