

**To:** City Executive Board

**Date:** 1 September 2010 **Item No:** 11

**Report of:** Head of Environmental Development

**Title of Report:** Implementation of Dog Control Orders

### Summary and Recommendations

**Purpose of report:** To consult on the implementation of Dog Control Orders in the City.

**Key decision?** No

**Executive lead member:** Cllr John Tanner

**Report approved by:**

**Finance:** Gillian Chandler  
**Legal:** Jeremy Franklin

**Policy Framework:**

### Recommendations

City Executive Board is asked to recommend that a consultation process is commenced for the implementation of Dog Control Orders for the control of:

Dog Fouling  
Keeping Dogs on Leads  
Exclusion of dogs from play areas

And that following the consultation exercise, note that a further report will be brought to Executive Board to agree the way forward in respect of such Control Orders.

## **1 Introduction**

- 1.1 Sections 55 and 56 of the Clean Neighbourhoods and Environment Act 2005 provide the Council with powers to make Dog Control Orders. Dog Control Orders can 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).
- 1.2 The implementation of Dog Control Orders will give powers to authorised officers to control dogs and their owners in a manner that is not allowed under previous legislation.
- 1.3 The Dog Control Orders (Prescribed Offences & Penalties, etc.) Regulations 2006 provide for five offences which may be prescribed in a dog control order:
  - failing to remove dog faeces;
  - not keeping a dog on a lead;
  - not putting, and keeping, a dog on a lead when directed to do so by an authorised officer;
  - permitting a dog to enter land from which dogs are excluded; and,
  - taking more than a specified number of dogs onto land.
- 1.4 The penalty for committing an offence contained in a Dog Control Order is currently a maximum fine of £1,000. Alternatively, the opportunity to pay a fixed penalty may be offered in place of prosecution.
- 1.5 The Council must be able to show, when considering a Dog Control Order, that it is a necessary and proportionate response to the problems caused by the activities of dogs and those in charge of them.

## 2 Current Position

2.1 The current legislation for controlling the items listed in 1.2 is very limited and set out below.

Issue	Legislation	Responsibility	Comments
Dog Fouling	Dog (Fouling of Land) Act 1996	Oxford City Council	£50 FPN. Has limitations with regard to common land and land next to 40 m.p.h or faster roads
Restriction of dogs from certain land	None. Signs are currently up at the entrances to play areas saying no dogs allowed however there is currently no enforcement powers.	N/A	Previously would have needed a bye-law in place to ban dogs from certain areas (e.g. children's play areas)
Areas where dogs have to be kept on a lead	Dangerous Dogs Act 1991 (DDA)	Thames Valley Police	This is an offence where a dog is dangerously out of control
Areas where dogs have to be kept on a lead when instructed			
Restrictions on multiple dog walking	None	N/A	Could be dealt with under DDA if dogs are dangerously out of control

## 3 Practical Benefits for Oxford City

3.1 The primary benefit of the implementation of Dog Control Orders around the city would be the improvement in the control of dog fouling.

3.2 Dog Fouling in Oxford is currently controlled by the Dog (Fouling of Land) Act 1996. This legislation has limitations in that the fixed penalty is set at £50 whereas the fixed penalty for littering in Oxford is set at £80. This sends out a message that dog fouling is not as bad as littering when in fact it is considered as the most anti-social form of littering. The implementation of Dog Control orders would allow the fixed penalty for dog fouling to be set at £80 in line with that for littering.

- 3.3 The Dogs (Fouling of Land) Act 1996 does not apply to common land or land adjacent to roads with a speed limit of 40 mph or more. The implementation of Dog Control Orders would allow the Council to enforce against dog fouling in areas such as next to the A40, an area not currently covered.
- 3.4 Additional benefits would be to give greater control over dogs considered to be out of control and the ability to enforce the banning of dogs from play areas. This will reduce the fear of out of control dogs and provide areas for people where dogs are not allowed.

#### **4 Procedures for making a Dog Control Order**

- 4.1 The Dog Control Orders (Procedures) Regulations 2006 require that before it can make a Dog Control Order, the Council must consult any other primary or secondary authority within the area in which a Dog Control Order is being made. The secondary authorities that will be consulted as part of this exercise are:

- Blackbird Leys Parish Council
- Littlemore Parish Council
- Risinghurst & Sandhills Parish Council
- Old Marston Parish Council

- 4.2 In addition, further consultation is proposed with the following bodies:

- All 6 Area Committees
- All 12 Neighbourhood Action Groups
- Thames Valley Police
- 'Friends of' Groups associated with the City's Parks
- The RSPCA
- General public through website and advert in local media
- Dog owning public through local pet shops and vets
- Homelessness Network
- Rough Sleepers Unit

- 4.3 The Council 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. In addition the notice must:

- identify the land to which the order will apply;
- summarise the order;
- if the order refers to a map, say where the map can be inspected; and,
- give the address to which, and the date by which, representations must be sent to the Council. The proposals will be placed on the Council's website.

- 4.4 At the end of the consultation period the Council must consider any representations that have been made. It must then decide whether to proceed with the Order and determine when it will come into force. This must be at least 14 days from the date on which it was made. A further notice must be published stating that an order has been made and where it can be inspected.
- 4.5 It is a legal requirement that, where practicable, signs must be placed summarising the order on land to which a new order applies, thereby informing the public that land is subject to an order.

## **5 Authorised Officers**

- 5.1 The following officers are authorised under the Clean Neighbourhoods & Environment Act 2005 to issue fines for offences under Dog Control Orders:
- Environmental Enforcement Officers
  - PCSOs
  - Street Wardens
  - Park Rangers
  - Dog Warden
- 5.2 Further training sessions on the Dog Control Orders will be provided by Environmental Development in time for the implementation of any new orders.

## **6 Proposed Dog Control Orders**

- 6.1 **Order to Improve the Control of Dog Fouling** – Environmental Development received 102 Fouling Complaints across the City in the year 2009/2010. 60% of these complaints related to fouling on the streets.
- 6.2 It is therefore proposed that a control order be implemented across the whole of the Council's area to make it an offence not to clear up after your dog.
- 6.3 This order would cover the areas of land not currently covered by the Dogs (Fouling of Land) Act 1996 and also increase the value of the fixed penalty fine to the maximum £80 (in line with other areas). The fine is currently fixed at £50.
- 6.4 Anyone with a registered disability, other than a registered deaf person (whose disability will not prevent him or her being aware of and removing the faeces) is exempt from this type of Dog Control Order.
- 6.5 **Order to Require Dogs to be put on leads by direction** – This order would help officers tackle out of control dogs in the city as well as

reduce the number of stray dogs. This order would be applied across the whole of the City.

- 6.6 Thames Valley Police responded to 43 reports of Dogs Dangerously out of Control last year. In addition to this the Dog Warden Service received 15 reports of dog-on-dog attacks and a further 11 requests for advice on dangerous dogs. The Dog warden service also received 115 reports of lost dogs and 163 reports of stray dogs in the year 2009/2010. It is perceived that this control order would help to reduce these numbers.
- 6.7 It is proposed that an order be implemented requiring people to put their dog on a lead when asked to do so by an authorised officer.
- 6.8 This order should not only reduce the number of dog bites and stray dogs but should also reduce the fear of a dangerously out of control dog.
- 6.9 **Order to exclude dogs from play areas** – A lot of investment is being put into the play areas around the City by the Council and although there are currently signs up banning dogs from these areas, there are no formal powers to enforce it.
- 6.10 It is proposed that an order be put in place to allow officers to enforce the existing requests to exclude dogs from play areas and in turn protect the Council's investment in these areas.
- 6.11 Anyone with any type of trained assistance dog is not subject to this type of dog control order.

## **7 Climate Change / Environmental Impact**

- 7.1 There is no perceived impact to climate change on the implementation of Dog Control Orders.
- 7.2 It is anticipated that there will be an improved impact on the environment through the reduction in dog fouling and the better control of dogs whilst in public spaces.
- 7.3 Parks & Leisure are in agreement with the proposals as set out.

## **8 Equalities Impact**

- 8.1 A large proportion of Oxford's homeless population own dogs and there is a potential issue that some of these dog owners would not be able to comply with the control orders due to financial restrictions.

- 8.2 It is proposed that Environmental Development purchase a small stock of dog leads which could be given out free of charge to those dog owners who are unable to afford to purchase a lead. The Dog Warden Service also provides 'Dog Poo Bags' free of charge on request from Ramsay House Reception.
- 8.3 A Diversity Impact Initial Assessment is included as Appendix 2.
- 8.4 Dog Control Orders provide exceptions in particular cases for registered blind people, and for deaf people and for other people with disabilities who make use of trained assistance dogs.

## **9 Financial Implications**

- 9.1 The costs associated with the implementation of Dog Control Orders in Oxford can be seen in Appendix 1.
- 9.2 The main costs associated with the implementation of Dog Control Orders are signage, training and enforcement.
- 9.3 The capital investment for implementation of Dog Control Orders will be met from existing budgets. Parks & Leisure have agreed to fund signs for the entrances to the Council's Parks by making small amendments to existing signs and Environmental Development will fund the signs for the remaining parks and streets.
- 9.4 The training program will be conducted internally by Environmental Development Enforcement Officers.
- 9.5 Enforcement will be integrated into the daily routines of Enforcement Officers, Street Wardens, Park Rangers and PCSOs and will not incur any significant extra costs.

## **10 Level of Risk**

- 10.1 The risk register for the implementation of Dog Control Orders is attached as appendix 3.
- 10.2 There is no perceived risk associated with a decision to consult on the implementation of dog control orders other than the costs laid out in appendix 1.

## **11 Recommendations**

Executive Board is asked to recommend that a consultation process is commenced for the implementation of Dog Control Orders for the control of

- Dog Fouling
- Keeping Dogs on Leads
- Exclusion of dogs from play areas

And that following the consultation exercise, note that a further report will be brought to Executive Board to agree the content of the Control Order

### **Name and contact details of author:**

**Graham Eagle**  
**geagle@oxford.gov.uk**  
**01865 252341**

### **List of background papers:**

- Appendix 1 Summary of Costs
- Appendix 2 Diversity Impact Assessment
- Appendix 3 Risk Register

**Version number: 1.1**



## Appendix 1

### Summary of Costs

Consultation	Printing costs	£200
Signs	2000 x self adhesive	£1300 +VAT
	OCC Parks to amend existing signs	£0
	20 x Steel signs for non OCC parks	£35 + VAT each
Training	Absorbed by Public Health Team	£500
Leads	Dog Leads for Homeless Dog Owners	£30
	<b>Total</b>	<b>£2730 + VAT</b>

Key

RED RISK

CLOSED RISK

Risk ID	Risk					Corporate Objective	Gross Risk		Residual Risk		Current Risk		Owner	Date Risk Reviewed	Proximity of Risk (Projects/ Contracts Only)	
Category-000-Service Area Code	Risk Title	Opportunity/Threat	Risk Description	Risk Cause	Consequence	Date raised	1 to 6	I	P	I	P	I	P			
CEB000-ED	Resource	T	Inadequate Enforcement Resource	Not enough enforcement resource to enforce dog control order offences	Diminished effect of dog control orders due to inadequate enforcement	8-Jun-10	3	4	3	4	1			GE	08.06.10	
CEB000-ED	Equalities	T	Failure to capture the opinions and comments relating to dog control orders from all communities in the city	Inadequate consultation process	Dog Control Orders less effective as communities views not taken into account	8-Jun-10	2	4	3	4	1			GE	08.06.10	

## Action Plans

Key

CLOSED ACTION/Risk

### ACTIONS MUST BE 'SMART'

Specific, Measurable, Achievable, Realistic and Time bound

Risk ID	Risk Title	Action Owner	Accept, Contingency, Transfer, Reduce or Avoid	Details of Action	Key Milestones	Milestone Delivery Date	%Action Complete	Date Reviewed
CEB000-ED	Resource	GE	R	Increase enforcement resource by using partner agencies and other council departments e.g. PCSO's, Park Rangers etc.	Train and authorise PCSOs, Park Rangers, Street Wardens and EEOs to tackle offences against dog control orders.	1-Oct-10	50%	01-Sep-10
CEB000-ED	Equalities	GE	R	Use experience and knowledge of Consultation Officer to ensure full consultation.	Conduct full consultation with consultation officer	1-Aug-10	0%	01-Jul-10
CEB000-ED	Equalities	GE	R	Ensure Dog Owning Public consulted through use of local Veterinary Surgeons and Pet Shops.	Publish Public consultation questionnaire at local Veterinary Surgeons and Pet Shops	1-Aug-10	0%	01-Jul-10

**Risk ID Categories**

CRR-000	Corporate Risk Register
SRR-000	Service Risk Register
CEB-000	CEB reports
PRR-000	Project/Programme Risk Register
PCRR-000	Planning Corporate Risk Register
PSRR-000	Planning Service Risk Register

**Service Area Codes**

PCC	Policy, Culture & Communication	CS	Customer Services
CD	City Development	FI	Finance
CHCD	Community Housing & Community Development	BT	Business Transformation
CA	Corporate Assets	PS	Procurement & Shared Services
OCH	Oxford City Homes	CP	Corporate Performance
CW	City Works	LG	Law and Governance
ED	Environmental Development	CRP	Corporate Secretariat
CL	City Leisure	PE	People & Equalities

**Corporate Objective Key**

- 1: More Housing Better Housing for all
- 2: Stronger & more inclusive communities
- 3: Improve the local environment, economy & quality of life
- 4: Reduce anti-social behaviour
- 5: Tackle climate change & promote environmental resource management
- 6: Transform OCC by improving value for money and Service performance



## Appendix 2 – Diversity Impact Assessment

<b>Service Area:</b> Environmental Development	<b>Section:</b> Pubic Health	<b>Key person responsible for the assessment:</b> G. Eagle	<b>Date of Assessment:</b> 08.06.10	
<b>Is this assessment in the Corporate Equality Impact assessment Timetable for 2008-11?</b>			Yes	<b><u>No</u></b>
<b>Name of the Policy to be assessed:</b> Dog Control Orders			<b>Is this a new or existing policy</b>	New
<b>1. Briefly describe the aims, objectives and purpose of the policy</b>		The aim of dog control orders is to have greater control on dogs in public spaces through tighter controls of dog fouling, dogs on lead by direction and banning dogs from play areas.		
<b>2. Are there any associated objectives of the policy, please explain</b>				

<b>3. Who is intended to benefit from the policy and in what way</b>	<p>The general public are the main beneficiary of the policy. There should be an improvement in the environment through the reduction of dog fouling on the streets and in the parks.</p> <p>There should be a reduction in fear of out of control dogs by giving officers the power to require dogs to be put on leads and also an increased sense of confidence and freedom for children and their parents in play areas through the exclusion of dogs from these areas.</p>		
<b>4. What outcomes are wanted from this policy?</b> Reduce the amount of dog fouling in the city Minimise the risk to the public by increasing the control over out of control dogs in public places Increased satisfaction with play areas through the exclusion of dogs from these areas.			
<b>5. What factors/forces could contribute/detract from the outcomes?</b>	<p>Staffing resource will have a direct effect on the amount of enforcement. Thames Valley Police PCSO's will be authorised to enforce dog control orders and will increase the amount of enforcement resource available.</p> <p>Dog Control Orders have been successfully implemented in many local authorities across the country.</p>		
<b>6. Who are the key people in relation to the policy?</b>	General Public (both dog owners and non-dog owners) City Council Staff tasked with enforcement of the dog control orders (Environmental Development, Parks & Leisure, Community Safety)	<b>7. Who implements the policy and who is responsible for the policy?</b>	Graham Eagle Ian Wright
<b>8. Could the policy have a differential impact on racial groups?</b>	Y	<u>NO</u>	It is not felt that there will be any differential impact on racial groups.
<b>What existing evidence (either presumed or otherwise) do you have for this?</b>	<p>The orders are planned to be implemented across the entire city boundary and therefore not targeting any particular areas or the communities therein. Enforcement will be taken in line with the Council's enforcement policy. It is anticipated that any unperceived issues will be raised during the consultation process.</p>		
<b>9. Could the policy have a differential impact on people due to their gender?</b>	Y	<u>NO</u>	It is not felt that there will be any differential impact on people due to their gender.

<p><b>What existing evidence (either presumed or otherwise) do you have for this?</b></p>	<p>The orders are planned to be implemented across the entire city boundary and therefore not targeting any particular areas or the communities therein. Enforcement will be taken in line with the Council's enforcement policy. It is anticipated that any unperceived issues will be raised during the consultation process.</p>		
<p><b>10. Could the policy have a differential impact on people due to their disability?</b></p>	<p>Y</p>	<p><b><u>NO</u></b></p>	<p>It is not felt that there will be any differential impact on people due to their disability.</p>
<p><b>What existing evidence (either presumed or otherwise) do you have for this?</b></p>	<p>Dog Control Orders provide exceptions in particular cases for registered blind people, and for deaf people and for other people with disabilities who make use of trained assistance dogs</p>		
<p><b>11. Could the policy have a differential impact on people due to their sexual orientation?</b></p>	<p>Y</p>	<p><b><u>NO</u></b></p>	<p>It is not felt that there will be any differential impact on people due to their sexual orientation.</p>
<p><b>What existing evidence (either presumed or otherwise) do you have for this?</b></p>	<p>The orders are planned to be implemented across the entire city boundary and therefore not targeting any particular areas or the communities therein. Enforcement will be taken in line with the Council's enforcement policy. It is anticipated that any unperceived issues will be raised during the consultation process.</p>		
<p><b>12. Could the policy have a differential impact on people due to their age?</b></p>	<p>Y</p>	<p><b><u>NO</u></b></p>	<p>It is not felt that there will be any differential impact on people due to their age.</p>
<p><b>What existing evidence (either presumed or otherwise) do you have for this?</b></p>	<p>The orders are planned to be implemented across the entire city boundary and therefore not targeting any particular areas or the communities therein. Enforcement will be taken in line with the Council's enforcement policy. It is anticipated that any unperceived issues will be raised during the consultation process.</p>		
<p><b>13. Could the policy have a differential impact on people due to their religious belief?</b></p>	<p>Y</p>	<p><b><u>NO</u></b></p>	<p>It is not felt that there will be any differential impact on people due to their religious belief.</p>
<p><b>What existing evidence (either presumed or otherwise) do you have for this?</b></p>	<p>The orders are planned to be implemented across the entire city boundary and therefore not targeting any particular areas or the communities therein. Enforcement will be taken in line with the Council's enforcement policy. It is anticipated that any unperceived issues will be raised during the consultation process.</p>		

<b>14. Could the <u>negative</u> impact identified in 8-13 create the potential for the policy to discriminate against certain groups?</b>	Y	<b><u>NO</u></b>	No negative impacts have been identified in 8-13.			
<b>15. Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or any other reason</b>	Y	<b><u>NO</u></b>	No negative impacts have been identified in 8-13.			
<b>16. Should the policy proceed to a partial impact assessment</b>	Y	<b><u>NO</u></b>	<b>If Yes, is there enough evidence to proceed to a full EIA</b>	Y	N	
			<b>Date on which Partial or Full impact assessment to be completed by</b>			
<b>17. Are there implications for the Service Plans?</b>	Y	<b><u>NO</u></b>	<b>18. Date the Service Plan will be updated</b>	N/A	<b>19. Date copy sent to Equalities Officer in Policy, Performance and Communication</b>	N/A
<b>20. Date reported to Equalities Board:</b>		N/A	<b>Date to Scrutiny and EB</b>	N/A	<b>21. Date published</b>	N/A

Signed (completing officer) \_\_\_\_\_

Signed (Lead Officer) \_\_\_\_\_

**Please list the team members and service areas that were involved in this process:**

G. Eagle      Public Health Team Leader