

12th July 2012		ITEM <u>7</u>
Cleaner, Greener, Safer Overview and Scrutiny Committee		
Implementation of Dog Control Orders		
Report of: Lucy Magill, Head of Public Protection		
Wards and communities affected: All	Key Decision: Key	
Accountable Head of Service: Lucy Magill, Head of Public Protection		
Accountable Director: Jo Olsson Director of People Services		
This report is Public		
Purpose of Report: To seek Members' endorsement of the proposed approach to implement Dog Control Orders.		

Comment [sj]: PLEASE CLICK THIS BOX ONCE and enter the date of the meeting (in font 16, not capitals)

Comment [sj]: Please leave this for completion by Democratic Services

Comment [sj]: PLEASE CLICK THIS BOX ONCE and enter the name of the Committee you are reporting to (in font 16, not capitals)

Comment [sj]: PLEASE CLICK THIS BOX ONCE and enter the title of your report (in font 16, not capitals)

Comment [a j]: Please enter the name and job title of the person who will be presenting the report

Comment [sj]: Please enter details of any Wards and Communities affected by the report. If this section is not applicable, please state 'None'.

Comment [sj]: Yes/No/Not Applicable – a 'Key Decision' is generally one affecting more than 2 wards or above 650,000

Comment [sj]: Please state the Head of Service's name and job title

Comment [sj]: Please state Director's name and job title

Comment [sj]: State whether your report is Public or Exempt. If Exempt (i.e. not to be given to the public or discussed in public) please state 'Exempt'.

Comment [sj]: Briefly set out the purpose of your report

Comment [sj]: Please provide a summary of the key points in your report

Comment [sj]: The recommendations should be set out in bold in the form of the decision that the decision maker should take.

EXECUTIVE SUMMARY

Members have approved the start of a process to introduce Dog Control Orders in a number of locations within the Borough. Before the introduction of these Orders a public consultation must be carried out and the results taken into account. Regulations on the introduction of Dog Control Orders set out a recommended consultation process, which members are asked to approve to support this programme.

1. RECOMMENDATIONS:

- 1.1 That the Committee agree that the consultation process set out in the Dog Control Orders (Procedures) Regulations 2006, is adopted as the process to be used in the development of Dog Control Orders in Thurrock and commences on the following elements:**
 - 1.1.1 Consultation on a Dogs on Leads Order for Brandon Groves Estate**
 - 1.1.2 Consultation on a Dog Exclusion Order for the toddler play area for South Ockendon recreation ground**
 - 1.1.3 Consultation on a Dog Exclusion Order for the play area for the Flowers Estate**

- 1.1.4 Consultation on a Dog Exclusion Order for the toddler play area for Bonnygate Woods
- 1.1.5 Consultation on a Dog Exclusion Order for the play area at Coalhouse Fort
- 1.1.6 Consultation on Dogs on Leads Order for Grays Park
- 1.1.7 Consultation on a Dog Exclusion Order for the play area at Stanford Recreation ground
- 1.1.8 Consultation on a Dog Exclusion Order for the play area at Balstonia park
- 1.1.9 Consultation on a Dog Exclusion Order for the toddler play area at Brannets Wood
- 1.2 The Committee recommends that the Head of Public Protection look at the Community Protection team carrying out additional enforcement action in the following areas
 - 1.2.1 Blackshots Field
 - 1.2.2 Gobions Park
 - 1.2.3 Linford Recreational ground/ The Memorial park
 - 1.2.4 Elm road open space, general
- 1.3 The Committee recommends that the Head of Public Protection carried out further investigation into the issues before consultation commences on the following areas
 - 1.3.1 Usk park Road, Aveley Rec, Martins Road park, Uplands park
 - 1.3.2 Dilkes Park

2. INTRODUCTION AND BACKGROUND:

- 2.1 On 13th March, 2012, members of the Cleaner, Greener, Safer Overview and Scrutiny Committee approved a number of recommendations to adopt more robust control of dogs in thirteen specified locations, most of which included children's play areas. These are set out in Appendix 1.
- 2.2 One of the ways to obtain this more robust control is by the introduction of Dog Control Orders, as set out in Sections 55 – 67 of the Clean Neighbourhoods and Environment Act, 2005. These Orders create the following five offences in the areas covered by them;
 - (a) Failing to remove dog faeces – for which Thurrock has already implemented a Borough wide Dog Control Order
 - (b) Not keeping a dog on a lead;
 - (c) Not putting, and keeping, a dog on a lead when directed to do so by an authorised officer;

Comment [s]: You should briefly explain why the report is on the agenda - See para. 5.3 and 5.4 of the report writing guidelines.

- (d) Permitting a dog to enter land from which dogs are excluded;
- (e) Taking more than a specified number of dogs onto land.

- 2.4 The penalty for committing an offence contained in a Dog Control Order is a maximum fine of level 3 on the standard scale (currently £1,000). Alternatively, the opportunity to pay a fixed penalty may be offered in place of prosecution.
- 2.5 Prior to the introduction of these Orders there is a statutory requirement to undertake a public consultation process. The Dog Control Orders (Procedures) Regulations 2006 lay out the following process which must be followed in these circumstances.
- 2.5.1 Step 1** Authorities must publish a notice describing the proposed order in a local newspaper circulating in the same area as the land to which the order would apply and invite representations on the proposal. The notice must:
- (a) identify the land to which the order will apply (and if it is access land state that that is the case);
 - (b) summarise the order;
 - (c) if the order will refer to a map, say where the map can be inspected. This must be at an address in the authority's area, be free of charge, and at all reasonable hours during the consultation period;
 - (d) give the address to which, and the date by which, representations must be sent to the authority. The final date for representation must be at least 28 days after the publication of the notice.
- 2.5.2 Step 2** At the end of the consultation period the authority must consider any representations that have been made. If it then decides to proceed with the order, it must decide when the order will come into force. This must be at least 14 days from the date on which it was made.
- 2.5.3 Step 3** Once an order has been made the authority must, at least 7 days before it comes into force, publish a notice in a local newspaper circulating in the same area as the land to which the order applies stating:
- (a) that the order has been made; and
 - (b) where the order may be inspected and copies of it obtained.
- 2.5.4 Step 4** Where practicable, a copy of the notice must also be published on the authority's website. Also, where the order affects access land the authority should send a copy of the notice to the access authority, the local access forum and the Countryside Agency.
- 2.5.5 Step 5** If, after considering representations on a proposal to make an Order, an authority decides significantly to amend its proposal, it must start the procedure again, publishing a new notice describing the amended proposal.

2.6 Work on the consultation process has already begun with newspaper notices and maps being prepared for use as soon as the process is approved.

3. ISSUES AND/OR OPTIONS:

3.1 Implementing a Dog Control Order effectively that covers a children’s play area which is not fenced off can present significant practical difficulties. In addition to the obvious difficulty of limiting access, there are other concerns such as identifying the limits of the Orders and displaying the requisite signage. The areas proposed for Dog Control Orders contain seventeen play areas, of which nine have either no or only partial fencing in place.

3.3 The issues in regard to the total fencing of these nine play areas are currently being researched. It has yet to be established what the additional cost of installing fencing for all these play areas would be.

4. IMPACT ON CORPORATE POLICIES, PRIORITIES, PERFORMANCE AND COMMUNITY IMPACT

4.1 Dog Control Orders will have a beneficial impact on the Priorities “To Ensure a safe, clean and green environment” and “Build pride, respect and responsibility in Thurrock’s communities and its residents”

5. IMPLICATIONS

5.1 Financial

Implications verified by: **Michael Jones**
 Telephone and email: **01375 652772**
mxjones@thurrock.gov.uk

This paper refers to the consultation to be adopted to implement Dog Control Orders and as such has only limited additional cost implications. These will be the cost of placing adverts in the local newspapers. However, if approved there will be further costs for signage. These costs are in addition to the work identified at the start of the year, but will be contained within existing resources.

Comment [s]: Other headings may be appropriate. The report should outline the reasoning that leads to its recommendations and **must** include:

1. a brief summary of options considered;
2. consultation outcomes
3. a risk assessment.
4. Whether the responsible cabinet members have been consulted/contributed to the report (NB professional and political advice must be clearly distinguished)

- See para.5.5 of the report writing guidelines.

Comment [a]: Please refer to Section 5.7 of the Report Writing Guidelines

Comment [sj]: This section should always be completed – if they are dealt with fully in another part of the report, they also need a brief cross reference here. The names and job titles of the officers providing the implications should be provided in full – see Guideline 6.1 and please note Democratic Services Deadlines and ensure that officers providing implications are given 5 clear working days to work on the report. Authors can write implications but they must be signed off by the appropriate officers

Comment [sj]: See Guideline 6.2

5.2 **Legal**

Implications verified by: **Remi Aremu (Planning Solicitor)**
Telephone and email: **01375 652 994**
raremu@thurrock.gov.uk

Consideration of a Dog Control Order will require an Equality Impact Assessment. This should be undertaken once feedback has been received from residents about the proposals. It should be noted that the Dog Control Orders Regulations 2006 provide defences for disabled people on the following offences:

- (a) Failing to remove dog faeces.
- (b) Permitting a dog to enter land from which it is excluded.

The Council needs to follow the correct procedures to make an order.

Consultation is necessary because the Council must be satisfied that an order is justified. This means that the Council must be able to show that a Dog Control Order is a necessary and proportionate response to problems caused by the activities of dogs and those in charge of them.

5.3 **Diversity and Equality**

Implications verified by: **Samson DeAllyn**
Telephone and email: **01375 652472**
sdealyn@thurrock.gov.uk

The implementation of any of these Dog Control Orders would impact on those dog owners who fail to control their dogs responsibly. This would not have any significant equality implications as it would represent the exercise of statutory and legal powers. However, the Council should be aware of the reliance of some residents on dogs, such as guide dogs and this should be taken into account in relation to any action taken.

5.4 **Other implications (where significant) – i.e. Section 17, Risk Assessment, Health Impact Assessment, Sustainability, IT, Environmental**

The introduction of Dog Control Orders is being considered as a measure to reduce the anti-social behaviour and risk of harm associated with badly controlled dogs. If implemented these Orders should help reduce the fear of crime and harm, as well as improve public confidence in using those public spaces covered by the Orders.

6. CONCLUSION

- 6.1 A public consultation is required to inform the decision to introduce Dog Control Orders. By approving the use of Regulations, members will ensure a proper consultation will have been undertaken and can take account of the results in introducing properly constructed Orders.

Comment [sj]: This should inform the recommendations in the report

Comment [sj]: See Guideline 8. If any Papers are to be placed in the Members room that relate to this report, you should also list them here

BACKGROUND PAPERS USED IN PREPARING THIS REPORT:

- DEFRA Guidance on Dog Control Orders

Comment [sj]: List the Appendices referred to in the Report

APPENDICES TO THIS REPORT:

- Appendix 1 – Areas identified by members for Dog Control Orders and recommended action

Comment [sj]: Insert the full contact details of the author of the report

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E-mail: jnicolson@thurrock.gov.uk

Appendix 1

Areas Identified by Members for Dog Control Orders

Member	Area	Issue	Comments	Additional Information	Proposal
1. Cllr Amanda Arnold and Cllr Lynn Carr	Brandon Groves Estate	Dog fouling, dogs off leads, dogs dangerously out of control	Wish to see dogs kept on a lead		Consultation on a Dogs on Leads Order
2. Cllr Amanda Arnold and Cllr Lynn Carr	South Ockendon recreation ground	Dog fouling, dogs in children's play area and tennis courts, disruption of sporting events	Wish to see dogs kept on a lead during authorised sporting events, dogs should be not be allowed within 2 metres of play equipment or inside the tennis courts	Toddler equipment fenced. Older children's equipment open. Tennis court fenced.	Consultation on a Dog Exclusion Order for the toddler play area.
3. Cllr Amanda Arnold and Cllr Lynn Carr	Flowers Estate	Dog fouling, dogs in children's play area, dogs dangerously out of control	Wish to see dogs kept on a lead, dogs should not be allowed in the children's play area	Equipment fenced	Consultation on a Dog Exclusion Order for the play area.
4. Cllr Amanda Arnold and Cllr Lynn Carr	Bonnygate Woods	Dogs in play area	Dogs should not be allowed within 2 meters of the play trail or within fenced off areas	Toddler equipment fenced. Other/older children's equipment open	Consultation on a Dog Exclusion Order for the toddler play area.

5. Cllr Ben Maney and Cllr Joy Redsell	Blackshots Field	Dog fouling on the field and in not safe in children's play areas as well as fouling in ball court and skate park	The field is so large that it is not needed to allow them in the play areas	Equipment not fenced	Additional enforcement action around Dog Fouling.
6. Cllr Barry Palmer and Cllr John Purkiss	Coalhouse Fort	Dogs running free in picnic area and in play area	Dogs should be kept on leads	Toddler equipment fenced. Aerial runway open	Consultation on a Dog Exclusion Order for the play area.
7. Cllr Barry Palmer and Cllr John Purkiss	Gobions Park Linford Recreational ground/ The Memorial park	Dog fouling, dogs off of leads	Need enforcement officers at certain times to give fines out. Offered to work with officers. Welcomes signage such as "we welcome your dog on a lead" as it works at the caravan club.	Gobions Park - equipment fenced. Ballcourt & aerial runway open Linford-fenced	Additional enforcement action around Dog Fouling. Additional enforcement action around Dog Fouling.
8. Cllr Yash Gupta – Grays Thurrock	General/Grays park	Residents intimated by dangerous/stay dogs	Issue with resident refusing to put dogs on leads, we can enforce this power.	Equipment not fenced	Consultation on Dogs on Leads Order for Grays Park
9. Cllr Mike Stone – Grays Thurrock	Elm road open space, general	Dog fouling and off leads around children	Concern that we don't demonise dog owners as most are responsible.	Equipment not fenced	Additional enforcement action around Dog Fouling.

<p>10. Cllr Wendy Herd – Aveley</p>	<p>Usk park Road, Aveley Rec, Martins Road park, Uplands park</p>	<p>Dogs in play area</p>	<p>Restriction for walking more than 2 dogs would be desired</p>	<p>Equipment not fenced</p>	<p>Further investigation as to the issue prior to consultation commencing</p>
<p>11. Cllr Pauline Tolson - Homesteads</p>	<p>Stanford Recreation ground</p>	<p>No dogs in play area sing not enforced</p>	<p>Are people taking their dogs in such areas because they are with their children</p>	<p>Equipment fenced</p>	<p>Consultation on a Dog Exclusion Order for the play area.</p>
<p>12. Cllr James Halden Cllr Pauline Tolson Cllr Sue Macpherson - Homesteads</p>	<p>Balstonia park</p>	<p>Dogs fouling, dogs in play area</p>	<p>Concerns with park being run down now that it is not locked at night</p>	<p>Equipment fenced</p>	<p>Consultation on a Dog Exclusion Order for the play area.</p>
<p>13. Cllr Wendy Curtis – Belhus</p>	<p>Dilkes Park Brannets Wood</p>	<p>Dangerous dogs</p>	<p>We should concentrate on dangerous dogs and their owners</p>	<p>Dilkes Park not fenced Brannets Wood Toddler equipment fenced. Other children’s equipment open</p>	<p>Further investigation of issues Consultation on a Dog Exclusion Order for the toddler play area</p>