

**REPORT TO THE CORSHAM AREA 4
COMMITTEE**

Report No.8

Date of Meeting	2 October 2007
Title of Report	Dog Control Order - Box Recreation Ground
Link to Corporate Priorities	This proposal is linked to the environmental policy of achieving cleaner, safer and better streets
Public Report	YES

Summary of Report

To consider the making of a Dog Control Order under Section 55 of the Clean Neighbourhoods and Environment Act 2005 requiring dogs to be kept on leads in the Recreation Ground, Box

Officer Recommendations

The Committee are recommended:-

- 1. to consider whether or not to make a Dog Control Order requiring dogs to be kept on leads (of a length of not more than three metres) whilst in the Recreation Ground, Box.**
- 2. If so, to authorise the Team Leader Legal Services to make the Order and to publish notice of the making of the Order, as required by the Dog Control (Procedures) Regulations 2006, with the Order to come into force on 5 November 2007.**

Other than those implications agreed with the relevant Officers and referred to below, there are no other implications associated with this report.

Financial Implications	Legal Implications	Community & Environmental Implications	Human Resources Implications	Equality & Diversity Implications
NONE	YES	YES	NONE	NONE

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1. Introduction

- 1.1 A request has been received from Box Parish Council for a Dog Control Order to be made which would require dogs using the Recreation Ground in Box to be kept on a lead. A location plan is attached as Appendix 1. This proposal has been advertised in accordance with the statutory requirements. A number of objections to the proposed Order have been made. The Committee are therefore asked to consider, in the light of comments received, whether to proceed with the making of this Dog Control Order.

2. Options and Options Appraisal

- 2.1 Option 1: To make the Order as requested by Box Parish Council
- 2.2 Option 2: Not to make the Dog Control Order requested.

3. Background Information

- 3.1 Section 55 Clean Neighbourhoods and Environment Act 2005 enables both District and Parish Councils to make Dog Control Orders.
- 3.2 Dog Control Orders can create the following offences:-
- (i) Fouling of land by dogs
 - (ii) Not keeping a dog on a lead
 - (iii) Not putting and keeping a dog on a lead under direction
 - (iv) Permitting a dog to enter land from which dogs are excluded
 - (v) Taking more than a specified number of dogs onto land.
- 3.3 A person who contravenes the requirements of a Dog Control Order can be fined up to £1000 on conviction, or (more usually) can be given a Fixed Penalty Notice of £75.
- 3.4 Any authority proposing to make a Dog Control Order must publish notice of their intention to make the Order in a local newspaper giving at least 28 days for objections or representations to be made. Any objections or representations received must be considered before an Order is made.
- 3.5 The District Council has previously resolved that it would carry out the Order making process on behalf of a parish council, provided that the parish council concerned agreed to pay for the necessary advertising and signage required under the 2005 Act.
- 3.6 A request was received from Box Parish Council in May, asking that the District Council make a Dog Control Order requiring dogs to be kept on a lead in the Recreation Ground in Box. This proposal was advertised in the Gazette & Herald on 5 July.
- 3.7 A number of objections to the proposed Order were received. Accordingly, the Committee will need to decide, in the light of these objections, whether or not to make the Order as requested.

4. Grounds for Making the Dog Control Order

- 4.1 Copies of correspondence received from Box Parish Council are attached as Appendix 2. This sets out the Parish Council's reasons for seeking an Order requiring dogs using the Recreation Ground to be kept on leads. In essence, they are

concerned about dogs fouling whilst off-lead and also about dogs off-lead causing a nuisance to children playing in the Recreation Ground and to others using the area.

5. **Objections to the Proposed Order**

- 5.1 Six objections were received from residents in the Box area, by both post and e-mail, to the proposed Dog Control Order. These are attached as Appendix 3. Copies of these representations were sent to the Parish Council for their comments, and their response is at Appendix 4.

6. **Legal Implications**

- 6.1 In considering whether to make a Dog Control Order, the Council must be able to show that such an Order is a necessary and proportionate response to problems caused by the activities of dogs and those in charge of them. The interests of those in charge of dogs needs to be balanced against the interests of those affected by the activities of dogs. The Council needs to bear in mind the need for people, particularly children, to have access to dog-free areas and areas where dogs are kept under strict control. The also need to take account of the need for those in charge of dogs to have access to areas where they can exercise their dogs without undue restrictions.
- 6.2 A failure to give due consideration to the factors set out above could make any subsequent Dog Control Order vulnerable to challenge in the Courts.
- 6.3 The Council also need to consider how easy a Dog Control Order would be to enforce, since failure properly to enforce could undermine the effectiveness of the Order.
- 6.4 If the Committee decides to make a Dog Control Order for Box Recreation Ground, it will need to determine a date when the order comes into force. This needs to be at least 14 days after the Order is made. There is also a requirement to advertise the making of the Order at least seven days before it comes into effect

7. **Community & Environmental Implications**

- 7.1 As set out in 6.1 above, the making of a Dog Control Order requiring dogs to be kept on leads will have implications for both dog owners and other users of the land concerned. The Committee will need to balance these implications in reaching their decision.

<p>Appendices:</p>	<ul style="list-style-type: none"> • Appendix 1 – Plan of Recreation Ground, Box; • Appendix 2 - Representations by Box Parish Council • Appendix 3 – Objections to the proposed Order • Appendix 4 – Comments of Box P.C. on the objections received
<p>Background Documents Used in the Preparation of this Report:</p>	<ul style="list-style-type: none"> • DEFRA Guidance on Dog Control Orders -

Previous Decisions Connected with this Report

Report	Committee & Date	Minute Reference
The Fouling of Land by Dogs - North Wiltshire District Council Order 2007	Executive - 15 March 2007	E211