

## Appendix 1: Procedure for adopting Dog Control Orders in Bath and North East Somerset

A dog control order will specify the land to which the order relates as well as the times during which the order will apply. In practice, this means that an authority can designate any area of land within its boundary that is open to the air and to which the public has access as being land on which specified dog offences will apply.

### Procedures for designating dog control orders:

The Dog Control Orders (Procedures) Regulations 2006 require that before a Council can make a dog control order, the Council must publish a notice describing the proposed order in a local newspaper circulating in the same area as the land to which the order(s) would apply and invite comments on the proposal.

The notice must:

- identify the land to which the order(s) will apply
- summarise the order(s)
- if the order(s) refer to a map, the Council must say where the map can be inspected. This must be at an address in the authority's area, be free of charge and available at all reasonable hours during the consultation period
- 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

At the end of the consultation period the authority must consider any representations that have been made. If it then decides to proceed with the order(s), it must decide when the order(s) will come into force. The order(s) cannot come into force until 14 days after the order(s) was made.

Once the order(s) 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(s) applies stating:

- that the order(s) has been made and
- where the order(s) may be inspected and where copies of it can be obtained

If possible, a copy of the notice must also be published on the authority's website.

If, after considering representations, an authority decides to amend its proposal, it must start the procedure again, publishing a new notice describing the amended proposal.

There is a legal requirement that, where practicable, signs must be placed summarising the order on land to which a new order applies, thereby informing the public that land is subject to an order. For example, if an order were made excluding dogs from a park, copies of the order should be placed at the entrances to the park when it was first made, and permanent signs should be erected informing the public that dogs are not permitted in the park. Where a dog control order applies to a large area of land, for example, an order in respect of fouling by dogs, it may not be feasible to post copies of the order of the land, but signs warning the public that it is an offence not to clear up dog faeces should be placed at regular intervals.

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### Proposal for dog control orders in Bath and North East Somerset:

The following orders are proposed for Bath and North East Somerset and will be subject to the consultation process outlined above, before being referred back to the Cabinet Member for consideration after this period has concluded.

#### **Proposed Order 1**

An order to require people in charge of dogs to remove dog faeces. This will make it an offence for any person in charge of a dog which defecates on land, open to the air and to which the public have access in Bath and North East Somerset, to fail to immediately remove the faeces.

#### **Proposed Order 2**

An order to require dogs be kept on a lead in certain areas. This will make it an offence for any person in charge of a dog, in areas to be specified in the consultation, to fail to keep the dog on a lead of not more than 4 metres in length.

#### **Proposed Order 3**

An order to make it an offence for any person in charge of a dog to fail to put and keep a dog on a lead when directed to do so by an authorised officer.

#### **Proposed Order 4**

An order to exclude dogs from specified land. This will make it an offence for any person in charge of a dog to take a dog onto or permit a dog to enter or remain on land in a dog exclusion zone. The land included in a dog exclusion zone may include all children's play areas and enclosed sports areas owned or controlled by the Council and will be specified in the consultation.

#### **Proposed Order 5**

An order to specify the maximum number of dogs a person may take onto land at any one time. This will make it an offence to take more than six (6) dogs onto land within the administrative area of Bath and North East Somerset.

#### **Proposed delegations for the enforcement of the above orders**

To delegate authority to the Strategic Director of Service Delivery, his or her appointed deputies and the Divisional Director Environmental Services to authorise officers to perform all functions in connection with the enforcement of any dog control orders made.