



Executive
14 November 2011

**Report from the Director of
Environment and Neighbourhood
Services**

Wards Affected:
All

Dog Control Orders in parks and open spaces

1 Summary

- 1.1 This report proposes the introduction of Dog Control Orders in Brent's parks and open spaces. These would be made under Section 55 of the Clean Neighbourhoods and Environment Act 2005.
- 1.2 Public consultation was undertaken between 7 February and 3 May 2011 and a summary is included within paragraphs 3.10 and 3.11

2 Recommendations

That the Executive:

- 2.1 Agree the introduction of the Dog Control Orders in parks and open spaces as set out in paragraphs 3.4 to 3.7

3 Details

- 3.1 Brent Council has for a number of years encouraged and promoted responsible dog ownership. Most dog owners act in a responsible way e.g. clearing up dog mess, keeping dogs under control and away from children's playgrounds etc. However a small proportion of dog owners do not act responsibly and this has negative impacts on other park users.
- 3.2 By approving the Dog Control Orders identified Council officers will have the powers to fine those dog owners who are in breach of the orders, although the focus will be on educating and informing such owners. This will be facilitated

through a communications campaign which will include attending a series of roadshows to be organised by the Animal Welfare team.

3.3 Implementing the proposed Control Orders will not discriminate against dogs or dog owners but instead will balance the interests of those in charge of dogs with the interests of other users of parks who may be affected by the activities of dogs. Consideration has been given to the need for people, in particular children, to have access to dog free areas and areas where dogs are kept under strict control. Consideration has also been given to the need for those in charge of dogs to have access to areas where they can exercise their dogs without undue restrictions. The proposed measures are in no way seeking to disadvantage dog walkers; rather they aim to facilitate safe dog walking in appropriate open spaces within the borough. It is estimated that dogs will still be able to be walked “off lead” in over 90% of available green space in Brent.

3.4 The Dog Control Orders will cover:

- The maximum number of dogs which may be taken onto land:
- Areas where dogs would be excluded
- Areas where dogs are to be kept on leads.

3.5 **The maximum number of dogs which may be taken onto Brent’s parks and open spaces**

The Dog Control Orders will restrict the maximum number of dogs to be controlled by one person to six. It will be an offence for one person to be in charge of more than six dogs in any of the borough’s parks or open spaces.

3.6 **Areas where dogs would be excluded in Brent’s parks and open spaces**

The Dog Control Orders designate a number of areas where dogs are not permitted at any time. This applies to all playgrounds, multi-use games areas, tennis courts, netball courts and bowling greens. It will be an offence for anyone in charge of a dog to take the dog onto, or permit the dog to enter, or to remain in such designated areas. This does not apply to registered blind people, deaf people or other people with disabilities who make use of trained assistance dogs.

Areas where dogs are to be kept on leads in Brent’s parks and open spaces

3.7 The Dog Control Orders designate areas where dogs must be kept on a lead. These include all 32 of the smaller/pocket parks listed in Appendix 1, areas containing flower beds, walled gardens and other such areas where the walking of dogs ‘off lead’ is deemed inappropriate. This does not apply to registered blind people, deaf people or other people with disabilities who make use of trained assistance dogs.

3.8 Queen’s Park is included in the Orders. Queen’s Park is geographically within the London Borough of Brent, but is owned and managed by the Corporation of London. The inclusion has been agreed with the Corporation of London at their request and this agreement covers any subsequent revision of the Orders e.g. the maximum numbers of dogs that may be taken onto land.

- 3.9 Dog Control Orders complement other legislation relating to dogs, for example the Fouling of Land by Dogs (Land Specified in London Borough of Brent) Order 2007.
- 3.10 Public consultation occurred in two stages. An initial consultation response between 7 February 2011 and 5 April 2011 was partially initiated by an article in the local press which had not been generated from the Council's communications team. Respondents to this article were advised of the forthcoming formal consultation which took place through Brent Council's online Consultation Tracker and ran from 29 March 2011 to 3 May 2011. This was publicised in the Brent Magazine and through a press release. All consultation documentation, including the consultation summary report, is available online via the Brent Consultation Tracker.
- 3.11 In total 132 responses were received from non-dog walkers, dog walkers and from professional dog walkers. Some of the key points were:
- General support that dogs should be excluded from children's playgrounds, bowling greens and tennis courts etc.
 - Many park users and dog owners would agree that dog walkers should be restricted to a maximum of six dogs, though there is also support for the limit to be four dogs.
 - Rules need to be as clear as practicable in relation to any areas where there are restrictions on dog walking or keeping dogs on leads.
 - Problems are mainly due to a minority of irresponsible dog owners.
 - Dog owners value the physical, mental and social exercise that owning and walking a dog is perceived to provide to dogs and themselves
- 3.12 Officers will undertake a review of these Orders after 12 months, particularly in relation to the maximum number of dogs which may be walked by one person in Brent's parks and open spaces.
- 3.13 The Orders will also apply to any new playgrounds, multi-use games areas, tennis courts, netball courts and bowling greens.
- 3.14 **Enforcement**
As stated in paragraph 3.2 the emphasis of the Orders will be educational. However, the Council will have the powers to impose on the spot fines and relevant training has been provided for officers. Park wardens, grounds maintenance team leaders and supervisors, and animal welfare officers will be empowered to enforce the Orders. A Fixed Penalty Notice Book will be available for the purpose of issuing fines. If payment is not made on the spot, a copy can be sent to the address of the offender. The level of fines would currently be £75, reduced to £50 if paid within 14 days. Police Community Support Officers also have powers to issue fixed penalty notices under Dog Control Orders and will be notified if the implementation is approved.

4 Financial Implications

- 4.1 The preparation of the Orders has been undertaken, and if agreed, they will be implemented using existing Council budgets and existing Council officers to enforce the orders. Responsible dog ownership in parks is considered to have a positive financial implication to the Council and to society; conversely irresponsible dog ownership increases the costs of keeping parks clean. As stated in paragraph 3.2 the focus is to educate dog owners about responsible dog ownership rather than issuing fines. As such, officers do not believe that the introduction of these orders will generate a significant level of income.

5 Legal Implications

- 5.1 It is proposed that the Council should introduce Dog Control Orders in parks as set out in paragraphs 3.4 to 3.7 of the Report to the Executive. The power permitting Dog Control Orders to be made is pursuant to Section 55 of Clean Neighbourhoods and Environment Act 2005 (“the 2005 Act”). The section states:

*Dogs
Chapter 1
Controls on Dogs
Dog control orders
55 Power to make dog control orders*

(1) A primary or secondary authority may in accordance with this Chapter make an order providing for an offence or offences relating to the control of dogs in respect of any land in its area to which this Chapter applies.

(2) An order under subsection (1) is to be known as a “dog control order”.

(3) For the purposes of this Chapter an offence relates to the control of dogs if it relates to one of the following matters —

- (a) fouling of land by dogs and the removal of dog faeces;*
- (b) the keeping of dogs on leads;*
- (c) the exclusion of dogs from land;*
- (d) the number of dogs which a person may take on to any land.*

(4) An offence provided for in a dog control order must be an offence which is prescribed for the purposes of this section by regulations made by the appropriate person.

- 5.2 Only Primary or Secondary authorities may make Dog Control Orders. Section 58(1) (c) of the 2005 Act defines a “primary authority,” to include “a London Borough Council”. London Borough of Brent is therefore permitted to make such an Order[s].

- 5.3 Section 55(3) provides for four potential types of Orders and the Report sets out that the Council seeks to utilise three of the four namely:-

- (i) the maximum number of dogs [Section 55(3)(d)]

- (ii) areas where dogs would be excluded [Section 55(3)(c)]
- (iii) areas where dogs will be kept on leads Section 55(3)(b)]

Therefore all three proposals contained in paragraphs 3.4-3 are permitted by virtue of Section 55(3) as set out above.

- 5.4 At the moment a variety of statutory provisions are used by the council to promote responsible dog ownership. These include the Dogs Act 1871 and the Dangerous Dogs Act 1989. Some of these provisions are quite old, difficult for residents to abide by and in some cases Magistrates to understand and/or apply. Further some of the older statutory provisions do not adequately address some of the current problems in this area.
- 5.5 The proposal for London Borough of Brent to introduce Dog Control Orders will provide a more effective and transparent way of encouraging, promoting and if need be enforcing responsible dog ownership within the borough.
- 5.6 As indicated in the Report to the Executive dated 14th November 2011, Section 2(1) of the Local Government Act 2000 (the 2000 Act) provides local authorities the power to do anything which they consider is to achieve one or more of the following objects-
- (a) the promotion or improvement of the economic well-being of their area;
 - (b) the promotion or improvement of the social well-being of their area, and
 - (c) the promotion or improvement of the environmental well-being of their area.
- 5.7 Section 2(2) of the 2000 Act goes on to state that the power conferred in Subsection (1) above, may be exercised in relation to or for the benefit of –
- (a) the whole or any part of a local authority's area, or
 - (b) all or any persons resident or present in a local authority's area
- 5.8 It is therefore submitted that the introduction of the proposed Dog Control Orders to London Borough of Brent will satisfy Section 2(1) (b) and (c) namely, the promotion or improvement of the social well-being and environmental well-being of the borough and its residents.

6 Diversity Implications

- 6.1 An Equality Impact Assessment was undertaken and is included at Appendix 2. No differential impact was identified except for possible economic impacts on professional dog walkers; and the clients of professional dog walkers. Clients of professional dog walkers are often economically active people who are employed elsewhere, but could include other dog owners who are disabled. Moreover the view of officers is that the proposals will enhance the use of parks and of some sports facilities for many people and will reduce environmental problems. The Dog Control Orders do not apply to trained assistance dogs and so disabled, blind and deaf dog owners with such dogs would not be affected.

7 Environmental Implications

- 7.1 The introduction of the Dog Control Orders is expected to enhance responsible dog ownership. It is expected that the specified recreational and sporting areas from which dogs will be excluded will be cleaner. Smaller parks and other specified areas where dogs are to be kept on leads should enhance the enjoyment of visits by other park users. Similarly, problems with large groups of dogs in parks should be reduced.

Background Papers

Appendix 1 - Location of areas where dogs are to be kept on a lead.

Appendix 2 - Equality Impact Assessment: Dog Control Orders.

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