

<b>Committee(s):</b> Ashtead Common Consultative (for information only) Epping Forest and Commons Hampstead Heath Consultative Hampstead Heath, Queens Park and Highgate Wood Open Spaces, City Gardens and West Ham Park	<b>Date(s):</b> 2 <sup>nd</sup> July 2012 9 <sup>th</sup> July 2012 9 <sup>th</sup> July 2012 23 <sup>rd</sup> July 2012 23 <sup>rd</sup> July 2012
<b>Subject:</b> Dog Control Orders	<b>Public</b>
<b>Report of:</b> Director of Open Spaces	<b>For Decision</b>

### Summary

This report advises Members on the success in achieving Secondary Authority status for the control of dogs. The Designation Order (Appendix 1) enables the City of London to make and enforce Dog Control Orders in its Open Spaces outside the Square Mile. The Designation Order came into force on 31<sup>st</sup> May 2012. The report informs the Committee of proposals to consult on the introduction of one or more Dog Control Orders at Burnham Beeches before determining the way forward for other Open Spaces. It also informs the Committee of new proposals covering anti-social behaviour, which could see Dog Control Orders replaced with a wider form of Order.

#### **Recommendation**

- Members are asked to note this report, the approach to trialling Dog Control Orders, and to approve engagement with the Government on maintaining Secondary Authority status within the proposed new regime for anti-social behaviour.

### Main Report

#### **1. Background**

- 1.1. Previous reports have described progress regarding the City of London's application for Secondary Authority status for the purpose of Chapter 1 of Part 6 of the Clean Neighbourhoods & Environment Act 2005, which relates to the control of dogs.
- 1.2. The Control of Dogs (Designation of the Common Council of the City of London as a Secondary Authority) Order 2012 ("the Designation Order") has been made by the Department for Environment, Food & Rural Affairs (DEFRA) and came into force on 31<sup>st</sup> May 2012.
- 1.3. The Designation Order enables the Common Council to make Dog Control Orders where the relevant local authority has not already made

an Order in respect of the same offence on the same land. It relates to all Open Spaces outside of the City, managed by the Open Spaces Department on behalf of the Court of Common Council. Appendix 1 provides a copy of the Order, listing all the Open Spaces designated. The Orders can include tackling some or all of the following issues; failing to remove dog faeces, not keeping a dog on a lead, not putting and keeping a dog on a lead when directed to do so by an authorised officer, permitting a dog to enter land from which dogs are excluded and taking more than a specified number of dogs onto land. Anyone suspected of committing an offence can be prosecuted in a magistrates' court or, be offered a fixed penalty notice as an alternative to prosecution.

1.4. At the Open Spaces, City Gardens and West Ham Park Committee on 11<sup>th</sup> June 2012, the Director of Open Spaces gave a presentation on this subject and Members requested that a report be presented to all Open Space management committees.

## **2. Current position**

2.1. Introducing Dog Control Orders will require the resolution of a range of practical management and enforcement issues. DEFRA provides guidance on this subject; however, it will be a new process for the City of London, which is the first Secondary Authority to be designated in this way. This work will include the need for a clear enforcement strategy, consultations, training, administration of fixed penalties, communication and marketing.

2.2. Officers are proposing to undertake a trial at one site, Burnham Beeches, to ensure any practical or administrative difficulties are understood and resolved. A report will be taken to the Epping Forest and Commons Committee shortly seeking authority to consult on these proposals. Burnham Beeches has been selected partly for its recent experience gained with the introduction of car parking charges at weekends, but primarily because of a significant number of dog-related incidents. The report will detail the incidents, the specific Dog Control Orders that it is proposed to introduce and the areas affected. At this early stage in planning the introduction, it is difficult to be precise regarding the likely timescale but the aim will be to introduce one or more Dog Control Orders by September 2013. It may well take some time to resolve the administrative issues, which is why a 15 month lead in period is currently planned.

2.3. The introduction of one or more Dog Control Orders at Burnham Beeches will require consultations with the appropriate local authorities, local communities and stakeholder groups including the Kennel Club. In order to make Dog Control Orders the City of London must be able to show that they are a necessary and proportionate response to problems caused by the activities of dogs and those in charge of them. The

Committee's agreement with the Kennel Club, signed on 5<sup>th</sup> December 2011, recognises the need for a proportionate approach when seeking restrictions on dogs, ensuring restrictions are fair and balanced.

- 2.4. A report on the outcome of the proposed trail at Burnham Beeches will be provided for all Open Space management committees' consideration. This will help inform those Committees in developing proposals for their own specific sites.

### **3. New Legislative Proposals**

- 3.1. The Home Office has published a White Paper "**Putting Victims First – more effective response to anti-social behaviour.**" This proposes that Dog Control Orders will be abolished, and that the powers they entail will be subsumed into a new "Community Protection Order (public space)". There is no mention in the White Paper of whether a Secondary Authority scheme will remain in place for the new type of order. If the Common Council desire to retain the powers for the control of dogs which they have acquired with the Designation Order, it will be necessary to engage with the Home Office in order to advocate the retention of the Secondary Authority status. This would potentially enable the Common Council to make orders covering a wider range of anti-social behaviour than simply the control of dogs. If the Committee agrees that this is the proper approach to the new proposals, the Director of Open Spaces will work with the Remembrancer to put the case to the Government.

- 3.2. The timescale for these new proposals is not currently known. Informal advice suggests it may be 2-3 years before a new system comes into force. In the meantime, we need to determine whether Dog Control Orders will achieve the hoped for improvements in dog control, and use the knowledge and experience gained in responding to the proposed new legislation. The Remembrancer has advised that it may strengthen the Common Council's position in discussions with the Home Office if steps had already been successfully taken to implement Dog Control Orders as a Secondary Authority.

- 3.3. The Designation Order, and with it the Common Council's power to make Dog Control Orders, will remain effective unless and until the contrary is provided by new legislation.

### **4. Wider Matters**

- 4.1. Separately from the question of Dog Control Orders, DEFRA is currently consulting on further measures to control dogs, most notably compulsory micro-chipping and extending the dangerous dogs' legislation to private land. This was discussed at the Open Spaces, City Gardens and West Ham Park Committee on 11<sup>th</sup> June 2012. Strong views about the

principles and practicalities of, for example microchipping, have been expressed. The consultation date response was extended until 22<sup>nd</sup> June but regrettably there was insufficient time to consult Members about a proposed response. The Chairman of the Open Spaces Committee considered nevertheless, that a “holding” response should be sent. Copies of the correspondence are attached at Appendix 2, for information.

4.2. The EFRA Select Committee is also considering matters relating to dogs control and welfare, including:-

- Whether the Government’s proposed approaches will deliver the right legal framework, enforcement regime and educational support to reduce irresponsible dog ownership and tackle out of control dogs;
- Concerns about the welfare of dogs linked to breeding approaches.

### **Dog Control**

DEFRA in its announcement on “*Tackling Irresponsible Dog Ownership*” on 23 April 2012 proposes a number of approaches. However, a key question is will these proposals be sufficient to ensure that there is a reduction in the number of attacks by dogs on people and animals?

The questions that immediately arise are:

- Is there a need for a more fundamental overhaul of dog legislation, and its enforcement, including that relating to dog attacks on people, livestock and pets?
- Is sufficient action being taken on pets raised as status dogs to ensure their welfare and reduce their impacts on communities?
- Will compulsory microchipping of puppies improve dog welfare and help prevent dog attacks at an affordable cost to dog owners? Should a dog licensing scheme also be considered?
- Should the Dangerous Dogs Act 1991 be extended to include offences committed on private property?
- Are DEFRA’s proposals for wider community and educational approaches to support responsible dog ownership sufficiently ambitious?
- Do local authorities, the police and animal welfare charities have the right roles in managing stray dogs under the current legislative regime?

## **Dog Welfare**

In respect to concerns expressed over poor welfare that has arisen in the course of breeding dogs:

- Has the response by dog breeders and the veterinary profession been effective?
- What actions should Government take to address these issues?
- Are further controls required on dog breeders, including puppy farms, and those selling or importing dogs to ensure the welfare of bitches and puppies?

## **5. Conclusion**

5.1. The City of London has achieved designation as a Secondary Authority for the control of dogs. Implementing a trial at Burnham Beeches will enable Members to consider the most appropriate and effective way to introduce Dog Control Orders more widely across other Open Spaces. A future report will enable management committees to review and determine the appropriate approach for each site. New legislative proposals on anti-social behaviour mean that the Corporation will have to engage with the Government with a view to ensuring that in any new arrangements the equivalent of the Common Council's powers as a Secondary Authority are retained.

**Appendix 1** – The Control of Dogs (Designation of the Common Council of the City of London as a Secondary Authority) Order 2012 (2012/1223).

**Appendix 2** – Correspondence with DEFRA June 2012

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