

25th June 2014

PART 6, CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005, DOG CONTROL ORDERS – CONSULTATION RESULTS AND FINDINGS

1 Purpose of Report

- 1.1 To update and advise Ward Members within the West Area Committee the results of the public consultation relating to Sunderland City Council's intention to implement legislation, subject to Part 6, Clean Neighbourhoods and Environment Act 2005, Dog Control Orders and to seek approval to implement the orders detailed within Appendix 1.

2 Background

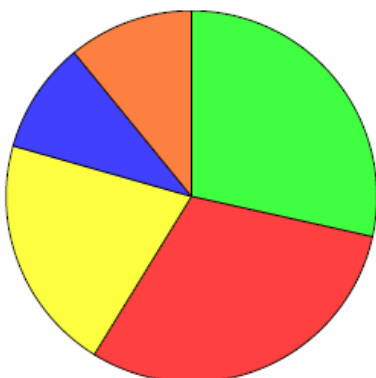
- 2.1 In November 2013, Cabinet approval was sought to implement Part 6, Clean Neighbourhoods and Environment Act 2005, Dog Control Orders, following recommendations from Area Committee.
- 2.2 Area Committee sought approval to implement Dog Control Orders, in order to deal with some of the most challenging local concerns, and to bring the legislation in line and up to date with other similar environmental crimes, already implemented and used by Sunderland City Council.
- 2.3 Cabinet approval was granted and Area Committee's agreed the specific requirements of each Order specifically, to address the local needs.
- 2.4 In respect of each Area, the following was agreed across all sites and Wards:-

Cemeteries	-	Dogs on Leads at all times
Open Fixed play sites	-	Dogs on Leads at all times
Open sports pitches	-	Dogs on Leads at all times
Formal parks or gardens	-	Dogs on Leads at all times
Enclosed fixed play sites	-	Dogs Prohibited
Roker and Seaburn Foreshore	-	Dogs Prohibited (1 May to 30 Sept)
All public areas	-	Dog fouling
All public areas	-	Dogs on Leads under direction to do so

- 2.5 These proposals have been open to public consultation until 31 May 2014, by means of an on-line forum.

3 Consultation Results

- 3.1 An on-line survey provided an opportunity for comments and feedback on the proposals. The survey was completed by 168 residents from all Regeneration Areas.
- 3.2 The breakdown of responses of each area are illustrated as follows:-



	% Total	% Answer	Count
North	27.98%	28.48%	47
East	29.76%	30.30%	50
West	20.24%	20.61%	34
Washington	9.52%	9.70%	16
Coalfield	10.71%	10.91%	18
[No Response]	1.79%	--	3
Total	100.00%	100.00%	168

- 3.3 68% of those completing the survey were dog owners and 66% were dog walkers.
- 3.4 Of the 4 Dog Control Order Proposals consulted upon, the results are as follows:-
- a. **90.48% agreed** with the proposal to introduce and order making it an offence for a person to fail to clear away after their animal has fouled in any open public area.
 - b. **83.93% agreed** with the exclusion of dogs from enclosed children's play sites
 - c. **56.55% agreed** with the proposal to require dogs to be kept on a lead at all times in open play areas
 - d. **72.02% agreed** with the proposal to require dogs to be kept on a led at all times in cemeteries
 - e. **66.07% agreed** with the proposal to enable an authorised officer of the Council to request a dog be put on a lead in any location across the city with is open to the public, where the officer feels it is appropriate to do so.
- 3.5 The Dogs Trust were consulted individually and provided the following response:-
- a. **Fouling of land Order:**
Dogs Trust consider 'scooping the poop' to be an integral element of responsible dog ownership and would fully support a well-implemented order on fouling. We urge the Council to enforce any such order rigorously and to provide ample signage and disposal points for responsible owners to use.
 - b. **Dog Exclusion Order:**
Dogs Trust accepts that there are some areas where it is desirable that dogs should be excluded, such as children's play areas and sports grounds, however we would recommend that exclusion areas are kept to a minimum and that, for enforcement reasons, they are restricted to enclosed areas. We would consider it more difficult to enforce an exclusion order in areas that lack clear boundaries.
 - c. **Dogs on Leads Order:**
Dogs Trust accept that there are some areas where it is desirable that dogs should be kept on a lead. Dogs Trust would urge the Council to consider the Animal Welfare Act 2006 section 9 requirements (the 'duty of care') that include the dog's need to exhibit normal behaviour patterns – this includes running off lead in appropriate areas. Dog Control Orders should not restrict the ability of dog keepers to comply with the requirements of this Act. The Council should ensure that there is an adequate number, and a variety of, well sign-posted areas locally for owners to exercise their dog off-lead.
 - d. **Dogs on Lead by Direction Order:**
Dogs Trust enthusiastically support Dogs on Leads by Direction orders (for dogs to be put on and kept on a lead when directed to do so by an authorised official).
We consider that this order is by far the most useful, other than the fouling order, because it allows enforcement officers to target the owners of dogs that are allowing them to cause a nuisance without restricting the responsible owner and their dog. As none of the other orders, less fouling, are likely to be effective without proper enforcement we would be content if the others were dropped in favour of this order.
 - e. **Taking more than a specified number of dogs onto a land Order:**
Dogs Trust does not agree that there should be a limit on the number of dogs walked as so much depends on the ability of the person to control the dogs. A good owner may be able to control large numbers of dogs while a less responsible person may be incapable of controlling one. While we accept the motivation for introducing this order, we consider that proper use of a "Dogs on Leads by Direction" order, by authorised officers, would be a better solution that is less restrictive on responsible owners.

3.6 In addition to the survey, several comments and suggestions have been received as part of the consultation process and require a response. All comments are provided anonymously and responses will be available to view on-line, following the end of the consultation.

4. Comments raised during the Consultation

- 4.1 Allowing dogs to exercise freely on sport pitches when not in use was the most common suggestion within the consultation with 13 participants raising this as a concern. Whilst consideration for allowing dogs' access to sports pitches has been given, it is dog fouling on these areas that is the issue. Many open sports playing fields are within vast open spaces where dog handlers may struggle to locate the fouling once occurred or find that their dog is too far away at the time of the offence to clearly observe the incident. By asking for dog owners to place their dog on a lead when visiting sports facilities we are reducing the incidents of fouling within these locations and creating sports grounds free from dog fouling. Whilst the pitch is not in season or marked out as a playing field, dog handlers are free to exercise their dogs in these areas. Additionally, informal sports facilities maybe removed from this Order, but would be included in the Dog Fouling and Dogs on Lead under Direction Orders.
- 4.2 Dog Zones or Dog Parks have been suggested by 4 participants. Dog Zones would provide grassed, fenced areas where dogs could exercise freely without any restriction or Control Orders. Sunderland has vast open spaces where dogs are free to exercise off lead without restriction and whilst consideration for Dogs Zones or Dog Parks has been given, it would not be recommended that Dog Zones be deemed a necessary requirement of the implementation of Dog Control Orders.
- 4.3 The availability of dog bins was raised by 3 participants who requested that more be provided however over 1000 dog foul specific bins and over 1000 litter bins are available to dog walkers throughout the City and additional bins can be considered upon request.
- 4.4 Policing, education and enforcement was raised on 5 occasions with various recommendations ranging from more visible enforcement officers; less visible enforcement officers: overnight patrols; and powers provided to members of the public to enforce.
- 4.5 Improved signage to all areas was raised as a concern following the implementation of Dog Control Orders, providing information to public space users on the Dog Control Orders specific to each site. Once implemented, signed to all areas affected by Dog Prohibited areas or Dogs on Lead areas will be replaced.

5. Summary

- 5.1 Consultation is complete with a majority in favour of the implementation of the Dog Control Orders as recommended.
- 5.2 Further to Area Committee recommending approval of the Dog Control Order's, implementation of the Orders is anticipated for 31 August 2014.

6 Recommendations

- 6.1 Members are requested to:-
- a. Note the contents of this report
 - b. Authorise the recommendations for implementation of Dog Control Orders within the West Area of the City

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