3. DOG CONTROL ORDERS

1.0 Matter for consideration:

1.1 Consideration of two proposed Dog Control Orders in Blackpool.

2.0 Recommendation(s):

2.1 To authorise the Head of Legal Services to make the ‘Dogs on Leads Order’ (Borough of Blackpool) Order 2013, as appropriate in relation to the areas proposed.

2.2 To authorise the Head of Legal Services to make the ‘Dog Exclusion Orders’ (Blackpool Borough Council) Order 2013, as appropriate in relation to the areas proposed.

3.0 Council Priority:

The relevant Council Priority is:

‘Create safer communities and reduce crime and anti-social behaviour.’

4.0 Information

4.1 Dog related nuisance is an ongoing problem in Blackpool which attracts considerable comment via the press, public meetings and complaints. There are a variety of powers and restrictions already in place to deal with these issues, introduced over time and under a variety of legislation both local and national. As a result there is no consistency in how they can be enforced as some can be dealt with by way of fixed penalty, whilst others require court proceedings.
4.2 Dog Control Orders (DCOs) allow all existing and any new proposed powers and restrictions to be swept up and incorporated within one Dog Control Order framework that can be enforced by way of Fixed Penalty Notices (FPNs).

4.3 Following Cabinet Member Decision PH104/2012, the Council has been involved in extensive consultation over four proposed orders.

1. To introduce a Blackpool wide power to enforce offences of dog fouling using Fixed Penalty Notices and for the penalty for such offences to rise from the current £50 to £80. (The order was agreed as part of decision EX44/2012 made on the 19th November 2012).

2. To introduce a Blackpool wide power for authorised Council Officers to direct an owner to place a dog on a lead should there be a need to do so. (The order was agreed as part of decision EX44/2012 made on the 19th November 2012).

3. To introduce an order that specifies particular places within Blackpool where dogs must be on a lead at all times.

4. To introduce an order that specifies particular places within Blackpool where dogs are completely excluded (which may vary seasonally).

4.4 The introduction of Dog Control Orders under legislation requires that they be both necessary and proportionate. The interests of those in charge of dogs needs to be balanced against those affected by the activities of dogs, bearing in mind the need for people, particularly children, to have access to dog free areas and those where they are kept under strict control, and for dogs to have access to areas where the dogs can be exercised without undue restrictions. The consultation has produced a considerable response, principally, but not exclusively from dog owners. The orders proposed at 3 and 4 above that have gone out for further consultation are orders that designate where dogs have to be on leads and where dogs are excluded.

4.5 In respect of the proposed ‘Dogs on Leads Order’ (Borough of Blackpool) Order 2013, as published in ‘Your Blackpool’ Spring 2013 edition. The consultation by dog owners and non-dog owners indicate that public are in agreement with the new proposals. Every member of the public who made representations whether by phone, letter or email has been contacted personally to ensure they understand and are in agreement with the proposals. The new proposals will mean there will be more places for dog owners to allow their dogs off leads than originally proposed and some restrictions on free movement of dogs is required on grounds of health, hygiene, public safety and protection of wildlife. Dogs will be required to be on leads on all public roads, tram tracks and adjacent footways, sport grounds, fields and pitches when in use for authorised sporting facilities and not subject
to the Dogs Exclusion (Blackpool Borough Council) Order 2012, bowling
greens and peripheries, allotments, and cemeteries and crematoria. Further to
this are specified areas such as sensitive ecological sites and nature reserves,
car parks, areas of public space and the promenade between north and south
pier

4.6 The proposed ‘Dog Exclusion Orders’ as published in ‘Your Blackpool’ Spring
2013 edition. The consultation by dog owners and non-dog owners indicate
that public are in agreement with the new proposals. Every member of the
public who made representations whether by phone, letter or email has been
contacted personally to ensure they understand and are in agreement with the
proposals. The new proposals will mean there will be more places for dog
owners to allow their dogs off leads than originally proposed and some
restrictions on free movement of dogs is required on grounds of health,
hygiene, public safety and protection of wildlife. The order will apply to
children’s play areas, multi-use games areas, skate parks, lakes and wetlands,
and sports areas, courts, tracks, pitches and greens. Between 1\textsuperscript{st} May and
30\textsuperscript{th} September inclusive dogs will continue to be prohibited on the beaches
and any slope or staircase leading onto the beaches between the southern
side of North Pier extending southwards to the northern side of South Pier.

4.7 Public notification of the making of the orders would be required by advertising
in a newspaper and by notification on the Council website would be required
to be given not less than seven days before the order came into force.
Appropriate signage will be erected by officers once the orders are made.

4.8 Almost all of the Dog Control Orders reflect current powers and restrictions
based on byelaws or a variety of Acts of Parliament. The consultation around
car parks and bridleways has resulted in a proposal that the car parks and
bridleways would be subject only to the provisions of the proposed Dogs on
Leads By Direction (Blackpool Borough Council) Order 2012. Additionally
some minor issues regarding definitions have been raised in terms of
exemptions for assisted dog owners.

4.9 Does the information submitted include any exempt information? NO

5.0 Legal considerations:

5.1 Part 6 of the Clean Neighbourhoods and Environment Act 2005 (‘the 2005
Act’) provides local authorities with the discretionary power to make orders
known as ‘dog control orders’ in relation to the following; (a) fouling of land by
dogs (b) dogs on leads; (c) dogs on leads by direction (d) dogs exclusion (e)
dogs specified maximum Section 57 of the 2005 Act prescribes the land to
which dog control order may apply, being any land which is open to the air
(including covered land which is open to the air on at least one side) and to
which the public are entitled or permitted to have access (with or without
payment).
5.2 Secondary legislation The Control on Dogs (Non-application to Designated Land) Order 2009, provides that such orders may not apply (i) to land that is placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967. Draft Orders prescribed within The Dog Control Orders (Prescribed Offences and Penalties, etc.) Regulations 2006 (‘the 2006 Regulations), including orders relating to the offences of: (i) the fouling of land by dogs; (ii) not keeping a dog on a lead; (iii) not putting and keeping a dog on a lead under direction; (iv) permitting a dog to enter land from which it is excluded; and (v) taking more than a specified number of dogs onto land. The 2006 Regulations also prescribe that the penalty in relation to these offences is, on summary conviction, a fine not exceeding level 3 on the standard scale (which is currently set at £1,000).

5.3 The procedure for making a dog control order is set out within The Dog Control Orders (Procedures) Regulations 2006 (‘the Procedure Regulations’). Section 59 of the 2005 Act makes provision for the issue, by an authorised officer, of a fixed penalty notice as an alternative to prosecution for an offence within a dog control order.

5.4 Currently the Borough of Blackpool has in place two Dog Control Orders for Fouling and Dogs on Leads by Direction. If any type of dog control order is made that applies to land already designated under the 1996 Act, the 1996 Act ceases to have effect in respect of the land subject to the dog control order. Under subsection 64(4) of the 2005 Act, if an authority makes a dog control order in respect of an offence on a specified area of land, any byelaw or Order dealing with the same offence on that same area of land lapses. Authorised officers will be able to enforce the requirements of legislation including by way of fixed penalty notice.

6.0 Human Resources and Equalities considerations:

6.1 None.

7.0 Financial considerations:

7.1 There is likely to be a requirement for additional signage. Much of the signage is already in place however covering existing legislation or bye laws and there is only a minimal requirement on the Council to provide signage insofar as is reasonably practicable and affordable.
8.0 Performance management considerations:

8.1 Performance management regarding enforcement activity is already in place within neighbourhood services and these orders will support that process.

9.0 Risk management considerations:

9.1 No appreciable risks.

10.0 Relevant Officers:

10.1 Russ Weaver, Head of Neighbourhood Services. Dominic Blackburn, Community Safety and Drugs Officer

11.0 Relevant Cabinet Member

11.1 Councillor G. Campbell, Cabinet Member for Housing, Public Protection and Streetscene

12.0 Consultation undertaken:

12.1 Consultation has taken place through ‘Your Blackpool’, email letterbox provided, Area Forums and Panels, Police and Communities Together meetings, Web site and social media. Kennel club and animal welfare organisations. The consultation has been extensive and Neighbourhood Services have followed up on all written submissions with telephone call backs to discuss the issues further.

13.0 Background papers:

13.1 Responses to consultation

13.2 Dog Control Order Schedules

14.0 Key decision information:

14.1 Is this a key decision? NO

14.2 If so, Forward Plan reference number:

14.3 If a key decision, is the decision required in less than five days? NO

14.4 If yes, please describe the reason for urgency:
15.0 Reasons for recommendation(s):

15.1 Locations where dogs have to be on a lead or excluded have been defined by two extensive public consultation periods. This has included talking with all persons making representations and listening to their concerns. The areas identified are proportionate and appropriate for reasons of health and safety of the public, protection of wildlife, public safety and right to quiet enjoyment.

It is recommended that assistance dogs be added to the orders exemptions.

Following the second consultation it is clear that the public whether dog owners or not appears satisfied with the proposals to proceed. Although many members of the public have written in with concerns, once spoken to are happy with the areas designated.

15.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? NO

15.2b Is the recommendation in accordance with the Council’s approved budget? YES

15.3 Other alternative options to be considered:

Not to make the two Dog Control Orders and to remain with the existing provisions.

To confirm all orders as originally proposed.

16.0 Call-in information:

16.1 Are there any grounds for urgency, which would cause this decision to be exempt from the call-in process? NO

16.2 If yes, please give reason:
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>17.0</td>
<td>Scrutiny Committee Chairman (where appropriate):</td>
</tr>
<tr>
<td></td>
<td>Date informed: N/A Date approved: N/A</td>
</tr>
<tr>
<td>18.0</td>
<td>Declarations of interest (if applicable):</td>
</tr>
<tr>
<td>18.1</td>
<td></td>
</tr>
<tr>
<td>19.0</td>
<td>Executive decision:</td>
</tr>
<tr>
<td>19.1</td>
<td></td>
</tr>
<tr>
<td>19.2</td>
<td>Date:</td>
</tr>
<tr>
<td>20.1</td>
<td>Reason(s) for decision:</td>
</tr>
<tr>
<td>21.0</td>
<td>Date of publication:</td>
</tr>
<tr>
<td>22.0</td>
<td>Call-in:</td>
</tr>
<tr>
<td>22.1</td>
<td></td>
</tr>
<tr>
<td>23.0</td>
<td>Notes:</td>
</tr>
<tr>
<td>23.1</td>
<td></td>
</tr>
</tbody>
</table>