



<b>REPORT OF:</b>	Head of Neighbourhood Services
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<b>TO:</b>	Executive
<b>DATE:</b>	19 April 2012
<b>EXECUTIVE MEMBER:</b>	Cllr S. Farrer; Cllr A. DeSave

<b>KEY DECISION REQUIRED:</b>	NO
<b>WARD (S) AFFECTED:</b>	ALL

<b>SUBJECT:</b>	<b>DOG CONTROL ORDERS</b>
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**RECOMMENDATIONS:**

- (i) That, following a public consultation process, the Executive approves the introduction of the following Dog Control Orders:
  - a) The Fouling of Land by Dogs Order – covering all open land
  - b) The Dogs on Leads by Direction Order – covering all open land
  - c) The Maximum Number of Dogs Permitted to be Walked Order – covering all open land
  - d) The Dog Exclusion Order – related to specific locations as detailed on plans – mainly children’s playgrounds and ball courts, but including all of Lakers Rise Recreation Ground and all of Ifold Road Recreation Ground.
  - e) The Dogs on Leads Order – relates to specific sites as detailed on plans – including Frenches Pond - originally proposed to be an exclusion area.
- (ii) That a further public consultation exercise is carried out to propose that All Saint’s Church, Banstead, and St Margaret’s Church, Chipstead, be designated as Dogs on Leads sites, and that The Orchard, High Street Banstead, be designated as a Dog Exclusion area.
- (iii) That the Head of Service in consultation with the Executive Member and Ward Councillors and, be given delegated authority to agree all future consultations and amendments to the Dog Control Orders, including those in (ii) above.

**REASONS FOR RECOMMENDATIONS:**

Since the introduction of The Clean Neighbourhoods and Environment Act 2005, existing Dog Control byelaws and Dog Fouling Legislation cannot be updated or revised.

The introduction of Dog Control Orders ensures all sites and designated land are covered by the most up to date legislation

### **EXECUTIVE SUMMARY:**

The Clean Neighbourhoods and Environment Act 2005 extends the powers available to local authorities in order to better control dog fouling and other dog related issues. Where necessary the Orders can be applied to all land in the open air to which the public are entitled or permitted access with or without payment.

At the present time officers continue to carry out enforcement action under the Dogs (Fouling of Land) Act 1996 and existing byelaws relating to dog exclusion and dogs on leads. This situation can continue indefinitely until Dog Control Orders are made in respect of the specified land.

Over the years playgrounds have altered in extent and shape and we have added more ball courts and Multi Use Games Areas. Redevelopment of sites such as Priory Park and Lady Neville Recreation Ground has changed the layout of these sites.

The existing controls do not take account of these changes and there is therefore the need to introduce the most up to date legislation.

A full consultation process has been carried out during February 2012. See paragraph 18. Overall feedback from the consultation is in agreement with the proposals, although the plans to make Frenches Ponds a dog exclusion area has caused some concerns, and the recommendation is that this site should be made a Dogs on Leads sites, rather than an exclusion area.

Executive has authority to approve the above recommendations

### **STATUTORY POWERS**

1. The Dog Control Orders (Prescribed Offences and Penalties etc.) Regulations 2006 and the Dog Control Orders (Procedures) Regulations 2006 implement sections 55 and 56 of the Clean Neighbourhoods and Environment Act 2005
2. Dog Control Orders replace the previous system of byelaws for the control of dogs, and also the Dogs (Fouling of Land) Act 1996.

### **ISSUES**

#### **Proposed Dog Control Orders**

3. The recommendation is that the following Dog Control Orders are introduced:

#### **The Fouling of Land By Dogs (Reigate & Banstead) Order 2012.**

Requires the person in charge of a dog to remove faeces from all land to which the public are permitted or entitled to have access and from all public roads and adjoining footpaths and verges.

### **The Dog Exclusion (Reigate & Banstead) Order 2012.**

Excludes dogs from all land contained in the schedule. The schedule includes all children's play areas, fenced tennis courts and ball courts, Redstone Cemetery, Reigate Garden of Remembrance, Horley War Memorial Grounds, all of Michael Crescent Recreation Ground Horley, all of Lakers Rise Recreation Ground Chipstead, and all of Ifold Rd Recreation Ground, Earlswood. Note – the original schedule also included Frenches Ponds, Redhill as an exclusion area. Feedback from the consultation is that local residents and dog walkers do appreciate being able to visit this site with dogs. It is therefore recommended that Frenches Ponds is included in the schedule of Dogs on Leads sites, rather than dog exclusion areas.

### **The Dogs on Leads (Reigate & Banstead) Order 2012.**

Requires dogs to be on leads on all land specified within the schedule.

The schedule on the consultation draft of the order is worded as follows:

*All public highways, adjoining footpaths and grass verges.*

*Castle Grounds, London Road, Reigate;*

*All formal gardens within Reigate Priory Park, Bell St Reigate;*

*Reigate Cemetery and St Mary's Churchyard, Chart Lane, Reigate;*

*Redhill Memorial Park, London Road, Redhill.*

Surrey Rights of Way officers have pointed out that 'all public highways..' would include all public rights of way – i.e. public footpaths, bridleways and Public byways. There is no intention to include such Rights of Way in this, or any of the orders and the wording is therefore to be revised to state '*all public roads and adjoining footpaths and verges*'. This wording will be used on all other orders as appropriate

Following consultation feedback it is proposed that the Dogs on Leads area for Priory Park is increased slightly to include the areas north and east of that currently proposed. This ensures that all land around the school and the car park is included in the 'on leads' area.

### **The Dogs on Leads by Direction (Reigate & Banstead) Order 2012**

Requires the person in charge of a dog to place and keep the dog on a lead, at the instruction of an authorised officer, in order to prevent behaviour likely to cause nuisance, annoyance or disturbance. The schedule includes all land to which the public are permitted or entitled to have access and all public roads and adjoining footpaths and verges.

### **The Maximum Number of Dogs Permitted to be Walked (Reigate & Banstead) Order 2012.**

Requires the person in charge of dogs to have no more than 6 dogs under their control. The schedule includes all land to which the public are permitted or entitled to have access and all public roads and adjoining footpaths and verges.

4. The consultation stage resulted in 120 responses on the Council Website; 3 letters and 4 e-mails specifically about Frenches Pond, an e-mail, letter and petition from residents adjacent to Ifold Road, 3 e-mails relating to Priory Park specifically, 4 general e-mails, feedback from Surrey Access Forum, Natural England, Dogs Trust

and some local residents groups. The website survey results and copies of all e-mails and letters received are available to view in the Members Room.

5. In addition we have received a request from All Saints' Parish Church, Banstead, requesting that their churchyard be designated a Dogs on Leads area, and the area between the church and the High Street, known as the Orchard, be designated an Exclusion area. Chipstead Residents Association have also requested that St Margaret's Churchyard, Chipstead be designated a Dogs on Leads area. We have clearly not consulted on these areas as part of this exercise, so it will be necessary to go through another consultation period if we are to designate these areas as requested.

## **OPTIONS**

6. The option is to not introduce these Dog Control Orders. If these Orders are not introduced the Council can continue to take enforcement action under existing byelaws and the Dogs (Fouling of Land) Act 1996, but these powers cannot be updated or amended.

## **LEGAL IMPLICATIONS**

7. At the end of the consultation period the authority is required to consider any representations that have been made and then decide whether to proceed with the Orders.
8. Once made the Orders come into force after a period of 14 days.

## **FINANCIAL IMPLICATIONS**

9. Site signage on all Dog exclusion areas will have to be checked and amended. This will be minimal as play areas already have appropriate signage, and any amendments will be funded from existing revenue budgets.
10. Introduction of these measures is replacing the existing controls for the control of dogs. As such the existing resources to enforce the legislation will continue to operate. Neighbourhood Services Officers, Community Wardens, Countryside Rangers and some parks officers and operatives can all enforce the Orders on site.

## **EQUALITIES IMPLICATIONS**

11. An EIA has been carried out for the Parks service overall. This indicates that our parks and countryside sites provide positive benefits for all sections of the community.
12. The implementation of Dog Control Orders clearly places certain restrictions on dog owners, but the restrictions are not onerous. Consultation feedback has shown that generally the public are in favour of certain controls and the aim of this control is to ensure that all users of our sites can enjoy them.
13. The Fouling and Exclusion Orders include specific exemptions for persons with assistance dogs for the blind and other disabilities, where they rely on the dog for assistance or would not be able to remove the faeces.

## **OTHER IMPLICATIONS**

14. Environmental Implications. Dog fouling is consistently raised as a concern by the public. The majority of dog owners behave responsibly and clean up after their pet. However dog mess left by a minority of irresponsible owners is often the cause of complaints.
15. Introducing this legislation aims to ensure we are using the most suitable and most up to date powers available to control the issues

## **CONSULTATION**

16. A full consultation process has been carried out during February 2012. This comprised the required public notice, full details on our website, media coverage, signs on sites, staff handing out leaflets on key sites, and set of plans available to view at the Help Shops. Letters were sent to partner organisations and statutory bodies as required to inform them of the consultation phase. Letters were also sent to residents associations, local interest organisations and professional bodies involved with dogs.
17. Feedback from the consultation overall is in agreement with the proposals, although the plans to make Frenches Ponds a dog exclusion are has caused some concerns. The recommendation is that Frenches Ponds should be made a Dogs on Leads site, rather than an exclusion area.

## **POLICY FRAMEWORK**

18. The ability to make use of the most up to date legislation to control dog fouling and dog nuisance issues form part of the Council's corporate plan theme of a clean, safe and healthy Borough.
19. One of the key service priorities in this areas is '*Target litter, dog control, fly tipping, fly posting, graffiti and abandoned cars*'

### **Background Papers:**

Consultation responses

Schedule of plans

Draft Orders