

Agenda Item

Executive Board

10 June 2009

AE



Dog Control Orders

Summary

Following a debate at Corporate Overview committee in March, recommendations confirming a number of proposed dog control orders were presented to the Executive Board in May. Those recommendations were agreed but Officers were asked to bring back to the Executive Board those proposals for additional dog controls that had been put forward by the Town and Parish Councils but not recommended for approval by the Corporate Overview Committee. This report summarises the public's response to those proposals.

There is no clear mandate one way or the other in respect of some of these proposals whilst, in respect of others, there has been either clear opposition or no response whatever. This report, as did the previous one to Corporate Overview, invites debate on the issue and suggests recommendations for confirmation of orders based on professional opinion and weight of public response.

Recommendations

1. **The Executive Board approves Dog Control Orders for the areas listed in Appendix A with the exception that:**
 - i) **The Dogs Exclusion Order should not be confirmed for Cliff Field (Chine Gardens) in Seaton, All Hallows' Playing Field in Honiton, Cliff Field in Seaton, Elizabeth Road Playing Field in Seaton and Winter's Lane Playing Field in Ottery St Mary.**
 - ii) **The Dogs on Leads Order should not be confirmed for the permissive path from Battishorne Way to Roundball Wood in Honiton, Woodbury Cricket Field (1 October to 30 April) Land of Canaan in Ottery St Mary and Sidford Playing Field (Byes Lane) in Sidmouth.**

a) **Reasons for Recommendation**

The Orders which the Corporate Overview Committee had already recommended for approval related to areas which were the subject of existing controls and additional designated children's play areas.

The above recommendations relate to those proposals suggested by Town and Parish Councils during the first round of consultation but which were rejected by Corporate Overview. At that time Members were of the opinion that Towns and Parishes were in a better position to take into consideration local need and were able, if they so wished, to create Dog control Orders of their own to reflect local circumstances. It was also considered that they would not be faced with the same issues of apparent inconsistency that would present themselves if the District Council were to treat similar pieces of land in different ways.

Officers' view is that the evidence of need, taking into account the views of dog walkers and other users, is not conclusive and it is not possible to justify a District wide approach. However, having responded to the requests of Towns and Parishes, proposals have already been duly advertised and the recommendation presents a compromise way forward should Members now wish to impose some of the local controls requested by Towns and Parishes.

b) Alternative Options

A decision to confirm all the orders will need to show that 'need' has been established as per the legal advice at the end of the report be backed by a decision not to confirm any of the additional orders will leave the matter open for Towns and Parishes to consider whether or not to impose additional controls within their respective areas.

Members' attention is drawn to the fact that in Ottery St Mary both Winters Lane Playing Field and Land of Canaan were previously subject to byelaws that required dogs to be kept on leads. These byelaws have fallen into disuse because of custom and practice over a period of many years. Unless Members decide to make a new Dog Control Order in respect of Dogs on Leads (Land of Canaan) or either a dog ban or dogs on leads (Winters Lane) then those byelaws would remain in place until revoked.

A similar situation exists in Byes Lane Playing field in Sidford

If members wish to introduce variations to the proposed orders as advertised by the addition of new or amended proposals, Town and Parish Councils will need to be re-consulted and the orders will need to be redrafted and readvertised for a further period of public consultation.

Once orders have been confirmed, they will need to be advertised in locally circulating newspapers for a period of at least 14 days prior to commencement.

c) Risk Considerations

Any changes we introduce must be considered carefully in terms of their equalities' impact. We have both moral and statutory duties not to discriminate against certain groups of people. For example, it is being suggested that some of our proposals will discriminate unfairly against elderly people and women who may be unable safely to access alternative dog walking areas.

d) Policy and Budgetary Considerations

Because of the need adequately to describe each area affected accurately, a whole page newspaper advertisement has been necessary along with the need to advertise in more than one newspaper to cover the whole of East Devon, there is an unavoidable cost associated with each statutory press advertisement. The costs associated with any additional signage and enforcement activity can be maintained at existing levels. However, if members feel that additional signage or additional enforcement activity is desirable, there will be a cost implication.

e) Date for Review of Decision

30 April 2012

1 Main Body of the Report

- 1.1 A proposal to create Dog Control Orders was considered by Executive Board in November 2007. The detail of that report has not been repeated here and readers may wish to refer to it before proceeding. In essence the report proposed a consolidation of our existing dog controls (currently embodied in various byelaws and statutes) into new Dog Control Orders in line with the Clean Neighbourhoods and Environment Act 2005.

- 1.2 East Devon District Council is the primary authority for making Orders and the Town and Parish Councils are secondary authorities. There is clear provision in the Clean Neighbourhoods and Environment Act 2005 for secondary authorities to create their own dog control orders. They can do so provided that the primary authority has not already made an order for that offence on that land. Town and Parish Councils are able to employ people to enforce dog control orders and issue fixed penalty notices. However, guidance makes it clear that such persons must have successfully completed an approved training course from a training provider recognised by the Secretary of State and that Councillors themselves must not be authorised under this provision. The District Council is empowered to take enforcement action in any area designated by a Town or Parish Council.
- 1.3 Following the Executive Board decision a prolonged consultation with all Town and Parish Councils took place throughout most of 2008. A number of changes were made to the orders that had been proposed to Executive Board to reflect the representations made by the Town and Parish Councils.
- 1.4 Revised draft dog control orders were advertised in locally circulating newspapers from mid-December 2008 inviting comments from the public. Copies of the draft orders relating to their local area were sent to each Town and Parish Council. In addition, full detailed copies of all the draft orders were made available for inspection at the Knowle and at the offices of Axminster, Colyton, Exmouth, Honiton, Ottery St Mary, Seaton, Sidmouth and Budleigh Salterton Town Councils throughout the consultation period ending on 23 January 2009.
- 1.5 This report presents a summary of the public's response to these draft orders. Predictably some people are happy with the proposed orders whilst others have issues with certain elements. The following identifies and discusses the consultation responses in some detail. It has been convenient to group the comments around geographical areas because many of the issues raised are specific and local although some representations were of a more general in nature. These more general comments are summarised in the final section of this report (a folder containing all the comments has been placed in the Members' Area).
- 1.6 The health risks associated with contact with dog faeces, especially where children are exposed, are often cited as a critical consideration in whether or not dogs should be excluded from certain areas. These mainly relate to the well publicised risk of Toxocariasis following the ingestion of eggs contained in some dog faeces. There are also safety concerns expressed, associating a mix of children and dogs with a fear of dog attacks. Whilst both of these concerns are legitimate, it is important to balance them with the many stated social and health benefits of dog ownership. It is suggested that the dog exclusions proposed on beaches along with the other areas used primarily or exclusively by young children at play are likely to represent a reasonable balancing of these risks.
- 1.7 Members attention is drawn to the Legal Implications at the end of this report which outline the basis for making decisions on whether or not to make Orders.

2. Ottery St Mary

- 2.1 Two amendments to the original proposed orders, both introduced at the request of Ottery St Mary Town Council have by themselves generated a level of public response greater than the response to everything else proposed in the draft orders taken together. The Town Council submitted evidence of unresolved complaints about dog fouling dating back to 2004 and Councillor David Cox has added his comments supporting the recommendations made by Ottery Town Council. The two proposals in question are:

- To prohibit dogs from Winter's Lane Playing Field in Ottery St Mary
- To require that dogs be kept on leads in the Land of Canaan in Ottery St Mary

2.2 Public Response

2.3 Taken together as a single issue by many of the respondents, the proposals for Winter's Lane and The Land of Canaan have been the subject of:

- Two petitions with a total of 125 signatures objecting to both proposals,
- Over two hundred "flyers" prepared by a local pressure group "Ottery Dogs" as a written objection to both proposals and completed with the signatures and addresses of people from Ottery St Mary itself (173), people from elsewhere within East Devon (42) people and from other areas (20).
- Twenty letters of objection
- Twenty five e-mail objections
- Nine letters in support
- Seven e-mails in support
- Detailed report submitted by Ottery Dogs

There has also been considerable media interest in the proposals.

3. Reasons for Objection

3.1 The following is a brief summary of the main reasons for objection to the proposals:

3.2 Vulnerable women, the elderly and disabled people would have no safe, easily accessible alternative areas in which to exercise their dogs.

3.3 There may be a significant environmental impact. Some people have said that their only alternatives would involve them using their cars to reach suitable locations where they could walk their dogs

3.4 It has been suggested that there are in fact very few children ever seen using the areas, although others have suggested that this might not be the case if the areas were not so affected by dogs.

3.5 A number of dog owners cited their animal's welfare and felt that the proposals failed to meet the exercise needs for their dogs.

3.6 Many people felt strongly that the Council should be looking at stepping up education and enforcement activity rather than resorting to banning dogs completely, effectively punishing many responsible dog owners as a consequence of the inconsiderate behaviour of just a few.

3.7 Ottery Dogs have stated that there may be a compromise and suggest segregation of an area for dog walkers as an alternative to outright ban or dogs on leads restriction.

4. Reasons for support

4.1 Those people who have commented in support of the proposals give the following reasons for their support:

- There are alternative sites for dog walkers and they should seek permission from The Millennium Trust to use their field. This field is in the vicinity of Mill Street.

- Winter's Lane is a recreational field, not a dog toilet. Most of the dog walkers just stand around and wait for the dogs to do their business; they aren't actually exercising the dogs.
- Ottery have only these 2 recreational fields for children to play in.
- "Maybe it isn't used by children because it's known as a dog walking area. Some people or children are intimidated by dogs and some believe that children have been forced to play in the road as the field is overrun by dogs."
- "Members of Ottery Dogs are a "nuisance", they congregate at 6.30 in the morning, continuing right the way through the day, making a noise; talking, chattering and waking residents in the vicinity of the area."
- It has been stated, that even with the efforts of Ottery Dogs, there is still fouling in both areas.

4.2 Officers have visited both sites. The land known as Winter's Lane playing field is a small fenced recreation ground in the middle of a residential area. At the time of our visit, the field was being used by a number of dog walkers and it is clear that there are genuinely few alternative locations for dog walkers in the immediate vicinity. The route to the obvious alternative dog walking location, Millennium Green, is indirect and may present a problem for less mobile dog walkers. However, Winter's Lane playing field would also be well suited to use as an area primarily for children and the request for a dog exclusion order put forward by the Town Council is also sensible. The balancing of the needs of local dog walkers with the desire of the Town Council to set the area aside for children is difficult.

4.3 The Land of Canaan is a more formal area where the Town Council has asked for a dogs on leads order.

Members' attention is drawn to the fact that in Ottery St Mary both Winter's Lane Playing Field and Land of Canaan were previously subject to byelaws that required dogs to be kept on leads. These byelaws have fallen into disuse because of custom and practice over a period of many years. Unless Members decide to make a new Dog Control Order in respect of Dogs on Leads (Land of Canaan) or either a dog ban or dogs on leads (Winter's Lane) then those byelaws would remain in place until revoked.

5. Axminster

5.1 The Council's draft orders included: dog exclusions from a number of children's play parks and school fields; Millwey Rise football field, Foxhill Playing Field and the entire grounds of Axe Valley Community College. Dogs on leads orders are proposed for Axminster Cemetery, St Mary's Churchyard, The Old Courthouse Gardens and Loretto Road recreation ground.

5.2 43 completed "pro-forma" letters of support, complete with signatures and addresses, have been received from members of Millwey Rise Football Club. They state that they support the proposed ban on Millwey Rise football field.

5.3 A resident of Combe Close has expressed concern that the proposed dog ban for Foxhill Playing Field prevents the use of the footpath towards the stile. However, the proposed ban does not affect this path (which I understand was not entirely clear at the outset of the consultation period) and applies only to the playing field, play park and tennis courts. No other representations have been made in respect of this proposal.

5.4 A resident of Jeffs' Way is concerned about the proposal to exclude dogs from the grounds of Axe Valley Community College.

The representation claims that the absence of a safe footpath adjacent to Stoney Lane makes this an unsafe walking route through to Lyme Road. The alternative route through the college grounds is apparently well used by members of the public including dog walkers and it is suggested that the ban should not be imposed until there is another nature footpath. With the exception of this representation there does not appear to have been any significant opposition to the proposed orders in Axminster.

6. Woodbury

- 6.1 The Council's draft orders included: dog exclusions from the village green play area, Orchard Close recreation ground and a seasonal ban on the cricket field. A dogs on leads order was originally suggested by the Parish Council following consultation for the cricket field "out of season".
- 6.2 There has also been a significant public response to Woodbury Parish Council's proposed amendment to the original orders that dogs should be banned from Woodbury Cricket Field during the summer months and be kept on leads at all other times.
- 6.3 Most respondents felt that the seasonal ban was reasonable but requests have been made for an amendment to the boundary of that ban to permit an area towards the perimeter of the field to be designated for dog walkers throughout the period 1 May to 30 September.
- 6.4 There was also unanimous disagreement among those who responded that the Dogs on Leads proposal for the winter months was unnecessary and Woodbury Parish Council has now made a representation that this element of the order should not be confirmed.
- 6.5 The Parish Council has also requested that the ban starts at the 1st April instead of 1st May.
- 6.6 Some residents in Woodbury have expressed concern that, as a consequence of the proposal, the streets in the village may become "strewn with dog fouling" because there is no alternative open land in the vicinity of the village. There are many elderly people with dogs in the village and some have no form of transport to go elsewhere.
- 6.7 There is a lack of dog bins there and they would welcome more enforcement activity by the Council.
- 6.8 Officers have not been presented with any specific evidence of the need for the cricket field ban other than the fact that most respondents felt that it was a reasonable thing to introduce. The generally held view that the winter restriction was unnecessary has led to that proposal falling away.

7. Honiton

- 7.1 The Council's draft orders included: dog exclusions from a number of children's play parks and more controversially All Hallows and Mountbatten playing fields. Dogs on leads orders are proposed for a public right of way between Battishorne Way and Roundball Wood including areas passing through the Glen, Millennium Green and The Gissage.
- 7.2 The public's response to the Honiton Town Council initiated proposal that dogs should be kept on leads on parts of the footpath from Battishorne Way to Roundball Wood has been considerable. In response to this and after further discussion with local dog owners' groups has withdrawn its recommendation for this area.
- 7.3 Clarification on the Town Council's position on the other areas will be reported at the meeting.

- 7.4 Several people have said it would be inappropriate to ban dogs from the whole of All Hallows playing field (a number make the point that it was given to the residents of Honiton (and the public as a whole, not just the Rugby Club). It has been claimed that a number of older people in the area have dogs but no garden of their own and animal welfare issues would arise because of their inability to travel further afield to find alternative locations to exercise their dogs off their leads.

The “state” of Allhallows playing field is in part attributed to non dog walking “yobs” leaving chip papers, bottles and cans lying around and any dog fouling problem that is present is attributed to children with dogs who may ignore the animal whilst it defecates. Councillor Ash has made a representation stating her opposition to the proposed ban at Allhallows playing field explaining the importance of the field as one of the few public areas of the town open to all and suggesting an enforcement blitz to target those responsible for allowing their dogs to foul and failing to clear up

- 7.5 Finally it is also suggested that “leads are not the answer” and irresponsible people are no more likely to comply with this requirement than they are to pick up after their dog whether or not it was off the lead. The Council is asked by several residents in the town to consider other priorities first including addressing allegations of antisocial behaviour and vandalism that spoil the parks including Allhallows and the Glen with “...broken glass, discarded cans, condoms, needles, chewing gum, vomit, litter including wrappers and food waste and human excrement before turning our attention to dog poo!”
- 7.6 Officers have suggested that there is insufficient evidence to proceed with the dogs on lead order here. The evidence of a need for a ban at Allhallows playing field comes from the Town Council’s suggestion that the mess from dog fouling has to be cleared up before sport is played and the recommendation suggests that in the light of opposition as summarised above, the proposal for a dog ban there should also fall away.

8. Seaton

- 8.1 The Council’s draft orders included: dog exclusions from Cliff Field, Seafield Gardens and Festival Gardens, Elizabeth Road playing field, a number of children’s play parks and the seasonal beach ban as before. Dogs on leads orders are proposed for West Walk and Tower Hill picnic site.
- 8.2 Residents in Seaton have collectively raised a significant objection to the proposal that Cliff Field (also known as Chine Gardens) should be an area from which dogs are banned. Four petitions including thirty four, twenty five, seventeen and fourteen signatures respectively have been received. This proposal was introduced following consultation with Seaton Town Council. It was however based on a misunderstanding and the area from which Seaton Town Council confirm that they propose that dogs should be banned is actually Cliff Field **Gardens** which is an area set back from the footpaths. The proposal for Cliff Field (Chine Gardens) is therefore withdrawn and a proposal to ban dogs from Cliff Field Gardens must now be advertised in order to proceed. Until then, the existing dog ban under the old byelaws will remain in force at Cliff Field Gardens. One resident emphasises the importance of “picking up” and cites enforcement as critical. She also suggests that the Council should consider setting up a force of “volunteer” dog wardens.
- 8.3 The proposed dog ban for Elizabeth Road playing field was the subject of a number of representations objecting to it. The children’s play area within that playing field however is an area from which dogs are currently banned and no objections were raised to that continuing to be the case. Some representations have claimed that few children use this field and without dog walkers using it, it would hardly be used at all. There is some evidence of the area being used by children and at least one resident supports the proposal for this reason.

There was also an objection to the proposed ban from Seafield and Festival Gardens but this was joined with an explanation that really related only to the extensive use of the above mentioned "Cliff Field" by dog walkers.

- 8.4 A number of representations have suggested that a more extensive "dogs on leads" restriction should be considered. Some residents suggested the entire promenade alongside the beach at Seaton should have a permanent dogs on leads restriction. One stated that he thought a dog exclusion order applying to west walk and the entire beach during the summer was appropriate but as a minimum, suggested dogs should be kept on leads on west walk and the adjacent beach.
- 8.5 The lack of suitable public open space to exercise dogs in Seaton is an issue for some residents and one representation suggests the council ought to be designating more dog walking zones rather than introducing additional restrictions. Another suggested that any additional restrictions can only deter residents and visitors from using the town and seafront.
- 8.6 One Seaton resident added that one possible way of encouraging the few remaining irresponsible dog walkers to "pick-up" would be a bag dispensing machine co-located with dog waste bins and, although this is in place elsewhere in the UK and abroad, there is clearly a cost implication associated with it and may not be cost effective in delivering any improvement. Our experience is that the vast majority of dog walkers do now carry bags and we have noted that even the few offenders who we have caught over the last few years failing to pick up have, when challenged, produced bags and claimed that they either "did not notice" or were "just about to go back and pick up". In addition, if dog walkers come to rely on a dispenser, we may be inadvertently creating a defence if that dispenser is vandalised or simply runs out of bags.
- 8.9 On balance, Officers consider that the opposition to the additional restrictions appears to outweigh the Town Council's desire to see the restrictions in place. No specific evidence has been presented to identify a particular need for the additional bans. Accordingly the recommendations suggest that the dog ban order should not include the restrictions for Cliff Field and Elizabeth Road Playing Field.

9. Exmouth

- 9.1 The Council's draft orders included: dog exclusions from a number of children's play parks, Withycombe Raleigh Football Field and the seasonal beach ban as before. Dogs on leads orders are proposed for the Pavilion Grounds, Manor Gardens, The Strand Gardens, Carter Avenue Playing Field, Warren View Playing Fields and land at Truro Drive.
- 9.2 The proposed restrictions in Exmouth have been the subject of only a few representations. An objection has however been submitted in respect of Carter Avenue playing field where a small petition (four signatures) expressed concern about the proposed dogs on leads restriction. Representations suggest that this is an important social meeting place and that this is unnecessary. There are however alternatives in the area, for example Exmouth Football Club is just around the corner and Imperial Recreation Ground is just a short distance away but the question of the need for a ban for Withycombe Raleigh football field or for the other dogs on leads restrictions is clearly a subject that could be debated. In the absence any substantial opposition, the recommendation currently drafted suggests confirmation of the proposed orders without change.

10. Sidmouth

- 10.1 In Sidmouth there are no specific changes proposed and most of the dog ban and dogs on leads restrictions are simply a redrafting of the original byelaws currently in place.

10.2 There has been a representation objecting to the proposed dogs on leads restriction for Long Park in Arcot Road Sidmouth. It is said to be unnecessary as owners do pick up after their dogs and suggests that other priorities ought to be addressed instead – e.g. litter and so-called “general loutishness” in the area. There is however an existing byelaw restriction, but through custom and practice, it appears that has over a number of years now fallen into disuse. It is therefore a simple matter to redraft this byelaw into an order and commence proper enforcement but the question of the implied need for the order historically here needs to be balanced against the current objection based upon lack of it.

11. Sidford

11.1 The main proposal is for dogs to be kept on leads in Sidford Playing Fields in Byes Lane.

11.2 The proposed “dogs on leads” restriction for the Sidford Playing Field in Byes Lane has been the subject of a number of representations. It has been suggested that there is “nowhere else to go” in the Sidford area to allow dogs off the lead and many older people are unable to walk further to find alternative exercise areas for their dog. One Sidmouth resident was “angry” and pointed out that dogs kept on leads were more likely to become aggressive. Others cite the importance of social contact whilst dog walking and one Sidmouth resident explained that she had met many holiday makers whilst dog walking and she felt that their frequent visits to the area were closely linked with the ability to walk their dogs “off the lead”.

11.3 There has been a suggestion that the restriction in favour of the “occasional” use of the pitches for sport is wrong when counterbalanced by the much more frequent use of the playing field by dog walkers, the majority of whom are said to be responsible people who do pick up after their dogs. One Sidmouth resident claimed that dog walkers actually pick up litter from the ground allegedly left there by spectators at football and rugby matches. Another couple from Sidmouth claim that following matches (that only take place on winter weekends anyway) “...the fields tend to be littered with discarded soiled bandages, empty drinks cans, bottles and cartons, confectionary wrappers etc!”

11.4 There have however been a number of complaints about failure to remove dog faeces from this land. The land is used extensively as sports pitches and common sense suggests that the occurrence of the “failing to pick up...” offence by “failing to notice” would be reduced by imposition of this dogs on leads restriction here. It has been suggested that the majority of dog walkers are responsible and that this proposal is punishing that responsible majority and that without extensive surveillance and enforcement, a minority of offenders will disregard this new requirement to keep their dog on a lead in the same way that they now disregard the requirement to pick up after their dog has fouled.

12. Other representations

12.1 A number of representations have been received from members of the public requesting that the Council consider dog control orders banning dogs from the following locations:

- ‘Little Hempey’ – a recreation field in Beer.
- The grounds of the church in Broadhembury
- The Village Hall grounds and the field that lies at the rear in Clyst St Mary.
- Peace Memorial playing fields and play area at Road Green in Colyton.
- Gunfield Gardens at Carlton Hill in Exmouth.

- 12.3 There have also been requests for additional dogs on leads restrictions to apply to the footpath that runs past The Glen to Millennium Gardens in Honiton, the entire promenade at the beach in Seaton and a general request that all shared footpaths and cycle paths should be Dogs on Leads.
- 12.4 A representation from the Dogs' Trust states that it supports the principle of dog control orders but finds that East Devon's proposed orders are inconsistent across apparently similar areas. In particular they feel that any restrictions on playing fields are unnecessary, that they will be seen as draconian and unreasonably interfering with dog owners' ability to exercise their dogs "off lead". They recommend rigorous enforcement of dog fouling restrictions as a better alternative.
- 12.5 Our proposed orders will ban dogs from just under 100 separate sites in total and restrict dogs to being kept on a lead at around 30 other locations.
- 12.6 Rather than impose any new restrictions, a number of respondents appear to want more dedicated Dog Wardens patrolling areas to either detect and punish offenders or to act as a deterrent. A number of representations have been in favour of more rigorous enforcement and call for additional dog waste bins. Others have expressed an opinion that the Council ought to be spending public money on other priorities and that dog controls, and enforcement thereof, ought to be a much lower priority than the new orders suggest.
- 12.7 The recurring theme in representations seems to be, 'please do not punish the responsible majority because of the irresponsible behaviour of a minority of people who do not adequately control and pick up after their dogs'. It is certainly true that contractors in East Devon collect an average of 3.5 tonnes of dog faeces per week from over 300 dog waste bins, so a great many people are genuinely picking up after their dogs!

Legal Implications

It is important to remind Councillors that any Authority considering Dog Control Orders should only make an Order where it is justified and necessary and proportionate to problems caused by the activities of dogs and those in charge of them.

I draw the Councillors attention to Paragraph 30 of the DEFRA Evidence Ss 55 to 67 of the Clean Neighbourhoods and Environment Act 2005 – Dog Control Orders which states

"The Authority needs to balance the interests of those in charge of dogs against the interests of 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 without undue restrictions. A failure to give due consideration to these factors could make any subsequent Dog Control Orders vulnerable to challenge in the Courts".

There are concerns that the evidence exists to add new areas to the previous bans and exclusions under the byelaws and Dogs (Fouling of Land) Act 1996 and in particular The Glen, Honiton; Winters Lane, Ottery St Mary; the Cricket field at Woodbury etc. These are areas proposed by the various Town Councils. Councillors should consider whether there is a current significant problem to add them to the general Dog Control order.

Financial Implications

The financial implications are as detailed in the report.

Consultation on Reports to the Executive

As outlined in the report.

Background Papers

- ❑ Clean Neighbourhoods and Environment Act 2005, Report to Executive Board November 2007
 - ❑ Dog Control Orders Guidance Note, DEFRA
 - ❑ Dog Orders, Report to Corporate Overview Committee, March 2009
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Executive Board
10 June 2009