

NORTH LINCOLNSHIRE COUNCIL

**HIGHWAYS AND NEIGHBOURHOODS
CABINET MEMBER**

REVIEW OF DOG CONTROL ORDERS

1. OBJECT AND KEY POINTS IN THIS REPORT

1.1 To inform the Cabinet Member on the method to change Dog Control Orders.

1.2 Key points in this report are:

- Note the present limitations on land covered by The Dogs Exclusion (North Lincolnshire) Order 2008.
- Agree to a process to change The Dogs Exclusion (North Lincolnshire) Order 2008.

2. BACKGROUND INFORMATION

2.1 We decided to adopt Dog Control Orders (DCOs) on 19 March 2008.

2.2 DCOs cover land that is open to the air to which the public may enter, with or without payment. DCOs cover land in our ownership as well as Town and Parish Councils.

2.3 DCOs allow us to take action against irresponsible dog owners / persons in control of a dog, either by Fixed Penalty Notice or legal proceedings.

2.4 Registered blind people and people with disabilities with trained assistance dogs are not governed by DCOs.

2.5 Both we and Town and Parish Councils put up fences and dog gates around children's play areas and schools to keep dogs out. Uncontrolled dogs may chase or harm children.

2.6 The Dogs Specified Number (North Lincolnshire) Order 2008 and The Fouling On Land By Dogs (North Lincolnshire) Order 2008 cover all land to the open air. The Dogs Exclusion (North Lincolnshire) Order 2008 [The Order] only covers fenced off schools and fenced off children's play areas.

2.7 Since we adopted The Order more houses have been built and Town and Parish Councils have refurbished existing and built new fenced off

children's play areas. These are not covered by The Order. Town and Parish Councils have asked that they are.

- 2.8 Changes to DCOs must follow the Dog Control Order Regulations 2006. This requires consultation and the display of public notices.
- 2.9 The cost of adopting DCOs was high and involved 18 months of public consultation. To keep the costs of changing The Order to a minimum, legal opinion has recommend periodic review and variation.
- 2.10 The Home Office White Paper on anti-social behaviour proposes to replace DCOs with Community Protection Orders (CPOs), possibly a civil power. However, it is unlikely that this change will come into effect before 2014.

3. OPTIONS FOR CONSIDERATION

3.1 Option 1

Not to extend the land covered by The Dogs Exclusion (North Lincolnshire) Order 2008.

3.2 Option 2

To consult on and extend the land covered by The Dogs Exclusion (North Lincolnshire) Order 2008 in February 2013, implement in April 2013 and annually thereafter.

4. ANALYSIS OF OPTIONS

4.1 Option 1

4.1.1 Not to extend the land covered by The Dogs Exclusion (North Lincolnshire) Order 2008 would create a two tier approach regarding land owned by the council and Town and Parish Councils.

4.1.2 There are no additional costs.

4.2 Option 2

4.2.1 Extending the scope of land covered by The Dogs Exclusion (North Lincolnshire) Order 2008 annually would ensure that all fenced off land where children learn and play is treated equally and safety is maintained.

4.2.2 Town and Parish Councils would be asked to submit land to be included in the annual review. This will keep costs low.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

5.1 Financial

5.1.1 Should we agree to option 1 there are no financial implications.

5.1.2 Should we agree to option 2 the costs will be two public notices a year (approx £800) and the production of sets of plans facilitate the consultation process.

5.2 Staffing

5.2.1 Staff already enforce DCOs. More staff could be authorised at little cost, if needed. Police and Community Support Officers (PCSOs) may also be authorised to enforce DCOs.

5.3 Property

5.3.1 The adoption of DCOs has helped in the management and safety of public open space and schools.

6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 – CRIME AND DISORDER, RISK AND OTHER)

6.1 A desktop diversity impact assessment was completed and is available for consideration.

7. OUTCOMES OF CONSULTATION

7.1 We consulted residents and the business community via Direct magazine, the council's website and in the local media before adopting DCOs. We found that residents, dog organisations and Town and Parish Councils welcome and support DCOs.

7.2 The Home Office Crime and ASB Reduction Unit has told us that they are still developing their proposals with regard to CPOs. They aim to legislate on them in May 2014, at the earliest. DCOs will not be immediately repealed. There will be some time when both orders will exist before DCOs are repealed. The timescale is not known and it may take a number of years.

8. RECOMMENDATIONS

8.1 That the Cabinet Member agrees to consult on and extend the extent of land covered by the Dogs Exclusion (North Lincolnshire) Order 2008.

8.2 That the Cabinet Member agrees to erect no dog signs at the entrance to all land covered by The Dogs Exclusion (North Lincolnshire) Order 2008 free of charge.

- 8.3 That the council offers assistance in the training of suitable persons in local communities to be accredited under the Police Reform Act 2002 to enforce the provisions of DCOs.
- 8.4 That the council works in partnership with the Police to enforce Dog Control Orders and that we administer FPNs given by both parties.

DIRECTOR OF PLACES

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Background Papers used in the preparation of this report: None.