

MEETING	COUNCIL
DATE	16 th December 2010
TITLE	DOG CONTROL ORDERS
PURPOSE	To inform Members of the process and issues to be considered for establishing Dog Control Orders under the Clean Neighbourhoods and Environment Act 2005.
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PORTFOLIO LEADER	COUNCILLOR J R JONES

1. BACKGROUND INFORMATION

Dog Control Orders

- 1.1 The provisions as contained in Sections 55 and 56 of the Clean Neighbourhoods and Environment Act 2005 enable Local Authorities, Community and Town Councils to make Dog Control Orders covering the following:
- 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.
- 1.2 These Dog Control Orders have replaced the previous system of byelaws for the control of dogs and also that of the Dogs (Fouling of Land) Act 1996.
- 1.3 The Dog Control Orders (Miscellaneous Provisions) (Wales) Regulations 2007 have been made under the Clean Neighbourhoods and Environment Act 2005 which provides procedure in respect of how Dog Control Orders are made and enforced. The Welsh Assembly Government has also issued guidance on this matter.
- 1.4 Under the above provisions 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).

Transitional Arrangements

- 1.5 In the event of Dog Control Orders being made, the previous controls which may have been made under byelaws or under the Dogs (Fouling of Land) Act 1996 will be repealed.

- 1.6 The byelaws or orders made under the Dogs (Fouling of Land) Act 1996 will remain and can continue to be enforced until new Dog Control Orders apply to that particular area. Power will also continue to be available to make byelaws but only in relation to offences that cannot be prescribed in a Dog Control Order. Enforcement can continue in respect of current byelaws and orders made under the Dog (Fouling of Land) Act 1996.

Current Byelaws and Orders

- 1.7 Gwynedd Council made an Order under the Dogs (Fouling of Land) Act 1996, making it an offence to fail to remove dog faeces in a number of identified areas throughout the County. In addition there are also byelaws prohibiting dogs on some beaches during the Summer months and requiring removal of faeces at other times.
- 1.8 If the Council wishes to pursue the implementation of Dog Control Orders, all areas to which the Orders will apply will have to be identified.
- 1.9 As well as implementing the Dog Control Orders in existing bye law and order areas, it would seem sensible also to consider excluding dogs from all children's play areas, and recreational areas used for sporting activities. Members may also wish to consider limiting the number of dogs allowed on to land in certain areas.

Consultations

- 1.10 All areas to be considered under the new Dog Control Orders would have to be subject to consultation as specified in Regulation 3 Dog Control Orders (Miscellaneous Provisions) (Wales) Regulations 2007. All comments would be considered and draft orders subsequently presented to the relevant committees for consideration and approval.
- 1.11 In making a Dog Control Order a Local Authority must undertake all of the following:
- Consult its primary and secondary authorities to avoid potential conflicts;
 - Demonstrate the Order is a necessary and proportionate response to problems caused by the activities of dogs and their owners and those in charge of dogs;
 - Balance the interests of dog owners and those in charge of dogs against the interests of those affected by the activities of dogs;
 - Consider how easy a Dog Control Order will be to enforce;
 - Erect signage in the location of the designated dog control area summarizing the Order.

2. CORPORATE ISSUES

- 2.1 Tackling dog control issues could contribute to achieving three of Gwynedd Council's strategic objectives.

Objective 1 - A Sustainable Community

Objective 2 - Improving the Council in order to improve Gwynedd

Objective 4 - A Focus on Residents

- 2.2 Tackling dog control issues also contribute to the Council's Community Safety Strategy objectives.

- 2.3 Dog control issues are high on the public's agenda as shown in consultation responses on the Community Strategy.

3. ISSUES TO CONSIDER

- 3.1 **Financial implications** - There will be substantial financial implications for the Council at all stages in the creation and enforcement of Dog Control Orders. No financial provision has been made for the creation and enforcement of the Orders. It would be difficult to create the orders and extremely problematic to enforce the orders, without the allocation of adequate resources.

- 3.2 **Staffing Implications** - The Public Protection Service could not absorb any additional workload with regard to Dog Control Orders without having an impact on other activities carried out by the Dog Wardens. The impact on the Street Scene Team and the Maritime Unit would also need to be considered.

- 3.3 **Environmental Implications** – Dog Control issues have a direct impact on the quality of the environment and on public perception.

- 3.4 **Corporate Plan Implications** - Tackling dog control issues contribute to achieving three of the Council's strategic objectives

4. CONCLUSIONS

- 4.1 The Council needs to consider whether it is necessary and appropriate to establish Dog Control Orders under the provisions of the Clean Neighbourhoods and Environment Act 2005 in Gwynedd. It will have to consider the resource implications of adopting and implementing such a policy.

- 4.2 Dog Control Orders are a process which enables the Council to control dogs more effectively. However, the implementation of such orders effectively requires adequate levels of resources.

- 4.3 Such a change in policy and its staffing and resource implications is an issue which would require scrutiny through the Environment Scrutiny Committee and the financial bidding process. An early decision on resourcing would be beneficial and could avoid potentially wasted effort.
- 4.4 If the necessary resources are not likely to become available, the Regulatory Department should work with Members to look at targeting problem areas using existing byelaws, orders and resources.

5. BACKGROUND PAPERS

- 5.1 Dog Control Orders – Guidance on Sections 55 to 67 of the Clean Neighbourhoods and Environment Act 2005.