

REPORT TO MALMESBURY AREA 1 COMMITTEE		Report No.7
Date of Meeting	21 st January 2009	
Title of Report	Dog Control Order – Newton Grove Play Area, Malmesbury	
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	
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 Newton Grove Play Area, Malmesbury.

Officer Recommendations

1. That the Environmental Health Manager Leader be given delegated authority to publish notice in a local newspaper of the proposal to make an Order excluding dogs from Newton Grove Play Area, Malmesbury.
2. That any objections, or representations received, be raised by 26 February 2009 in order that a decision be made at the meeting of the Malmesbury Area 1 Committee to be held on 11 March 2009.
3. In the event of no objections or representations being received, the 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
YES	YES	YES	NONE	YES

Contact Officer	M Doran Environmental Health Manager 01249 706401 mdoran@northwilts.gov.uk
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1. Introduction

- 1.1 To consider a request from the Environmental Health Manager that a Dog Control Order under Section 55 of the Clean Neighbourhoods and Environment Act 2005 be made to exclude dogs from Newton Grove play area, Malmesbury. The location is shown in hatched on the attached plan (Appendix1).

2. Options and Options Appraisal

- 2.1 Option 1: the options are to make the Order or not to make the Order

3. Background Information

- 3.1 The Council owns the Newton Grove play area, Malmesbury.
- 3.2 The Council, via the Environmental Health and Cleansing and Amenities teams, has received complaints from local residents about nuisance caused by dogs within the play area. There is conflict between the present use as a play area and the continued access afforded to dogs. The solution sought is to exclude dogs from the play area.
- 3.3 The making of Dog Control Order to exclude dogs from the Newton Grove play area is considered by the Environmental Health Manager to be a necessary and proportionate response to deal with the problems caused by dogs and those in charge of them.

4. Dog Control Orders

- 4.1 Dog Control Orders were introduced by Section 55 of the Clean Neighbourhoods and Environment Act 2005.
- 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 summarising the effect of the order must be posted at the entrance to the land concerned, and, if appropriate, within the land itself.
- 4.7 It is an offence to breach the terms of the Order carrying with it a maximum fine of £1,000.

5 Financial Implications.

- 5.1 The cost of advertising the Order, together with new signage, is approximately £1000. This sum will be found from within the existing Environmental Health budget

6. Legal Implications

- 6.1 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.

7. Community and Environmental Implications

The play area used at Newton Grove Malmesbury is not compatible with allowing continued access to the area by dogs.

8. 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.

Appendices:	<ul style="list-style-type: none">• Appendix 1 – Map of Newton Grove play area, Malmesbury
Background Documents Used in the Preparation of this Report:	<ul style="list-style-type: none">• Please list any background documents or state None.

Previous Decisions Connected with this Report

Report	Committee & Date	Minute Reference
<ul style="list-style-type: none">• Please list any previous reports or state None.		