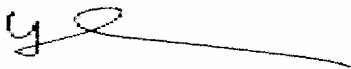


Report for:	Cabinet	Item number	
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Title:	<i>Dog Control Orders</i>
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Report authorised by :	Lyn Garner, Director of Place and Sustainability 
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Lead Officer:	Joan Hancox Head of Neighbourhood Services
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Ward(s) affected: All	Report for Key/Non Key Decision:
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1. Describe the issue under consideration

- 1.1 To obtain Member agreement to carry out a formal consultation on dog control orders covering dog exclusion, dogs on leads, dogs on lead direction and dog fouling.

2. Cabinet Member Introduction

- 2.1 Whilst we recognise that there are many responsible dog owners in the borough who wish to exercise their dogs, this needs to be balanced by the need for residents and children to play and enjoy our parks and open spaces. We also wish our borough to be a clean place to live and reduce the amount of dog fouling that takes place.
- 2.2 Residents, Friends of Parks and Safer Neighbourhood Teams have raised with us their concern over dogs that appear to be out of control and how intimidating this can be. Dog control is a theme that runs through a number of Council commitments. Specifically this includes our following pledge:

“We will ensure all of our parks and open spaces are designated as Dog Control Areas, encouraging owners to look after their dogs and keep them under control.”

2.3 The proposals in this report are for consultation and affect every part of the borough. There are several elements to the proposals:

- a borough wide order on dog fouling
- a borough wide order allowing directions to place dogs on leads to be given where the dog is out of control
- exclusion of dogs from playgrounds and similar areas and the whole of Noel Park Recreation Ground.
- a borough wide order to require dogs to be on leads on the public highway, publicly accessible land, some parks or parts of parks
- These orders also include land controlled by Homes for Haringey

2.4 The delivery of this commitment will need to use our powers to introduce dog control orders as well as the commitment from the Police and authorised Officers to enforce them. Together we can help people feel safer in the streets and in other public places.

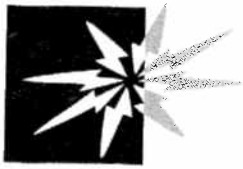
3. Recommendations

3.1 To agree to carry out a formal consultation on dog control orders covering dog exclusion, dogs on leads, dogs on leads direction and dog fouling as set out in paragraphs 5.9.

4. Other options considered

4.1 Research indicates that the following have been implemented in boroughs including Waltham Forest, Newham, Croydon, Wandsworth and Hillingdon.

- Dog exclusion order – for sensitive areas such as children's playgrounds, sports courts, games areas, and marked pitches.
- Dogs on leads order – for roads, footpaths, car parks, communal areas on estates, churchyards and some public parks or parts of parks/ gardens.
- Dogs on leads direction order – for the whole borough which would give officers the power to request that dogs

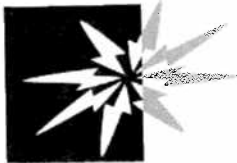


are put on leads where they are not under the appropriate control of their owner, or where they are causing damage or acting aggressively.

- Dog Fouling of Land Order – for the whole borough and would include all open land.

5. Background

- 5.1 There is a council commitment to bringing in borough wide powers for dog control and the police have specifically asked for powers to require any dog to be placed on a lead where a dog is found to be out of control. Where any control order is introduced we will have to include an Order covering fouling of land: this is because the consequence of any adoption will be that the existing powers that allow for the prosecution or use of fixed penalty notices for offences will cease to be in effect when any order is adopted. Members could choose to consult on these two issues only.
- 5.2 Orders that allow for dogs to be placed on a lead or required to be placed on a lead will ensure that dogs are better controlled. Aggressive behaviour and irresponsible dog ownership, such as fouling, can therefore be more easily challenged.
- 5.3 Section 3 of the Dog Control Orders (Procedure) Regulations 2006 has identified a set of criteria for determining in consultation whether any location or control should be included in a control order. There is a presumption here that dog control should be exercised where there is a justification and not because some residents would prefer not to see dogs off of a lead. Fouling is not identified as a reason for exclusion.
- 5.4 The proposal here will rely heavily on the Police. Some limited resource will be available through the new Neighbourhood Action Teams and patrolling officers will be expected to work with local Safer Neighbourhood Teams on priority issues for each Area Committee. Other boroughs have invested in specific teams to undertake their own enforcement. Apart from some necessary investment in signage, the proposal here will seek to target resources through existing structures and budgets working closely with the Police.
- 5.5 It is important for any authority considering a Dog Control Order to be able to show that this is a necessary and proportionate



response to problems caused by the activities of dogs and those in charge of them.

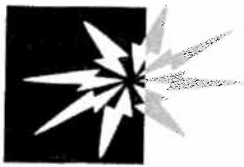
5.6 Criteria that have been used when assessing control options are :

- Have there been complaints or intelligence received which are also supported by the police, parks or a local resident or user group?
- Are there options for exercising a dog without a lead within a reasonable distance – up to ½ mile?
- Would a dog exercised off a lead present a potential road safety risk?
- Is a location an essential public thoroughfare, road etc or and unfenced area adjacent to such an area?
- Is there a location with a history of concerns or sensitivity to dog control issues?
- Is an area dedicated to games or children's play?

5.7 Consultation with Haringey Police has been mainly through the Bruce Grove Safer Neighbourhood Team which is also the nominated representative to the Animal Welfare and Control Partnership. Feedback here has been that they would favour the introduction of a 'dogs on leads' direction order for the whole borough, and the selective control of dogs in parks that ensures dogs are kept on a lead when being exercised in some parks.

5.8 The expectation will be that enforcement of dogs behaving aggressively will be led by the police, and that activity will reflect policing priorities agreed for each of the Safer Neighbourhood Teams. The main initial focus will be on locations where dog control has been identified as an issue and the planned consultation is likely to further inform our plans. The Council's Neighbourhood Action Team will be tasked with monitoring other exclusions and prohibitions and enforcement here will be led by the Council but will require police support in most cases. Enforcement is therefore likely to reflect jointly planned operations with activity reflecting intelligence and complaints received. The emphasis will be on achieving sustained compliance using a combination of awareness raising followed by more targeted use of fixed penalty powers.

5.9 It is proposed that the following proposal should be the basis of a formal consultation and these are set out in detail in the appendices.



5.9.1 A Dog Exclusion Order

All public areas identified as children's playgrounds, sports courts, marked games areas and marked pitches and whole of Noel Park Recreation Ground as set out in Appendix 1.

5.9.2 Dogs on Leads by Direction Order

Whole borough which would give officers the power to request that dogs are put on leads where they are not under the appropriate control of their owner, or where they are causing damage or acting aggressively. The schedule is in Appendix 2.

5.9.3 Dogs on Leads Order

- All roads, footpaths.
- Car parks.
- Communal public areas on housing estates.
- Small areas of land – less than half hectare.
- Cemeteries, crematoriums and church yards.

The areas proposed are set out in Appendix 3.

5.9.4 Fouling of Land by Dogs Order

This order would cover the whole borough to make dog fouling an enforceable offence.

5.10 The designation process would consist of three key stages, formulation and drafting of the proposals, consultation and implementation.

5.11 A published proposal based upon paragraph 5.9 and the appendices would be the subject of consultation by:

- An Article and invitation for feedback in Haringey People.
- Publication on Haringey's web site with facility for online representation.
- Written communication to key stakeholder groups, including Park User/Friends Groups, Animal Welfare and Control Partners, Resident Groups.
- Presentations to Area Forums at the discretion of the Chair.

5.12 A formal published Notice period of 28 days minimum of any final order proposal :

- Publication on Haringey's web site with facility for online representation.

- Written communication to key stakeholder groups, including Park User/Friends Groups, Animal Welfare and Control Partners, Resident Groups, parks and other notice boards.
- Published Notice in local newspaper(s).

- 5.13 The timetable for each stage is
- Formulation and drafting of proposal and taking draft proposals to Area Forums - January 2012
 - Consultation –February 2012- April 2012
 - Implementation June 2012 – July 2012

6 Comments of the Chief Financial Officer and financial Implications

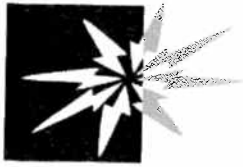
- 6.1 The costs of enforcement are expected to be largely met from existing police resources. There will be some cost to the Council in adopting Dog Control as proposed in terms of investment in signage of £30,000 and a small ongoing cost for maintenance and training. This can be offset by expected income from fixed penalty notices, although the level of income received will not be completely within the Council's control.

7 Head of Legal Services and Legal Implications

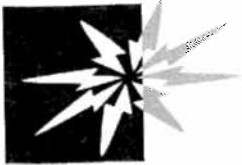
- 7.1 A Dog Control Order can be made in respect of any land which is open to the air and to which the public are entitled or permitted to have access (with or without payment). The Dog Control Orders (Prescribed Offences and Penalties, etc.) Regulations provide for five offences which may be prescribed in a dog control order:

- (a) failing to remove dog faeces;
- (b) not keeping a dog on a lead;
- (c) not putting, and keeping, a dog on a lead when directed to do so by an authorised officer;
- (d) taking a dog onto, or permitting a dog to enter land from which dogs are excluded;
- (e) taking more than a specified number of dogs onto land.

- 7.2 The penalty for committing an offence under a Dog Control Order is a maximum fine of level 3 on the standard scale (currently £1,000). However an authorised officer of an authority may alternatively issue a Fixed Penalty Notice. This includes Police and Community Support Officers (PCSOs).



- 7.3 The amount of the fixed penalty can be set by the local authority within a prescribed range (up to £80), but will be £75 unless another amount is specified.
- 7.4 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.
- 7.5 Haringey currently has in place a designation made under the Dogs (Fouling of Land) Act 1996 which will remain in force until such time as a Dog Control Order is made for any of the five offences on the same land. This provides for a Fixed Penalty Notice of £50. If any order is made under 7.1 above, then the local authority will need to make a Dog Control Order for fouling of land.
- 7.6 Enforcement can be undertaken by appropriately authorised Council Officers or the Police, although enforcement without police support is unlikely to be effective.
- 7.7 The Dog Control Orders (Procedures) Regulations provides a legal requirement that, where practicable, signs must be placed summarising the order on land to which a new order applies, thereby informing the public that land is subject to an order. For Parks and similar land this can be by signage placed at entrances, for other locations signage is required at 'regular intervals'.
- 8 Equalities and Community Cohesion Comments**
- Dog control orders affect all users of the highway, parks and open spaces. No specific community group would be adversely affected by these types of order.
- 9 Head of Procurement Comments**
- Comments are not required in this report
- 10 Policy Implications**
- The policy implications of this report are that dog control orders will restrict the exercising of dogs off lead in large areas of the borough
- 11 Use of Appendices**



Haringey Council

11.1

Appendix 1 – Schedule 1- Dog Exclusion Zones Schedule and map

Appendix 2 - Schedule 2 -Direction to put dog on a lead – Schedule

Appendix 3 - Schedule 3- Dogs on Lead Zones Schedule and Map

Appendix 4 - Schedule 4-Dog fouling – Schedule

12

Local Government (Access to Information) Act 1985

12.1

Not Applicable

Schedules of specific locations to be covered by Dog Control Orders

Appendix 1

Schedule 1 – Areas where dogs excluded

All children's playgrounds, sports courts, marked games areas and marked pitches will be exclusion areas for dogs.

All playgrounds and ball games areas on land controlled by Homes for Haringey

Whole of Noel Park Recreation Ground (formerly known as Russell Park (10184 m²))

Site Name	Area m2
Noel Park Recreation Ground (formerly known as Russell Park)	10184

Appendix 2

Schedule 2 - where dogs to be placed on leads when directed to do so

Whole borough - not including schedule 1

This would include all parks over half hectare and all land controlled by Homes for Haringey.

All Parks over half a hectare	
Site Name	Area m²
Albert Road Recreation Ground	42340
Avenue Gardens (Park Avenue)	12330
Belmont Recreation Ground	28114
Bounds Green Slips	7584
Bruce Castle Park (Area Around) N17	3497
Bruce Castle Park	61824
Chestnuts Park	36029
Down Lane Recreation Ground	34936
Downhills Park	22667
Downhills Recreation Ground	44770
Ducketts Common	21084
Finsbury Park	294920
Hartington Park	13038
Lordship Rec, Model Traffic Area	16648
Lordship Recreation Ground	193456
Markfield Rec Adventure Playground	10834
Markfield Recreation Ground	43058
Muswell Hill Playing Field	85708
Nightingale Gardens	10633
Noel Park Recreation Ground	10184
Priory Park	33117
Richmond Road Park (Paignton Park)	12920
Stanley Culross Open Space	5186
Stationers Park	6743
Tewkesbury Terrace	25327
Tower Gardens	5761
Trinity Gardens	5558
White Hart Lane Recreation Ground	42795
Wood Green Common	10407
Woodside Park	33170