

RECORD OF EXECUTIVE DECISION

Monday, 23 May 2011

Decision No: (CAB 09/10 5544)

DECISION-MAKER:	EXECUTIVE DIRECTOR OF NEIGHBOURHOODS
PORTFOLIO AREA:	LOCAL SERVICES AND COMMUNITY SAFETY
SUBJECT:	SOUTHAMPTON DOG CONTROL ORDERS
AUTHOR:	

THE DECISION

- (i) That the Dogs Exclusion (The City of Southampton) Order 2011 is made with no modifications in June 2011
- (ii) That the Dogs on Leads (The City of Southampton) Order 2011 is made without modifications in June 2011
- (iii) That The Fouling of Land by Dogs (The City of Southampton) Order 2011 is made in June 2011
- (iv) That the Dogs on Leads by Direction (The City of Southampton) Order 2011 is made without modifications in June 2011
- (v) That officers be instructed to investigate and bring forward proposals for the most appropriate way to enforce effective dog control for the play area on Southampton common.

REASONS FOR THE DECISION

1. The objections to the Dogs Exclusion (The City of Southampton) Order 2011 have been considered, but are not felt to outweigh the reasons for making the order. Specifically the objection to the exclusion of dogs from the lakes/ponds on the Common have been considered, but our duty under the Site of Special Scientific Interest is felt to outweigh the reasons for allowing dogs into the lakes/ponds. It is also considered that in making this order it will strengthen the powers the Council already has under the current byelaws which will become obsolete.
2. There have been no objections to the Dogs on Leads (The City of Southampton) Order 2011, although we have been asked to consider whether it is necessary when we are introducing the Dogs on Leads by Direction Order. Given the sensitive nature of the land uses this order covers, i.e. Allotments and Cemeteries it is thought necessary to ensure a greater level of control is maintained.
3. There have been no objections to The Fouling of Land by Dogs (The City of Southampton) Order 2011, which is seen as a positive way forward to enforce the removal of dog faeces.

4. There have been no objections to the Dogs on Leads by Direction (The City of Southampton) Order 2011, which has been commended as positive way to allow responsible dog owners to exercise their dogs.

DETAILS OF ANY ALTERNATIVE OPTIONS

1. To not implement The Dogs Exclusion (The City of Southampton) Order 2011 and rely on existing Byelaws. This was rejected as existing Byelaws only cover Pleasure grounds and not education or housing land, where play areas may be situated.
2. To modify The Dogs Exclusion (The City of Southampton) Order 2011 to remove the lakes/ponds on Southampton Common from the Order. This was rejected as our duty under the Site of Special Scientific Interest is felt to outweigh the reasons for allowing dogs into the lakes/ponds.
3. To not implement The Dogs on Leads (The City of Southampton) Order 2011 and rely on all dog owners keeping their dogs under close control on Allotment and Cemetery sites. This option was rejected as we do have issues with dogs roaming onto and fouling on allotments and graves, which is considered unacceptable, however, an outright exclusion would be considered disproportionate to the problem and therefore dogs on leads is felt to be the best option.
4. To not implement The Fouling of Land by Dogs (The City of Southampton) Order 2011 and to act under the Dogs (Fouling of Land) Act 1996. This was rejected as the new legislation removes the exemptions of the 1996 act on registered common land enabling us to enforce that dog faeces is removed on the Common and in Central Parks. It also supersedes any byelaws and enables the Council to use fixed penalty notices if necessary.

OTHER RELEVANT MATTERS CONCERNING THE DECISION

The following amendments in the report provide more detail on the type of Order – there is no material change to the decision or recommendations:-

- 1 Replace Order with Dogs Exclusion (The City of Southampton) Order 2011.
- 2 Replace Order with Dogs on Leads (The City of Southampton) Order 2011.
- 3 Replace Order with the Fouling of Land by Dogs (The City of Southampton) Order 2011.
- 4 Replace Order with Dogs on Leads by Direction (The City of Southampton) Order 2011
- 12 Add additional sentence at end “The Council is committed to continue work with dog owners to promote responsible dog ownership and engage them in the enforcement of any new orders.

CONFLICTS OF INTEREST

None

CONFIRMED AS A TRUE RECORD

We certify that the decision this document records was made in accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 and is a true and accurate record of that decision.

Date:

Decision Maker:

Executive Director of Neighbourhoods

Proper Officer:

Sharon Pearson

SCRUTINY

Note: This decision will come in to force at the expiry of 5 working days from the date of publication subject to any review under the Council's Scrutiny "Call-In" provisions.

Call-In Period expires on Wednesday 1 June 2011

Date of Call-in *(if applicable) (this suspends implementation)*

Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*