

13 March 2012		ITEM 8
Cleaner, Greener, Safer Overview and Scrutiny Committee		
Dog Control		
Report of: Councillor James Halden (Conservative, Homesteads), Chairman of the Cleaning, Greener, Safer Overview and Scrutiny Committee		
Wards and communities affected: All	Key Decision: No	
Accountable Head of Service: Lucy Magill, Head of Public Protection		
Accountable Director: Jo Olsson, Director, People Services		
This report is Public		
Purpose of Report: To guide the development and consultation on Dog Control within Thurrock		

Executive summary

We acknowledge that most dog owners care for their pets and are therefore responsible owners. However we must acknowledge several instances of serious cases where dogs, some times dangerous or sometimes intimidating, have caused harm and distress. Given the fact that we have comprehensive powers to act, it has been decided, by the will of full council, that a strategy is actioned. We have engaged the mandate members have to represent their communities to form a briefing note that is focused and therefore enforceable.

1. Recommendations to the Head of Public Protection for adoption for Dog Control

1.1 That the areas and actions listed in the “strategy” sections are endorsed by committee and recommended for consultation.

1.2 That the Head of Public Protection in liaison with the portfolio holder, sets out the strategy around the formal consultation on the proposed orders. With the consultation starting no later than the 1st of July 2012.

1.3 That the council, invest in the appropriate signage for the relevant areas.

1.4 That council issues press statements based on enforcement of FPN concerning these areas.

1.5 Enforcement officers should have these areas as a designated area to investigate for regular enforcement.

1.6 That committee should be updated to the success of implementation by October 2012 to both review and consider any needed expansions of the policy

2. Background

- 2.1 At full council of October of 2011, a motion was put forward by Cllr Amanda Arnold regarding stray and dangerous dogs. This was in response to a number of nasty attacks in her Ockendon ward. Conversation with other members made it clear that this was a problem that was in occurrence in several areas of the borough. Council unanimously passed the motion, calling for a strategy to be produced on the subject.
- 2.2 A report was brought to Cleaner, Greener and Safer Overview and Scrutiny committee on the 7th of February 2012. Members noted that there were considerable powers to take action regarding dangerous animals and thought that the work had real promise considering the fact that most reports of issues did in fact occur on council land i.e. parks and open spaces.
- 2.3 However, despite the massive pressure on the public protection service due to the Olympics, a time table to commence consultation in September was entirely unacceptable as it would mean that a strategy, that was the express will of full council, would take almost a year before the first stage of work even began.
- 2.4 As such, members agreed with alternative recommendations to the report, tabled by the chair, which would seek to - focus the ambitions of the work to site specific areas opposed to borough wide and thus reduce unneeded work, massively reduce the time by having the work member led, and save officer work by analysis the results of the work to have members agree what powers were appropriate per area.
- 2.5 This would be done by the chair consulting ward members to get site specific areas and then to hold a meeting to discuss the enforcement issues. The chair would then prepare a briefing note to go to committee with recommendations to cabinet.
- 2.6 Emails went out to all members for a councillor consultation between Friday 10th of Feb to Monday 20th of Feb with a meeting with the chairman on Friday 24th of Feb to discuss issues and options in preparation for a briefing note to go in front of O&S on the 13th of March.

2.7 The meeting on the 24th was attended by – Cllr Halden, Cllr Palmer for East Tilbury, Cllr Tolson for Homesteads, Cllr Arnold for Ockendon and Cllr Redsell for Blackshots. The group discussed various options and issues to help form this report.

2.8 Cllr Halden placed phone calls to members who did not attend the meeting to attempt to get any further feedback.

Members / areas

Member	Area	Issue	Comments
Cllr Amanda Arnold and Cllr Lynn Carr–Ockendon ward	Brandon groves estate	Dog fouling, dogs off leads, dogs dangerously out of control	Wish to see dogs kept on a lead
Cllr Amanda Arnold and Cllr Lynn Carr–Ockendon ward	South Ockendon recreation ground	Dog fouling, dogs in children’s play area and tennis courts, disruption of sporting events	Wish to see dogs kept on a lead during authorised sporting events, dogs should be not be allowed within 2 metres of play equipment or inside the tennis courts
Cllr Amanda Arnold and Cllr Lynn Carr–Ockendon ward	Flowers estate	Dog fouling, dogs in children’s play area, dogs dangerously out of control	Wish to see dogs kept on a lead, dogs should not be allowed in the children’s play area
Cllr Amanda Arnold and Cllr Lynn Carr–Ockendon ward	Bonnygate Woods	Dogs in play area	Dogs should not be allowed within 2 meters of the play trail or within fenced off areas
Cllr Ben Maney and Cllr Joy Redsell– Little Thurrock Blackshots ward	Blackshots field	Dog fouling on the field and in not safe in children’s play areas as well as fouling in ball court and skate park	The field is so large that it is not needed to allow them in the play areas
Cllr Barry Palmer and Cllr John Purkiss – East	Coalhouse fort	Dogs running free in picnic area and in play area	Dogs should be kept on leads

Tilbury			
Cllr Barry Palmer and Cllr John Purkiss – East Tilbury	Gobions park/ Linford recreational ground/ The Memorial park	Dog fouling, dogs off of leads	Need enforcement officers at certain times to give fines out. Offered to work with officers. Welcomes signage such as “we welcome your dog on a lead” as it works at the caravan club.
Cllr Yash Gupta – Grays Thurrock	General/Grays park	Residents intimidated by dangerous/stay dogs	Issue with resident refusing to put dogs on leads, we can enforce this power
Cllr Mike Stone – Grays Thurrock	Elm road open space, general	Dog fouling and off leads around children	Concern that we don’t demonise dog owners as most are responsible
Cllr Wendy Herd – Aveley	Usk park Road, Aveley Rec, Martins Road park, Uplands park	Dogs in play area	Restriction for walking more than 2 dogs would be desired
Cllr Pauline Tolson - Homesteads	Stanford Recreation ground	No dogs in play area sign not enforced	Are people taking their dogs in such areas because they are with their children
Cllr James Halden, Cllr Pauline Tolson and Cllr Sue Macpherson - Homesteads	Balstonia park	Dogs fouling, dogs in play area	Concerns with park being run down now that it is not locked at night

Late comments accepted by the chair

Member	Area	Issue	Comments
Cllr Wendy Curtis – Belhus	Specific site not identified	Dangerous dogs	We should concentrate on dangerous dogs and their owners

Powers

2.9 Dog control orders are very good in terms of the fact that we can implement them ourselves and they are rather comprehensive. These orders can be made to control the following.

- dog fouling
- restriction of dogs from certain land
- areas where dogs have to be kept on a lead
- areas where dogs must be kept on a lead when requested
- restrictions on multiple dog walking

2.10 Dog fouling is a frequent issue that we have clear powers to deal with thus we can look at site spotting enforcement.

2.11 In terms of powers available to deal with the most pressing and concerning issue, out of control dogs and dogs free in areas with children, we don't need round the clock enforcement or try to invent new powers because a simple lead order will allow us to restrict free roaming, this in conjunction with "no go" areas should be sufficient.

2.12 It's clear from responses, that members are not asking to ban dogs from certain areas altogether, nor are members seeking an unenforceable borough wide ban. Thus enforceability should be very feasible.

2.13 It's clear both from responses from members and from the powers listed that signage will be needed to both educate the public on our decision and to make the legal feasibility of enforcement possible.

2.14 The power of restrictions on multiple dog walking was seen as to extensive at the current time, while we are still in the first stages of this strategy

2.15 Thurrock is fortunate that PCSO'S can also enforce FPN, of which we have a large compliment, and we also have the power to provide delegation of powers to other officers i.e. estate officers. We also have other such equipment i.e. cctv, head cameras.

3. Issues and options

- 3.1 We can't look to an authority wide blanket ban as enforcement would be impossible. *We have mitigated this by asking members to use their role as community leaders to identify issue areas.*
- 3.2 We would need to demonstrate a need for any actions to avoid legal challenge. *We have demonstrated this by asking the elected representatives to notify the authority about the needs their wards face. Further consultation with the public will also back this up. As far as providing just cause and due process, taking this process via full council and then committee is very clear.*
- 3.3 Consideration must be given to how enforcement will happen. *Enforcement will be massively eased because we are targeting certain area with very specific powers; this is as micro as possible. We have a dog fouling ban in Thurrock anyway as well as PCSO'S and the power to provide delegation to more officers to issue FPN.*
- 3.4 We would need further consultation if we would look to block off land. *It would appear that no land would be blocked off.*
- 3.5 Public notice would need to be given. *We have the contract with the Thurrock enquirer.*
- 3.6 Public protection is struggling with the work load due to the Olympics. *It is the hope that this covers a great majority of the work needed because members have used their mandate to clearly express what concerns are present, taken clear advice on that powers are appropriate and now can look to implementation.*
- 3.7 *We need to publicise the fact that we are taking strong action as this will be a deterrent that is just as effective as enforcement.*

Outcomes from meeting

- A - Certain issues we repeated several times and thus provides a clear base for the issues we need to target
- B – The issue of education and enforcement was massively discussed and simple signage can accomplish this
- C – We need to ensure that we stick to the specific areas that we identified as this makes the scheme strategic
- D – We need to be robust in ensuring that FPN's are used to maximum effect and that their use is published as a part of the public education campaign.

Strategy

Area	Issue	Action requested
Brandon groves estate	Dog fouling, dogs off leads, dogs dangerously out of control	Dogs should be kept on leads as it is a communal area.
South Ockendon recreation ground	Dog fouling, dogs in children's play area and tennis courts, disruption of sporting events	Dogs not allowed in children's/ sporting areas area.
Flowers estate	Dog fouling, dogs in children's play area, dogs dangerously out of control	Dogs should be kept on leads as it is a communal area.
Blackshots field	Dog fouling on the field and in not safe in children's play areas as well as fouling in ball court and skate park	Dogs not allowed in children's/ sporting areas area.
Coalhouse fort	Dogs running free in picnic area and in play area	Dogs not allowed in children's/ sporting areas area. Dogs should be kept on leads in the communal areas.
Gobions park/ Linford recreational ground/ The Memorial park	Dog fouling	Dogs on leads upon request
General/Grays park	Residents intimidated by dangerous/stay dogs	Dogs on leads upon request
Elm road open space, general	Dog fouling and off leads around children	Dogs on leads upon request
Usk park Road, Aveley Rec, Martins Road park, Uplands park	Dogs in play area	Dogs not allowed in children's/ sporting areas area.
Stanford Recreation ground	No dogs in play area sing not enforced	Dogs on leads upon request

Balstonia park	Dogs fouling, dogs in play area	Dogs not allowed in children's/ sporting areas area.
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Process for making a Dog Control Order

The Dog Control Orders (Procedures) Regulations 2006 lay out the process which must be followed to make a dog control order.

Procedures before and after making, or amending, a dog control order

(1) Before making a dog control order under section 55 of the Act, an Authority shall—

(a) consult upon its proposal to make the order by publishing a notice of that proposal in a local newspaper circulating in the area in which the land in respect of which the order would apply is situated;

(b) consult every other Authority having power under section 55 of the Act to make a dog control order in respect of all or part of the land in respect of which the proposed order would apply; and

(c) where all or part of the land in respect of which the proposed order would apply is access land, consult—

(i) the access authority for that access land, and

(ii) the local access forum for that access land,

and, in respect of any of that access land that is not situated in a National Park, the Countryside Agency.

(2) The notice referred to in paragraph (1)(a) shall—

(a) identify the land in respect of which the order is to apply, and, if any of the land is access land, state that this is the case;

(b) summarise the order;

(c) where the order refers to a map, state where the map may be inspected at an address within the Authority's area, and that any inspection shall be free of charge at all reasonable hours during the period mentioned in sub-paragraph

(d);

(d) state the period within which representations may be made in writing or by e-mail, such period being not less than 28 days after the publication of the notice; and

(e) state the address and e-mail address to which representations may be sent.

(3) After making a dog control order, an Authority shall, not less than seven days before the day on which the order is to come into force—

(a) where practicable, place signs summarising the order in conspicuous positions on or near the land in respect of which it applies;

(b) publish, in a local newspaper circulating in the area in which the land in respect of which the order applies is situated, a notice that the order has been made and stating the place at which it may be inspected and copies of it obtained;

(c) make the information referred to in sub-paragraph (b) available on its website (if any);

(d) send the information referred to in sub-paragraph (b) to every other Authority having power under section 55 of the Act to make a dog control order in respect of all or part of the land in respect of which the order applies;

(e) where the order applies in respect of any access land, send the information referred to in sub-paragraph (b) to—

(i) the access authority, and

(ii) the local access forum,

for that access land, and to the Countryside Agency.

IMPLICATIONS

6.1 **Financial**

Implications verified by: **Funke Nana**
Telephone and email: **01375 652451**
fnana@thurrock.gov.uk

The financial impact of implementing this policy will be met from existing resources.

6.2 **Legal**

Implications verified by:
Telephone and email: **click this box once and type the telephone number**
click this box once and type the e-mail address

to follow

6.3 **Diversity and Equality**

Implications verified by:
Telephone and email: **click this box once and type the telephone number**
click this box once and type the e-mail address

to follow

Comment [sj]: This section should always be completed – if they are dealt with fully in another part of the report, they also need a brief cross reference here. The names and job titles of the officers providing the implications should be provided in full – see Guideline 6.1 and please note Democratic Services Deadlines and ensure that officers providing implications are given 5 clear working days to work on the report. Authors can write implications but they must be signed off by the appropriate officers

Comment [sj]: See Guideline 6.2

Comment [sj]: See Guideline 6.3

Comment [sj]: See Guideline 6.4

(CONCLUSION)

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Comment [sj]: This should inform the recommendations in the report

Comment [sj]: Insert the full contact details of the author of the report