

Report of	Meeting	Date
Director of People and Places (Introduced by the Executive Member for Places)	Executive Cabinet	21 June 2012

## **CLEAN ENVIRONMENT AND NEIGHBOURHOOD ACT 2005 DOG CONTROL ORDERS**

### **PURPOSE OF REPORT**

1. To seek Members approval for the introduction of three new Control Orders relating to the control of dogs in public places.

### **RECOMMENDATION(S)**

2. That Members note the results of the consultation and statutory notification period in relation to the introduction of the Control Orders.
3. That Members approve the making of:  
The Dogs on Leads (Chorley Council) Order 2012  
The Dogs on Leads By Direction (Chorley Council) Order 2012  
The Dogs Exclusion (Chorley Council) Order 2012

Members approve the Orders to come into effect on 23 July 2012 subject to the statutory notification and publication period.

4. If Members approve the making of the Orders then it is recommended that the Fixed Penalty Notice charge be set at the statutory default level of £75.00 with no early payment reduction, in line with the penalty charges applied to dog fouling offences.

### **EXECUTIVE SUMMARY OF REPORT**

5. Dog control has become an increasingly important issue with the rate of reported aggressive dog incidents now at around one per week in the Chorley area.
6. The introduction of Dog Control Orders to specifically define where dogs must be held on a lead; where dogs are excluded from being walked and exercised; and powers to allow authorised officers to instruct dog walkers to put their dog on a lead will provide the Council with proportionate powers to enforce appropriate dog control in certain areas.
7. The draft Orders have been published in a local newspaper and consultation with a number of agencies has been carried out in accordance with The Dog Control Orders (Procedures) Regulations 2006.
8. The consultation responses are provided at Appendix A to this report along with a response or comment to the issue raised.

<b>Confidential report</b> Please bold as appropriate	Yes	No
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<b>Key Decision?</b> Please bold as appropriate	Yes	No
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<b>Reason</b> Please bold as appropriate	1, a change in service provision that impacts upon the service revenue budget by £100,000 or more	2, a contract worth £100,000 or more
	3, a new or unprogrammed capital scheme of £100,000 or more	<b>4, Significant impact in environmental, social or physical terms in two or more wards</b>

**REASONS FOR RECOMMENDATION(S)**

**(If the recommendations are accepted)**

- 9. To update existing dog control provisions and introduce new provisions for the control of dogs

**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

- 10. Retain existing dog control bye laws which were introduced over 30 years ago

**CORPORATE PRIORITIES**

- 11. This report relates to the following Strategic Objectives:

Strong Family Support		Education and Jobs	
Being Healthy		Pride in Quality Homes and Clean Neighbourhoods	<b>X</b>
Safe Respectful Communities		Quality Community Services and Spaces	
Vibrant Local Economy		Thriving Town Centre, Local Attractions and Villages	
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			

**BACKGROUND**

- 12. Guidance on the making of Control Orders in relation to dogs is provided by DEFRA. In making Control Orders relating to dogs the Council should be satisfied that it is a necessary and proportionate response to the activities of dogs and those in charge of them.
- 13. Over recent years there has been an increase in the number of reported incidents involving dogs not being kept under control by those in charge of them. Anecdotal evidence from the Councils neighbourhood officers would indicate that they are called to investigate on average one incident per week.
- 14. The Council already has historic Bylaws in relation to dogs being held on a lead and dogs being exempted from certain areas but these are not enforced as the only recourse for the Council to take action is by direct prosecution which is both costly and time consuming. In addition the fines which were set several decades ago are now so negligible they do not have a deterrent effect.

15. The Clean Neighbourhoods and Environment Act 2005 introduced the ability both to create Control Orders and to use the Fixed Penalty Notice as a means for offenders to discharge their liability for an offence committed under the Order.
16. The three Control Orders outlined above are appended to this report as:
  - The Dogs on Leads (Chorley Council) Order 2012 – Appendix B
  - The Dogs on Leads by Direction (Chorley Council) Order 2012 – Appendix C
  - The Dogs Exclusion (Chorley Council) Order 2012 – Appendix D
17. The Dogs on Leads (Chorley Council) Order 2012 will require all persons in control of a dog to retain that dog on a lead in certain areas. These areas are defined in the schedule to the draft Order, but include roads and pavements, footpaths and public open space where recreational or sports activities are being undertaken. An offence is committed by the person in charge of a dog if they are walking that dog off lead in an area defined in the schedule.
18. The Dogs on Leads by Direction (Chorley Council) Order will provide authorised officers (Neighbourhood Officers and PCSO's) with the power to direct persons in control of a dog to place that dog on a lead. An offence is committed if the person fails to comply with that direction.
19. The Dogs Exclusion (Chorley Council) Order 2012 will exclude dogs from certain places defined in the schedule to the Order. An offence is committed if a person in control of the dog allows the dog to be in an excluded place or area.

## **CONSULTATION**

20. Consultation on the draft Orders has been undertaken in accordance with the DEFRA guidance. Public Notices have been placed in local press and the following agencies have been invited to provide comments on the proposed Orders:

Lancashire Constabulary  
Lancashire County Council  
United Utilities  
British Waterways

In addition all Parish Council clerks were notified of the consultation as well as the organisations associated with both Astley Park and Yarrow Valley Park through their respective advisory group meetings.

21. At the close of the consultation period on 6 June 2012 a total of 17 consultation responses had been received. The table at Appendix A details those responses together with the Councils comment/response.
22. The majority of responses were in support of the proposed Orders with some comment and observation on clarity of the extent of the Orders and some requests to go further with the provisions for dogs on leads. Four objections were received to the making of the Orders.
23. In the light of the comments and observations received it is not intended to amend the Orders from their original draft form.

## **SIGNAGE**

24. Should the Orders be approved and confirmed it is intended to provide signage in a limited number of places, particularly in relation to the Exclusion Order and in such places as play areas.
25. However the use of signage for the Direction Order is deemed inappropriate given the potential wide range that the Order might cover.
26. Similarly it is not proposed to provide general signage in relation to the Dogs on Leads Order save for discrete areas such as parks, public sport and activity areas and footpaths associated with those areas.

## **ENFORCEMENT**

27. Enforcement will be undertaken by Neighbourhood Officers, PCSO's and Park Rangers. It is intended that for the initial three months that the Orders come into force there will be a light touch approach with high profile patrols in areas where the Orders have effect, advising dog walkers of the impact of the new Orders.
28. Following this initial period it is intended to use a high profile media campaign to advise dog owners of the effect of the Orders and that enforcement by way of fixed penalty notice will take place.
29. Enforcement will be by way of the issuing of fixed penalty notices to offenders and the default charge level of £75.00 is proposed with no reduction available for early payment.

## **INTEGRATED IMPACT ASSESSMENT**

30. An integrated impact assessment will be undertaken prior to the commencement of the Orders and any actions arising will be addressed.

## **IMPLICATIONS OF REPORT**

31. This report has implications in the following areas and the relevant Directors' comments are included:

Finance	X	Customer Services	
Human Resources		Equality and Diversity	
Legal	X	Integrated Impact Assessment required?	X
No significant implications in this area		Policy and Communications	X

## **COMMENTS OF THE STATUTORY FINANCE OFFICER**

32. There are financial implications resulting from the recommendations set out above with regard to the additional signage that will be required. It should be noted, however, there is an existing provision in the budget for signage and it is anticipated that the costs will be accommodated within this existing budgetary resource.

## **COMMENTS OF THE MONITORING OFFICER**

33. The details of the statutory consultation are addressed within the body of the report.

## COMMENTS OF THE HEAD OF POLICY AND PERFORMANCE

34. The responses to the consultation demonstrate that there is mainly support for the introduction of dog control orders. There are provisions within the orders that take into account the particular needs of disabled people, and mitigate any potentially adverse effect. An integrated impact assessment will be undertaken prior to the commencement of the orders and an action plan developed if any issues are identified.

JAMIE CARSON  
DIRECTOR OF PEOPLE AND PLACES

There are no background papers to this report.

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