

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO COMMUNITY COMMITTEE

Agenda Item No.

meeting date: 19 JULY 2011
title: DOG FOULING ON COUNCIL OWNED PLAYING PITCHES
submitted by: DIRECTOR OF COMMUNITY SERVICES
principal author: CHRIS HUGHES

1 PURPOSE

1.1 To make Councillors aware of the problem with dog fouling on playing pitches and to seek approval to introduce new measures to exclude dogs from those areas.

1.2 Relevance to the Council's ambitions and priorities

- Council Ambitions – to help make peoples lives safer and healthier and to protect and enhance the existing environmental quality of the area.

2 BACKGROUND

2.1 There has been a consistent problem with dog fouling on public open space in the Ribble Valley for some time, however this creates particular problems where those spaces are used for playing sport, ie football and cricket.

2.2 In the Ribble Valley, such areas include football pitches at either side of Edisford Road in Clitheroe and Mardale playing fields off Preston Road in Longridge. There are other areas but these are not used on a regular basis for organised sport.

2.3 We have recently received a number of complaints from pitch users at Edisford who say that the problem is getting worse. They have informed us that it is now necessary for each team to inspect the pitch and remove dog faeces before games can be played. This is extremely unpleasant for the senior teams and is totally unacceptable for junior teams.

3 CURRENT SITUATION

3.1 Pitches are usually marked out on Thursdays, prior to football/cricket fixtures at the weekend. Inspections for dog fouling are carried out at the same time.

3.2 Patrols are carried out by the Council's dog warden service on a regular basis, and issues fixed penalty fines notices where possible.

3.3 Most dog fouling however occurs early in the morning and/or evening when staff are unavailable. As a result the Council has only issue around 6 fixed penalties on average each year (£50) for the playing pitches at Edisford and Mardale.

4 ISSUES

4.1 Officers have met to discuss what options might be available to reduce the problem. Higher profile surveillance coupled with better signage was felt to have some effect but is not sustainable in the longer term due to pressure on resources.

- 4.2 It was therefore concluded that a complete prohibition of dogs from playing pitches would be the only sustainable way to provide a safe and quality environment for local football teams.
- 4.3 In order to introduce such an exclusion zone the Council would need to make a Dog Control Order under Sections 55 & 56 of the Clean Neighbourhoods and Environment Act (the “Act”) and pursuant to the Dog Control Orders (Procedures) Regulations 2006 (the “Procedure”).
- 4.4 Under Section 57 of the Act a Dog Control Order can be made in respect of any land which is open to the air and to which the public are entitled or permitted to have access (with or without payment). This would obviously be applicable to the playing pitches.
- 4.5 The provisions for making a Dog Control Order is set out in Regulation 3 of the Procedure. The Procedure requires that before making a Dog Control Order an authority must:
- 4.5.1 consult any other primary or secondary authority within the area in which the order is to be made;
 - 4.5.2 publish a notice describing the proposed order in local newspaper circulating in the same area as the land to which the order would apply and invite representations on the proposal. Any such notice must:
 - 4.5.2.1 identify the land to which the order will apply (and if it is access land state that that is the case;
 - 4.5.2.2 summarise the order;
 - 4.5.2.3 if the order will refer to a map, say where the map can be inspected. This must be at an address in the authority’s area, be free of charge, and at all reasonable hours during the consultation period;
 - 4.5.2.4 give the address to which, and the date by which, representations must be sent to the authority. The final date for representation must be at least 28 days after the publication of the notice.
- 4.6 At the end of the consultation period the authority must consider any representations that have been made. If it decides to proceed with the order, it must decide when the order will come into force. This must be at least 14 days from the date on which it was made.
- 4.7 Once an order has been made the authority must, at least 7 days before it comes into force, publish a notice in a local newspaper circulating in the same area as the land to which the order applies stating:
- 4.7.1 that the order has been made; and
 - 4.7.2 where the order may be inspected and copies obtained.
- 4.8 Where practicable, a copy of the notice must be published on the authority’s website. Also, where the order affects access land the authority should send a copy of the notice to the access authority, the local access forum and the Countryside Agency.

- 4.9 If after considering representations on a proposal to make an order an authority decides to significantly amend its proposal, it must start the procedure again, publishing a new notice describing the amended proposals.
- 4.10 In considering whether to make a Dog Control Order it is important for any authority to 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.
- 4.11 The Council needs to balance the interests of those in charge of dogs against 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 within undue restrictions. A failure to give due consideration to these factors could make any subsequent Dog Control Order vulnerable to challenge in the courts.
- 4.12 In this respect it is acknowledged that not all dog owners act in an irresponsible manner and so, whilst imposing a prohibition will lead to some inconvenience, this should be balanced against that fact that there is other open space at Edisford for dog walkers to use and there is a designated dog walking area at Mardale.
- 4.13 Any inconvenience should also be balanced against the fact that apart from the general unpleasantness of coming into contact with dog faeces, it can also have implications for a person's health. Dog faeces can carry the toxocava virus, which, if made contact with, can result in a range of symptoms from general aches and pains to damaged eyesight in extreme circumstances.
- 4.14 The Council should also consider how easy a Dog Control Order would be to enforce, since a failure to properly enforce could undermine the effect of an order. This will particularly so for the playing pitches as they are not enclosed. However, the guidance is that order should not be ruled out where a special case can be made for them.
- 4.15 In this respect although the Council will not be in a position to increase the frequency of patrols, it is felt that if there is a complete exclusion of dogs from these areas the identification of and prosecution of offenders will become more effective.
- 4.16 The scope of Dog Control Orders under the Act extends beyond the exclusion of dogs from certain areas and includes dog fouling, areas where dogs must be kept on a lead, areas where dogs have to be kept on a lead when instructed, and restrictions on multiple dog walking. Currently, the Council's powers to deal with dog fouling are contained within its designation of land under the Dogs (Fouling of Land) Act 1996. The scope of this is limited and the dog wardens frequently find that they are unable to enforce against dog fouling in many parts of the borough. It is also felt that there may be other areas in the borough which may benefit from the restrictions which can be imposed under a Dog Control Order.
- 4.17 Given the level of resources and cost involved in making a Dog Control Order it would seem sensible if all these issues were address at the same time, and so Committee is asked to not only consider authorising the making of a Dog Control Order to exclude dogs from the playing pitches at Edisford and Mardale but also to authorise the Head of Cultural and Leisure Services to consult with the Head of Environmental Health and any other Officer whose work will be affected by the making of such an order to identify the scope of any extension.

5 RISK ASSESSMENT

5.1 The approval of this report may have the following implications

- Resources – there would be a cost associated with implementing the order but this would be a one off cost.
- Technical, Environmental and Legal – there will be work involved in preparing the order, but will give officers greater powers to deal with irresponsible dog owners.
- Political – Members will be aware that any move to control dog movement on playing pitches will be controversial.
- Reputation – the Council provides and maintains playing pitches for the purpose of organised sport. Whilst it recognises that other, less formal forms of exercise, should be encouraged it should not compromise the enjoyment and health of its main service users.

6 **RECOMMENDED THAT COMMITTEE**

6.1 Note the contents of the report.

6.2 Consider whether to exclude dogs from the Council's playing pitches at Edisford and Mardale.

DIRECTOR OF COMMUNITY SERVICES

BACKGROUND PAPERS

1 Site plans for Edisford/Mardale detailing proposed areas.

For further information please ask for Chris Hughes, extension