



## Belfast City Council

<b>Report to:</b>	Parks and Leisure Committee
<b>Subject</b>	Dog Control Orders – Excluding Dogs from Land Order
<b>Date:</b>	15 <sup>th</sup> November 2012
<b>Reporting Officer:</b>	Andrew Hassard, Director of Parks and Leisure
<b>Contact Officer:</b>	Rose Crozier, Assistant Director of Parks and Leisure

### 1. Relevant Background Information

The Clean Neighbourhoods and Environment Act 2011 strengthens the legislative powers available to district councils to help them deal more effectively with a range of local environmental quality problems, including dog control.

Members are reminded that under Part 5 of the Act, Council's may create 4 separate orders to help manage issues associated with dogs in their area. Dog Control Orders can be made in respect of any land in the district council area, subject to certain exemptions, and can relate to the following four matters:

- (a) Dog Fouling;
- (b) Requiring dogs to be kept on a lead in designated areas;
- (c) Excluding dogs from designated areas; and
- (d) Limiting the number of dogs a person can be in control of at any one time.

A Dog Control Officer Group was established to consider guidance and develop proposals to implement Dog Control Orders in Belfast. The group is made up of officers from Health & Environmental Services Department, Parks and Leisure Department and Legal Services. As the enacting of dog control orders requires changes to existing practices and procedure, the development of staff capacity and effective communication with the public on the implications of the orders. It was decided to implement the orders in stages.

In February 2012 the Committee further agreed that implementation of actions relating to the new dog control powers would be undertaken on a phased basis and that the initial activity would relate to section (a) of the Dog Control section of the Act (Fouling of Land by Dogs).

At its August 2012 meeting, the Committee adopted a recommendation that a Dog Control order be made in respect of dog fouling. The Fouling of Land by

	Dogs (Belfast City Council) Order 2012 became operative on 1 <sup>st</sup> October 2012, replacing the old provisions in respect of dog fouling contained within the Litter (NI) Order 1994.
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<b>2.</b>	<p><b>Key Issues</b></p> <p>One of the objectives of the Council is to promote responsible dog ownership, not simply through enforcement, but also by undertaking a range of actions. These include educational and awareness raising activities, partnership working with schools, community groups and outside agencies and by officers working across the Council. Therefore the powers available under the Clean Neighbourhoods and Environment Act simply provide a useful additional tool to the ongoing work of the Council in seeking to address all dog related issues across the city.</p> <p>It is now proposed that the Council make a further dog control order to exclude dogs from certain areas in the city. The areas being considered are cemeteries, children's playgrounds and playing fields or pitches.</p> <p>These areas are the responsibility of the Parks and Leisure Department and will require development of the department's capacity to monitor compliance and to enforce.</p> <p>The guidance published by the DOE states that district councils must 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.</p> <p>The Council must also balance the interests of those in charge of dogs against the interests of those affected by the activities of dogs, bearing in mind the need for people, in particular children, to have access to dog-free areas and areas where dogs are kept under strict control, and the need for those in charge of dogs to have access to areas where they can exercise their dogs without undue restriction. Failure to give due consideration to these factors could make any subsequent dog control order vulnerable to challenge in the Courts.</p> <p>Members are asked to note that an order to limit the number of dogs on a lead has been considered at the Health and Environmental Services Committee of 7 November 2012. That report recommended that the Council make a dog control order limiting the number of dogs a person could take on land to 4. The reasons for limiting that number to 4 was that someone with more than 4 dogs could struggle to be in full control of them, particularly if the dogs were distracted. Five or more dogs being walked by a single person could therefore pose a danger to other people, particularly children or the elderly. Also, there could be practical difficulties associated with cleaning up and managing the retention and subsequent disposal of dog fouling from several animals.</p> <p>After consideration as to whether it is necessary to designate areas from which dogs should be excluded, the Dog Control Officer Group is proposing that an order be made excluding dogs from cemeteries, children's playgrounds and playing fields or pitches within the Belfast City Council area.</p> <p>If members adopt the proposal to make a dog control order to exclude dogs from certain designated areas within the city, the draft order will be subject to a public consultation exercise.</p>
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<b>3.</b>	<b>Resource Implications</b>
	Work has been ongoing as part of the Park Warden pilot to develop capacity in the department to support the new orders. A separate report on the Park Warden pilot is presented at this committee.

<b>4.</b>	<b>Equality and good relations implications</b>
	The proposal will be subject to Equality screening.

<b>5.</b>	<b>Recommendations</b>
	Committee are asked to approve the proposed approach and to decide whether to make a dog control order excluding dogs from cemeteries, children's playgrounds and playing fields or pitches in the city.

<b>6.</b>	<b>Decision Tracking</b>
	The Assistant Director of Parks and Leisure will report back to committee after the consultation period has ended and responses have been considered.

<b>7.</b>	<b>Key to Abbreviations</b>
	DOE – Department of the Environment

<b>8.</b>	<b>Documents Attached</b>
	None