

**TITLE OF REPORT:** Introduction of a Dog Control Order

**REPORT OF:** Paul Dowling, Strategic Director, Communities and Environment

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### **Purpose of the Report**

1. The report asks Cabinet to recommend that a consultation on the introduction of a Dog Control Order is carried out and in the absence of any representations being received that the Order is adopted.

### **Background**

2. The Council is responsible for the control of dogs within the Borough. In April 2017 the Government announced a consultation on amending the legislation associated with dog control. The legislation relating to dog control was updated in 2005 with the earlier provisions from 1996 continuing until such time as the later legislation is adopted.
3. Therefore in order that the Council is in a position to adopt any potential changes to the dog control legislation it is proposed that a Dog Control Order is made and the most recent legislation is adopted.

### **Requirements of the Order**

4. 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).
5. A Dog Control Order can impose control in respect of any or all of the following 5 points, these are:
  - (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) permitting a dog to enter land from which dogs are excluded; and
  - (e) taking more than a specified number of dogs onto land.
6. A Dog Control Order may provide exemptions in particular cases for registered blind people, and other people with disabilities who make use of trained assistance dogs. Anyone other than a registered deaf person (whose disability will not prevent him or her from being aware of and removing dog faeces) is similarly exempt from a Dog Control Orders on the fouling of land.

## Proposal

7. It is proposed that the Council introduce a Dog Control Order with the following requirements:

Table 1

<b>Requirement</b>	<b>Area Covered</b>
To remove dog faeces from land	Boroughwide
To put a dog on a lead when requested	Boroughwide
To keep a dog on a lead at all times	All Cemeteries and School sites within the Borough

The penalty for breaching the Order is a fine of up to £1000 on conviction or a Fixed Penalty Notice of £80.

## Recommendations

8. It is recommended that Cabinet recommend to full Council that:
- i) The Council consults for a period of six weeks on the introduction of a Dog Control Order in line with Table 1 above, subject to exemptions as appropriate for assistance dogs.
  - ii) Subject to no representations being received within the consultation period, the Order is adopted.
  - iii) In the event that objections to the proposed Order are received that a further report be presented to Cabinet and Council.

For the following reason:

In order to support the protection of the environment in Gateshead through the use of an effective enforcement toolkit which reflects the seriousness with which residents view the issues and allows Officers to take robust action where required.

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## APPENDIX 1

### Policy Context

1. Of particular relevance are two of the big ideas in Vision 2030 Sustainable Gateshead and Active and Healthy Gateshead. These big ideas are about making Gateshead more sustainable and making Gateshead one of the healthiest communities in the country. This means looking at how we use and protect our public spaces to encourage people to use them to take up opportunities to improve their health and lifestyle.
2. Within the Council Plan the two themes of Live Love Gateshead and Live Well Gateshead are relevant. Under the heading of Live Love Gateshead the Council's ambition is to encourage people to look after their own area in order to support them in doing this the Council need to have the powers available to take robust action against those who pollute and degrade the environment. Under the heading of Live Well Gateshead, the Council is encouraging people to lead healthier lives. This requires use of the public realm for a variety of purposes, including utilising more health modes of transport and exercising. In order to ensure the public realm is safe, attractive and ready for use the deterrent of formal enforcement action needs to be present to dissuade people from doing the wrong thing and in doing so making areas less attractive and therefore less likely to be used.

### Background

3. Dog Control Orders were introduced within the Clean Neighbourhood and Environment Act 2005 to replace the provisions of the Dog (Fouling of Land) Act 1996 which continue until such time as a Dog Control Order is adopted. The Government is now suggesting changes to legislation which would make it prudent for the Council to have a Dog Control Order in place to take advantage of those changes. If enacted, the changes will help the Council provide a more robust response to the issue of dog fouling

### Consultation

4. The Cabinet Members for Environment & Transport and Communities & Volunteering have been consulted.

### Alternative Options

5. There are is one alternative option which is to continue utilising the provisions of the Dog (Fouling of Land) Act 1996. However, it is likely these provisions will cease to have effect at some point in the future which may mean the Council is unable to effectively tackle dog fouling. There is also a risk that the changes in legislation which are currently out to consultation could not be adopted by the Council if no Dog Control Order is in place. Finally the use of the Dog (Fouling of Land) Act 1996 does not give such a useful degree of control, for example the ability to require dogs to be on leads in certain locations.

## Implications of Recommended Option

### 6. Resources

- a. **Financial Implications** – The Strategic Director, Corporate Resources, confirms that there are no additional financial implications arising from this report.
- b. **Human Resources Implications** - There are no human resource implications arising directly from this report.
- c. **Property Implications** - There are no property implications arising directly from this report

7. **Risk Management Implications** – Failure to deliver statutory responsibilities may result in government intervention.

8. **Equality and Diversity Implications** – An Equality Impact and Needs Assessment of these plans has indicated a neutral impact.

9. **Crime and Disorder Implications** – There are no crime and disorder implications arising directly from this report.

10. **Health Implications** – It is hoped that by improving the quality and attractiveness of the public realm people will be encouraged to use it for bona fide purposes which include walking, cycling and exercising.

11. **Sustainability Implications** – There are no sustainability implications arising directly from this report.

12. **Human Rights Implications** – There are no human rights implications arising directly from this report.

13. **Area and Ward Implications** - This report affects all wards equally

### Background material

- PSPO consultation response summary
- Residents survey 2016 results
- Government Litter Strategy for England Consultation