

Committee: COMMUNITY

Agenda Item

Date: November 1, 2007

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Title: DOG CONTROL ORDERS

Author: Will Cockerell, Principal Environmental Health Officer, 01799 510581 Item for decision

Summary

- 1 In June the Committee resolved to consult on the proposals for Dog Control Orders and now needs to consider the responses and agree the final format of the Orders

Recommendations

- 2 That the Council makes the three Dog Control Orders as detailed in Schedules 1, 2 and 3 to this report and decides when the Orders should come in to force.

Background Papers

- 3 Report to Community Committee 21st June 2007 Responses to the Consultation

Impact

4

Communication/Consultation	Consultation has been carried out
Community Safety	Yes
Equalities	No
Finance	There will be costs associated with new signage and local publicity
Human Rights	No
Legal implications	The Orders will need to be drawn up
Sustainability	No
Ward-specific impacts	All areas
Workforce/Workplace	No

Situation

- 5 Following the report to the June meeting of the Committee a notice was placed in newspapers circulating in the area giving details of the proposed Orders.
- 6 Responses have been received which fall into four categories as detailed below.

Downgrade from Dog Exclusion Area to Removal of Faeces etc	
Thaxted	Windmill Picnic Area and Meadow
Debden	Churchyard
Chrishall	Jigneys Meadow (Play Area to remain Exclusion Area)
Addition to Exclusion Area	
Gt Sampford	Children's Play Area
Manuden	Children's Play Area
Arkesden	Children's Play Area Millennium Field
Upgrade from Removal of Faeces etc to Dog Exclusion Area	
Felsted	Play Area Ravens Crescent
Additional Removal of Faeces etc	
Newport	Gaces Meadow
Gt Dunmow	Parsonage Downs

- 7 All suggested changes have the support of the relevant Parish or Town Council and the amended proposed Dog Control Orders are reproduced in Schedules 1, 2 and 3 to this report.
- 8 The next stage in the process is to decide whether to proceed with the making of the Orders and if so the date on which they will come in to force which must be a least 14 days after making the Orders so as to allow time for local publicity. It is necessary to publish a Notice in a suitable local newspaper stating that Orders have been made and where a copy of the Orders can be inspected and copies obtained.
- 9 There is also a requirement, where practical, to erect signage summarising the order on land to which the new Orders apply and to publish the Orders on the Council's website.

Risk Analysis

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Risk	Likelihood	Impact	Mitigating actions
That dog fouling incidents will continue without adequate legal redress	High	High	Continue to enforce existing byelaws and maintain levels of public education

Schedule 1

THE CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005

The Dog Control Orders (Prescribed Offences and Penalties, etc) Regulations 2006
(S.I. 2006/1059)

The Fouling of Land by Dogs (The District of Uttlesford) Order 2007

The District Council of Uttlesford (in this Order called “the Authority”) makes the following Order:

1. This Order comes into force on xxxxxxx 2007
2. This Order applies to the land specified in the Schedule

Offence

3. (i) 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.
- (ii) 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 co-ordination 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.
- (iii) 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 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 No 700454);
 - (ii) Support Dogs (Registered Charity No 1088281);
 - (iii) Canine Partners for Independence (Registered Charity No 803680)

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.

Dated:

The Common Seal of the
District Council of Uttlesford
Was hereunto affixed this

In the Presence of:

Authorised Signatory

Authorised Signatory

Schedule

1. All land within the administrative area of the District of Uttlesford which is open to the air, including covered land which is open to the air on at least one side, and to which the public are entitled or permitted to have access with or without payment, and which falls within the following categories and descriptions:-
 - a. All carriageways with a speed limit of 40 mph or less;
 - b. All footpaths, verges and land adjacent carriageways with a speed limit of 40 mph or less;
 - c. All public footpaths, and land adjacent to public footpaths, and any other footpath, footway, walkway, access way, back street, road or carriageway whether privately maintained or adopted to which the public have access;
 - d. The following specified areas:

<i>Parish</i>	<i>Specific sites for removal of dog faeces</i>
Ashdon	Grassed area in front of Guildhall Way
Barnston	Playing Field Watts Close
Birchanger	Recreation Ground and Glebe Land
Chrishall	Jigney's Meadow
Debden	Churchyard
Elsenham	Cricket Field
Farnham	Area around Farnham Village Hall Rectory Lane Recreation Area Farnham Green Church Walk
Felsted	Bannister Green Watch House Green Allotments Playing Field rear of Memorial Hall
Great Chesterford	Recreation Ground Horse River Green off South Street
Gt Dunmow	Grassed area Nursery Rise Grassed area Lower Mill Field Talberds Ley Grassed area Rosemary Lane/The Downs Newton Green Grassed area Stortford Road

	Public open space Chelmer Valley Parsonage Downs
Hatfield Heath	Grassed area Ardley Crescent Grassed area Broomfields
Hempsted	Churchyard
High Roding	Grassed area Broadfields
Manuden	Playingfield r/o 90-100 The Street
Newport	Recreation Ground The Common Gaces Meadow
Saffron Walden	The Common Anglo American Memorial Playing Fields Herberts Farm Playing Fields Golden Acre Playing Field Close Gardens Dorset House Gardens Bridge End Gardens Jubilee Gardens Saffron Walden Cemetery Closed Churchyard Grassed Area Auton Croft/Wards Croft Grassed area Monks Hill Grassed area Thorncroft Grassed area Goddards Way Bryds Farn Allotments Little Walden Road Allotments
Stansted	Recreation Ground Memorial Gardens Mountfitchet Green Grassed area Windmill Fields Bentfield Gardens open space
Stebbing	Alcott Playing Fields Mill Lane Recreation Ground Pulford Playing Field Marshalls Piece open space Grassed open areas Stebbing Green
Takeley	Sports Field
Thaxted	Recreation Ground

	Margaret Gardens Royal British Legion Garden Grassed area Weaverhead Lane Grassed area Vicarage Mead Grassed area Bardfield Road Grassed area Magdalen Green Beech Tree Garden Churchyards Allotments Cricket Field Bardfield End Green Windmill Picnic Area and Meadow
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Schedule 2
THE CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005

The Dog Control Orders (Prescribed Offences and Penalties, etc) Regulations 2006
(S.I. 2006/1059)
The Dogs Exclusion (The District of Uttlesford) Order 2007

The District Council of Uttlesford (in this Order called “the Authority”) makes the following Order:

1. This Order comes into force on xxxxxxxx 2007
2. This Order applies to the land specified in the Schedule

Offence

3. (i) 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 a 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.
- (ii) 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 a disability which affects his mobility; manual dexterity, physical co-ordination 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.
- (iii) 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; 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).

Penalty

- 3. 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.

Dated:

The Common Seal of the
District Council of Uttlesford
Was hereunto affixed this

In the presence of:-

Authorised Signatory

Authorised Signatory

SCHEDULE

<i>Parish</i>	<i>Dog Exclusion areas</i>
Arkesden	Children's Play Area Millennium Field
Barnston	Children's Play Area r/o Village Hall
Chrishall	Children's Play Area Jigneys Meadow
Debden	Children's Play Area
Elsenhall	Recreation Ground
Felsted	Children's Play Area r/o Memorial Hall Children's Play Area Evelyn Road Willows Green Children's Play Area rear of Ravens Crescent
Gt Chesterford	Children's Play Area Recreation Ground Children's Play Area Pilgrim's Close
Gt Dunmow	Children's Play Area Lower Mill Field Children's Play Area Oakroyd Avenue Children's Play Area Talberds Ley Children's Play Area Recreation Ground
Gt Sampford	Children's Play Area Recreation Ground
High Roding	Children's Play Area Broadfield
Langley	Children's Play Area Upper Green
Manuden	Children's Play Area Playing Field The Street
Newport	Children's Play Area Cuckingstool End
Saffron Walden	Children's Play Area The Common Children's Play Area Anglo American Memorial Playing Fields Children's Play Area Golden Acre Children's Play Area Little Walden Playing Fields Children's Play Area Greenways Skate Board Park
Stansted	Children's Play Area Bentfield Green Children's Play Area Recreation Ground Children's Play Area Mountfitchet Green
Takeley	Recreation Ground off Chestnut Way
Thaxted	Children's Play Area Recreation Ground

Schedule 3

THE CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005

The Dog Control Orders (Prescribed Offences and Penalties, etc) Regulations 2006
(S.I. 2006/1059)

The Dogs on Leads by Direction (The District of Uttlesford) Order 2007

The District Council of Uttlesford (in this Order called “the Authority”) makes the following Order:

1. This Order comes into force on xxxxxxxx 2007
2. This Order applies to the land specified in the Schedule
3. In this Order “an authorised officer of the Authority” means an employee of the Authority who is authorised in writing by the Authority for the purpose of giving directions under this Order.

OFFENCE

4. (i) 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 Authority 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.
- (ii) 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 Authority 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.

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.

Dated:

The Common Seal of the
District Council of Uttlesford
Was hereunto affixed this

In the Presence of:

Authorised Signatory

Authorised Signatory

SCHEDULE

1. All land within the administrative area of the District of Uttlesford which is open to the air, including covered land which is open to the air on at least one side, and to which the public are entitled or permitted to have access with or without payment, and which falls within the following categories and descriptions:-
 - a. All carriageways with a speed limit of 40 mph or less;
 - b. All footpaths, verges and land adjacent carriageways with a speed limit of 40 mph or less;
 - c. All public footpaths, and land adjacent to public footpaths, and any other footpath, footway, walkway, access way, back street, road or carriageway whether privately maintained or adopted to which the public have access;
 - d. The following specified areas:

<i>Parish</i>	<i>Specific sites to put and keep a dog on a lead if directed to do so by an authorised officer</i>
Ashdon	Grassed area in front of Guildhall Way
Barnston	Playing Field Watts Close
Birchanger	Recreation Ground and Glebe Land
Chrishall	Jigney's Meadow
Debden	Churchyard
Elsenham	Cricket Field
Farnham	Area around Farnham Village Hall Rectory Lane Recreation Area Farnham Green Church Walk
Felsted	Bannister Green Watch House Green Allotments Playing Field rear of Memorial Hall
Great Chesterford	Recreation Ground Horse River Green off South Street
Gt Dunmow	Grassed area Nursery Rise Grassed area Lower Mill Field Talberds Ley Grassed area Rosemary Lane/The Downs Newton Green

	Grassed area Stortford Road Public open space Chelmer Valley Parsonage Downs
Hatfield Heath	Grassed area Ardley Crescent Grassed area Broomfields
Hempsted	Churchyard
High Roding	Grassed area Broadfields
Manuden	Playingfield r/o 90-100 The Street
Newport	Recreation Ground The Common Gaces Meadow
Saffron Walden	The Common Anglo American Memorial Playing Fields Herberts Farm Playing Fields Golden Acre Playing Field Close Gardens Dorset House Gardens Bridge End Gardens Jubilee Gardens Saffron Walden Cemetery Closed Churchyard Grassed Area Auton Croft/Wards Croft Grassed area Monks Hill Grassed area Thorncroft Grassed area Goddards Way Bryds Farn Allotments Little Walden Road Allotments
Stansted	Recreation Ground Memorial Gardens Mountfitchet Green Grassed area Windmill Fields Bentfield Gardens open space
Stebbing	Alcott Playing Fields Mill Lane Recreation Ground Pulford Playing Field Marshalls Piece open space Grassed open areas Stebbing Green
Takeley	Sports Field

Thaxted	Recreation Ground Margaret Gardens Royal British Legion Garden Grassed area Weaverhead Lane Grassed area Vicarage Mead Grassed area Bardfield Road Grassed area Magdalen Green Beech Tree Garden Churchyards Allotments Cricket Field Bardfield End Green Windmill Picnic Area and Meadow
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