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Cambridge City Council

To: Executive Councillor for Environmental and Waste Services
Report by: Head of Streets and Open Spaces
Relevant scrutiny committee: ENVIRONMENT 9th October 2012
Wards affected: All

Dog Control Orders Key Decision

1. Executive summary

1.1 The Clean Neighbourhoods and Environment Act 2005 allows local authorities to introduce Dog Control Orders to replace byelaws and also the Dogs (Fouling of Land) Act 1996. Cambridge City Council is defined as a primary authority for the purpose of this Act.

The Dog Control Orders (Prescribed Offences and Penalties, etc) Regulations 2006 provide for five offences which may be prescribed in a Dog Control Order:-

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

1.2 The penalty for committing an offence contained in a Dog Control Order is a maximum fine of level 3 on the standard scale (Currently £1000). Alternatively the opportunity to pay a fixed penalty may be offered in place of prosecution.

1.3 The introduction of Dog Control Orders will not only offer transparency and consistency within the City Council boundary it will give PCSO's the ability to issue fixed penalty notices for offences.

1.4 The report outlines the process that has to be undertaken to introduce Dog Control Orders and seeks approval from the Executive Councillor to implement Dog Control Orders.

2. Recommendations

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2.1 The Executive Councillor is recommended:

- a) To approve the implementation of Dog Control Orders.
- b) To approve a schedule of Dog Control Orders for public consultation and representations.
- c) To approve the finalised Dog Control Orders in consultation with Spokes.
- d) To approve the fixed penalty charge of £75 full cost, £50 reduced cost.

3. Background

3.1 Within the Streets and Open Spaces division the Dog Warden and Public Realm Enforcement services are provided. These services are very much integrated with a single manager and Enforcement Officers supporting the work of the Dog Warden. Current service provision includes education and enforcement in line with the Council's Enforcement policy. Enforcement action for environmental crime is either taken under current legislation or byelaws.

3.2 The Council is unable to be supported by PCSO's in issuing fixed penalty notices for Dog Fouling (or other offences) without the introduction of Dog Control Orders.

3.3 The Clean Neighbourhoods and Environment Act 2005 allows local authorities to introduce Dog Control Orders to replace byelaws and also the Dogs (Fouling of Land) Act 1996. Cambridge City Council is defined as a primary authority for the purpose of this Act.

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- e) Taking more than a specified number of dogs onto land.

3.5 The penalty for committing an offence contained in a Dog Control Order is a maximum fine of level 3 on the standard scale. Alternatively the opportunity to pay a fixed penalty may be offered in place of prosecution.

3.6 Dog Control Orders may be made in respect of any land, which is open to the air and to which the public are entitled or permitted to have access (with or without payment). Land, which is covered but open on one side, is included in this definition e.g. a bus shelter. However it should be

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noted that roads (including highways) may not be subject to a Dog Control Order which excludes dogs (this refers to para 3.4 d).

3.7 The introduction of Dog Control Orders will enable the Dog Warden and Public Realm Enforcement services to seek the support of PCSO's in the issuing of fixed penalty notices.

3.8 Types of Dog Control Orders

- a) Failing to remove dog faeces – this order repeals the Dogs (Fouling of Land) Act 1996 legislation and would make it an offence to fail to remove dog faeces deposited by a dog under a persons control.

Example of usage by other authorities: Borough or District wide within administrative boundaries.

- b) The Dogs on Leads Order – this order allows a local authority to designate dogs on leads areas and would make it an offence not to keep a dog under a persons control on a lead in a designated area.

Example of usage by other authorities: Active Cemeteries where burials are still taking place, sports pitches and school playing fields.

- c) The Dogs on Lead by Direction Order- this order would allow authorised officers to direct a dog under a persons control to be put on a lead and would make it an offence to fail to comply with the authorised officer's request.

Example of usage by other authorities: Borough or District wide within administrative boundaries and used when dogs are a nuisance to others or wildlife.

- d) The Dogs Exclusion Order – this order allows a local authority to designate dog exclusion areas and would make it an offence to allow a dog under a person's control to enter an area designated as a dog exclusion area.

Example of usage by other authorities: Children's Play Areas, Tennis Courts, Bowling Greens, Paddling Pools and Water Play

- e) The Dogs (Specified Maximum) Order – this order would allow a local authority to designate areas of land where a person may take no more than a specified maximum number of dogs and would make it an offence if a person took more than a specified maximum number of dogs onto such land.

Example of usage by other authorities: Used when professional dog walkers become a nuisance and exercise large numbers of dogs and have little control.

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3.9 Keep Britain Tidy, the national campaigning group for improving local environmental quality states that in 2010 the UK dog population was estimated to be 8 million, with dogs producing approximately 1,000 tonnes of excrement each day. In a recent survey of over 10,000 sites dog fouling was present on 7% of these sites. Some dog owners still fail to clean up after their dogs and the highest level of dog fouling can be found in areas where people actually live.

3.10 The table below shows the number of complaints that have been received where requests have been made to the Dog Warden to investigate or customers have asked for dog fouling to be removed within the City boundary.

Year	Fouling Investigations by Dog Warden	Fouling Removal Requests
2009/10	78	112
2010/11	76	99
2011/12	100	93

3.11 Procedure

The Dog Control Orders (Procedures) Regulations 2006 require that:-

1. An authority must consult with any other primary or secondary authority within the area. (County or Parish Councils)
2. Authorities must also 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.
 - b. Summarise the order.
 - c. If the order will refer to a map, say where the map may be inspected. This must be in 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 made to the authority. The final date for representation must be at least 28 days after the publication of the notice.
3. 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. Once made the authority must then publish a notice in the local newspaper at least seven days prior to commencement.
4. Where practicable, signs must be placed summarising the order on land to which it applies. However in respect of a large area, for

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example, in respect of fouling by dogs, signs should be placed at regular intervals warning the public that it is an offence not to clear up dog faeces.

3.12 As part of the consultation process it is proposed that officers consult with area committees to gain views from the public and ward Councillors.

3.13 Fixed Penalty Notices.

The legislation allows for a full fixed penalty amount of between £80 and £50. But a reduction for early payment may be offered but the fine, when reduced, should be no less than £50. The Council currently charge £75 full cost and £50 reduced cost for littering and it is suggested that the charge be the same for dog fouling.

3.14 It is proposed that officers, subject to the required consultation, prepare a schedule of Dog Control Orders to be introduced in the City.

4. Implications

(a) Financial Implications

There will be costs associated with the public notices in the newspaper and also for signage across the district. It is thought that signage could be in the region of £7,000 to £10,000 for which a capital bid will have to be submitted. The issuing of Fixed Penalty Notices will generate additional income, which can offset the cost of signage in future years if considered appropriate. Other costs including newspaper advertising, fixed penalty notices and implementation preparation will be met from existing budgets.

(b) Staffing Implications (if not covered in Consultations Section)

There are no additional staffing implications as officers are already equipped to deal with dog fouling and nuisances.

(c) Equal Opportunities Implications

The following are exempt from Dog Control Orders – an individual who is registered blind under section 29 of the National Assistance Act 1948 or an individual who has a disability which affects their mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects and has a dog trained by one of the following charities: Dogs for the Disabled (registered charity number 700454), Support Dogs (registered charity number 1088281) or Canine Partners for Independence (registered charity number 803680) for which he relies upon for assistance. It is also intended that as part of the consultation that the Guide Dogs for the Blind association be consulted.

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Working support dogs for the disabled will be exempt from the Orders. It is also intended that as part of the consultation that the Guide Dogs for the Blind association be consulted.

(d) Environmental Implications

There will be a positive effect on local environmental quality with the introduction of Dog Control Orders and the enforcement against dog fouling. In addition there will be a +L impact on climate change in the future with a reduction in vehicle activity on attending to customer clean up requests.

(e) Procurement

Not applicable for this report.

(f) Consultation and communication

As outlined above and to additionally include website and social media.

(g) Community Safety

The introduction of Dog Control Orders will have a positive effect on Community Safety, reducing the risks associated with Toxocariasis and nuisance dogs.

5. Background papers

Clean Neighbourhoods and Environment Act 2005.
DEFRA Guidance, Dog Control Orders 2006.

6. Appendices

7. Inspection of papers

To inspect the background papers or if you have a query on the report please contact:

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