

## **Review of Dog Control Order Consultation Exercise**

### **Report by the Executive Head of Housing Health and Community Safety**

#### **1.0 Summary**

- 1.1 The Cabinet Member for Clean and Green Environment has expressed an intention to bring in Dog Control Orders to replace the existing byelaws relating to dog control in the Borough, in order to have a more effective method of dealing with dog fouling and related issues.
- 1.2 One of the requirements is to consult with the public on the draft orders proposed, and this report summarises the results of the consultation which took place between 11<sup>th</sup> March and 8<sup>th</sup> April 2011, and makes recommendations for how the results of the consultation should affect the final version of the orders adopted.

#### **2.0 Background**

- 2.1 The Clean Neighbourhoods and Environment Act 2005 has introduced five dog control offences that are governed by Dog Control Orders.
- 2.2 Section 55 of the Act enables local authorities or Town and Parish Councils to make Orders that apply to offences aimed at the control of dogs to specified land in their area.
- 2.3 An offence relates to the control of dogs if it relates to one of the following matters:
  - (a) fouling of land by dogs and removal of dog faeces;
  - (b) the keeping of dogs on leads;
  - (c) not putting, and keeping , a dog on the lead when directed to so by an authorised officer;
  - (d) the exclusion of dogs from land;
  - (e) the number of dogs which a person may take onto any land.

Dog fouling offences are not applicable to certain working dogs, guide dogs and designated assistance dogs.

- 2.4 Section 57 of the Act provides that Orders may apply to all public land which is open to the air and which the public are entitled or permitted to have access (with or without payment). There are exemptions to this definition which have been made by the Secretary of State under the 'The Control of Dogs (Non-application to Designated Land) (England) Order 2006, which exempts Forestry Commission Land in respect of all Orders, and roads (including highways) in respect of Orders excluding dogs from land.

A road is defined in Section 142 of the Road Traffic Regulations Act 1984 as (in England and Wales) 'any length of highway or any other road to which the public has access, and includes bridges over which a road passes.' This definition includes public rights of way, including footpaths, and ways to which the public have access by permission of the landowner rather than by right, such as on private estates.

2.5 Section 59 of the Act allows authorised officers of the local authority or Town or Parish Council or any other person authorised in writing by the authority (such as a Police Community Support Officer with the Police Authority's consent) to issue a fixed penalty notice offering members of the public an opportunity to discharge any liability for offences under the Dog Control Order.

2.6 Section 60 enables a local authority or Town or Parish Council to specify the amount of fixed penalty in relation to their own Dog Control Orders. The fine range is £50 - £80 and is specified by the Fixed Penalty (Miscellaneous Provisions) Regulations 2006. Authorities may also offer to reduce a fine to the minimum £50 if payment is received within a specified time period.

The penalty to be provided in relation to any offence under a Dog Control Order is, on summary conviction, a fine not exceeding level 3 on the standard scale (currently £1000).

2.7 The Dog Control Orders (Procedures) Regulations 2006 set out how Dog Control Orders shall be introduced by local authorities or Town and Parish Councils.

Before making a Dog Control Order the authority shall:

(a) consult upon its proposals to make an order by publishing a notice of the proposal in a local newspaper circulating in the area in which the Order would apply is situated;

(b) Consult every other authority with powers under Section 55 of the Clean Neighbourhoods and Environment Act 2005;

(c) Where all or part of the land in respect of which the proposed order would apply is access land then we are required to consult with the Access Authority for that land, the local access forum for that land and the Countryside Agency, now Natural England.

2.8 The Notice referred to in Paragraph 2.7 (a) above shall identify the land that is Access Land; summarise the Order; state where any maps identifying the land can be viewed; state the period in which representations shall be made which should not be less than 28 days, state the address/e-mail where representations shall be made. Following consideration of any such representations, the Council shall confirm the Orders.

- 2.9 At least seven days before any Dog Control Order comes into force, the Council shall:
- (a) where practicable place signs summarising the Order in conspicuous positions on or near land where the Order applies;
  - (b) publish in a local newspaper in the area where the Order applies a notice that the order has been made and stating the place where it may be inspected or copies obtained;
  - (c) Make available the information on the Council's website.
  - (d) Send copies of the information to any Parish Councils.
  - (e) Send copies of the information to the Access Authority, Access Forum and Natural England.

The Orders shall come into effect 14 days after the date that they were made.

- 2.10 If following the statutory consultation period, any substantial changes are made to any of the Dog Control orders, those that have been changed are required to be subject to 28 days of public consultation again and responses considered prior to the making of the amended order. Therefore, if the Cabinet Member decides to amend any of the draft orders, the revised drafts have to go out to statutory consultation again. Any unchanged orders can be adopted within the timetable shown in 2.9 above.

### **3.0 Summary of responses and general comments**

- 3.1 The five draft Dog Control Orders proposed for the Borough, which were the subject of statutory public consultation are attached to this report as Appendix 1. The following summarises the consultation responses received.
- 3.2 A total of 74 individual responses in writing to the consultation were received by the Council. Two petitions were also received, one with 415 signatures and another with 272 signatures. Both the petitions were particularly concerned with the proposals for excluding dogs from certain areas, most notably the golf facility in Brooklands Park.
- 3.3 Some of the comments were general in either overall support of the Orders (13), or overall opposition to them (19), with several of the latter number querying the need for the Orders when bye-laws were already in existence. The point to be made about the bye-laws is that they have been difficult to enforce satisfactorily in the Courts and the provision within the Dog Control Orders allowing the use of Fixed Penalty Notices will make enforcement a more practical possibility. Ten respondents were concerned or sceptical about the Council's ability to enforce the Orders, whether they agreed with them or not.

### **4.0 Views on individual orders**

#### **4.1 Fouling of Land By Dogs Order**

This is the most universally supported of the orders, or least objected to. The only real concerns expressed about this was the ability to enforce the orders especially where the offences occur after dark by dogs left out to roam by unscrupulous dog owners. Many respondents made the point that responsible dog owners would clear up after their pet anyway and those who did not would not do so whether Orders were in place or not.

#### 4.2 Dogs on Leads by Direction Order

Virtually no comments, apart from one specific one in support, were made about this Order, although a lot of comments were received about the dogs on lead areas themselves. This can be taken as an indicator that consultees were not objecting to this Order, other than those who are objecting to the whole principle of Dog Control Orders, as referred to in section 3 above.

#### 4.3 Dogs (Specified Maximum) Order

This draft Order restricts the maximum number of dogs one person can have under their control to six. Again relatively few of the specific comments were about this particular order, although two people felt a lower number was more appropriate, whilst one other felt a higher number, or no restriction, was more appropriate. One consultee suggested licensing some people or firms to have more than the permitted number.

The figure was set as six because this represents general good practice in this area and has been replicated successfully elsewhere. The weight of opposition to this would suggest that the Order should remain with a maximum of six, although the Cabinet Member may wish to consider reducing this number to four, since there are concerns that one individual could be reasonably expected to control six dogs if off the lead and still pick up afterwards.

#### 4.4 Dogs on Lead Order

This is one of the two Orders which have generated the main opposition. From the responses, the following objections were made to the areas where dogs should be on leads, as per the schedule to the draft order. This does not include those responses against the Dog Control Orders generally.

General objection to dogs on leads:	5
Esplanade	2
Pier	nil
Denton Gardens	1
Beach House Park	nil
Field Place Grounds	1
Church House Grounds	1
Marine Gardens	nil
Palatine Park	8
Goring between slipways	2
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	20

There were two comments in favour of the Dogs on Leads Order specifically.

#### 4.5 Dogs Exclusion Order

This Order created the most controversy. Again not counting those who were generally opposed to all the Orders, there were the following individual objections received to the various exclusion areas proposed. Some people objected to more than one.

General or unspecific objection to all Exclusion areas	8
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Fenced children's play areas, sports / games areas etc:	nil
Highdown Gardens	1
Seashore at Goring by Sea	3
Seashore Splash Point to Heene Road	1
Heene Terrace Gardens	1
Brooklands Golf Facility	15

Six respondents were in favour of the dog exclusion zones generally, and one (the Kennel Club) queried whether it would be possible for the exclusions / dogs on lead orders to be for certain times rather than a blanket exclusion.

However, the proposed Exclusion area at Brooklands Golf Facility also attracted two petitions totalling 670 signatures.

## 5.0 Options

- 5.1 The Cabinet Member has already indicated his wish to consult the Overview and Scrutiny Committee as to how he wishes to proceed, the recommendations from the Joint Overview and Scrutiny Committee are attached to this report as Appendix 2 to this report. There are a number of alternative options.
- 5.2 The Dog Control Orders could still be introduced with the consultation exercise being noted but without any amendments arising from it being put in place. Large parts of the proposals are not controversial, although some clearly are. It must be borne in mind that while most of the comments received from individual consultees were negative either generally or specifically about aspects of the orders, there were a number of consultees who were in favour of them.
- 5.3 At the other end of the spectrum, given that there has been some opposition and a number of people have queried the need for the orders given the existence of the bye laws, and had doubts about the Council's ability to enforce, it could be decided not to proceed any further with them at all.
- 5.4 In practice, as stated above, significant opposition was only found against the Dog Exclusion orders, particularly at Brooklands, and the Dogs on Leads Order, particularly at Palatine Park, but with some other concerns.
- 5.5 A balance needs to be struck between the needs and aspirations of responsible dog owners, who feel that the Orders (and presumably the Byelaws on which they were largely based) are a restriction for them, and the needs of other users of public land, such as those participating in sporting activities for example on certain areas such as Brooklands and Palatine Park.
- 5.6 It is therefore suggested that the Fouling of Land By Dogs Order, and Dogs on Lead By Direction Order should be confirmed as they are in the draft. With regard to the Dogs (Specified Maximum) Order, the Cabinet Member is asked to decide whether to leave the maximum number at six, or reduce it to four.
- 5.7 There is a significant volume of opposition to the Dogs Exclusion Order at Brooklands, as evidenced by the petitions received, although there were comparatively few objections to other proposed exclusion areas. It is recommended that the Brooklands Golf Facility be removed from the Schedule of areas covered in the Dogs Exclusion Order, but that the order be confirmed in respect of all the other sites proposed in the draft.

- 5.8 In terms of the Brooklands Golf Facility, there are two alternatives for the Cabinet Member to consider. Either there is to be no restriction at all specifically (although the area would be subject to the orders in general as referred to in 5.6 above), or the area could be made subject to the Dogs on Leads Order. The latter would be preferred from the point of view of parks management although it is recognised that it may not be popular with those who campaigned against Brooklands Golf Facility being an exclusion area.
- 5.9 This then leaves the question as to whether the opposition to the Dogs on Leads Order, particularly at Palatine Park, sufficiently outweighs the perceived benefit to other users of this area of keeping dogs on leads, and the Cabinet Member is invited to determine how he wishes to proceed with this, taking the advice of the Overview and Scrutiny Committee into account. Again from a parks management perspective, inclusion of Palatine Park in the schedule of the Dogs on Leads Order is recommended, since the intention is to invest heavily in football facilities in this park.

## **6.0 Enforcement**

- 6.1 A number of respondents have expressed concern or scepticism about the Council's ability to enforce the Orders successfully, especially with only one full time dedicated Dog Warden on the establishment. Clearly, the Dog Warden has a vital role to play not just enforcement but also in education and training, but the intention is to ensure that relevant Parks staff, Compliance staff and Environmental Health Officers who are out and about in the borough as part of their duties are trained to deal with breaches of the Orders, through arranging fixed penalty notices where there is sufficient evidence of such a breach. This will generally be easier for breaches to be punished appropriately than it is with the existing Byelaws.
- 6.2 Where officers become aware of particular "hotspots" where breaches are occurring, it may be possible to target activity in those areas, or at particular times of the day, over short periods. It does have to be accepted however, that however vigilant staff and the public may be, it will be more or less impossible to prevent all breaches occurring, although publicity may assist.

## **7.0 Legal**

- 7.1 The legal points are contained in section 2 of the report above, and the draft Orders consulted on are attached as an appendix to this report.

## **8.0 Financial implications**

- 8.1 There will be some residual costs involved with signage which will need to be erected prior to the Orders coming into force and some costs to train appropriate staff, but at the same time some income can be anticipated from Fixed Penalty Notice fees where these are served. It is recommended that the fee should be £80 for each offence with a reduction to £50 if the fee is paid within ten days of the notice being issued.

## 9.0 Recommendations

9.1 The Joint Overview and Scrutiny Committee is recommended to:

Consider the results of the statutory consultation exercise as reported above and make any recommendations it sees fit to the Cabinet Member in making the decision on whether or how to implement the Dog Control Orders.

9.2 In the light of the results of the statutory consultation exercise, and any recommendations arising out of the Joint Overview and Scrutiny Committee's consideration of the report, the Cabinet Member for Clean and Green Environment is recommended to:

- i) Confirm the Fouling of Land By Dogs (Borough Council of Worthing) Order 2011 without amendment from the consultation draft;
- ii) Confirm the Dogs on Leads by Direction (Borough Council of Worthing) Order 2011 without amendment from the consultation draft;
- iii) Confirm the Dogs (Specified Maximum) (Borough Council of Worthing) Order 2011 without amendment from the consultation draft, or consider reducing the maximum number of dogs from six to four;
- iv) Consider whether to exclude or amend any areas from the Schedule to the draft Dogs on Leads (Borough Council of Worthing) Order 2011 prior to confirming the Order, in particular whether to keep Palatine Park within the Schedule to the Order.
- v) Confirm the Dogs Exclusion (Borough Council of Worthing) Order 2011 as per the draft, but removing the reference to Brooklands Golf Facility from the Schedule to the Order; and
- vi) Note the requirement to re-consult for 28 days on any of the Orders which have been the subject of a substantial amendment as a result of the original consultation exercise.

### Local Government Act 1972

#### Background Papers:

None

#### Contact Officer:

Paul Spedding, Executive Head of Housing Health and Community Safety  
01273 263363. e-mail [paul.spedding@adur-worthing.gov.uk](mailto:paul.spedding@adur-worthing.gov.uk)

## Schedule of Other Matters

### **1.0 Council Priority**

1.1 To contribute towards a clean and green and safe environment.

### **2.0 Specific Action Plans**

2.1 Matter considered and no issues identified

### **3.0 Sustainability Issues**

3.1 Matter considered and no issues identified

### **4.0 Equality Issues**

4.1 Guide dogs and other similar assistance dogs are excluded in the orders.

### **5.0 Community Safety issues (Section 17)**

5.1 Matter considered and no issues identified

### **6.0 Human Rights Issues**

6.1 Matter considered and no issues identified

### **7.0 Reputation**

7.1 The Orders are intended to have an effect on the cleanliness of the Borough and by inference on the reputation of the Council.

### **8.0 Consultations**

8.1 Formal consultation has taken place as indicated in the body of the report.

8.2 Feedback from the consultation has informed some of the potential changes highlighted in the recommendations.

### **9.0 Risk assessment**

9.1 Matter considered and no issues identified

### **10.0 Health & Safety Issues**

10.1 The Orders aim to reduce the incidence of dog fouling and therefore the risk of exposure to disease.

### **11.0 Procurement Strategy**

11.1 Matter considered and no issues identified



**12.0 Partnership working**

12.1 Matter considered and no issues identified

## **THE FOULING OF LAND BY DOGS (BOROUGH COUNCIL OF WORTHING) ORDER 2011**

The Borough Council of Worthing (in this Order Called “the Council”) hereby makes the following Order:

**1**

This Order comes into force on the 16 May 2011

**2**

This Order applies to the land specified in the Schedule.

**3**

- (1) If a dog defecates at any time on land to which this Order applies and a person who is in charge of the dog at that time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless –
  - (a) he has a reasonable excuse for failing to do so; or
  - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
- (2) Nothing in this article applies to a person who -
  - (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
  - (b) has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.
- (3) For the purposes of this article –
  - (a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
  - (b) placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be a sufficient removal from the land;
  - (c) being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces;

- (d) each of the following is a “prescribed charity” –
- (i) Dogs for the Disabled (registered charity number 700454)
  - (ii) Support Dogs (registered charity number 1088281)
  - (iii) Canine Partners for Independence (registered charity number 803680)

**4**

A person who is guilty of an offence under article 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Date

The COMMON SEAL of the        )  
 BOROUGH COUNCIL of        )  
 WORTHING was hereunto affixed        )  
 this date        )  
 in the presence of :-        )

Jeremy Cook  
 Executive Head of Legal and Democratic Services

**SCHEDULE**

1. Subject to the exception in paragraph 2 below, all land which is in the administrative area of the Council and which is
  - (i) open to the air (which includes land that is covered but open to the air on at least one side)
 and
  - (ii) to which the public are entitled or permitted to have access (with or without payment).
2. Excepted from the description in paragraph 1 above is land that is placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967.

## **THE DOGS ON LEADS BY DIRECTION (BOROUGH COUNCIL OF WORTHING) ORDER 2011**

The Borough Council of Worthing (in this Order “ the Council”) hereby makes the following Order:

### **1**

This Order comes into force on 16 May 2011

### **2**

This Order applies to the land specified in the Schedule.

### **3**

In this Order “an authorised officer of the Council” means an employee of the Council who is authorised in writing by the Council for the purpose of giving directions under this Order.

### **4**

- (1) A person in charge of a dog shall be guilty of an offence if, at any time, on any land to which this Order applies, he does not comply with a direction given him by an authorised officer of the Council to put and keep the dog on a lead, unless –
  - (a) he has a reasonable excuse for failing to do so; or
  - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
- (2) For the purposes of this article –
  - (a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.
  - (b) an authorised officer of the Council may only give a direction under this Order to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any other person [on any land to which this order applies] or the worrying or disturbance of any animal or bird.

### **5**

A person who is guilty of an offence under article 4 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Date

The COMMON SEAL of the     )  
BOROUGH COUNCIL of     )  
WORTHING was hereunto affixed     )  
this date     )  
in the presence of :-     )

Jeremy Cook  
Executive Head of Legal and Democratic Services

## **SCHEDULE**

1. Subject to the exception in paragraph 2 below, all land which is in the administrative area of the Council and which is
  - (i) open to the air (which includes land that is covered but open to the air on at least one side)and
  - (ii) to which the public are entitled or permitted to have access ( with or without payment).
2. Excepted from the description in paragraph 1 above is land that is placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967.

# THE DOGS (SPECIFIED MAXIMUM) (BOROUGH COUNCIL OF WORTHING) ORDER 2011

The Borough Council of Worthing (in this Order called “the Council”) hereby makes the following Order:

**1**

This Order comes into force on the 16 May 2011

**2**

This Order applies to the land specified in the Schedule.

**3**

On land to which this Order applies, the maximum number of dogs which a person may take onto that land is 6.

## Offence

**4**

- (1) A person in charge of more than one dog shall be guilty of an offence if at any time, he takes onto any land in respect of which this Order applies, more than the maximum number of dogs specified in article 3 of this Order, unless –
- (a) he has reasonable excuse for doing so; or
  - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his doing so.
- (2) For the purposes of this article a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

## Penalty

**5**

A person who is guilty of an offence under article 4 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Date

The COMMON SEAL of the        )  
BOROUGH COUNCIL of            )  
WORTHING was hereunto affixed        )  
this date                                )  
in the presence of :-                )

Jeremy Cook  
Executive Head of Legal and Democratic Services

## **SCHEDULE**

1. Subject to the exception in paragraph 2 below, all land which is in the administrative area of the Council and which is
  - (i) open to the air (which includes land that is covered but open to the air on at least one side)and
  - (ii) to which the public are entitled or permitted to have access (with or without payment).
2. Excepted from the description in paragraph 1 above is land that is placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967.

# THE DOGS ON LEADS (BOROUGH COUNCIL OF WORTHING) ORDER 2011

The Borough Council of Worthing (in this Order called “the Council”) hereby makes the following Order:

**1**

This Order comes into force on the 16 May 2011

**2**

This Order applies to the land specified in the Schedule.

## Offence

**3**

- (1) A person in charge of a dog shall be guilty of an offence if, at any time, on any land to which this Order applies he does not keep the dog on a lead, unless –
- (a) he has a reasonable excuse for failing to do so; or
  - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
- (2) For the purpose of this article a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

## Penalty

**4**

A person who is guilty of an offence under article 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Date

The COMMON SEAL of the       )  
BOROUGH COUNCIL of       )  
WORTHING was hereunto affixed       )  
this date       )  
in the presence of :-       )

Jeremy Cook  
Executive Head of Legal and Democratic Services



## SCHEDULE

1. Subject to the exception in paragraph 2 below, this Order applies to all public roads, pavements and grass verges, which are within 4 metres of the carriageway and are maintainable at public expense and which are subject to a speed limit of 40mph or less,
  - the promenade from George V Avenue to Windsor Road,
  - the Pier,
  - Denton Gardens,
  - Beach House Park,
  - Field Place Grounds,
  - Church House Grounds,
  - Marine Gardens,
  - Palatine Park,
  - The footway adjoining the seashore at Goring by Sea between the slipway west of the Yacht Club and the slipway south of Seafield Avenue,
  - cemeteries,
  - allotments,
  - car parkswithin the administrative area of the Council.
  
2. Excepted from the description in paragraph 1 above is land that is placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967, access land, Downslink, bridleways and byways.

## THE DOGS EXCLUSION (BOROUGH COUNCIL OF WORTHING) ORDER 2011

The Borough Council of Worthing (in this Order called “the Council”) hereby makes the following order:

**1**

This Order comes into force on the 16 May 2011

**2**

This Order applies to the land specified in the Schedule.

**3**

- (1) A person in charge of a dog shall be guilty of an offence if, at any time, he takes the dog onto, or permits the dog to enter or to remain on, any land to which this Order applies unless –
  - (a) he has reasonable excuse for doing so; or
  - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his doing so.
- (2) Nothing in this article applies to a person who –
  - (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
  - (b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance; or
  - (c) has disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.
- (3) For the purpose of this article –
  - (a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog; and
  - (b) each of the following is a “ Prescribed Charity” –
    - (i) Dogs for the Disabled (registered charity number 700454)
    - (ii) Support Dogs ( registered charity number 1088281)
    - (iii) Canine Partners for Independence (registered charity number 803680)

A person who is guilty of an offence under article 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Date

The COMMON SEAL of the        )  
BOROUGH COUNCIL of        )  
WORTHING was hereunto affixed        )  
this date        )  
in the presence of :-        )

Jeremy Cook  
Executive Head of Legal and Democratic Services

### SCHEDULE

1. All land within the Council’s administrative area comprising any fenced (and/or hedged and/or walled) children’s play area, bowling green, cricket square, multi use games area, croquet lawn, tennis court, volleyball court, skate park, trampoline area, paddling pool, adventure play area, athletic track, area of astro turf, cycle enclosure or putting green signed at its entrance(s) as a “dog exclusion area” (whether the sign uses those particular words or words and/or symbols having like effect),
  - Highdown Gardens,
  - the seashore at Goring by Sea between the slipway west of the Yatch Club and the slipway south of Seafield Avenue,
  - the seashore west of splash point to east of Heene Road,
  - Heene Terrace gardens,
  - Brooklands Golf Facility
  
2. Dogs are excluded from the seashore areas outlined above from 1 May to 30 September inclusive.

**Minute Extract from the Joint Overview and Scrutiny Committee Meeting of 9 June 2011**

**JOSC/006/11-12    Review of Worthing BC Dog Control Order Consultation Exercise**

Before the Committee was a report by the Executive Head of Planning Regeneration and Wellbeing, copies of which had been made available to all members and a copy of which is attached to the signed copy of these minutes as item 6. The Worthing Cabinet Member for Clean and Green Environment has expressed an intention to bring in Dog Control Orders to replace the existing byelaws relating to dog control in the Borough, in order to have a more effective method of dealing with dog fouling and related issues. The Committee was asked to consider the results of the statutory consultation exercise on the issue and make any recommendations it sees fit to the Worthing Cabinet Member.

The Executive Head of Housing, Health and Community Safety introduced the report to the Committee and highlighted those proposed Dog Control Orders that had elicited some degree of debate during a public consultation exercise.

Members related the strength of feeling on the issue of dog fouling in local neighbourhood panels and it was agreed that enforcement was essential to give value to the proposed orders. The Executive Head of Housing, Health and Community Safety related that the Parks officers and other officers such as Environmental Health staff would be authorised to hand out fixed penalty notices in addition to the Dog Warden, however 100% enforcement could not be achieved because resources were limited. Upon questioning the Committee were told of attempts to authorise Police Community Safety Officers (PCSOs) to issue Fixed Penalty Notices (FPNs). The former District Commander of Adur and Worthing police had rejected the request. Members felt that the new District Commander should be contacted with the same request especially considering the strength of feeling of local neighbourhood panels.

A Member asked about the status of the manor sports ground and if it was contained within the proposed orders as residents had reported that the 'dogs to be kept on a lead sign' would be taken down and not replaced under the new dog control orders. The Executive Head of Housing, Health and Community Safety confirmed that he would investigate the issue and report back to the Member concerned.

A Member asked how the areas for the dog control orders had been identified. The Executive Head of Housing, Health and Community Safety stated that the areas were identified as having particular problems following consultation with the parks department the Cabinet Member and Dog Wardens.

Members discussed a petition against the draft exclusion order for Brooklands Golf Course and the proposed removal of Brooklands Golf Course from the order. Some Members commented that the removal of Brooklands from the order could cause displacement of dog walkers and inconsistency of orders across the Borough. A Member commented that the Council had a duty to recognise the strength of feeling contained within the petition but also had a duty to take into account the opinions of the users of the facility.

The Committee decided to recommend an amendment to the Dogs (specified maximum) order from six to four dogs. The Committee recognised that this amendment was not synonymous with pre existing Adur orders. To maintain balance between Adur and Worthing, Members felt that it would be beneficial to recommend the Adur Cabinet Member for Clean and Green Environment to revise the Dog Control Orders in Adur.

**Resolved:** That the following be recommended to the Worthing Cabinet Member for Clean and Green Environment

- i) That the Fouling of Land by Dogs (Borough Council of Worthing) Order be confirmed without amendment from the consultation draft;
- ii) That the Dogs on Leads by Direction (Borough Council of Worthing) Order 2011 be confirmed without amendment from the consultation draft;
- iii) That the Dogs (Specified Maximum) (Borough Council of Worthing) Order 2011 be amended from the consultation draft , reducing the maximum number of dogs from six to four;
- iv) That the Dogs on Leads (Borough Council of Worthing) Order 2011 be confirmed and that Palantine Park be kept within the Order;
- v) The that Dogs Exclusion (Borough council of Worthing) Order 2011 be confirmed as per the draft;
- vi) That the requirement to re-consult for 28 days on any of the Orders which have been the subject of a substantial amendment as a result of the original consultation exercise be noted;

That the Following be recommended to the Adur and Worthing Cabinet Members for Clean and Green Environment

- vii) That the Cabinet Members for Clean and Green Environment of Adur and Worthing Councils be recommended to; Write to the new District Commander of Adur and Worthing Police asking him to reconsider authorising the use of Police Community Safety Officers to issue Fixed Penalty Notices in relation to Dog Control Orders;
- viii) That Adur Cabinet Member for Clean and Green Environment be invited to review the Dogs (Specified Maximum) Order in order to create continuity across Adur and Worthing.