

To: Delegated decisions of the Board Member, Cleaner Greener Oxford

Date: 16th June 2011

Report of: Head of Environmental Development

Title of Report: Implementation of Dog Control Orders

Summary and Recommendations

Purpose of report: To implement dog control orders in the City

Key decision? No

Executive lead member: John Tanner

Policy Framework: Improve the local environment, economy and quality of life

Recommendation(s):

The Board Member, Cleaner Greener Oxford is recommended to adopt and implement the dog control orders set out in paragraphs 3 and 4 of this report and to ask the Head of Environmental Development in conjunction with the Head of Law and Governance to carry out the requirements of the Clean Neighbourhoods and Environment Act 2005 and bring the said orders into effect.

Appendix 1 Summary of consultation results

Appendix 2 Summary of Costs

Appendix 3 Diversity Impact Assessment

Appendix 4 Risk Register

Appendix 5 List of Play Areas

1 Introduction

1.1 At its meeting on 1st September 2010 CEB considered a report regarding the implementation of dog control orders pursuant to sections 55 and 56 of the Clean Neighbourhoods and Environment Act 2005.

2 Consultation on Dog Control Orders for the City

- 2.1 In November 2010 a Talkback survey was sent out to the public seeking their views on a number of issues affecting the Council. Part of this survey included a questionnaire seeking views on the proposed dog control orders.
- 2.2 A further online consultation was started in December 2010 using the same questionnaire and with extensive media coverage has seen a very good response rate. All four Parish Council's were specifically invited to take part in the online consultation.
- 2.3 Finally a public notice was published in the Oxford Times advising the public of the proposals and advising people of how to make representation. This 28 day statutory period ended on 11th February 2011.
- 2.4 The results of the consultation are included in paragraphs 3 and 4 of this report and have been divided into the relevant dog control orders.
- 2.5 A full breakdown of the results of the surveys is included as appendix 1.

3 Proposed Dog Control Orders

Fouling of Land by Dogs

- 3.1 Environmental Development received 102 Fouling Complaints across the City in the year 2009/2010. A total of 60% of these complaints related to fouling on the streets.
- 3.2 This order will apply to all land within the City of Oxford which is open to the air and to which the public have access, including roads, footpaths, pavements, grass verges, alleyways, allotments, parks and open spaces.
- 3.3 This order would include 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 litter offences. The fine is currently fixed at £50.
- 3.4 This order will not apply to a person who is registered as a blind person, or to a person who has a disability which affects their mobility, manual dexterity, physical co-ordination or ability to lift carry or otherwise move every day objects, in respect of a dog trained by a prescribed charity and upon which he/she relies for assistance.
- 3.5 The consultation responses to the question about increasing the level of fine for dog fouling to £80 were overwhelmingly positive. Overall a

total of 89% of the Talkback Panel and 92% of the online consultees supported the proposal.

- 3.6 The response from the consultation process was strongly in favour of implementing this order, and officers recommend that the order be made.

Putting and Keeping Dogs on Leads when Directed

- 3.7 This order would help officers tackle out of control dogs in the city as well as reduce the number of stray dogs. The order would give an authorised officer the power to require a dog owner to put their dog on a lead.
- 3.8 Thames Valley Police responded to 43 reports of dogs dangerously out of Control in the city 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 believed that this control order would help to reduce these numbers.
- 3.9 This order will apply to all land within the City of Oxford which is open to the air and to which the public have access, including roads, footpaths, pavements, grass verges, alleyways, allotments, parks and open spaces.
- 3.10 This order should not only reduce the number of dog bites and stray dogs but should also reduce the risk of a dangerously out of control dog.
- 3.11 This order will not apply to a person who is registered as a blind person, or to a person who has a disability which affects their mobility, manual dexterity, physical co-ordination or ability to lift carry or otherwise move every day objects, in respect of a dog trained by a prescribed charity and upon which he/she relies for assistance.
- 3.12 Overall the responses from the Talkback Panel and the online questionnaire were very positive with 84% and 85% respectively supporting the proposal.
- 3.13 The response from the consultation process was strongly in favour of implementing this order, and officers recommend that the order be made.

Exclusion of Dogs from Play Areas

- 3.14 The Council has put significant investment into play areas in the city and although there are currently signs up banning dogs from these areas, there are no formal powers to enforce it.

- 3.15 Following extensive consultation with the Parks & Leisure Service it is felt that not all play areas are appropriate for banning orders due to the layout of the play areas. A large number of play areas have been designed to be open in line with Play England guidance and therefore not appropriate for a banning order.
- 3.16 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.
- 3.17 This order will apply to all children's play areas within the Council's area which are clearly demarcated as a play area.
- 3.18 A list of the play areas for which this order is proposed is listed as appendix 5.
- 3.19 This order will not apply to a person who is registered as a blind person, or to a person who has a disability which affects their mobility, manual dexterity, physical co-ordination or ability to lift carry or otherwise move every day objects, in respect of a dog trained by a prescribed charity and upon which he/she relies for assistance.
- 3.20 There was a very positive response from the public to this proposal. A total of 81% of the Talkback Panel supported it along with 81% of the respondents to the online survey.
- 3.21 The response from the consultation process was strongly in favour of implementing this order, and officers recommend that the order be made.

Maximum number of dogs per person in public

- 3.22 There have been a number of issues reported by the Park Rangers of people walking large number of dogs and not being adequately in control of them. This has resulted in additional problems such as dog fouling not being cleared up. The main culprits appear to be professional dog walkers.
- 3.23 It is proposed that an order be put in place limiting the maximum number of dogs any one person can have in public to 4 dogs per person.
- 3.24 This order will apply to all land within the City of Oxford which is open to the air and to which the public have access, including roads, footpaths, pavements, grass verges, alleyways, allotments, parks and open spaces.

- 3.25 The response from the Talkback Panel indicated 71% supported the proposal to limit the number of dogs any one person can be in charge of in a public place. The figure from the online survey was 68%.
- 3.26 The response to the question regarding the maximum number of dogs any one person can be in charge of in a public place was less clear, with 41% of the Talkback Panel and 37% of the respondents to the online survey preferring a maximum of 2 dogs. The view of officers is that a maximum number of 4 dogs is considered a reasonable limit that will allow the person in control of the dogs to maintain control of the animals. This is the maximum number that has been implemented by a number of other local authorities.
- 3.27 The response from the consultation process was strongly in favour of implementing this order, and officers recommend that the order be made.

4 SS Mary & John Churchyard

- 4.1 In September 2010 a problem solving meeting was held to address a number of anti-social behavior problems in SS Mary & John Churchyard. One of the problems raised concerned individuals congregating in the church yard with dogs and allegedly training them to bite. Local residents report that this creates an intimidating atmosphere and ruins the enjoyment of the area by other visitors.
- 4.2 It was agreed at the meeting that Environmental Development would consult the local public on proposals to implement a dog control order in the churchyard to help address this issue.
- 4.3 An online consultation was conducted and volunteers from SS Mary & John Church handed out copies of the questionnaire on site. The questionnaire asked the local public to respond on proposals to either ban dogs from the church yard or to require dogs to be kept on a lead.
- 4.4 The responses to the consultation were:

Oxford City Council is considering proposals to ban dogs from SS Mary & John Church Yard in order to combat the anti-social use of dogs in the area. How strongly do you support or oppose this proposal?	
Strongly support	33%
Tend to support	20%
Neither support or oppose	7%
Tend to oppose	14%
Strongly oppose	27%

As an alternative to banning dogs from SS Mary & John Church Yard Oxford City Council is considering proposals requiring owners to keep their dogs on a lead when in the area. How strongly do you support or

oppose this proposal?	
Strongly support	60%
Tend to support	20%
Neither support or oppose	7%
Tend to oppose	7%
Strongly oppose	7%

4.5 The result of the consultation shows a clear preference towards a dog on lead order rather than a banning order for SS Mary & John Church Yard.

4.6 Officers recommend that a control order requiring dogs to be kept on a lead in SS Mary & John Church Yard be made. This order will apply to all the land within SS Mary & John Churchyard.

5 Consultation of professional bodies

5.1 As part of the consultation process a number of professional bodies with an interest in the implementation of dog control orders were invited to share their views and experiences. The bodies invited to the consultation were:

- RSPCA
- Dogs Trust
- The Kennel Club
- Thames Valley Police

5.2 The Dogs Trust responded to the invitation. Their response highlighted that dogs must be allowed space to be let off the lead in order to exhibit natural behavior. This response has been considered and Officers believe that there are adequate spaces around the city for dogs to run around off of the lead that would not be subject to a banning order.

5.3 The Kennel Club also responded to the invitation. Their response was to support the implementation of dog fouling and dogs on lead by direction orders. They felt that it was important to implement banning orders for the right reasons and not just to tackle dog fouling. They also felt that the limit on the number of dogs order was arbitrary and felt that a permit scheme for professional dog walkers was a better way to tackle the issue of people walking large number of dogs.

5.4 A voluntary code of practice does not carry any enforcement capability and is traditionally very labour intensive to manage. An example of this already in use in the City is the Buskers voluntary code of practice.

5.5 Officers consider that a voluntary code of practice for dog walkers would be good to supplement the maximum number of dogs in public control order but is not a practical alternative.

6 Enforcement

- 6.1 The officers who will be authorised to issue Fixed Penalty Notices for breaches of Dog Control Orders will be:
- Dog Warden
 - Environmental Enforcement Officers
 - Park Rangers
 - Community Wardens
 - PCSOs
 - PCs

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.

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 3.
- 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 2.
- 9.2 The main costs associated with the implementation of dog control orders are signage, training and enforcement.
- 9.3 The Leisure and Parks department have confirmed that the dog control order signage for play areas in the city will be funded by Parks & Leisure Services.

9.4 The dog control order signage for the city's streets will be funded by Environmental Development from existing budgets.

10 Level of Risk

10.1 The risk register for the implementation of Dog Control Orders is attached as appendix 4.

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.

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List of background papers:

None

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