

 Executive – 16th November 2011		Agenda Item No. <div style="text-align: right; font-size: 2em;">4</div>
Title	The Dogs Exclusion Order 2011	
For further information about this report please contact	Richard Hall (01926 456700) Grahame Helm (01926 456714)	
Wards of the District directly affected	All	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	Executive – 14 th September 2011(Minute number 51) Council – 26 th October 2011	
Background Papers		

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No
Equality & Sustainability Impact Assessment Undertaken	Yes

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	18.10.11	Chris Elliott
Head of Service	18.10.11	Richard Hall
CMT		Bill Hunt
Section 151 Officer		
Monitoring Officer		
Finance		Mike Snow
Portfolio Holder(s)	19.10.11	Michael Coker
Consultation & Community Engagement		
The draft orders were subject to public consultation prior to being approved.		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

1. **SUMMARY**

- 1.1 At the Executive meeting on 14th September 2011, a list of play areas to be covered by the Dogs Exclusion (Warwick District Council) Order 2011 was recommended for approval.
- 1.2 Following comments from the Overview and Scrutiny Committee, this report proposes the way forward.

2. **RECOMMENDATION**

- 2.1 That the additional sites listed in paragraph 7.4 below be agreed for the purposes of section 1 of the Schedule in the Dogs Exclusion (Warwick District Council) Order 2011.
- 2.2 That officers carry out a review of remaining Council-owned play areas to identify any others which can be considered to be “clearly demarcated”, invite all Parish Councils to propose sites under their management which should also be considered, and report back to the Executive in the new year.

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 The Overview and Scrutiny Committee felt there was a need for further clearly demarcated play areas to be brought to the next Executive to ensure public confidence can be maintained in the introduction of the Order.
- 3.2 The Executive had previously agreed that any future additions to the Order would require their prior approval.

4. **POLICY FRAMEWORK**

- 4.1 **Policy Framework** – This report does not bring forward any changes to the policy framework
- 4.2 **Fit for the Future** – The Council’s purpose is to improve the quality of life for everyone who lives in, works in or visits Warwick District. With our partners, we aspire to build sustainable, safer, stronger and healthier communities. Ensuring that effective steps are taken to promote responsible dog ownership will contribute to these aims.

5. **BUDGETARY FRAMEWORK**

- 5.1 An earmarked reserves request to the value of £6,300 has been approved from the 2010/11 final accounts to cover implementation costs. This will include new signage, publicity and education, and a supply of dog waste bags. It is expected that future enforcement will become part of the Council’s routine regulatory activity, primarily by the Council’s Dog Warden but with support from other council officers and police community support officers. Efficiencies can be anticipated through more effective targeting of enforcement.

6. **ALTERNATIVE OPTION(S) CONSIDERED**

- 6.1 That only those play areas that are clearly demarcated by physical means (fencing, walls, hedges, etc) should be included in the Order.

7. **BACKGROUND**

7.1 Section 1 of the Schedule in the Dogs Exclusion (Warwick District Council) Order 2011 includes –

“Any clearly demarcated children’s play areas, paddling pools, bowling greens, multi use game areas, tennis courts, or putting greens signed as a “dog exclusion zone” (whether the sign uses those particular words and/or symbols having like effect.”

7.2 The report presented to the Executive in September listed those play areas which the Head of Cultural Services identified as ones which had a physical demarcation and therefore could easily have signs fitted at their entrances. However, Overview and Scrutiny Committee felt that there were other areas which could be considered to be clearly demarcated such as the play area at Newbold Comyn which has a road on one side and hedges around the other three sides.

7.3 Defra guidance advises that local authorities should consider how easy a dog exclusion order would be to enforce. These will be easier to enforce if the land is enclosed but the guidance also states that such orders should not be ruled out for unenclosed land where a special case for them can be made, for example to provide dog-free sections on beaches. The Dog Control Orders (Procedures) Regulations 2006 provides the legal requirement that, where practical, signs must be placed on the land which is subject to the Order.

7.4 The Head of Cultural Services has now identified the following additional sites which although not all enclosed can be clearly demarcated -

Red Lane play area, Kenilworth (whole site)

Kennedy Square play area, Leamington

Kennedy Square multi-use game area, Leamington

Mason Avenue play area, Leamington (within the tarmaced circular path)

Newbold Comyn children’s play area, Leamington (at end of roadway)

Patterns Road play area, Warwick (whole site)

Priory Pools children’s play area. Lyttleton Road, Warwick (within the tarmaced circular path – note that the toddler’s area is fenced and has already been included in the Order)

7.5 It is therefore proposed that these be added to the list previously agreed and be subject to the Dogs Exclusion (Warwick District Council) Order 2011. The Portfolio Holder had also advised Overview and Scrutiny Committee that he would include the Bishop’s Tachbrook and Norton Lindsey play areas, as fenced play areas, in the decision by the Executive. However as these appear to be owned by the respective Parish Councils, it is recommended that all local councils be invited to propose any appropriate areas to be included and these be reported back to the Executive in the new year. Further consideration can also be given to the practicalities of including any additional WDC sites at the same time.