

**Wiltshire Council**

**Cabinet**

**24 July 2012**

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**Subject: Dog Control Orders**

**Cabinet member: Councillor Keith Humphries – Public Health and Public Protection**

**Key Decision: No**

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**Executive Summary**

This report recommends the making of four dog control orders, which will be consistent across Wiltshire.

It details the consultations, both informal and formal, that have framed this proposal.

**Proposals**

That cabinet:

1. approves the making of four Dog Control Orders as detailed in the Appendix to this report.
2. revokes existing Orders made by the predecessor authorities.
3. notes the ongoing discussions with Parish and Town Councils regarding additional Dog Control Orders specifically relating to dogs on leads.

**Reason for Proposal**

Existing Dog Control Orders across the County are inconsistent or non-existent. The proposal seeks to harmonise Orders in order to provide equity to all inhabitants of Wiltshire.

**Maggie Rae**  
**Corporate Director of Public Health and Public Protection**

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### **Purpose of Report**

1. Cabinet to approve the making of four Dog Control orders
  - a. The Fouling of Lands by Dogs (Wiltshire Council) Order 2012
  - b. The Dogs Exclusion (Wiltshire Council) Order 2012
  - c. The Dogs on Lead by Direction (Wiltshire Council) Order
  - d. The Dogs on Lead (Wiltshire Council) (Box Recreation Ground) Order 2012
2. Cabinet to revoke existing Orders made by the predecessor Authorities
3. Cabinet to note that ongoing discussions are taking place with Parish and Town Councils about possible additional Control Orders.
4. Cabinet to set the fixed penalty amount at £75.

### **Background**

5. The Clean Neighbourhoods and Environment Act 2005 gave District and Unitary Councils (Primary Authorities), powers to make six types of Dog Control Order. Parish Councils (Secondary Authorities) also had power to make such orders and to enforce them, subject to consultation.
6. Failure to comply with an order is a prosecutable offence, but the main enforcement option is to issue Fixed Penalty Notices to offenders. A recipient of a Fixed Penalty Notice is immune from prosecution if the fixed penalty is paid within fourteen days. The amount of the fixed penalty may be set locally within a range from £50 - £80, with a default penalty of £75.

7. Three of the predecessor District Authorities took the opportunity to make Orders relating to Dog Fouling (North Wiltshire, West Wiltshire and Kennet), but the fourth chose not to. The Orders made are inconsistent in approach and wording, and have different fixed penalty levels, which makes enforcement more difficult and creates perceived unfairness across the County.
8. West Wiltshire District Council also made an order excluding dogs from enclosed children's play areas.
9. North Wiltshire District Council, at the request of Box Parish Council, made an order requiring dogs to be kept on a lead in Box Recreation Ground. This Order remains in force and so, for consistency, it is proposed to re-enact this Order without amendment so that it is made by this Authority.

### **Main Considerations for the Council**

10. Informal Consultation took place between November 2010 and February 2011 with the intention of replacing the existing Orders, harmonising them and extending to include the whole county. The consultation considered the following orders:
  - Dog fouling
  - Dog exclusion
  - Dogs on lead
  - Dogs on lead by direction
  - Limits on maximum number of dogs under control of an individual in a public place
11. The consultation showed support some of these proposals. But not for the limit on dog numbers. There was an appetite from some town and parish councils and from the public to extend controls to exclude dogs from certain land and to introduce Dogs on Lead Orders.
12. As a result, and after further consideration a further informal consultation took place with Parish and Town Councils, in which they were invited to identify land within the Town or Parish area, which they would like to see specific dogs on leads orders apply, and, importantly, for which they were prepared to take on the enforcement responsibility.
13. Formal public consultation then took place for in excess of the 28 day period required by the Act ending on 19 April 2012 on the following four draft Orders:

### **Dog Fouling**

A generic order making it an offence not to clean up after a dog has fouled on most urban land in Wiltshire

## **Dog Exclusion**

- a) A generic order making it an offence to allow a dog into an enclosed children's play area.
- b) Additional land identified by some Parish and Town Councils and for which they were prepared to take on enforcement was also included in the proposed Order.

## **Dogs on Lead**

Land identified by some Parish and Town Councils which the Parish or Town Council wished such an order to apply to and for which they were prepared to take on enforcement.

## **Dogs on Lead by Direction**

This proposal would make it an offence not to put a dog on a lead when requested by an authorised officer on most urban land. It was not envisaged that this order would be used to any significant degree as the intention was that this power would only apply where an authorised officer considered that a dog was either causing alarm and distress or was dangerous.

- 14. The formal consultation produced a significant response, much of it directed at the additional powers sought by the Parish and Town Councils relating to dogs on leads. In consultation with the Cabinet Member it was concluded that it was not possible to proceed with those proposals at this stage, but that further discussions should take place with the Parish and Town Councils to ensure that any extension of the Orders are coherent and will enjoy majority support.
- 15. In contrast, the proposals relating to dog fouling, excluding dogs from children's play areas and dogs on lead by direction did not produce significant objections, though some comments did identify where wording needed improvement.
- 16. Having considered carefully all the objections it is recommended that four dog control orders are made. These proposals have been communicated to all Town and Parish Councils as a separate consultation exercise. No objections to the proposals have been raised by any of the secondary authorities.

## **Environmental and climate change considerations**

- 17. These proposals assist in reducing the nuisance caused by dog fouling or by irresponsible dog ownership. As such they may have a slight positive benefit in reducing pollution or annoyance in public places.

## **Equalities Impact of the Proposal**

18. Addressing the inconsistencies of extant Orders will promote equality across the Authority area. The consultations undertaken clearly show that there is general support for these proposals.

## **Risk Assessment**

19. Not addressing the inconsistencies of existing Orders could lead to risks to the reputation of the Authority.

## **Financial Implications**

20. Making these orders can be delivered within the 2012-13 approved budget. The number of fixed penalty fees that will be issued is estimated at a minimum, however any income raised will be additional to the services current income budget.

## **Legal Implications**

21. Making these Orders will enable consistent enforcement of dog control across the County.

## **Options Considered**

22. Continuing to enforce the Orders made by predecessor Authorities was considered but rejected as being inequitable.

## **Conclusions**

23. Having considered the results of various informal and formal consultations and the objections to some of the original proposals it is considered that the recommendations represent an appropriate balance between the needs and aspirations of both dog owners and non-dog owners.

**Maggie Rae**  
**Corporate Director of Public Health and Public Protection**

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## **Background Papers**

The following unpublished documents have been relied on in the preparation of this report:

File of responses to consultations

## **Appendices**

The Fouling of Land by Dogs (Wiltshire Council) Order 2012 (Draft)

The Dogs Exclusion (Wiltshire Council) Order 2012 (Draft)

The Dogs on Lead by Direction (Wiltshire Council) Order 2012 (Draft)

The Dogs on Lead (Box Recreation Ground) (Wiltshire Council) Order 2012 (Draft)

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