

23 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 East Sunderland 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 Annex 1.

### 2 Background

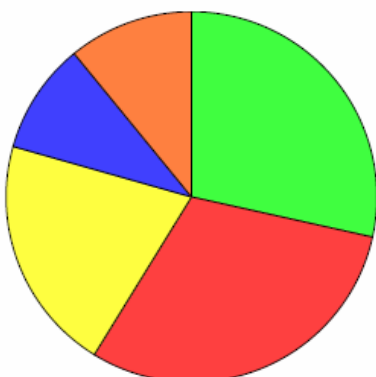
- 2.1 In November 2013, Cabinet approval was sought to implement Part 6, Clean Neighbourhoods and Environment Act 2005, Dog Control Orders, following recommendations from Area Committee.
- 2.2 Area Committee sought approval to implement Dog Control Orders, in order to deal with some of the most challenging 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
<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>	<b>168</b>

- 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 East Sunderland Area of the City

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Email: [nicky.rowland@sunderland.gov.uk](mailto:nicky.rowland@sunderland.gov.uk)

## **PUBLIC NOTICE**

### **THE COUNCIL OF THE CITY OF SUNDERLAND**

#### **CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005**

#### **The Dog Control Orders (Prescribed Offences and Penalties, etc.) Regulations 2006**

#### **The Dog Control Orders (Procedures) Regulations 2006**

NOTICE is hereby given that The Council of the City of Sunderland ("the Council") is proposing to make the following four Dog Control Orders pursuant to its powers under the Clean Neighbourhoods and Environment Act 2005 :-

#### **1. The Fouling of Land by Dogs Order 2014**

If a dog defecates at any time on land to which this Order applies and a person who is in charge of the dog at that time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless (a) he has a reasonable excuse for failing to do so; or (b) the owner, occupier or other person or authority having control of the land has consented to his failing to do so.

It is proposed that this Order will apply to all land to which the public are entitled or permitted to have access (with or without payment) within the administrative area of the Council which is :-

- (a) parks, pleasure grounds and open spaces maintained by the Council;
- (b) sports grounds/pitches and playing fields maintained by the Council;
- (c) beaches/foreshore and any slopes or staircase leading thereto;
- (d) school grounds;
- (e) cemeteries, burial grounds and churchyards maintained by the Council;
- (f) car parks, owned and operated by the Council;
- (g) carriageways and adjoining footpaths and verges; and
- (h) footpaths, bridleways, alleys, precincts, promenades, thoroughfares and other ways (not being carriageways)

**Exemption :-** This order will not apply to a person who is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948 or to a person who has a disability which affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects and relies on a dog for assistance trained by a prescribed charity, namely, Dogs for the Disabled, Support Dogs or Canine Partners for Independence.

**Note:** This Order will replace the existing controls the Council has under the Dogs (Fouling of Land) Act 1996.

#### **2. The Dogs on Leads by Direction Order 2014**

A person in charge of a dog shall be guilty of an offence if, at any time, on any land to which this Order applies, he does not comply with a direction given him by an authorised officer of the Council to put and keep the dog on a lead, unless (a) he has a reasonable excuse for failing to do so; or (b) the owner, occupier or other person or authority having control of the land has consented to his failing to do so.

An authorised officer of the Council may only give a direction under this Order to put and keep the dog on a lead if such restraint is reasonably necessary to prevent a dog causing or likely to cause annoyance or disturbance to any other person, animal or bird.

It is proposed that this Order will apply to all land to which the public are entitled or permitted to have access (with or without payment) within the administrative area of the Council which is:-

- (a) open parks, pleasure grounds and other open spaces maintained by the Council;
- (b) open playing fields maintained by the Council not otherwise marked as a "dogs on leads area" (whether the sign uses those particular words or words and/or symbols having like effect);
- (c) beaches/foreshore and any slope or staircase leading thereto not otherwise marked as a "dog exclusion area" (whether the sign uses those particular words or words and/or symbols having like effect);
- (d) school grounds;
- (e) car parks, owned and operated by the Council;
- (f) carriageways and adjoining footpaths and verges; and
- (g) footpaths, bridleways, alleys, precincts, promenades, thoroughfares and other ways (not being carriageways).

### **3. The Dogs on Leads Order 2014**

A person in charge of a dog shall be guilty of an offence, if at any time on any land to which this Order applies he does not keep the dog on a lead unless (a) he has a reasonable excuse for failing to do so; or (b) the owner, occupier or other person or authority having control of the land has consented to his failing to do so.

It is proposed that this Order will apply to land maintained by the Council to which the public are entitled or permitted to have access (with or without payment) signed at its entrance(s) or otherwise marked as a "dog on leads area" (whether the sign uses those particular words or words and/or symbols having like effect) which is:-

- (a) open (unfenced) designated children's play areas;
- (b) cemeteries, burial grounds and churchyards;
- (c) enclosed parks, sensory and formal gardens; and
- (d) open and enclosed playing fields and sports facilities including football pitches, cricket pitches, skate parks and bowling greens.

Maps showing the proposed areas concerned under this Order may be examined free of charge during office hours at the Fawcett Street Customer Service Centre or online at [www.sunderland.gov.uk/dog-control](http://www.sunderland.gov.uk/dog-control)

### **4. The Exclusion of Dogs from Land Order 2014**

A person in charge of a dog shall be guilty of an offence if at any time he takes the dog onto, or permits the dog to enter or to remain on any land to which this Order applies unless (a) he has a reasonable excuse for doing so; or (b) the owner, occupier or other person or authority having control of the land has consented to his doing so.

This Order will apply to land maintained by the Council signed at its entrance(s) or otherwise marked as a "dog exclusion area" (whether the sign uses those particular words or words and/or symbols having like effect) which is:-

- (a) enclosed designated children's play areas;
- (b) enclosed multisports areas (MUGA's), sporting and other recreational facilities; and
- (c) identified areas of the beaches/foreshore and any slope or staircase leading thereto between 1<sup>st</sup> May and 30<sup>th</sup> September inclusive in any year

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**Exemption :-** This order will not apply to a person who is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948, to a deaf person in respect of a dog trained by Hearing Dogs for Deaf People, or to a person who has a disability which affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects and relies on a dog for assistance trained by a prescribed charity, namely, Dogs for the Disabled, Support Dogs or Canine Partners for Independence.

### **PENALTIES**

A person guilty of an offence under any of the above Orders shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1,000).

### **CONSULTATION**

Residents are requested to express their views on these proposals at : [http://sunderland-consult.limehouse.co.uk/public/city\\_services/street\\_scene\\_services/dcos](http://sunderland-consult.limehouse.co.uk/public/city_services/street_scene_services/dcos)

Further information on these proposals is available at [www.sunderland.gov.uk/dog-control](http://www.sunderland.gov.uk/dog-control) or by contacting the Council on 0191 520 555 or visiting the Fawcett Street Customer Service Centre during office hours.

Written representations may be made to Ms. N. Rowland, East Area Response Manager, Responsive Local Services, Jack Crawford House, Commercial Road, Sunderland, SR2 8QR or by e-mail to [nicola.rowland@sunderland.gov.uk](mailto:nicola.rowland@sunderland.gov.uk)

**Any representations should be received no later than 31<sup>st</sup> May 2014.**

Janet Johnson Deputy Chief Executive, Sunderland City Council  
Dated the 1<sup>st</sup> May 2014