

AREA COMMITTEE EAST (ACE – DALES, MAPPERLEY, ST ANN'S)
11TH FEBRUARY 2014

Title of paper:	PROPOSED DOG CONTROL ORDER FOR THE DALES WARD	
Director(s)/ Corporate Director(s):	Andrew Errington, Director of Community Protection	Wards affected: Dales Ward
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Relevant Council Plan theme(s):		
World Class Nottingham		
Work in Nottingham		
Safer Nottingham		X
Neighbourhood Nottingham		X
Family Nottingham		X
Healthy Nottingham		X
Serving Nottingham Better		
Summary of issues (including benefits to customers/service users):		
There is a need to tackle problems associated with the control of dogs across the Dales Ward which impacts on the quality of life for residents and visitors to the area. In particular dog fouling is a big problem. Numerous streets across the Dales Ward feature as the top sites for reported cases of dog fouling across where there have been in excess of 20 reports. The use of powers granted to the authorised personnel under a Dog Control Order is an effective way to ensure a proportionate approach is taken to dealing with these problems.		
Recommendation(s):		
1	The Area Committee notes the proposal and agrees to consultation taking place on the proposal to introduce a Dog Control Order for the Dales ward.	

1 BACKGROUND

1.1 The Clean Neighbourhoods and Environment Act 2005 gives the local authority the power to introduce a dog control order which can be applied to specific land or land of a description in the open air to which the public has access whether by payment or not and can cover some or all of the following issues –

- 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.
- Taking more than a specified number of dogs onto land.

1.2 It is quite correct to state that many dog owners across the Dales ward act in a responsible manner when controlling and exercising their dogs. However, the local community have made representations to ward councillors that some dog owners are allowing their pets to cause a number of the problems described in paragraph 1.1 above. Attempts to encourage these owners to take responsibility for their pets under the current byelaws have largely failed and it is the recommendation of local Community Protection Officers that a Dog Control Order be made for the Dales ward. Please see Appendix 2, the plan of the area. This will give improved powers to Community Protection Officers to tackle such problems promptly by the use of Fixed Penalty Notices.

1.3 These powers are not intended to interfere with responsible dog owners who keep their pets under proper control and clean up after them. With this in mind, the police and the Area Manager have agreed that irresponsible behaviour by dog owners will be addressed through the use of these powers where 1) owners fail to clean up after their pet; 2) fail to keep their dog(s) on a lead; 3) do not put, and keep, their dog(s) on a lead when directed to do so by an authorised officer; 4) permit their dog(s) to enter land from which dogs are excluded, namely the children's play area; and 5) taking more than a specified number of dogs onto land covered by the Order. This approach will allow the targeting of individuals acting irresponsibly in the control of their dog(s) while leaving others undisturbed who are not causing a problem. A timetable showing the planned stages and an estimation of timescales is attached as Appendix 1.

In particular dog fouling is a big problem. Please see Appendix 3, top sites regarding the numbers of reported cases of dog fouling across the Dales ward where there have been in excess of 20 reports.

1.4 The Dales Ward has experienced two very nasty incidents where dogs that were out of control harming local residents, resulting in police action being taken against the owners. Civil Legal action was pursued by Community Protection which resulted in a Court Order against the dog owner. The dog owner is now banned from keeping dogs in any Council owned property within the city. In addition to this Councillors and officers have been approached on numerous occasions by residents concerned that dogs not on their leads were causing alarm

to other dog walkers and pedestrians. Residents have consistently raised the issue of Dog fouling and dogs not being kept on leads at the monthly local issues meetings, as part of Councillors surgeries and during a number of the local ward walks.

- 1.5 In response to the concerns of local people the local Neighbourhood Action Team (NAT) for the Dales have identified action on Dog Fouling, developing responsible dog ownership and a Dog Control Order as local priorities for the Ward. The NAT priorities have a series of actions identified to address these priorities; targeted Community Protection Officer's operations on Dog Fouling, identification of hotspots and enforcement action against owners who let their dogs foul to name a few.
- 1.6 To give weight to these priorities part of the Sneinton Week of Action in 2013 focused on encouraging residents to sign the responsible dog charter (pledge), organised for the Dogs Trust to deliver a number of 'chipping sessions' and consulted local residents on the use of a dog control order covering the Dales ward.

2 REASONS FOR RECOMMENDATIONS (INCLUDING OUTCOMES OF CONSULTATION)

- 2.1 There are various interventions that are taken by the enforcement agencies to stop nuisance and annoyance arising from the irresponsible ownership and control of dogs. The powers under a Dog Control Order will replace the byelaws and so strengthen the approach taken by enforcement officers in respect of those who choose to continue to act irresponsibly and so disrupt the lives of residents and visitors across the Dales ward.
- 2.2 Before such an Order is made citizens, partners and third sector organisations across the Dales ward must be consulted in order to gauge their opinion on the proposal.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 3.1 If an Order is not made the enforcement agencies will be limited to using powers under dog control byelaws which do not allow the range of controls described above and as such will not be as effective or immediate.

4 FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY)

- 4.1 The cost of bringing the Order into force includes the consultation process and subsequent erection of signs declaring the status of the area in question is estimated at £5,000.

5 RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS, CRIME AND DISORDER ACT IMPLICATIONS AND EQUALITY AND DIVERSITY IMPLICATIONS)

- 5.1 The enforcement agencies will use these powers fairly and proportionately as described at paragraph 1.3. Those affected will have recourse through the Courts in the normal way.

6 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

6.1 None

7 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

7.1 Dog Control Orders: Guidance on Sections 55 to 67 of the Clean Neighbourhoods and Environment Act 2005 - DEFRA