



## Report of the Director of Environment and Neighbourhoods

### Report to Inner West Area Committee

Date: 5<sup>th</sup> April 2011

### Subject: Dog Control Orders – Phase Two

<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 type="checkbox"/>	Delegated Executive Function available for Call In <input checked="" 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 further Dog Control Orders in the City. Dog Control Orders have been considered in two phases. Phase One orders came into force on 1<sup>st</sup> February 2011.

#### 1.0 Purpose Of This Report

1.1 To seek feedback on the proposals to introduce further Dog Control Orders across the City under Phase 2 of the Dog Control Order Project 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.”

- 2.3 On 3 November 2010, Executive Board considered proposals for Dog Control Orders under the Clean Neighbourhoods and Environment Act 2005. The Board approved three Orders which will:-
- limit the number of dogs that one person may walk
  - exclude dogs from a list of prescribed areas
  - require dogs to be placed on a lead whenever the owner is requested to do so by an authorised officer
- 2.4 Failure to comply with these Order is an offence and a person can be prosecuted or be given the opportunity to pay a fixed penalty as an alternative to prosecution. The orders came into force on 1<sup>st</sup> February 2011.
- 2.5 Executive Board also approved that phase two of the project is begun, which will look at further options for Dog Control Orders in the City. The Project Board steering the Dog Control Orders will, under Phase 2, be consulting upon two additional controls which are:-
- Areas where dogs may be required to be kept on a lead all times. These areas could include roadside pavements (which is envisaged to apply city wide) and cemeteries. Other areas could be considered for such an order, however a Dog Control Order is already in existence which allows officers to direct an individual to place a dog upon a lead if it is causing a nuisance.
  - Further areas of land where dogs may be excluded from. Under Phase 1 of the project, such areas included children’s play areas. Under Phase 2, these areas could be extended to include Sports Pitches and School Grounds & Playing Fields
- 2.6 The Council will look at applying any such controls to land within its control which will include consultation with Education Leeds and the ALMO’s. Dog Control Orders can be applied to any land to which the public have access, with or without payment. Other private land will not be considered unless requested by the landowner and the landowner funds any signage required.
- 2.7 The process for phase two Dog Control Orders will commence with consultation with Area Committees, after which interested parties such as Dog Walking Businesses, The Kennel Club and The Dogs Trust will be contacted. Officers will also be consulting with key landowners who may have an interest in Dog Control Orders. These include Education Leeds, ALMO’s, all the land owning LCC departments including Parks and Countryside, Town and Parish Councils, Universities, British Waterways and Community Groups.
- 2.8 The outcome of this consultation will shape proposals which will be put into a full public consultation exercise to be undertaken through summer 2011. Scrutiny Board (Environment & Neighbourhoods) have taken a close interest in the project. The outcome of the consultation will be shared with Scrutiny Board, who will also help steer the final proposals. The final proposals would be determined by Executive Board. It is proposed to introduce any orders agreed early 2012.

### **3.0 Main Issues**

3.1 The outcome of the consultation process will shape the proposals and determine a way forward with the second phase of the Orders. The proposals are 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.

### **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 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.

### **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 further Dog Control Orders.

7.2 Members are invited to offer any comments with regards to:-

- Potential consultees who are not listed above
- Landowners or managers who may be interested in Dog Control Orders on their land, particularly in the local area covered by this committee.
- Advise on any areas of land which they feel would benefit from Exclusion Orders
- Offers any observations which need to be incorporated into the public consultation
- Nominate their Area Champion to receive the formal consultation outcome on behalf of their Committee.

### **Background Papers**

Scrutiny Board (Environment and Neighbourhoods) – Statement on the Enforcement of Dog Fouling. February 2009

Dog Control Orders Area Committee. 21<sup>st</sup> June 2010

Executive Board Dog Control Orders. 3<sup>rd</sup> November 2010.