
Scrutiny Co-ordinating Committee
Cabinet Member (Policing & Equalities)

16 July 2014
04 September 2014

Name of Cabinet Member:

Policing and Equalities - Councillor Townshend

Director Approving Submission of the report:

Executive Director – People

Ward(s) affected:

All

Title:

Dog Control Orders

Is this a key decision?

No

Executive Summary:

During the last twelve months the Council has received complaints concerning dogs in public places which are not adequately supervised by their owners; the majority of dog owners take their responsibilities seriously but unfortunately there remains a minority who do not.

The City Council can adopt Dog Control Orders to assist in dealing with this issue and most neighbouring local authorities have taken this route.

This report explores the various 'Orders' available and proposes that the Council conduct a public consultation exercise to determine which 'Orders' should be adopted and over which areas of land.

Recommendations:

The Scrutiny Co-ordinating Committee is recommended to:

- (1) Review the report and make recommendations to Cabinet Member (Policing & Equalities)

The Cabinet Member is requested to:

- (1) Consider any recommendations made by the Scrutiny Co-ordinating Committee

- (2) Instruct Officers to Publically consult:
- a. On a proposal to adopt the following four Dog Control Orders (in addition to the current "Fouling of Land by Dogs" Order): The Dogs on Leads Order; the Dogs on Leads by Direction Order; the Dogs (Specified Maximum) Order; and the Dogs Exclusion Order.
 - b. On the question of whether the five proposed Dog Control Orders should apply to all areas of the City or only some and if so which.
- (3) Approve the increase in the level of the fixed penalty to £80 for breach of any of the Dog Control Orders, with provision for this to be reduced to £50 if paid within 10 days of issue. This is an increase from the current level of £75, reduced to £50 if paid within 10 days of issue.
- (4) Report the findings of the public consultation to a future meeting of the Cabinet Member.

List of Appendices included:

Appendix One: Dog Control Orders in use elsewhere in the country.

Other useful background papers:

None

Has it been or will it be considered by Scrutiny?

Yes, Scutiny Co-ordination Committee – 16th July 2014

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

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**Report title:
Dog Control Orders**

1. Context (or background)

- 1.1 The Council has powers under the Clean Neighbourhood & Environment Act 2005 to create Dog Control Orders (DCOs).
- 1.2 In 2007, the Council created a DCO which allowed Authorised Officers to issue Fixed Penalty Notices to dog foul offenders on any land in the area of the Council, which is open to the air, and to which the public are entitled or permitted to have access.
- 1.3 In recent times the Council has received complaints concerning the anti-social behaviour of a minority of irresponsible dog owners. The Council has powers under this same legislation to create additional DCOs to ensure that owners, in certain parts of the City:-
 - Keep their dog on a lead.
 - Put their dog on a lead if instructed to do so by an Authorised Officer from the Council.
 - Restrict dogs from going into certain places i.e. children's play areas.
 - To limit the number of dogs a person has with them at any one time (which would include professional dog walkers). A number of local authorities have already introduced such DCOs (see Appendix One).
- 1.4 This report explores the options open to the Council in adopting further DCOs.

2. Options considered and recommended proposal

- 2.1 The Council has powers to create a variety of DCOs to help curb the anti-social behaviour by a minority of irresponsible dog owners. Details of the various Orders are listed below and where they can be applied. These Orders are currently in force in the following neighbouring local authorities: Birmingham City Council; Nuneaton & Bedworth Borough Council; Rugby Borough Council; and Warwick District Council.
 - 2.1.1 **The Fouling of Land by Dogs Order.** The Council has already adopted this power. It relates to the dog foul offences on any land in the area of the Council, which is open to the air, and to which the public are entitled or permitted to have access. Failure to clear up after a dog can result in a £75 Fixed Penalty Notice which is reduced to £50 if paid within ten days of issue. The Government grants local authorities discretion in setting the level of Fixed Penalty Notices within a specified range; the maximum permitted fine within the range applicable to Dog Control Order offences is £80.
 - 2.1.2 **The Dogs on Leads Order.** The Council has the power to create an Order which necessitates dogs being kept on a lead at all times in a prescribed area which might be:-
 - formal gardens within the city's parks;
 - all churchyards and graveyards;
 - car parks;
 - all pavements and verges adjoining the highway (as defined by section 142 of the Road Traffic Regulations Act 1984);
 - all sports grounds, fields, parks, and pitches not subject to a Dogs Exclusion Order, when in use for authorised sporting matches;

- 2.1.3 The Dogs on Leads by Direction Order.** In some cases an irresponsible owner may be allowing their dog to cause a nuisance. This Order would require the owner to keep their dog on a lead when told to do so by an Authorised Council Officer, on any land to which the public have access within the City boundary and which is open to the air (including land which is covered but open to the air on at least one side).
- 2.1.4 The Dogs Exclusion Order.** There are parts of the City where the public would expect dogs to be excluded for public health and other specific reasons. This Order would allow the Council to prohibit dogs from specific areas for example: enclosed children's play areas, multi-use games areas, basketball courts, tennis courts, 5-a-side, or skate park sites signed as a "Dog Exclusion Zone". This Order would not apply to those who are Registered Blind or who utilise an Assistance Dog from Dogs for the Disabled, Support Dogs, Canine Partners for Independence, or Hearing Dogs for Deaf People.
- 2.1.5 The Dogs (Specified Maximum) Order.** This particular Order can restrict the number of dogs a person has under their control, on any land to which the public have access within the City boundary and which is open to the air (including land which is covered but open to the air on at least one side).
- 2.1.6 Penalties.** It is proposed that the amount of the Fixed Penalty in relation to any offence in relation to the above mentioned proposed DCOs be the sum of £80 to be paid within 14 days, reduced to £50 if paid within 10 days (£80 is the maximum charge that can be levied by the City Council). If the Fixed Penalty Notice is not paid, it is the Council's policy to prosecute the offender in the Magistrates' Court, where the maximum fine is currently £1000.
- 2.1.7 Recommendation.** It is recommended that the City Council:
- Publically consults:
 - On a proposal to adopt the following four Dog Control Orders (in addition to the current "Fouling of Land by Dogs" Order: The Dogs on Leads Order, the Dogs on Leads by Direction Order, the Dogs (Specified Maximum) Order and the Dogs Exclusion Order;
 - On the question of whether the five proposed Dog Control Orders should apply to all areas of the City or only some and if so which;
 - Approve the increase in the level of the fixed penalty to £80 for breach of any of the Dog Control Orders, with provision for this to be reduced to £50 if paid within 10 days of issue. This is an increase from the current level of £75, reduced to £50 if paid within 10 days of issue.
 - Report the findings of the public consultation to Cabinet Member in a further report at the end of the consultation period.

3. Results of consultation undertaken

The introduction of DCOs is likely to generate a great deal of public interest and there will be suggestions as to where the 'Orders' should and should not apply; therefore the Council proposes to hold a 30-day consultation period to gather views from the public and partners. If the Council subsequently decides to introduce new DCOs or to amend the existing DCO, then it must publish a Statutory Notice of Intent in a local newspaper and on its website, specifying where the DCOs will apply. The public will then have a further 28 days on which to comment.

4. Timetable for implementing this decision

Paragraph 3 specifies the appropriate timetable for consultations. If the Council decides to proceed with a new or revised DCO, it can be implemented at the end of the statutory 28 day notice period. If the Council decides to further amend the Order(s), then a further statutory 28 day notice period will follow. The aim of the initial public consultation is to gather as many views as possible at an early stage to shape the ultimate DCOs.

5. Comments from the Executive Director, Resources

Finance: No additional resource will be required if, in due course, further Dog Control Orders are adopted. Any additional income generated by the adoption of further Dog Control Orders will be difficult to estimate and will also depend on the actual Orders adopted following consultation. Any extra increase in income will contribute towards Council resources.

Legal: The provisions for creating DCOs are specified in sections 56(4 and 5) of the Clean Neighbourhood and Environment Act 2005 and Regulation 3 of the Dog Control Order (Procedures) Regulations 2006. The DCOs can be introduced and enforced within existing resources.

6. Other implications

None

6.1.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

6.1.2 There are clear research findings that show that the local environmental quality in a person's living environment has a significant impact on their health and well-being. Residents in areas which have a low environmental quality often have an increased "fear of crime". This particular tool will contribute to the Council's key objectives to 'create an attractive, cleaner and greener city' and 'make communities safer together with the police, to reduce crime and anti-social behaviour'.

6.2 How is risk being managed?

None

6.3 What is the impact on the organisation?

None

6.4 Equalities / EIA

None

6.5 Implications for (or impact on) the environment

See 6.1.1

6.6 Implications for partner organisations?

If the DCOs are adopted then colleagues in the Police Service will also have powers to issue fixed penalty notices under these 'Orders'.

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This report is published on the Council's website:
www.coventry.gov.uk/councilmeetings

Appendix One: Dog Control Orders in use elsewhere in the country.

Type of Order	Rugby BC	Manchester CC	Nuneaton BC	Birmingham CC	Preston CC	Leicester CC	Hackney BC	Plymouth CC	Bristol CC	Leeds CC	Cheltenham CC
1. Fouling of Land by Dogs Order	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2. Dogs on Leads Order	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓
- All public roads, adjoining footways and verges.	✓	✓	✓	✓	✓		✓			✓	✓
- Council owned cemeteries	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓
- All churchyards	✓	✓	✓	✓	✓		✓	✓		✓	
- Specific areas of Council parks	✓	✓	✓	✓	✓		✓	✓	✓		
- Car parks			✓	✓			✓	✓	✓		
3. Exclusion of Dogs from Land Order	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓
- Enclosed children's play areas	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
- School grounds		✓		✓	✓	✓	✓	✓	✓	✓	
- Multi-use games areas and sports courts		✓		✓	✓	✓	✓	✓			✓
- Designated areas in parks		✓	✓		✓	✓	✓	✓	✓	✓	✓
- Marked pitches where games are in play		✓			✓	✓	✓	✓	✓		
4. The Dogs on Leads by Direction Order	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓
5. The Dogs(Specified Maximum) Order		✓		✓							
- More than 4 dogs on open land		✓		✓							