



East  
Northamptonshire  
Council

## Policy and Resources Committee – 27 September 2012

### Dog Control Orders – Higham Ferrers

**Purpose of report:** To seek Members approval for the introduction of a of Dog Control Order to address problems of dog fouling and other related issues at the fenced area of the Vine Hill Road (Saffron Road) recreation ground in Higham Ferrers. as requested by Higham Ferrers Town Council.

#### Attachment(s)

Appendix 1 – Public Consultation Results and summary of comments

Appendix 2 – Equalities Impact Assessment

#### 1.0 Introduction

1.1 The council currently has a number of Dog Control Orders in force which apply to the whole of East Northamptonshire. These create two potential offences:-

- a) failing to remove dog faeces (applying to any land in the open air to which the public are entitled or permitted to have access – with or without payment), with the exception of Forestry Commission land, and
- b) failing to put, and keep, a dog on a lead when directed to do so by an authorised officer.

1.2 In December 2011, Town and Parish Councils were surveyed to ascertain if there were any additional areas which they would like to be considered for the following orders ;-

- a) Keeping dogs on a lead
- b) Permitting a dog to enter land from which dogs are excluded
- c) Exclusion of dogs from an area
- d) Alteration of any existing order.

1.3 Following this review a number of requests were made. The majority of these were included in the main Dog Control Order report as approved by Policy and Resources Committee of 10 September 2012. This reports covers a specific request from Higham Ferrers town council with regard to the Saffron Road recreation ground to make the area which is fenced off and used by the cricket club a 'Dogs on Leads' area. It is being considered in a separate report because of the high level of comments both for and against the idea of an Order.

#### 2.0 Progress to Date

2.1 Prior to drafting the Order we have consulted with the public generally asking for their views on the area and the proposed order.

2.2 Posters were placed at the site of the proposed control order informing them of the proposed order and giving information as to how to record their views on the proposals.

2.3 The public consultation asked for views on the proposed order and if they felt that the proposed area had a requirement for the specific type of Dog Control Order. The area is used by the Cricket Club for matches and training, including sessions with local

schools. It is a part of a larger recreation ground, the rest of which is not covered by restrictions on dogs. A summary of all the responses are attached at Appendix 1

- 2.4 The results of the public consultation (shown in Appendix 1) were mixed, with detailed responses both for and against. Also it is worth noting that of all the areas under consultation 17% of the total responses received were in relation to this particular area. In addition to the consultation responses, the Council received a petition which appeared to have over 200 respondents on it, all against the making of the proposed order.
- 2.5 On further study it was noted that some of the names on the petition submitted were found to have home phone numbers that were not in the immediate vicinity of the location of the proposed order and in some cases did not appear to be residents of East Northamptonshire. Respondents in favour of the proposal based on online responses appear to be local residents.
- 2.6 Officers have discussed the responses with Members representing Higham Ferrers wards to discuss the merits of all the representations and to form a consensus opinion with regard to the recommendation in this report.
- 2.7 It should also be noted that the area under discussion for a 'Dogs on Leads order may have been suitable for a Dog Exclusion order and the decision to requests Dogs on Leads takes account of the needs of dog owners who may use this area. Some respondents agreed that a dog exclusion order would have been appropriate, a Dogs on leads Order is a good compromise between the needs of all residents.
- 2.8 It should also be noted that immediately adjacent to the proposed area is a larger area of land which is free from any specific dog control orders where owners are able to exercise their dogs.

### **3.0 Process for adopting dog control orders**

- 3.1 Subject to agreement on the areas proposed for Dog Control Orders, there is a defined legal process to be followed. Notices must be published proposing the draft Orders and the land to which they will apply, allowing 28 days for representations. Maps will be produced showing the areas covered by the control orders. Following considerations of any representations, the Orders will be made and publicised at least seven days before coming into force. The proposed Orders will be published in early October and it is hoped that Control Orders will be in force by late November.
- 3.2 Any representations received will need to be considered prior to publishing an Order. It is therefore recommended that any representations be considered by the Head of Environmental Service, the Waste Manager and Environmental Services Officer (Dogs) in consultation with an appropriate Member and the Solicitor to the Council.

### **4.0 Legal Implications**

Under Section 55 (1) of the Clean Neighbourhoods and Environment Act 2005, Local Authorities have the power to make Dog Control Orders for the following:-

- (a) fouling of land by dogs and the removal of dog faeces;
- (b) the keeping of dogs on leads;
- (c) the exclusion of dogs from land;
- (d) the number of dogs which a person may take on to any land

Under Section 55 (6) a dog control order may specify the land in respect of which it applies specifically or by description.


## 5.0 Financial Implications

5.1 There are no additional financial implications associated with the proposal.

## 6.0 Recommendations

6.1 It is recommended that:

1. The Saffron Road recreation ground be included in the proposed Dog Control Orders for a Dogs on Leads Order
2. The Head of Environmental Services, Waste Manager, Environmental Services Officer (Dogs) and nominated Member review and representations received prior to the final notice being published and be authorised, in consultation with the Solicitor to the Council, to agree the final Dog Control Orders.
3. Approve the Equalities Impact Assessment provided in Appendix 2

<b>Legal</b>	Power: Section 55 (1) & (6) of the Clean Neighbourhoods and Environment Act 2005				
	Other considerations: The Dog Control Orders (Procedures) Regulations 2006				
<b>Background Papers:</b> None					
<b>Person Originating Report:</b> Charlotte Tompkins, Waste Services Manager, 01832 742208, ctompkins@east-northamptonshire.gov.uk					
<b>Date:</b> 24 <sup>th</sup> August 2012					
<b>CFO</b>		<b>MO</b>		<b>CX</b>	

**Policy and Resources Committee – 27 September 2012**

**Appendix 1**

Higham Ferrers

87 responses – the highest. Plus large petition (against) and letter from the Clerk to the Town Council. (for)

29% agree dogs should be on leads at cricket ground area, 70% disagree.

These figures do not take account of the petition.

*There is a problem with dog fouling in this area, and keeping dogs on leads would eradicate this. The area is used by the cricket club for matches as well as coaching youth cricket, as well as by the local junior school for PE and sports day. Before this use they have to check for dog foul and there are issues of loose dogs scaring the children and running away with balls whilst lessons and games are in progress. Not having dogs on leads is a health and safety issue. There are other areas where dogs can be let loose in the town.*

*This area is used by the cricket club for senior and junior matches as well as coaching for youngsters and there should be more controls on dogs in this area. The nearby schools also use this area and shouldn't have to put up with dogs wandering without control.*

*This area of playing field is there for use by all across the community and is an unfair penalisation of dog walkers to keep their dogs on the lead in this area. It is incredibly inconvenient that the dogs cannot be walked when the cricket is on and for a large part of weekends the other part of the park is out of bounds due to football games. I do not think that keeping the dog on the lead will reduce the small amount of dog fouling that does happen. Also the fence around the cricket pitch is a hazard in the park, as it gets very muddy in the access areas, a harddous that was not present before the fence.*

*It is an area for all in Higham Ferrers and is not a private club! To owners that let their dogs foul an area it will make little difference if the dog is on a lead or not! If they won't pick up, they won't pick up! To be on a lead all the time is not good for a dog, they need time to run and play to keep fit. Unfit dogs, means fat dogs! This area is used by an abundance of responsible dog owners, please don't exclude us because there are a small minority that misbehave! You will be banning teenagers next for leaving litter around! Of which there are many who don't pick up! I appreciate litter is not the same as dog mess! But society is becoming far too Orwellian!*

*Odd that a small number of people who only use the park a third of the year i.e. cricketers get to dictate to the majority who use it all year round! What ever happened to democracy? Families including children enjoy socialising with their dogs up the park and letting their dogs have the freedom of running around. I could write an essay why I think it's wrong to restrict dogs in an area that is for meant to be for everyone and will happy do so if requested but I believe that a dog should have the freedom to run around and inter mix with other dogs (i.e. socialising) to ensure happy and well balanced dogs. Dogs kept on leads will not cover as much ground as dogs running around (a bit like cooping up children indoors all day) they need to run and exercise. A happy well balanced dog is good for society. You are never going to make the small percentage who don't pick up from their dogs effective unless you penalise the person. Keeping a dog on a lead will no make a blind bit of difference to these individuals. Instead of imposing a rule that has upset a large part of the community why not issue penalty.*

The petition does not include addresses, so it is not possible to ascertain what percentage are actually from Higham. Several phone numbers given are from out of area.



### EIA Initial Screening Form – service or function

<b>1. Name of Service or Function:</b>	
<b>2. Name and Job title / role of person completing Initial Screening:</b>	Charlotte Tompkins Waste Manager
<b>3. What is the main purpose of the Service or Function?</b>	The collection of stray dogs and enforcement of Dog Control Orders under the statutory duties laid out as part of the Clean Neighbourhoods and Environment Act 2005 (CNEA)
<b>4. List the main activities of the Service or Function:</b>	Collection of Strays Enforcement Patrols of areas covered by Dog Control Orders made under the CNEA. Advice to residents on responsible ownership of dogs.
<b>5. Who are the main beneficiaries of the Service or Function?</b>	Residents who use open spaces, both dog owners and non dog owners.
<b>6. How is the success of the Service or Function measured?</b>	Numbers of complaints regarding dog fouling and other dog issues.
<b>7. Are equality monitoring systems in place?</b>	Corporate equalities monitoring in place for any complaints that are received.

**8. Use the following table to indicate using a ✓:**

- a) Where you think that the Service or Function could have a positive impact on any of the groups or contribute to promoting equality of opportunity or improving relations within equality groups.
- b) Where you think that the Service or Function could have a negative impact on any of the equality groups i.e. it could disadvantage them.
- c) Where you think that the Service or Function could have a neutral impact on any of the equality group i.e. no impact

Equality Group	Positive Impact	Negative Impact	Neutral Impact	Reason
<b>Gender:</b>				
Women/Girls			✓	There is no evidence to suggest that service users are predominately one gender. All open spaces are equally accessible.
Men/Boys			✓	
Transgender people			✓	
<b>Sexual Orientation:</b>				
Lesbians, gay men and bisexuals			✓	All open spaces are equally accessible.
<b>Race/Ethnicity:</b>				
White British people			✓	
White non-British people (including Irish people)			✓	
Asian or Asian British people			✓	
Black or Black British people			✓	
People of mixed heritage			✓	
Chinese people			✓	
Travellers (Gypsy/Roma/Irish heritage)			✓	
People from other ethnic groups			✓	

Equality Group	Positive Impact	Negative Impact	Neutral Impact	Reason
People who do not have English as their first language			✓	
<b>Disability:</b>				
Physical impairment, e.g mobility issues which mean using a wheelchair or crutches.			✓	Guide dogs or working dogs are exempt.
Sensory impairment, e.g blind/having a serious visual impairment, deaf/having a serious hearing impairment.			✓	As above
Mental health condition, e.g depression or schizophrenia			✓	As above
Learning disability/difficulty, e.g. Down's syndrome or dyslexia, or cognitive impairment such as autistic spectrum disorder			✓	As above
Long-standing illness or health condition, e.g. cancer, HIV. Diabetes, chronic heart disease or epilepsy			✓	As above
Other health problems or impairments ( <i>please specify if appropriate</i> )			✓	As above
<b>Age:</b>				
Older People (60+)			✓	
Children and Young People (see guidance for definition)			✓	
<b>Religion/Belief:</b>				
Christian			✓	
Buddhist			✓	
Hindu			✓	
Jewish			✓	
Muslim			✓	
Sikh			✓	

Equality Group	Positive Impact	Negative Impact	Neutral Impact	Reason
Other religion (including holding no belief)			✓	
<b>Other Potentially Affected Groups</b>				
Rural Isolation - People who live in rural areas e.g isolated geographically, lack of internet access			✓	
Socio-economic Exclusion – e.g. people who are on benefits, have low educational attainment, single parents, people living in poor quality housing, people who have poor access to services, the unemployed or any combination of these and the other protected strands			✓	
Any other potentially affected groups ( <i>please specify</i> )			✓	
<b>9. If you have indicated that there is a negative impact on any group:</b>				
a) Is that impact against legislation?	Yes	No ✓		
b) What is the level of impact?	High	Low		
10. Could you minimise or remove any negative impact that is of low significance?	How? Not applicable			
11. Could you improve a positive impact of the Service or Function?	How? Not applicable			
12. If there is no evidence that the Service or Function promotes equality of opportunity or improved relations, could it be adapted so that it does?	How? Not applicable			
Head of Service signature				
<b>Date of Initial Screening:</b>	24 <sup>th</sup> August 2012			





**NOTE**

If a negative impact has been highlighted and requires more consultation or research to address it, or if it cannot be justified (e.g. if it is against legislation or places that Council in a position that leaves it open to challenge) you must complete a Full EIA.

If not, you should still consider if completing a Full EIA would be helpful in making a thorough assessment.

**Full EIA Assessment Form**

14. Looking back at the Initial Screening Form, in what area(s) are there concerns that the Service or Function could have a negative impact?  (✓ all that apply)	
Gender:	
Sexual orientation:	
Race/Ethnicity	
Disability:	
Age	
Religion/Belief	
Rural isolation	
Socio-economic exclusion	
Any other affected groups:	
15. Summarise the likely negative impacts:	
16. What consultation on this Service or Function has already taken place with groups/individuals from equality target groups?	

17. What does it indicate about the negative impact of this Service or Function?	
18. What consultation will be conducted/is planned on this Service or Function with equality target groups?	
<b>19. Once this consultation activity has taken place, indicate the outcomes:</b>	
20. What consultation on this Service or Function has already taken place with staff - including those that have, or will have direct experience of implementing the Service or Function?	
21. What does it indicate about the negative impact of this Service or Function?	
22. What consultation will be conducted/is planned on this Service or Function with staff?	
<b>23. Once this consultation activity has taken place, indicate the outcomes:</b>	
24. What relevant research/data/reports concerning the equality target groups have been used in the planning of this Service or Function and what does it tell us about the negative impact?	
25. What research concerning the equality target groups needs to be conducted in relation to this Service or Function?	
<b>26. Once this has been carried out, what does it tell us about the negative impact?</b>	
27. If there are any research gaps, are there any experts/relevant groups that can be contacted to obtain views and evidence on the issues?	

<b>28. Once they have been contacted, what information have we found out?</b>	
29. Is it important that we conduct/commission specific research on this issue? Explain the research required:	
30. If we need to conduct /commission research what are the likely timescales and resource implications / costs involved?	
31. If you require further information, what will you do in the interim to address the negative impact?	
<b>32. List the changes that have been identified which will ensure that the negative impact is addressed:</b>	
<b>33. Have you introduced changes you planned, with any necessary training?</b>	Give details :
<b>34. Does everyone involved in the Service or Function know and understand what you have done?</b>	
<b>Now complete the action planning form which will detail the changes that need to be made to this Service or Function.</b>	

### Equality Impact Assessment Action Plan

Action identified	Key activity	How will we know this has been achieved? (measures, milestones and dates)	Officer responsible	Quarterly progress update

<b>Planned date for next EIA exercise</b>	
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