



**Executive**  
11 February 2013

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

Wards Affected:  
ALL

**Review of Dog Control Orders in parks and open spaces**

**1. Summary**

- 1.1 This report provides information on the current Dog Control orders, the informal feedback that has been received since their implementation in April 2012 and recommends one change to the Dog Control Orders currently in force in Brent's parks and open spaces.

**2 Recommendations**

- 2.1 That members agree to reduce from six to four the maximum number of dogs that one person can walk such that the Control Order is changed to:

**The maximum number of dogs which may be taken onto Brent's parks and open spaces** The Dog Control Orders restrict the maximum number of dogs to be controlled by one person to four. It is an offence for one person to be in charge of more than four dogs in any of the borough's parks or open spaces.

- 2.2 That Members, for the avoidance of doubt agree to retain, without change, Orders that address:
- **Areas where dogs would be excluded in Brent's parks and open spaces** (paragraph 3.3)
  - **Areas where dogs are to be kept on leads in Brent's parks and open spaces** (paragraph 3.4)

### 3 Detail

- 3.1 In November 2011 the Executive agreed the introduction of Dog Control Orders in Brent's parks and open spaces, under Section 55 of the Clean Neighbourhoods and Environment Act 2005. The agreed orders are set out below.

***The maximum number of dogs which may be taken onto Brent's parks and open spaces*** The Dog Control Orders restrict the maximum number of dogs to be controlled by one person to six. It is an offence for one person to be in charge of more than six dogs in any of the borough's parks or open spaces.

***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. The Orders will also apply to any new playgrounds, multi-use games areas, tennis courts, netball courts and bowling greens.

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

- 3.2 The orders were published on the 2<sup>nd</sup> of April 2012 and came into force on the 10<sup>th</sup> April. As part of the introduction of the Orders the Sports and Parks Service together with the Council's Animal Welfare team and in conjunction with the Mahew Animal Home organised a series of 'Roadshows' in seven of the Boroughs Parks to raise awareness of the new Orders and to promote responsible dog ownership.
- 3.3 Unfortunately the weather for the Roadshows was extremely wet and very few people attended. During the six month period since publishing the Orders the Sports and Parks service has received no feedback in relation to the areas where 'dogs are excluded' or where 'dogs must be kept on a lead'.
- 3.4 11 requests have been received from the wider public, asking the Council to reduce the maximum number of dogs walked at the same time still further. In addition, we have received complaints both verbally, in person at the roadshows and by e-mail from park users expressing concern regarding people walking six and more dogs at Fryent Country Park and The Welsh Harp Reservoir. These sites are particularly popular with professional dog walkers however due to the size of the sites, the number of access points and the

varying times visited by the professional dog walkers enforcement can be difficult.

3.5 The 'Schools without Walls' organiser has also expressed concern regarding the number of dogs that approach the groups of children who use the park for outdoor classroom activities.

3.6 The Kennel Club recommendations for dog walkers are that no more than six should be walked at any one time. However it appears that most responsible professional dog walking firms/people limit the number to four as they believe this is the maximum that can be controlled at any given time. Interestingly professional 'dog walkers' must have insurance and the insurance companies will only 'cover' a maximum of six dogs. Our research has shown that most legitimate companies have insurance for no more than 4 dogs. Examples are listed below.

<http://www.thepetaupair.co.uk/services.html>  
<http://www.mukypups.com/services.html>

3.7 Some (not all) professional dog walkers have adhered to the current Orders by ensuring that there is a second person with them if they are walking more than six dogs but the complaints still relate to the two people being unable to safely manage, control and clear up after more than six dogs.

3.11 Feedback was received from 2 professional dog walkers and their comments included: '*That they are able to control large groups of dogs and it poses no problem to other parks users*' and '*that it has little impact at Fryent Country Park*' and the '*Council should operate a licensing scheme for dog walkers*'. The introduction of a licence scheme was considered but it would be costly and difficult for the Service to implement and enforce so is not recommended.

#### **4 Financial Implications**

4.1 The revised Orders, if agreed, 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. The focus will continue to be 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.

#### **5.0 Legal Implications**

5.1 The Council as a "Primary Authority" has the power under section 55 of the Clean Neighbourhoods and Environment Act 2005 ("The Act") to make Dog Control Orders providing for an offence or offences relating to the control of dogs in respect of any land in its area. The previous legal implications contained within the Executive Report dated 14 November 2011 and which is appended as Appendix 2 go into some detail as to the statutory framework

together with the Councils powers under the 2005 Act for the purposes of implementation of such Orders so will not be repeated here.

- 5.2 In considering whether to make a Dog Control Order, the Council must be able to show that the Order is a necessary and proportionate response to problems caused by the activities of dogs and those in charge of them. Accordingly, the interests of those in charge of dogs, needs to be balanced against the interests of those affected by the activities of dogs. In view of the adverse comments received by way of complaints Members as part of the decision making process need to consider whether they deem it appropriate and reasonable to amend the Order so there is a tighter control of the total number of dogs being walked by an individual person at any one time on Brent's parks and open spaces.
- 5.3 Regulation 5 of the Dog Control Orders (Prescribed Offences and Penalties, etc) Regulations 2006 provides that an Order can subsequently be amended or otherwise varied by the Council to reflect the proposed changes as referred to in paragraph 2.1 above by the drafting of an amended Order in the prescribed form.
- 5.4 Members were advised at paragraphs 5.7 and 5.8 of the previous Executive Report that the introduction of Dog Control Orders would satisfy the Councils general powers of social and environmental well-being under section 2 of the Local Government Act 2000. However, this particular section was repealed on the 4 April 2012 and replaced with the Councils general power of competence under the Localism Act 2011 which in principle can equally be extended to the proposal to amend.
- 5.5 Should Members be minded to agree the proposals as set out in the body of this report then the appropriate delegation should be afforded to the Director of Environment and Neighbourhood Services (or any officer acting under her control and direction) to determine a date when the amended order shall come into force. This needs to be at least 14 days after the amended Order is made. On a procedural note there is also a requirement to advertise the making of the amended order at least seven days prior to it coming into effect.

## **6 Diversity Implications**

- 6.1 An Equality Impact Assessment (EIA) was undertaken during the drafting of the initial Orders. This has been reviewed in light of the recommendation to reduce to four, the maximum number of dogs that an individual can walk. The potential area of impact is economic as it may impact on how some professional dog walkers operate. However there is no evidence to suggest that the proposed change will negatively affect any one particular protected characteristic under the Equality Act. In general the proposed change will have a positive impact for most people who visit Brent's parks and open spaces.
- 6.2 As per the initial EIA, 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.

## **7.0 Staffing/Accommodation Implications (if appropriate)**

7.1 None.

### **Background Papers**

**Appendix 1:** Parks and Open Spaces where dogs are to be kept on leads

Executive Report, 14 November 2011: Dog Control Orders in parks and open spaces

Revised Equality Impact Assessment

### **Contact Officers**

Paul Hutchinson  
Technical and Operations Manager, Sports and Parks Service

SUE HARPER  
Director of Environment and Neighbourhood Services

## Appendix 1: Parks and Open Spaces where dogs are to be kept on leads

Parks and Open Spaces	Whole Space / Part
Barham Park	Walled Garden
Brondesbury Villas	Whole
Cambridge Square	Whole
Chalk Hill Linear Park	Whole
Chalkhill Water Garden	Whole
Chapter Road	Whole
Crouch Road	Whole
De Havilland Park	Whole
Dudden Hill	Whole
Furness Road	Whole
Gladstone Park	Walled garden
Goldsmith Lane	Whole
Grange Museum Wildlife Park	Whole
Kimberley Road	Whole
King Edward VII Sports Ground	Entrance and cricket wicket
King Edward VII Wembley	Flower gardens
Kingsbury Green	Whole
Mapesbury Dell	Whole
Milton Avenue	Whole
Northwick Park	Cricket wicket
Preston Park	Cricket wicket
Queens Park	Whole
Roe Green	Walled garden
Roundwood Park	Entrance and Flower Gardens
Roundwood Road	Whole
Springfield Park	Whole
St. Mary's Road	Whole
The Compass	Whole
The Shrine	Whole
Vale Farm	Cricket wicket
Village Way	Whole
Villiers Road	Whole

The orders will also apply to any future or proposed Parks and open spaces where deemed appropriate