

ENVIRONMENT CABINET MEMBER MEETING

Agenda Item 60

Brighton & Hove City Council

Subject: Dog Control Order
Date of Meeting: 4 November 2010
Report of: Strategic Director, Place
Contact Officer: Name: Roy Pickard Tel: 29-2437
E-mail: roy.pickard@brighton-hove.gov.uk
Key Decision: No
Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report details the proposal for amending the Dogs Exclusion (Brighton and Hove) Order 2009, Designated under the Clean Neighbourhoods and Environment Act 2005 Sections 55 and 56. The proposed amendment covers Queens Park only.

2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member for Environment agrees to the amendment of the Dogs Exclusion (Brighton and Hove) Order 2009, for Queens Park. The effect of the proposed change will be that no dogs (whether on a lead or otherwise) will be permitted inside the fenced Southern Lawns area, the Quiet Garden, the Wild Garden, the cascade area tennis courts and bowling green as set out on the map attached at Appendix 1.
- 2.2 That the amended Dog Control Order comes into force on 1 January 2011.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Council created city wide Dog Control Orders in January 2009 following two extensive public consultations. The Clean Neighbourhoods and Environment Act 2005 Section 55 and 56, allows local authorities to repeal existing bylaws and to create new Dog Control Orders. The following Dog Control Orders were made for the city.
- 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
 - Not permitting a dog to enter land from which dogs are excluded
- 3.2 In November 2009, the Friends of Queens Park wrote to the Director of Environment to explain the change of dog regulation in Queens Park and how this came about. The Friends of Queens Park felt that they were not adequately consulted during the two public consultations and wanted The Dogs Exclusion

(Brighton and Hove) Order 2009, to reflect the historical arrangements that existed in the park prior to January 2009.

- 3.3 The Friends of Queens Park were asked to provide evidence of a clear community view for change and this was presented to the Council by petition at the Environment Cabinet Members meeting on the 15th July 2010. A counter petition by the Keep Queens Park Dog Friendly group was also submitted at this meeting.
- 3.4 As a result of this lobbying the Cabinet Member for Environment requested that officers begin the statutory consultation process to confirm public opinion on the amendment to the Dogs Exclusion (Brighton and Hove) Order 2009, for Queens Park

4. CONSULTATION

- 4.1 The Local Authority spent August and September 2010 consulting on the proposed amendment.
- 4.2 The style of the consultation followed the guidance contained in the Clean Neighbourhoods and Environment Act 2005. A notice detailing the consultation was placed in the Leader in August. The Friends of Queens Park, the LAT and the Keep Queens Park Dog Friendly group were directly written to. A notice was also placed on the Keep Queens Park Dog Friendly Group Facebook page. Notices in respect of the consultation were also placed around Queens Park. The consultation was also placed on the Councils consultation portal. The consultation ended on 30 September 2010.
- 4.3 During the August and September consultation period 390 postcard responses, 6 letters, 27 emails and 25 comments on the Councils consultation portal supporting the amendment were received. 3 emails and 11 comments on the Councils consultation portal were received supporting no change. The petitions submitted to the Environment Cabinet Members Meeting contained 2001 signatures supporting the amendment and 333 signatures supporting no change. An additional petition was received during the consultation period in support of the amendment containing 34 signatures.
- 4.4 Although there is no unanimous community view for change with strongly held opposing views on both sides, the numbers supporting the amendment do outweigh those supporting no change.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The cost of implementing the amendment to the scheme, including signage and a notice in the Leader will be £2,200. This will be met from existing revenue budgets.

Finance Officer consulted: Karen Brookshaw

Date: 01/10/10

Legal Implications:

- 5.2 The statutory Dog Control Offences adopted by the Council in January 2009 are in accordance with the legal framework of Part 6 of the Clean Neighbourhoods and Environment Act 2005 (the Act). The Act is supported by the Dog Control Order (procedures) Regulations 2006 which specifies the process for amendments to Dog Control Orders. The consultation on the proposed change to the Dogs Exclusion (Brighton and Hove) Order 2009 complies with the Regulations and accompanying Guidance.

Lawyer consulted: Elizabeth Culbert

Date: 01/10/10

Equalities Implications:

- 5.3 A rapid equality impact assessment was completed for the original scheme. No significant issues were identified. Assistance dogs are exempt from the scheme.

Sustainability Implications:

- 5.4 None identified.

Crime and Disorder Implications:

- 5.5 The new rules will require additional enforcement of the new dog exclusion area. Enforcement will be carried out by the Park Rangers and the Animal Welfare team as part of their routine duties.

Risk and Opportunity Management Implications:

- 5.6 None identified.

Corporate / Citywide Implications:

- 5.7 None identified

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 Alternative proposals were received by a group advocating no change to the current rules. The Council received a 333 signed petition from this group for the July environment cabinet members meeting. We have received 3 responses from individuals and 11 comments on the Councils consultation portal during the statutory consultation period.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 There is a majority community view for changing the current rules relating to dogs for Queens Park. By the end of September 2010 those that have asked for change have submitted a 2035 signed petition along with 390 postcard responses, 33 letters/emails and 25 comments on the Councils consultation. Residents and park users that have requested the status quo remain have submitted a 333 petition, 3 letters/emails of support and 11 comments on the Councils consultation portal.

SUPPORTING DOCUMENTATION

Appendices:

1. Map of the recommended change to Queens Park

Documents In Members' Rooms

None

Background Documents

1. Clean Neighbourhoods and Environment Act 2005
2. Clean Neighbourhoods – Guidance on the Environmental Protection Act 1990, Clean Neighbourhoods and Environment Act 2005 and related legislation.