

## **Dog Control Orders Consultation**

### **Burnley Council's Proposals**

Burnley Borough Council is proposing to introduce Dog Control Orders which will replace existing controls that are contained in local park byelaws, and in the Dogs (Fouling of Land) Act.

We have produced some draft proposals for the introduction of Dog Control Orders (as set out in the [Dog Control Orders \(Prescribed Offences and Penalties, etc, 2006\)](#), which cover things like dog fouling, keeping dogs on a lead and keeping dogs out of certain areas. We would like your comments on these proposals and have produced a questionnaire for you to fill in.

**The consultation will run throughout July 2010. Having taken the consultation results into account, a final decision will be taken by the Council's Executive in October.**

#### **Why introduce Dog Control Orders?**

Owning a dog can bring great happiness and we recognise that the vast majority of dog owners are responsible, pick up after their dogs and keep them under proper control. However, there is a small minority of people who don't and the Council has to deal with many complaints from residents about the problems that this creates. We wish to ensure that the Council takes a proportionate approach to tackle dog control issues. We also need to ensure that any new control that we impose on dogs is appropriate to the types of land for which the Council is responsible.

The principal problem is dog fouling. In 2009, two-thirds of the residents surveyed said dog fouling was a problem in their local area. Apart from getting dog faeces on our shoes and making an area look unsightly, dog faeces carry harmful infections, the most widely known being Toxocariasis. Toxocariasis is mainly found in children, Eye disorders are the most commonly reported complaint, although other symptoms include aches, dizziness, nausea, asthma and epileptic fits.

Dog Control Orders have been introduced by Central Government to replace byelaws and simplify the system for controlling dogs. Dog Control Orders ensure a consistent approach

to controlling dogs and will help the Council to enforce the new rules in the most effective way.

### **What do the Dog Control Orders Cover?**

The new legislation for dog control orders covers five different offences:

- 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
- Taking more than a specified number of dogs onto land

Our proposals for using these orders are described on the following page.

## **Our proposals**

### **Order One - Removal of dog faeces**

This proposed order will make it an offence for any person in charge of a dog, which defecates on any land to fail to immediately remove the faeces. This provision applies to all land which is open to air and to which the public are entitled or permitted to have access within the Borough of Burnley.

This order will continue the powers of the existing Dogs (Fouling of Land) Act but extend enforcement to land owned by other organisations including British Waterways Board, Lancashire County Council and United Utilities which is not currently covered (subject to consultation with these organisations regarding authority to enforce).

Not being aware that a dog has fouled, or not having a bag are not reasonable excuses. The Order will provide exemptions for blind people with guide dogs and disabled people using trained assistance dogs.

### **Order Two - Dogs on leads**

This Order proposes that dogs must be kept on leads at all times in the following areas:

- All cemeteries, crematoriums, churchyards and burial grounds
- All car parks and public vehicle parking areas maintained by the Borough of Burnley
- All highways, pavements, pedestrianised areas (e.g. St James Street & Charter Walk, etc) bridleways and rights of way that are not in private ownership.
- Formal grass sports pitches:
  - Towneley
  - Prairie
  - Fennyfold
  - Worsthorne Rec
  - Hapton Rec
  - Stoneyholme Rec
- Bowling greens
- In part of Towneley Park
  - Barwise picnic area
  - The ornamental gardens around Towneley Hall
  - The Rabbit Walk (crossing the golf course)
- In part of Scott Park
  - Ornamental area near the pavilions and play areas
- In part of Memorial Park
  - Ornamental area near Knight Hill House

### **Order Three - Keeping of dogs on leads by direction**

This order will enable an authorised officer to direct an owner to place a dog(s) on lead where considered necessary in the interests of public safety and will apply to:

- all land described which is open to air and to which the public are entitled or permitted to have access (with or without payment- “with or without payment for access”) within the Borough of Burnley

### **Order Four - The Exclusion of dogs from certain areas**

This proposed order will exclude dogs from the following areas:

- all children’s equipped playgrounds (with or without fencing)
- all ball courts
- all tennis courts
- Thompson Park
- Queens Park
- Towneley Park golf courses (18 & 9 hole and pitch and putt)

*This order continues designations contained within the existing park byelaws*

### **Order Five – Maximum number of dogs**

There are no proposals to introduce an order limiting the number of dogs that can be walked as there is little evidence within the Borough of any significant problems with people walking large numbers of dogs.

### **Fixed penalty notices**

Burnley Borough Council intends to issue fixed penalty notices to enforce the proposed dog control orders above as prescribed by Section 59 of the Clean Neighbourhoods and Environment Act 2005. The payment is £75. It is proposed that payment will be reduced to £50 if paid within 10 days of the Fixed Penalty Notice being issued. Failure to pay the Fixed Penalty Notices may result in prosecution with a maximum fine of £1000.

## **The consultation**

There is a consultation period from 1<sup>st</sup> July to 30<sup>th</sup> July 2010 for the authority to receive representations on the proposed dog control orders. The questionnaire will be available available on our official consultation website:

[www.feedbackonline.org.uk/dogcontrolburnley.aspx](http://www.feedbackonline.org.uk/dogcontrolburnley.aspx)

Maps showing the areas affected by the above Orders will be available on the Council's website and paper copies are available for inspection at the Contact Centre, Red Lion Street, between the hours of 9.00am and 5.00pm from Monday to Friday (from 10am on Wednesdays) during the consultation period. We would encourage you to come and see these maps and proposed areas at the Council offices.

## **Introduction of Dog Control Orders**

At the end of the consultation period we will analyse the views and opinions that have been expressed and the Council's Executive will consider a report on the introduction of Dog Control Orders in October 2010.

Results of the consultation will be published on the Council's website together with details of the Executive meeting that will follow.

## **Further Information**

The Council Officer responsible for this consultation is:

Simon Goff

Head of Green Spaces and Amenities

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