



## Report of the Director of Environment and Neighbourhoods

### Report to Outer North East Area Committee

Date: 5 July 2010

### Subject: Dog Control Orders

<b>Electoral Wards Affected:</b>  <input checked="" type="checkbox"/> Ward Members consulted (referred to in report)	<b>Specific Implications For:</b>  Equality and Diversity <input type="checkbox"/> Community Cohesion <input type="checkbox"/> Narrowing the Gap <input type="checkbox"/>	
Council Function <input checked="" type="checkbox"/>	Delegated Executive Function available for Call In <input type="checkbox"/>	Delegated Executive Function not available for Call in Details set out in the report <input type="checkbox"/>

### Executive Summary

This report provides information to area committees with regards to the Council's proposals to introduce Dog Control Orders in the City.

#### 1.0 Purpose Of This Report

- 1.1 To seek feedback on the proposals to introduce Dog Control Orders across the City and inform committees of the consultation process with regards to these proposals.

#### 2.0 Background Information

- 2.1 During 2008/2009, the Scrutiny Board (Environment and Neighbourhoods) conducted a review on the Enforcement of Dog Fouling and issued a Statement in February 2009 setting out its conclusions and recommendations. One of the recommendations stipulated exploring the use of Dog Control Orders in the City.
- 2.2 Dog Control Orders are available under Section 55(1) of the Clean Neighbourhoods & Environment Act 2005, which states:-

"A primary or secondary authority may in accordance with this Chapter make an order providing for an offence or offences relating to the control of dogs in respect of any land in its area to which this Chapter applies."

At present, Leeds has one Control Order in place and this relates to dog fouling.

2.3 There are a number of additional control orders that can be created under Section 55 of the Act. These are:-

2.4.1 **Dog on Lead** (ensuring a dog is kept on a lead at all times).

2.4.2 **Dog on Lead by Direction** (offence of not putting a dog on a lead when directed by an authorised officer).

2.4.3 **Dog Exclusion** (offence of permitting a dog to enter land from which it is excluded).

2.4.4 **Dog Specified Maximum** (offence of taking more than a specified number of dogs on to land).

2.4 Currently, where a person is found committing an offence of dog fouling, they will be issued with a fixed penalty notice. If they fail to pay the fixed penalty, the council will prosecute them for the offence. Such an offence is punishable upon conviction by a maximum fine of up to £1000.

2.5 A Multi Agency Project Board was set up to consider options for adopting Dog Control Orders and to develop an action plan for progressing the Orders. The Board is made up of representatives from Health and Environmental Action Service, Legal Services, Environmental Services (Streetscene), Education Leeds and Strategic Landlord (on behalf of the ALMO's).

2.6 Due to resource constraints faced by all Project Board Members, it was determined that Dog Control Orders will be implemented in a two stage process, to facilitate early delivery of the overall project. Phase 1 of the project will include the following proposals:-

2.6.1 **Dog Specified Maximum** – The Council is proposing to limit the number of dogs walked by an individual to 6.

2.6.2 **Dog on Leads By Direction Order** - This order will be underpinned by staff guidance stipulating the circumstances when a Direction would be given, for example if a dog was causing a nuisance.

2.6.3 **Dog Exclusion Orders**- The city wide schedule can be found on the Council's website. However the proposals with the Outer North East Committee Area are as follows:-

P&C Site Name	Playground Name	Ward Name
Lotherton Hall Estate	Lotherton Hall Playground	Harewood
Shadwell Lane/Osprey Grove	Shadwell POS Playground	Alwoodley
Crag Lane	King Lane Playground	Alwoodley
Cranmer Bank Recreation Ground	Cranmer Bank Playground	Alwoodley
Deepdale Community Centre	Deepdale Playground	Wetherby
Barwick Pos	Barwick In Elmet Playground	Harewood
Holywell Lane Park	Holywell Lane Playground	Harewood
	Scholes Playground	Harewood

- 2.7 The timescale for Phase One of the project will be winter 2010. Phase Two will be considered in summer 2011.
- 2.8 Prior to introducing any Dog Control Orders, the legislation stipulates that Local Authorities must undertake a minimum 6 week consultation process. The authority also advertises its intention in the media. To facilitate the consultation process, Health and Environmental Action Service has developed a website ([www.leeds.gov.uk/dogs](http://www.leeds.gov.uk/dogs)) which contains information on the proposals and an online survey for responses to the consultation. Hard copies of the survey are also available if needed. The website will be promoted through the media and a poster campaign.
- 2.9 The Dog Warden Service will continue to work closely with the Police, who have responsibility for investigating Banned Breeds under the Dangerous Dogs Act 1991 and “status dog” issues - dogs being used as weapons, to intimidate or as part of crime and anti social behaviour.

### **3.0 Main Issues**

- 3.1 Where a person is found committing an offence in breach of a dog control order they may be issued with a fixed penalty notice. If they fail to pay the fine, the council will prosecute them for the offence. Such an offence is punishable upon conviction by a maximum fine of up to £1000. The Council will also apply to the Courts for costs, though this is at the discretion of the courts.
- 3.2 The outcome of the consultation process will shape the proposals and determine a way forward with the Orders. The proposals are completely new to the City and are therefore likely to stimulate contrasting views, from both dog owners and none dog owners. The Council will assess and consider the responses through the Project Board, balancing any views with the overall project objective of promoting responsible dog ownership.
- 3.3 The Dog Specified Maximum Control Order proposal may encourage responses from Dog Walking Businesses in the City, however ad-hoc feedback to date has noted that most businesses of this type currently do not walk more than four dogs at one time, due to difficulties controlling the dogs and picking up faeces.

### **4.0 Implications for Council Policy and Governance**

- 4.1 The decision to implement any Orders would through Delegated Executive Function.

### **5.0 Legal and Resource Implications**

- 5.1 Adopting the new legislation has legal implications and the Section Head of Regulatory and Enforcement in the Council’s Legal Services section is steering this aspect of the project.
- 5.2 There are resource and financial implications identified around signage for the Orders. Also, any orders agreed upon will be enforced by existing members of staff – no additional resources have been identified to enforce the orders.
- 5.3 As referred to in 2.6 above, the Dog Control Order Project has been split into two phases. It is proposed, in Phase 2, to consider extending Exclusion Orders to cover other land affected by dog fouling, such as Schools and Sports Pitches. However due

to the vast amount of areas that could potentially be affected by such proposals, more time is required to identify the land and consider options for signing such land, as some land of this type does not have obvious boundaries.

- 5.4 Proposals to identify land where dogs have to be kept on leads at all times will also be explored under Phase 2 of the project.

## **6.0 Conclusions**

- 6.1 The proposals for the Orders are part of a Responsible Dog Ownership scheme being promoted by the Council. The problems created by irresponsible dog ownership, such as dog fouling and stray dogs, can be tackled using Dog Control Orders.

## **7.0 Recommendations**

- 7.1 Members are asked to note and consider the proposals for Dog Control Orders contained within this report.
- 7.2 Members are invited to offer any comments on the proposals.