

## **SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Cabinet **DATE:** 11<sup>th</sup> April 2011

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

**WARD(S):** All

**PORTFOLIO:** Environment and Open Spaces - Councillor Parmar and  
Neighbourhoods and Renewal - Councillor Swindlehurst

### **PART I** **KEY DECISION**

#### **DOG CONTROL ORDERS**

##### **1 Purpose of Report**

To seek approval to implement a range of Dog Control Orders to: balance the interests of dog owners against those of the wider population; improve the look of the town by encouraging dog owners to pick up after their dogs; make people feel safer and not harassed by nuisance and/or dangerous dogs; and 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. To review the current fine in relation to dog fouling to reflect the public health risk and unpleasant nature of the offence.

##### **2 Recommendation(s)/Proposed Action**

The Cabinet is requested to resolve:

(a) That the Neighbourhood Enforcement Team carry out statutory public consultation to introduce Dog Control Orders in order to tackle the following prescribed offences under Clean Neighbourhoods and Environment Act 2005:

- (i) Failure to remove dog faeces (Borough wide Order);
- (ii) Failure to keep a dog on a lead in specified locations;
- (iii) Failure to put and keep a dog on a lead when directed by an Authorised Officer (Borough wide Order);
- (iv) Permitting a dog to enter land from which dogs are excluded;
- (v) Limit the number of dogs under control of any person in a designated area (Borough wide Order).

(b) That the following be added as paragraph 85a, Part 3 to the Scheme of Officer Delegations for Assistant Director of Public Protection:

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

(c) That the current level of fine for dog fouling of £50 be increased to £80 forthwith. This is the maximum permitted fine under The Environmental Offences (Fixed Penalties)(Miscellaneous Provisions) Regulations 2006.

### 3 **Community Strategy Priorities**

#### **3.1.A Cleaner, Greener place to live, Work and Play**

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 transferred 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.

#### **3.2. Being Safe, Feeling Safe**

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 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, would reduce the fear of crime. Dangerous dogs are dealt with under separate legislation by the police, with whom we closely liaise.

### 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.

An increase in dog fouling fines is unlikely to have a significant impact on the income generated as a result of enforcement.

(b) Risk Management

	<b>Recommendation</b>	<b>Risk/Threat/Opportunity</b>	<b>Mitigation(s)</b>
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 decision, therefore, no adverse equalities impact is envisaged. The legislation already provides for exemptions for the registered blind and those with disabilities who use trained assistance dogs.

## (e) Statutory Consultation

In order to implement a Dog Control Order, the Council must undertake the following consultation under Clean Neighbourhoods and Environment Act 2005:

- (i) consult with other primary or secondary authorities within the area of the dog control order;
- (ii) publish a notice of the proposal in local newspapers identifying the land to which the Order will apply and summarising the order;
- (iii) where the Order refers to a map, state where a map may be inspected;
- (iv) state the period within which representations may be made in writing or by email being not less than 28 days from the date of publication of the notice; and
- (v) state the address and email address to which representations may be sent.

## 5. Supporting Information

### 5.1. **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 Section 57 of Clean Neighbourhoods and Environment Act 2005. 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.

### 5.2. **Failure to keep a dog on a lead in the following locations:**

#### 5.2.1. **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 its 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.

This may also act as a deterrent for dog owners to allow their dog to stray.

#### 5.2.2. **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 a nuisance, alarm or distress. There is the additional benefit that dog owners would have no excuse for not picking up after their dog has fouled.

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

- High Street, Slough (whole length of High Street) and adjoining alleyways
- Wentworth Avenue parade
- Harrow Market Place, Langley
- Trelawney Avenue Shop Parade
- Slough Cemetery and Crematorium
- Public Car Parks
- The Cinder Track

### **5.3. Failure to put and keep a dog on a lead when directed by an Authorised Officer (Borough wide Order)**

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.

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

### **5.4. Permitting a dog to enter land from which dogs are excluded**

There are some locations where it is prudent to exclude dogs from in the interests of both 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.

This Order would permit the exclusion of dogs in all designated children's play areas following consultation with the public.

### **5.5. Limit the number of dogs under control of any person in a designated area.**

It is proposed that the maximum number of dogs under the control of any person should be subject to consultation and will be the maximum number of dogs that a person responsible person could reasonably be in control of and up after at any one time.

It is proposed that a maximum number of 6 should be imposed Borough wide in line with expert advice sought by DEFRA, however, consultation will be undertaken where there are specific problems in, for example, a particular park, to further restrict the numbers.

## **5.6. Increase the current level of fine for Dog Fouling**

The current fine of £50 does not reflect the unpleasant nature, the potential public health risks associated with dog fouling, or the costs of cleaning faeces off the streets. For this reason, it is proposed to increase the fine to the maximum possible fine of £80. The increase in fine should act as a greater deterrent to irresponsible dog owners who choose not to clean up after their dogs.

## **6 Comments of Other Committees**

The Neighbourhoods and Renewal Scrutiny Panel considered this report at its meeting on 23<sup>rd</sup> March 2011. The Panel endorsed all of the recommendations in the report.

## **7 Conclusion**

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 the Borough 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.

Dog control orders cannot be enacted without public consultation. Should Cabinet agree with the proposals in this report, the Neighbourhood Enforcement Team will conduct consultation exercises in line with statute through the local media and stakeholder organisations prior to implementing the Orders.

## **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>