

BASFORD AND BESTWOOD AREA COMMITTEE – 24TH NOVEMBER 2010

Title of paper:	PROPOSED DOG CONTROL ORDER FOR THE CHEDISTON VALE OPEN SPACE & CHILDREN'S PLAY AREA	
Director(s)/ Corporate Director(s):	Andrew Errington, Director, Community Protection Service	Wards affected: Bestwood
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Relevant Council Plan Strategic Priority:		
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 citizens/service users):		
<p>There is a need to address problems associated with the control of dogs using the Chediston Vale open space/children's play area which impacts on the quality of life for residents and visitors alike. 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.</p>		
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 Chediston Vale open space/park.	
2	Bestwood ward councillors agree to jointly fund with Community Protection the costs associated with bringing the Order into force specifically the erection of advisory signs on the land.	
3	The Area Committee agrees the following control measures under the Order: a) Requirement to remove dog faeces. b) Requirement to keep a dog on a lead or to put and keep a dog on a lead when directed to do so by an authorised officer. c) A restriction on taking more than a specified number of dogs onto the land (the specified number would be set at 4 dogs).	

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 -

- a) Failing to remove dog faeces.
- b) Not keeping a dog on a lead.
- c) Not putting, and keeping, a dog on a lead when directed to do so by an authorised officer.
- d) Permitting a dog to enter land from which dogs are excluded.
- e) Taking more than a specified number of dogs onto land.

The new legislation is designed to simplify the current arrangements for controlling dogs through byelaws.

1.2 While many dog owners across the Bestwood ward act in a responsible manner when controlling and exercising their dogs, the local community around the Chediston Vale open space/children's play area (see map at Appendix 2) have felt it necessary to make representation 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 open space/park in question to give improved powers to tackle such problems quickly by the use of Fixed Penalty Notices.

1.3 Following the results of consultation on the proposal to make an Order, if the Area Committee is minded to make an Order the following control measures are recommended:

- I) Requirement to remove dog faeces.
- II) Requirement to keep a dog on a lead or to put and keep a dog on a lead when directed to do so by an authorised officer.
- II) A restriction on taking more than a specified number of dogs onto the land (the specified number would be set at 4 dogs).

1.4 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 at Appendix 1 shows the planned stages that need to be followed and an estimation of timescales.

2. REASONS FOR RECOMMENDATIONS (INCLUDING OUTCOMES OF CONSULTATION)

2.1 There are various interventions that are being taken by the enforcement agencies to stop nuisance and annoyance arising from the irresponsible ownership and control

of dogs but asking owners to act responsibly is not working. The powers under a Dog Control Order will replace the current 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 to the park.

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 not expected to exceed £3,000. The estimated cost for signage is £1,500 which ward councillors are asked to allocate from their individual unallocated funds.

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. EQUALITY IMPACT ASSESSMENTS (EIAs)

- 6.1 Before such an Order is made the owners and occupiers of properties within the area in question must be consulted in order to gauge their opinion on the proposal. It is proposed that this will be done through residents' group meetings, letters to residents within 500 metres of the open space/park and a local newspaper circulating in the area. This will enable an impact assessment to be carried out on the proposal which will be reported to the Area Committee.

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

- 7.1 Resident's petition

8. PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

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

PROPOSED DOG CONTROL ORDER FOR THE CHEDISTON VALE OPEN SPACE & CHILDREN'S PLAY AREA - TIMETABLE

<u>Step</u>	<u>Action</u>	<u>Timescale</u>	<u>By Whom</u>
1.	Obtain approval to proceed with consultation from Area Committee	24 November	CPO and DPPO contractor and Legal Services
2.	Publication of Newspaper advertisement	By end November 2010	DPPO contractor and Legal Services
3.	Prepare draft Order and consultation letter	By mid-December 2010	DPPO contractor and Legal Services
4.	Consult with discretionary consultees, owners and occupiers	By end February 2011	Police, CPOs, Neighbourhood Management and DPPO contractor
5.	Report back to Area Committee regarding representations and seeking confirmation of the Order	30 March 2011 Draft Reports by 8 March, final reports by 17 March	CPO, Area Manager and DPPO contractor
6.	(1) Publication of notice of making of Order and (2) Erection of signs on street.	April 2011	(1) DPPO contractor (2) Neighbourhood Services
7.	Order planned to come into force.	May 2011	

APPENDIX 2

PROPOSED DOG CONTROL ORDER FOR THE CHEDISTON VALE OPEN SPACE & CHILDREN'S PLAY AREA – MAP OF LAND IN QUESTION



PROPOSED DOG CONTROL ORDER FOR THE CHEDISTON VALE OPEN SPACE & CHILDREN'S PLAY AREA – CONSULTATION DOCUMENT

What's this about?

City Council Parks, Street Cleaning services and the local community living near and using the open space/park shown on the map over the page have asked the Basford and Bestwood Area 2 Committee to use its powers under The Clean Neighbourhoods and Environment Act 2005 to make a Dog Control Order for the whole of the open space/park to deal with problems caused by dogs using the land.

What are the problems?

Some dog owners in the area are not acting responsibly and are reported to be causing the following problems -

- III) Failing to remove dog faeces posing a nuisance and a risk to human health.
- IV) Not keeping a dog(s) on a lead so it is under control at all times.
- V) Permitting a dog(s) to enter land from which it should be excluded on nuisance and health grounds (i.e. the children's play area).
- VI) Taking more than a reasonable number of dogs onto land.
- VII) Not ensuring their dog(s) wear a collar and tag stating their owner's name and address while in a public place.

How would an Order help?

If made an Order would give additional powers to authorised officers of the City Council to take action to curb many of the problems described above and so provide a safer and cleaner environment for residents and visitors alike. Owners whose dog(s) continue to cause the problems mentioned in the Order could be given an £80 Fixed Penalty Notice.

What will happen next?

The first stage of the process that must be followed to bring such an Order into force is that the local community is asked for its views/comments on the proposal and attached is a questionnaire for you to give your views and comments in writing or by email, the Area 2 website or by text – the details are on the questionnaire on page 3. If you have any views to give now, they can be given to the local beat/community protection officer, the Area 2 Neighbourhood Management Team, your local councillor.

The Area Committee will take all responses into account when deciding how best to tackle this problem if it is seen to be continuing.

CHEDISTON VALE, BESTWOOD DOG CONTROL PROBLEMS RESIDENTS' QUESTIONNAIRE

The Basford and Bestwood Area 2 Committee of City Council is thinking about making a Dog Control Order to stop problems from uncontrolled dogs on the Chediston Vale open space/park in Bestwood (see the map overleaf). The Area Committee wants to hear the views of those living around the land, those who use the land and interest groups which represent dog owners and public land use about this proposal. You can post, email or text your comments or views to the addresses at the end of the questions or you can speak to the Neighbourhood Management Team, your local councillor or Community Protection Officer who will make sure your comments are passed to the Committee. All replies need to be submitted by **31st December 2010** when the responses will be considered by the Area Committee when reaching its decision whether to make an Order.

1. Please tell us your address or postcode so we know how far people travel to use the open space/park (this information will be subject to data protection law)

2. How often do you use the land (please tick only one box)?

- a) Every day
- b) Once or twice a week
- c) A number of times each month
- d) Hardly ever or not at all

3. Do you use the land to exercise a dog?

- Yes No

4. What problems have you seen on the land that come from dogs that you feel should be controlled (please tick all boxes that apply)?

- a) Dog messing on the land and owners not clearing it up
- b) Dogs not on a lead
- c) Dogs running loose and not under anyone's control
- d) Someone with four or more dogs being exercised
- e) Some other problem(s) – please describe

5. Where on the park/open space have you seen dog problems? (tick all boxes that apply)

- a) The young children's playground area (the coloured area)
- b) The games pitch
- c) The lower car parking area
- d) Parts of the whole park/open space
- e) The footpaths leading to the park/open space (please put a tick next to where you have seen problems)
 - i) path from Beckhampton Road
 - ii) path from Roseash Lane
 - iii) path from Chediston Vale into the park
 - iv) path from Chediston Vale into the car park

6. What would you like to see the Area Committee do to stop dog problems occurring on this land? (please describe)

7. Is there anything else you want the Area Committee to be aware of when they consider this dog control issue (please describe below – attach any additional information you want the Committee to take into account)

Please send your reply or comments to:

Text: DOGS to [insert text number] including the question number and your response in this format Q1 NG3 2PX; Q2 a; etc.

Email: DOGS to bbnm.team@nottinghamcity.gov.uk attaching the completed questionnaire or your response in this format Q1 NG3 2PX; Q2 a; etc.

Post: completed questionnaires to BBNM Team, Southglade Access Centre, Southglade Road, Bestwood, Nottingham. NG5 5GU.

MAP SHOWING AREA OF CHEDISTON VALE DOG WHERE DOG PROBLEMS ARE REPORTED (Area outlined)

