

REPORT TO THE EXECUTIVE

Report No.19

Date of Meeting	9 th November 2006
Title of Report	Dog Control Order – White Lion Park
Portfolio	Cleaner Safer and Better Streets
Link to Corporate Priorities	In broad terms this proposal is linked to the environmental policy of achieving cleaner, safer and better streets
Key Decision	No
Executive Workplan Ref	None
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 in respect of the exclusion of dogs from White Lion Park, Malmesbury.

Officer Recommendations

- 1. Subject to Malmesbury Town Council reimbursing the cost of advertising and signage that the Legal Services Team Leader be given delegated authority to publish notice in a local newspaper of the proposal to make an Order excluding dogs from White Lion Park, Malmesbury.**
- 2. That any objections, or representations received, be considered at a future meeting of the Executive.**
- 3. In the event of no objections or representations being received, that authority be delegated to the Legal Services Team Leader to make the Order and to publish notice of the making of the Order in a local newspaper.**

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	YES

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1. Introduction

- 1.1 To consider a request from Malmesbury Town Council to make a Dog Control Order under Section 55 of the Clean Neighbourhoods and Environment Act 2005 to exclude dogs from White Lion Park, Malmesbury. The location of White Lion Park is shown hatched on the attached plan (Appendix 1).

2. Options

- 2.1 The options are simply to make the Order or not to make the Order.

3. Background

- 3.1 The Council owns White Lion Park Malmesbury and leases it to Malmesbury Town Council. The Lease was granted in 1998 and expires in 2038.
- 3.2 This request is linked to a proposal by the Town Council and the White Lion Residents Association to raise funds for new play and sports equipment, footpaths and other amenities in White Lion Park. A plan of the proposals is attached (Appendix 2). Funding is being sought from the Big Lottery.
- 3.3 The Town Council has received a number of complaints from local residents about nuisances caused by dogs within the Park. These are attached as (Appendix 3). There is a perceived conflict between the present and proposed use of the Park for sport and recreation and the continued access afforded to dogs. The solution sought is to exclude dogs altogether from the Park.

4. Dog Control Orders

- 4.1 Dog Control Orders were introduced by Section 55 of the Clean Neighbourhoods and Environment Act 2005. Essentially, they replace by law making powers and the Dogs (Fouling of Land) Act 1996. However, all existing controls remain in force until they are specifically superseded by a new Dog Control Order.
- 4.2 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.
- 4.3 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.
- 4.4 Any objections or representations received must be considered before an Order is made.
- 4.5 An Order cannot be brought into force less than 14 days after it is made, and a notice publicising the making of an Order must be placed in a local newspaper at least 7 days before the Order comes into force.
- 4.6 Signs summoning the effect of the Order must be posted at the entrance to the land concerned, and, if appropriate, within the land itself.

4.7 The Town Council have offered to reimburse the Council for the cost of advertising and signage.

4.8 It is an offence to breach the terms of the Order carrying with it a maximum fine of £1,000.

5. Legal Implications

5.1 It is a legal requirement that any authority considering the making of a Dog Control Order 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.

5.2 The power to make a Dog Control Order under Section 55 of the 2005 act are concurrent powers exercisable by the Town/Parish Councils as well as District Councils.

6. Environmental Implications

There are proposals to enhance the amenities of White Lion Park which are not compatible with allowing the continued access to the Park by dogs.

7. Equality and Diversity Implications

Dog Control Orders provide exemptions in particular cases for registered blind people, and for deaf people and for other people with disabilities who make use of trained assistance dogs.

<p>Appendices:</p>	<ul style="list-style-type: none"> • Appendix 1 - Plan of White Lion Park • Appendix 2 - Plan of Proposals • Appendix 3 - Complaints from local residents
<p>Background Documents Used in the Preparation of this Report:</p>	<ul style="list-style-type: none"> • None other than those annexed to the report

Previous Decisions Connected with this Report

Report	Committee & Date	Minute Reference
None		