

Date of issue: Thursday, 14 June 2012

MEETING	NEIGHBOURHOODS AND COMMUNITY SERVICES SCRUTINY PANEL (Councillors Bains, Bal, Carter, Dar, Minhas, O'Connor, Plenty, Sohal and Wright) <u>Non-Voting Co-opted Members</u> Darren Morris (Customer Senate) Terry Conroy (Slough Federation of Tenants and Residents)
DATE AND TIME:	THURSDAY, 21ST JUNE, 2012 AT 6.30 PM
VENUE:	MEETING ROOM 3, CHALVEY COMMUNITY CENTRE, THE GREEN, CHALVEY, SLOUGH, SL1 2SP
SCRUTINY OFFICER: (for all enquiries)	SARAH FORSYTH 01753 875657

SUPPLEMENTARY PAPERS

The following Papers have been added to the agenda for the above meeting:

* Item 8 was not available for publication with the rest of the agenda.

PART 1

<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
8.	Introduction of Dog Control Orders	1 - 10	All

This page is intentionally left blank

SLOUGH BOROUGH COUNCIL

REPORT TO: Neighbourhood & Community
Services Scrutiny Panel

DATE: 21 June 2012

CONTACT OFFICER: Dympna Sanders, Head of Neighbourhood Enforcement
(For all enquiries) (01753) 875215

WARD(S): All

PORTFOLIO: Neighbourhood & Renewal

**PART I
FOR COMMENT & CONSIDERATION**

DOG CONTROL ORDERS

1 Purpose of Report

To consider the implementation of a range of Dog Control Orders following public consultation to enable effective enforcement in relation to dogs including the issuing of Fixed Penalty Notices and prosecution of those who fail to comply with the conditions of the Orders.

2 Recommendation(s)/Proposed Action

2.1 The Scrutiny Panel is requested to recommend to Cabinet:

- i) Endorse the public consultation findings to introduce Dog Control Orders in order to tackle the following prescribed offences under Clean Neighbourhoods and Environment Act 2005:
 - a) failure to remove dog faeces (Borough-wide Order);
 - b) failure to keep a dog on a lead in specified locations;
 - c) failure to put and keep a dog on a lead when directed by an Authorised Officer (Borough-wide Order);
 - d) permitting a dog to enter land from which dogs are excluded; and
 - e) limit the number of dogs under control of any person in a designated area (Borough-wide Order).

- ii) Adding the following as paragraph 85a, Part 3 to the Scheme of Officer Delegations for Assistant Director of Enforcement and Regulation:

“Authority to amend and/or extend existing Dog Control Orders in consultation with the relevant Commissioner”.

3 Sustainable Community Strategy

3.1. Safer Communities

The quality of the environment where someone lives can often be linked to their perception of fear of crime. Dog fouling has been raised as a priority by several neighbourhoods within Slough through the Neighbourhood Action Group process.

A dog should be kept on a lead in such environments where they are likely to cause a danger to themselves and others. For example, near a road, where the dog could walk into the road and potentially cause an accident.

There are some areas that we want to permanently exclude all dogs from in order to protect the public, for example, in enclosed children's play areas.

It is becoming increasingly fashionable for people to own potentially dangerous dogs. Some of these animals could potentially cause serious injury but are legal to own. Powers are required by officers to require such dogs to be put on a lead, regardless of location, in order to deal with situations that could escalate and result in a dog becoming anti-social or becoming dangerously out of control. This, in turn, may reduce the fear of crime. Dangerous dogs are dealt with under separate legislation by the police, with whom we closely liaise.

3.2. Health and Wellbeing

Not only is dog fouling unpleasant, it represents a risk to public health. Dog faeces can contain the roundworm, *Toxocara canis*, which if ingested by humans can cause a number of diseases. Children are particularly vulnerable to its effects. In rare cases, infection has caused blindness. The quicker that dog faeces is cleaned up; the risk of the roundworm becoming infective is greatly reduced.

Other zoonotic diseases that are transferrable by dog faeces to humans include Giardia, which causes diarrhoea and abdominal pain and Campylobacter, which causes the same symptoms but also vomiting and fever.

The Dog Control Orders are aimed at balancing the interests of dog owners by allowing dogs to be exercised without undue restrictions and the needs of children, in particular, to have access to dog-free areas or where dogs are kept under stricter control.

4 Other Implications

(a) Financial

The financial implications of dog control zones are nominal and will be held within the Neighbourhood Enforcement Team and Parks Service's current revenue budget. The process will require consultation and publication of Orders through the local media and signage will need to be produced to inform residents where an Order exists.

(b) Risk Management

	Recommendation	Risk/Threat/Opportunity	Mitigation(s)
a	Failure to remove dog faeces (Borough wide Dog Control Order)	Threat: officers permitted to serve FPNs in park areas only at present. Unable to deal effectively with dog owners who permit dogs to foul elsewhere in Borough. Opportunity: FPN offers a deterrent to irresponsible dog owners who do not pick up after their dog has fouled. This should reduce incidence of dog fouling and, therefore, public health risk posed.	Reduced risk to public health as outlined in paragraph 3.2.
b	Failure to keep a dog on a lead in designated areas (Dog Control Order)	Opportunity: to reduce risk to the public and, in particular, drivers by requiring dogs to be kept on a lead in high risk environments, for example, alongside main roads.	Reduced risk to public health as outlined in paragraph 3.2., for example, playing fields.
c	Failure to put and keep a dog on a lead when directed by an Authorised Officer (Borough wide Dog Control Order)	Threat: officers currently have no powers to require a dog owner to put their dog on a lead. This may pose a risk to public health and safety.	Reduced fear of crime and / or anti-social behaviour as outlined in paragraph 3.1.
d	Permitting a dog to enter land from which dogs are excluded (Dog Control Order)	Opportunity: to proactively protect public health by preventing fouling in areas where children play by permanently excluding dogs from the area.	Reduced fear of crime and / or anti-social behaviour as outlined in paragraph 3.1. and reduced risk to public health as outlined in paragraph 3.2.
e	Limit the number of dogs under control of any person in a designated area (Borough wide Dog Control Order)	Threat: a person may be unable to adequately control multiple dogs when in public or to pick up their faeces. Opportunity: to reduce the risk of dogs becoming dangerously out of control due to owner's inability to control them due to number of dogs in their care.	Reduced fear of crime and / or anti-social behaviour as outlined in paragraph 3.1. and reduced risk to public health as outlined in paragraph 3.2.

(c) Human Rights Act and Other Legal Implications

Providing that dog owners act responsibly and control their dog(s) as required by law, there are no human rights implications to this decision.

(d) Equalities Impact Assessment

No one group would be impacted as a result of this report's recommendations, therefore, no adverse equalities impact is envisaged.

5. Supporting Information

5.1 A consultation exercise was carried out by the Neighbourhood Enforcement Team in the summer of 2011. A total of 204 people were interviewed from the following wards:

WARD	Number of Interviews
Baylis & Stoke	10
Britwell	11
Central	6
Chalvey	6
Cippenham Green	13
Cippenham Meadows	11
Colnbrook & Poyle	11
Farnham	19
Foxborough	3
Haymill	13
Kedermister	12
Langley St Mary's	25
Stoke	2
Upton	17
Wexham Lea	8
Outside Borough	12

5.2 Not all respondents answered all the questions put to them. 61% of those interviewed owned a pet and 47% owned a dog.

5.3 Failure to remove dog faeces (Proposed Borough Wide Order)

As discussed in paragraph 3.1 dog fouling is a public health concern. It is proposed that the Order relates to any land which is open to the air and to which the public are entitled or permitted to have access as defined in the Dogs (Fouling of Land) Act 1996. Should a person be witnessed permitting their dog to foul without picking it up afterwards, an Authorised Officer would serve a Fixed Penalty Notice. This, together with on-going education, aims to reduce the levels of dog fouling in the Borough.

5.3.1. The following questions were put to members of the public in relation to this proposed order:

(a) Have you ever witnessed a person allowing their dog to foul and not clear up in Slough?

YES	140
NO	35

(b) Where did you witness this?

In my Street	35
In my Estate	15
In the Park	46
Any other area (please specify)	18

(c) To what extent do you agree or disagree that dog owners should be made responsible for cleaning up their dog's fouling?

Strongly Agree	Agree	Disagree	Strongly Agree	No opinion
161	13	1	0	0

5.3.2 80% of respondents said that they had witnessed a dog fouling in Slough. The most common place for people to have seen fouling was in the parks, with 40% having witnessed this; followed by the street, 31%; other areas, 16%; and in my estate, 13%.

5.3.3 92% of respondents strongly agreed that dog owners should be made responsible for cleaning up after their dogs, with a further 7% in agreement with this statement.

5.4 Failure to keep a dog on a lead in the following locations:

5.4.1 On any land which is situated within a 40mph (or slower) traffic control zone.

This Order is proposed to keep dogs under closer control in urban areas and to discourage persons allowing dogs to stray and foul. Under the Road Traffic Act 1988, which is enforced by the police, it is already an offence for a person to cause or permit a dog to be on a public footway or grass verge adjacent to a road without it being on a lead. This is not a police priority, particularly as any offence would have to go to court. A Dog Control Order would enable Council officers to serve a Fixed Penalty Notice for breach of the Order.

i) The following questions were put to members of the public in relation to this proposed order:

(a) Have you ever witnessed a dog being walked off lead next to or near a main road or a place such as the High Street, in Slough?

Yes	130
No	47

(b) How did that make you feel?

I was not particularly bothered	17
I was not particularly bothered but felt the dog should be on a lead	29
I felt concerned for my safety	32
I felt concerned for the safety of others	48
I felt concerned for the safety of the dog	52

(c) Do you agree that dogs should be kept on leads next to roads with a 40mph (or slower) speed limit?

Yes	155
No	7

ii) 73% of members of the public have seen dogs off the lead on main roads. 29% of respondents were concerned about the safety of the dog under these circumstances; 27% were concerned with the safety of others; and 18% were concerned for their own safety as a consequence.

iii) 95.7% of respondents agreed that dogs should be kept on a lead next to roads with 40mph or less speed limit.

5.4.2 Shopping Areas / Precincts

In areas with a high footfall, it is particularly important that dogs are kept under control to enable the public to move freely without being troubled by dogs causing nuisance, alarm or distress. There would be the additional benefit that dog owners would have no excuse for not picking up after their dog has fouled.

i) The following areas are proposed as Dog Control Zones for this purpose:

AREA	YES	NO	Percentage Agreed
High Street, Slough (whole length of High Street) and adjoining alleyways	160	3	98%
Wentworth Avenue Parade	146	5	96%
Harrow Market Place, Langley	149	3	98%
Trelawney Avenue Shop Parade	148	4	97%

Slough Cemetery and Crematorium	151	2	99%
The Cinder Track	120	7	94%
Public Car Parks	141	8	95%

- ii) There was overwhelming agreement from respondents that dogs should be kept on a lead in high footfall areas as those indicated above.

5.5 Failure to put and keep a dog on a lead when directed by an Authorised Officer (Borough Wide Order proposed)

5.5.1 As discussed in paragraph 3.2, it may be appropriate for an officer to require an owner to put their dog on a lead in order to ensure the safety of the general public and/or of themselves.

5.5.2 Situations that may require a dog to be put onto a lead would include, for example, where:

- (i) a dog is being a nuisance;
- (ii) a dog's behaviour is causing alarm and distress to others;
- (iii) an officer needs to speak to the dog owner;
- (iv) a dog is deemed to be dangerously out of control

5.5.3 The following questions were put to members of the public in relation to this proposed order:

(a) Do you agree that authorised officers should be able to instruct people to put their dogs on a lead anywhere in Slough?

Yes	161
No	15

(b) Do you have any comments on the proposal to enable authorised officers (e.g. dog wardens, community wardens, enforcement officers) to direct dog owners/walkers/handlers to put their dog on a lead when needed?

No comments given.

(c) If you disagree with this order explain below stating why?

No comments given.

5.5.4 91% of respondents were in favour of an officer having authority to instruct a person to put their dog on a lead in any part of Slough.

5.6 Permitting a dog to enter land from which dogs are excluded

5.6.1 There are some locations from where it is prudent to exclude dogs in the interests of public health and safety. For example, dogs that are not properly controlled by their owners can urinate and defecate at will, which may contaminate, for example, enclosed children's play areas. It may also not be appropriate for some dogs to be permitted to be in close proximity to young children due to their size, breed and/or nature.

5.6.2 This Order would permit the exclusion of dogs in all enclosed designated children's play areas and areas used exclusively for sports following consultation with the public and relevant partners.

5.6.3 The following questions were put to members of the public in relation to this proposed order:

(a) Do you agree that dogs should be excluded from enclosed children's play areas?

Yes	159
No	18

(b) Do you agree that dogs should be excluded from clearly marked sports fields?

Yes	116
No	59

(c) Are there any other areas you feel dogs should be excluded from? And why?

No comments were given.

5.6.4 90% of respondents felt that dogs should be excluded from children's play areas and 66% were in favour of excluding dogs from marked sports fields.

5.7 Limit the number of dogs under control of any person in a designated area.

5.7.1 It is proposed that the maximum number of dogs under the control of any person should be limited to 3 for the whole of the Borough. The rationale being that it is not physically viable to control more than 3 dogs either on or off the lead.

5.7.2 The following questions were put to members of the public in relation to this proposed order:

(a) Do you feel there is a specific problem in Slough when dog walkers are responsible for multiple dogs?

Yes	54
No	109

(b) Do you agree with the proposition to set dog walkers with a maximum of 6 dogs per person (imposed borough wide)?

Agree	120
Disagree	52

(c) If yes, do you feel the problem is concentrated to a particular area of Slough? Where is the area?

No comments given.

(d). How many dogs per person do you feel the restriction be set to?

Maximum one dog per person	8
Maximum two dogs per person	31
Maximum three dogs per person	36
Maximum four dogs per person	19
Maximum five dogs per person	8

5.7.3 Whilst the majority of respondents did not feel that there was an issue in Slough with dog owners being responsible for multiple dogs (33%), 70% felt that it was appropriate to restrict the number of dogs to a maximum of 6, which is in line with DEFRA guidance. When asked how many dogs one person should be restricted to being in control of at any one time, the majority of 35% felt that 3 was an appropriate number. It is recommended to retain a maximum of 6 dogs in line with DEFRA guidance.

5.8 Summary of Consultation Findings

5.8.1 There was an overwhelming response in favour of the orders that have been proposed as outlined in this report, with the vast majority receiving over 90% support. The notable exception was exclusion of dogs from marked sports grounds, which had only 66% of support from respondents. It is, therefore, recommended that the Dog Control Orders as outlined above be endorsed.

6 Comments of Other Committees

6.1 None.

7 Conclusion

7.1 The aim of Dog Control Zones and their subsequent Orders is to balance the interests of dog owners by allowing dogs to be exercised without undue restrictions against the needs of residents and visitors to feel safe and secure when moving around the Borough. Orders also enable the Council to protect the health and welfare of children, particularly, in relation to exclusion of dogs from confined play areas.

7.2 Now that public consultation has been undertaken as outlined above, Dog Control Orders can be enacted by Cabinet. Should the Scrutiny Panel endorse the proposals in this report and it is approved by Cabinet, the Neighbourhood Enforcement Team will advertise the Orders through the local media and stakeholder organisations; have Dog Control Order signage ordered and erected in key areas.

8 **Background Papers**

DEFRA (2006), Dog Control Orders: Guidance on Sections 55 to 67 of the Clean Neighbourhoods and Environment Act 2005:

<http://www.defra.gov.uk/search/results.htm?cx=014361324438485032053%3A0awamh6zwlk&cof=FORID%3A11&ie=UTF-8&q=dog+control+orders&siteurl=www.defra.gov.uk%2Fenvironment%2Fquality%2F#1251>