

**REPORT TO THE SPECIAL REGULATORY COMMITTEE  
MEETING OF 11<sup>th</sup> December 2012**

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**Status:** Recommendation  
**Title:** Clean Neighbourhood & Environment Act 2005: Dog Control Orders  
**Originator:** Sarah Greenway – Senior Licensing Officer  
**Where from:** Council – July 2012  
**Where to next:** Not Applicable

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1 Purpose of report:

- 1.1 The Committee is asked to agree to an amendment regarding the approach to be taken in respect of the implementation of Dog Control Orders for dogs being kept on leads.

**2.0 Recommendation**

**That the Committee agrees that a re-consultation should take place with the Parish Councils and relevant authorities to seek their opinions as to what specific pieces of land should be covered in respect of sports pitches/areas for dogs being kept on their leads.**

3. Key Facts

- 3.1 The Regulatory Committee at its meeting on 26<sup>th</sup> June 2012 recommended that:

“The Council adopts the necessary powers under the Clean Neighbourhood and Environment Act 2005 and the implementation of Dog Control Orders for the following:

- Fouling of land by dogs and the removal of dog faeces;
- The keeping of dogs on leads;
- Not putting and keeping a dog on lead when directed to do so by a an Authorised Officer
- The exclusion of dogs from designated areas of land.”

Following a public consultation process there was clear evidence to show that the requirement to keep dogs on leads at all times in certain areas was not supported by the public. The Committee

**RECOMMENDED that:**

**(i) Dogs be controlled with leads in the following areas of the District**

- sports pitches,
- children's play areas
- sport areas
- sports areas maintained at public expense.
- footpaths adjacent a 40mph or less speed limit.
- cemeteries and church yards

**(i) if the recommendation is implemented by Council the subject should be reviewed in twelve months.**

The Council at its Meeting on 16<sup>th</sup> January 2012 approved the above resolution.

- 3.2 The original consultation process with the Parish Councils and other relevant authorities asked for views on whether they would consider dog control orders relating to keeping dogs on leads appropriate for sports pitches which are maintained at public expense as opposed to a more general approach to sports areas and pitches. The consultation responses were generally in favour of keeping dogs on leads on sports pitches maintained at public expense however legal advice following the last Regulatory Committee has recommended that the decision of the Committee may be open to challenge as the approved recommendation went beyond the remit of the original consultation process.
- 3.3 There is no clear definition as to what constitutes a sports area/pitch therefore to prevent confusion and to ensure clarity as to what pieces of land will be covered by the order it will be necessary to specify the land in question as part of the process land. Consequently it has been suggested that the Council re-consult with the Parish Council's and the relevant authorities to seek their opinion as to what specific pieces of land they would want covered for sports areas/pitches. In addition the Council will also have to decide what sports pitches they own and maintain should be covered under this dog control order.

#### **4 Legal Issues**

- 4.1 The Dog Control Orders (Procedures) Regulations 2006 set out how Dog Control Orders shall be introduced by local authorities and Parish Councils. Before making a Dog Control Order the authority shall:
- (a) Consult every other authority with powers under Section 55 of the Clean Neighbourhoods and Environment Act 2005, in the case of Harborough, the Parish Councils;
  - b) Consult upon its proposals to make an order by publishing a notice of the proposal in a local newspaper circulating in the area in which the Order would apply is situated;

(c) Where all or part of the land in respect of which the proposed order would apply is access land then we are required to consult with the Access Authority for that land, the local access forum for that land and the Countryside Agency, now Natural England.

4.2 The Notice shall identify the land that is Access Land; summarise the Order; state where any maps identifying the land can be viewed; state the period in which representations shall be made which should not be less than 28 days, state the address/e-mail where representations shall be made.

4.3 At least seven days before any Dog Control Order comes into force Harborough shall:

(a) Where practicable place signs summarising the Order in conspicuous positions on or near land where the Order applies;

(b) Publish in a local newspaper in the area where the Order applies a notice that the order has been made and stating the place where it may be inspected or copies obtained;

(c) Make available the information on the Council's website.

(d) Send copies of the information to the Parish Council

## 5 Resource Issues

5.1 The new contract for the Dog Warden service allows for regular patrols to enforce across the District and signage for the Dog Control Orders. There is also budget provision to cover the necessary advertising for Public Notices.

## 6.0 Equality Impact Assessment Implications/Outcomes

6.1 An initial equality impact assessment was carried out in March 2011 and confirmed that there was no requirement to carry out a full assessment as there was no discrimination against any groups identified.

## 7.0 Impact on the Organisation

7.1 Not Applicable

## 8.0 Community Safety Implications

8.1 The introduction of Dog Control orders will help to tackle an issue which is a concern for local residents and to help to improve the cleanliness and safety in the District.

## 9.0 Carbon Management Implications

9.1 None arising from this report.

## 10.0 Risk Management Implications

10.1 The Authority needs to balance the interests of those in charge of dogs against the interests of those affected by the activities of dogs, bearing in mind the

need for people, in particular children, to have access to dog-free areas and areas where dogs are kept under strict control and the need for those in charge of dogs to have access to areas where they can exercise their dogs without undue restrictions. A failure to give consideration to these factors could make any subsequent Dog Control Order vulnerable to challenge in the Courts.

#### 11.0 Consultation

12.1 Informal consultation was carried out between 1<sup>st</sup> July 2011 until 30<sup>th</sup> September 2011.

#### 13.0 Options Considered

13.1 Option 1 to do nothing may leave the Council open to challenge as the approved recommendation has gone beyond the remit of the original consultation process.

13.2 Option 2 is to allow a re-consultation with the Parish Councils and relevant authorities to seek their opinions as to what specific pieces of land should be covered in respect of sports pitches/areas for dogs being kept on their leads.

#### 14 Background Papers

14.1 Files held in Regulatory Services in relation to Dog Control Orders.

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**Previous report(s) :**

**Sensitive Issue Procedure – Local Member notified : No**