

Officer Decision Making

Monday, 23rd May, 2011
at 1.45 pm

PLEASE NOTE TIME OF MEETING

Office of Executive Director of
Neighbourhoods

This meeting is not open to the public

Members

Executive Director of Neighbourhoods

Contacts

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AGENDA

Agendas and papers are now available via Southampton Online at
www.southampton.gov.uk/council/meeting-papers

1 **SOUTHAMPTON DOG CONTROL ORDERS**

Report of the Head of Neighbourhood Services, seeking approval under delegated powers for the Executive Director of Neighbourhoods to make the decision as to whether to enact a city-wide Dog Control Order for Southampton, attached.

FRIDAY, 13 MAY 2011

SOLICITOR TO THE COUNCIL

DECISION-MAKER:	EXECUTIVE DIRECTOR OF NEIGHBOURHOODS
SUBJECT:	DOG CONTROL ORDERS
DATE OF DECISION:	23 MAY 2011
REPORT OF:	TREE, ALLOTMENTS AND PARK IMPROVEMENT MANAGER
STATEMENT OF CONFIDENTIALITY	
N/A	

BRIEF SUMMARY

Southampton's green spaces are recognised as one of its key assets, They are enjoyed by millions of visitors each year and support a wide variety of uses. Dog walkers and their dogs are recognised as an important user group who are often our eyes and ears when other users are not around. However, conflicts do occur and the Council does receive complaints about fouling and the conduct of some dog owners. Therefore the proposals considered in this report are felt to be proportionate to the issues and to ensuring dogs in open spaces are able to exercise freely whilst minimising any potential annoyance to other open space users.

The Executive Director of Neighbourhoods was given the delegation to receive and consider representations and, following consultation with the Cabinet Member for Housing and Local Services (now Cabinet Member for Local Service and Community Safety) to make the decision as to whether to enact a city

This report therefore sets out the consultation undertaken by the Council to comply with the Dog Control Orders (Prescribed Offences and Penalties, etc.) Regulations 2006 and the Dog Control Orders (Procedures) Regulations 2006, which implement sections 55 and 56 of the Clean Neighbourhoods and Environment Act 2005 and makes recommendations for a decision on each of the Orders.

There are 4 Orders which require a decision and a recommendation for each of these is below. They are:

The Dogs Exclusion (The City of Southampton) Order 2011

The Dogs on Leads (The City of Southampton) Order 2011

The Fouling of Land by Dogs (The City of Southampton) Order 2011

The Dogs on Leads by Direction (The City of Southampton) Order 2011

These documents are appended in Appendices 1- 4 and described in more detail below.

RECOMMENDATIONS:

- (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

REASONS FOR REPORT RECOMMENDATIONS

1. The objections to this order 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 this order, 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 this Order, which is seen as a positive way forward to enforce the removal of dog faeces.
4. There have been no objections to this Order, which has been commended as positive way to allow responsible dog owners to exercise their dogs.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 5 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.
- 6 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.
- 7 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.
- 8 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.

DETAIL (Including consultation carried out)

- 9 Following Cabinet Member Decision at Cabinet on 28/09/09 to proceed with the Green Space Guide, it was delegated to The Executive Director of Neighbourhoods to receive and consider representations and, following consultation with the Cabinet Member for Housing and Local Services (now Cabinet Member for Local Service and Community Safety) to make the decision as to whether to enact a city-wide Dog Control Orders for Southampton
- 10 The Green Space Guide is a code of practice for people using green spaces which gives advice and guidance on how they will be expected to act when visiting one of Southampton's green spaces. In order to produce this guide all the current policy, byelaws and legislation is being reviewed and where appropriate updated. Consultation on this will be undertaken throughout 2011 with a final document ready by November 2011. Byelaws will then be updated as appropriate throughout 2012.
- 11 As Dog Control Orders have their own statute procedure to enact them, it has been necessary to take them as a separate issue. The process is set out in the Dog Control Orders (Procedures) Regulations 2006. The Council is required to consult upon the proposal by publishing its intention in a local newspaper and to consult every other Authority having the power to make dog control orders. After making the order, the Council is required to place signs on the land, publish it on the website and send the information to every relevant Authority not less than 7 days before the Order is in force. If approved, the orders will come into force at least 14 days after the date on which the Order was made.
- 12 In addition to the procedures set out in the regulations, consultation has also been undertaken over the summer months of 2010 with a group of dog owners. They are broadly supportive of the common sense approach to the dog control orders, but do have reservations over some detailed areas, such as the lakes/ponds on the Common. The key message from the group was to ensure that everyone is respecting their parks and green spaces, which will be addressed through the wider Green Space Guide consultation.
- 13 The group also explored how to promote responsible dog ownership and how this could be put across to green space users. Some of these ideas will be used throughout the coming year and into the future to help promote responsible dog ownership.
- 14 Relevant Council Officers were also consulted on the proposals before publishing the formal notification.
- 15 The notice of intention to make the Southampton Dog Control Orders was placed in the Southern Evening Echo on 7th February and the statutory 28 days has been given for consultation responses. Towards the end of this period we were made aware of the Local Access Forum, which it is a statutory requirement to consult with. The consultation period has therefore been extended to allow them time to look at the proposals. The Local Access Forum have confirmed that they support all four orders.

16 There have been 18 other responses of which 9 endorse the Councils proposal either wholly or partially to enact Dog Control Orders,. Of these 9; 4 would like to see stronger control instigated and 1 has concerns over dogs on leads only but endorses/commends the other orders and 4 generally endorse the proposals. There are 5 objections to the proposals, 4 of which are specifically for the Common, 1 of which is a petition with 326 signatures. The other objection is specifically around banning dogs from the skateboard park at Warren Avenue. There are also 3 responses that are more general comments on the potential negative impacts of Dog Control Orders if not implemented correctly. The other response is a more general comment/clarification of area names at Portswood Rec. For a more detailed review of the comments received and the Council's actions please see Appendix 5.

17 The objections to the proposals on the Common are relating to the enforceability of the existing byelaws in relation to the exclusion of dogs from the three lakes/ponds. The current byelaws are not considered to afford enough protection to ensure the Council can carry out its duties under the Site of Special Scientific Interest and various other Acts relating to wildlife. In addition the byelaw itself is confusing in that it both excludes and allows dogs into lakes on Southampton common. (See Appendix 6)

Should the Council go ahead with the recommendations above then the maximum penalty for committing an offence is set at Level 3 (currently £1000), although fixed penalties can be offered in place of prosecution. The Council does already have fixed penalties for certain offences and these are currently set at £50 if paid within 14 days and £75 if paid after that period of time. It is likely that this would be the same for dog control offences.

RESOURCE IMPLICATIONS

Capital/Revenue

18 There is provision of £30,000 in the Local Services and Community Safety capital programme to develop signage for the Green Space Guide which will include enhancing existing dog exclusion and dogs on leads signs.

19 There are no additional revenue costs arising from the proposals in this report.

Property/Other

20 There are no property implications.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

21 The statutory power to undertake this proposal is the Dog Control Orders (Prescribed Offences and Penalties, etc.) Regulations 2006 and the Dog Control Orders (Procedures) Regulations 2006, which implement sections 55 and 56 of the Clean Neighbourhoods and Environment Act 2005

Other Legal Implications:

- 22 There is likely to be an implication for enforcing the above Orders. The Act and Regulations enable delegation of Authorised Officers, which could mean that Officers other than those in the Enforcement teams could take on some responsibility for enforcing the Orders. A full review will be undertaken of how the Council (and its partners) is able to enforce the Orders, if the decision is taken to make them.
- 23 In making the dog control orders, regard must be had to the HRA 98 , in particular, articles 8 (right to respect for a private a family life) and article 11 (freedom of assembly and association). Any interference with these rights must be proportionate and necessary in the interests of public safety, protection of health and morals and/or the protection of the rights and freedoms of others.
- 24 Crime and Disorder Act.
Section 17 of the Crime and Disorder Act 1998 requires the authority to consider the likely effect of the exercise of this function on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. The implementation of this order will actually assist to reduce crime and disorder. The new powers will show that the authority is tackling a problem which in itself can cause disorder e.g. disputes about control of dogs and dog fouling.
- 25 There should be no implications for Disability Discrimination Act 1995 as all helper/guide dogs are exempt from the Orders.

POLICY FRAMEWORK IMPLICATIONS

- 26 The proposal is consistent with and not contrary to the Council’s policy framework, in particular Southampton’s Green Space Strategy

AUTHOR:	Name:	Nick Yeats	Tel:	023 8083 2857
	E-mail:	Nick.yeats@southampton.gov.uk		

KEY DECISION? Yes

WARDS/COMMUNITIES AFFECTED:	Citywide
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SUPPORTING DOCUMENTATION

Non-confidential appendices are in the Members' Rooms and can be accessed on-line

Appendices

1.	The Fouling of Land by Dogs (The City of Southampton) Order 2011
2	The Dogs Exclusion (The City of Southampton) Order 2011
3	The Dogs on Leads by Direction (The City of Southampton) Order 2011
4	The Dogs on Leads (The City of Southampton) Order 2011
5.	Consultation Responses and Council Reply
6.	Byelaws vs Dog Control on Southampton Common

Documents In Members' Rooms

1.	None
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Integrated Impact Assessment

Do the implications/subject of the report require an Integrated Impact Assessment (IIA) to be carried out.	No
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Other Background Documents

Integrated Impact Assessment and Other Background documents available for inspection at:

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	None	
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PROPOSED

Southampton City Council

The Clean Neighbourhoods and Environment Act 2005

The Dog Control Orders (Prescribed Offences and Penalties, etc.)
Regulations 2006 (S.I.2006/1059)

The Fouling of Land by Dogs (The City of Southampton) Order 2011

Southampton City Council (in this Order called "the Council") hereby makes the following Order: The Fouling of Land by Dogs in the City of Southampton Order 2011 ("Order")

1. This Order comes into force on (T. B. C)
2. This Order applies to the land specified in the Schedule.

Offence

3. (1) If a dog defecates at any time on land to which this Order applies and a person who is in charge of the dog at that time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless -
 - (a) he has a reasonable excuse for failing to do so; or
 - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
- (2) Nothing in this article applies to a person who –
 - (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
 - (b) has a disability which affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance

- (3) For the purpose of this article -
- (a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
 - ((4))
 - (b) placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be a sufficient removal from the land;
 - (c) being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces;
 - (d) each of the following is a "prescribed charity" –
 - (i) Dogs for the Disabled (registered charity number 700454);
 - (ii) Support Dogs (registered charity number 1088281);
 - (iii) Canine Partners for Independence (registered charity number 803680)

Penalty

4. A person who is guilty of an offence under article 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

THE COMMON SEAL OF
SOUTHAMPTON CITY COUNCIL
was hereunto affixed this day of
2011 in the presence of:

Authorised Signatory

SCHEDULE

1. All land within the area of the Council as shown edged red on the map DCO3 attached hereto and which is open to the air and to which the public are entitled or permitted to have access (with or without payment).
2. In Section 1, land which is covered is deemed to be “open to the air” if it is open to the air on at least one side.

Informative

Maps can be viewed at Gateway, One Guildhall Square, Southampton, SO14 7FP or at Legal Services, Southbrook Rise, 4/8 Millbrook Road East, Southampton, SO15 1YG between the hours of 9am and 4.30pm Monday to Friday

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PROPOSED

Southampton City Council

The Clean Neighbourhoods and Environment Act 2005

The Dog Control Orders (Prescribed Offences and Penalties, etc.)
Regulations 2006 (S.I.2006/1059)

The Dogs Exclusion (The City of Southampton) Order 2011

Southampton City Council (in this Order called "the Council") hereby makes the following Order: The Dogs Exclusion in the City of Southampton Order 2011 ("Order")

1. This Order comes into force on (T.B.C)
2. This Order applies to the land specified in the Schedule.

Offence

3. (1) A person in charge of a dog shall be guilty of an offence if, at any time he takes the dog onto, or permits the dog to enter or to remain on, any land to which this Order applies unless:-
 - (a) he has a reasonable excuse for failing to do so; or
 - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his doing so.
- (2) Nothing in this article applies to a person who
 - (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948, or
 - (b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance; or
 - (c) has a disability which affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move

everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.

Penalty

4. A person who is guilty of an offence under article 4 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

THE COMMON SEAL of
SOUTHAMPTON CITY COUNCIL
was hereunto affixed this day of
2011 in the presence of:

Authorised Signatory

DRAFT

SCHEDULE

1. All land within the area of Southampton as shown edged red on Plan No. DCO5 and Ward Maps DC01a-p attached hereto and which is:-
 - (a) Designated as either a fenced children's play area, fenced paddling pool, lake/pond on Southampton Common and East Park (with the exception of the dog paddling pool at the north end of "The Lake" on Southampton Common), fenced school playing field, or fenced land used by schools for sports or recreation as shown hatched on plan number DC05 and Ward Maps DC01a-p.
 - (b) Open to the air and to which the public are entitled or permitted to have access (with or without payment)
2. For the purposes of Section 1:

"open to the air" includes land which is covered if it is open to the air on at least one side.

"children's play area" means any area intended or equipped such as to facilitate the play of children.

Informative

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PROPOSED

Southampton City Council

The Clean Neighbourhoods and Environment Act 2005

The Dog Control Orders (Prescribed Offences and Penalties, etc.)
Regulations 2006 (S.I.2006/1059)

The Dogs on Leads by Direction (The City of Southampton) Order 2011

Southampton City Council (in this Order called “the Authority”) hereby makes the following Order: The Dogs on Leads by Direction in the City of Southampton Order 2011 (“Order”)

1. This Order comes into force on (T. B. C)
2. This Order applies to the land specified in the Schedule.
3. In this Order “an authorised officer of the Authority” means an employee of the Authority who is authorised in writing by the Authority for the purpose of giving directions under this Order.

Offence

4. (1) A person in charge of a dog shall be guilty of an offence if, at any time on any land to which this Order applies, he does not comply with a direction given him by an authorised officer of the Authority to put and keep the dog on a lead unless:-
 - (a) he has a reasonable excuse for failing to do so; or
 - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
- (2) For the purposes of this article –
 - (a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;

- (b) an authorised officer of the Authority may only give a direction under this Order to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any other person on any land to which this Order applies or the worrying or disturbance of any animal or bird.

Penalty

5. A person who is guilty of an offence under article 4 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

THE COMMON SEAL OF
SOUTHAMPTON CITY COUNCIL
was hereunto affixed this day of
2011

Authorised Signatory

SCHEDULE

1. All land within the area of the Council as shown edged red on the map DCO4 attached hereto and which is open to the air and to which the public are entitled or permitted to have access (with or without payment).
2. In Section 1, land which is covered is deemed to be “open to the air” if it is open to the air on at least one side.

Informative

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PROPOSED

Southampton City Council

The Clean Neighbourhoods and Environment Act 2005

The Dog Control Orders (Prescribed Offences and Penalties, etc.)
Regulations 2006 (S.I.2006/1059)

The Dogs on Leads (The City of Southampton) Order 2011

Southampton City Council (in this Order called "the Council") hereby makes the following Order: Dogs on Leads in the City of Southampton Order 2011 ("Order")

1. This Order comes into force on (T. B.C).
2. This Order applies to the land specified in the Schedule.

Offence

3. (1) A person in charge of a dog shall be guilty of an offence if, at any time on any land to which this Order applies he does not keep the dog on a lead, unless -
 - (a) he has a reasonable excuse for failing to do so; or
 - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
- (2) For the purposes of this article a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

Penalty

4. A person who is guilty of an offence under article 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

THE COMMON SEAL OF
SOUTHAMPTON CITY COUNCIL
was hereunto affixed this day of
2011 in the presence of:

Authorised Signatory

DRAFT

SCHEDULE

1. All land within the area of Southampton as shown edged red on Plan No. DCO6 and Ward Maps DCO2 a-p attached hereto and which is
 - (a) Designated as either allotment, cemetery or crematorium by the Southampton Green Space Strategy, and
 - (b) Dogs on leads zone at Portswood Recreation Ground, and
 - (c) Open to the air and to which the public are entitled or permitted to have access (with or without payment)
2. For the purposes of Section 1:

“open to the air” includes land which is covered if it is open to the air on at least one side.

Informative

Maps can be viewed at Gateway, One Guildhall Square, Southampton, SO14 7FP or at Legal Services, Southbrook Rise, 4/8 Millbrook Road East, Southampton, SO15 1YG between the hours of 9am and 4.30pm Monday to Friday

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Who	How	What they Said	Comment Type	Council Reply	By
Christine Evans	Email	I would like to make a comment regarding the above.		Reply sets out how we anticipate enforcement working in the future	Nick Yeats
Mr Terry Baudains	Telephone	"I think the proposals are absolutely right and make good sense" Issue with enforcement, how will the orders be enforced? The School has its own dog which it uses for educational purposes, they do however still want the Dog Exclusion on the School.	Endorsement	The Council would not prosecute the school for bringing its own dog onto the premises	Nick Yeats
Mr Christopher Pearce	Email	Concerns over the naming of certain areas within Portswood Rec in the Dog Control Order.	Comment/Clarification	Clarification given	Nick Yeats
Denisa Delic, Public Affairs Officer, Kennel Club	Email	Points out need for Council to take a proportionate action when using Dog Control Orders. Endorses the use of Fouling Order and Exclusion of Dogs in playgrounds or recreational facilities, commends use of Dogs on Leads by Direction, but has concerns over Dogs on Leads Order	Endorsement		
Viv Lobb	Email	Objects to Orders on Southampton Common, in particular excluding dogs from the lakes.	Objection	Reply sets out duties under SSSI and reason why dogs should be excluded from the Lakes/ponds on the Common	Nick Yeats
Rhoda Burns	Email	Gives general information on the potential negative effects of Dog Control Orders.	General Information	Basic reply thanking them for information	Nick Yeats
Penny Bunn	Email	Gives general information on the potential negative effects of Dog Control Orders.	General Information	Basic reply thanking them for information	Nick Yeats
Charles Prendergast	Email	Objects to Orders on Southampton Common, in particular excluding dogs from the lakes.	Objection	Reply sets out duties under SSSI and reason why dogs should be excluded from the Lakes/ponds on the Common	Nick Yeats
Lance Vinter	Email	Objects to Orders on Southampton Common, in particular excluding dogs from the lakes.	Objection	Reply sets out duties under SSSI and reason why dogs should be excluded from the Lakes/ponds on the Common	Nick Yeats
J.R. O'Donnel	Email	Would like stronger Dog Control Orders particularly at the Woodmill Pitch and Putt Course	Endorsement	Basic reply thanking them for information and expanding on reasons why we are unable to make orders stronger	Nick Yeats
Janet Ings	Email	Would like stronger Dog Control Orders particularly at the Woodmill Pitch and Putt Course	Endorsement	Basic reply thanking them for information and expanding on reasons why we are unable to make orders stronger	Nick Yeats
FoSOC	Email	Would like stronger Dog Control Orders particularly within Cemeteries, but endorse the actions taken this far.	Endorsement	Basic reply thanking them for information and expanding on reasons why we are unable to make orders stronger	Nick Yeats
Lesley Smith	Email	Objection to Restrictions at Skateboard Park Warren Avenue, Sports Centre and Common	Objection	Reply sets out policy on play area fencing and gates and clarifies situation on The Common as well as dog bin provision.	Nick Yeats
Friends of Riverside Park	Email	The proposals look reasonable on the whole, but could be strengthened through additional areas of dog exclusion in other areas of parks other than play areas.	Endorsement	General reply thanking for input	Nick Yeats
Jack Candy	Email	Gives general comments on byelaws and naming of certain areas.	General Information	Reply thanking them for information and sending out additional information	Jill Pickard
Friends of St James Park	Email	Overall the Orders make sense and the group endorses them in principle.	Endorsement	General reply thanking for input	Nick Yeats
Common Sense	Email	Objects to Orders on Southampton Common, in particular excluding dogs from the lakes. Petition with 326 Signatures	Objection	Reply sets out duties under SSSI and reason why dogs should be excluded from the Lakes/ponds on the Common	
Sandrine Leoni	Email	Endorses the use of Dog Control Orders, particularly in Riverside Park	Endorsement	General reply thanking for input	Nick Yeats

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Byelaws vs Dog Control Orders at Southampton Common.

Byelaw

There is currently a byelaw from 1967 which states “*A person shall not cause or suffer any dog belonging to him or in his charge to enter or remain in the pleasure ground unless such a dog be, and continue to be, under proper control, and be effectually restrained from causing annoyance to any person, and from entering any ornamental lake, pond, stream or other water artificially constructed, but dogs are not prevented by this byelaw from entering the Cemetery Lake and Ornamental Lake both situated on Southampton Common.*”

Current Legislation

Since the current byelaws were adopted there have been a number of significant laws passed in England that affect Southampton Common and the issue of dogs entering its lakes.

- The Wildlife and Countryside Act 1981 (as amended)
- The Countryside and Rights of Way Act 2000
- The Natural Environment and Rural Communities Act 2006
- The Conservation of Habitats and Species Regulations 2010

These all strengthen the protection afforded to Southampton Common under the Site of Special Scientific Interest (SSSI), wildlife found there and the duty on Southampton City Council to protect it.

Detail

Whilst not changing what is permitted on Southampton Common (under the above legislation), dog control orders will clarify the situation, in particular the ambiguity of the byelaw, and show that Southampton City Council is discharging its legal duties to obey these laws. We will also assist the public by displaying information signs by the lakes that cover the specific issues of each lake.

Ornamental Lake: a designated dog paddling area has been sectioned off at the western end of the lake – this is the area where it was observed that most dogs entered the lake and was agreed through wide public consultation during the lake restoration project. As the rest of the lake is used by anglers there is a clear danger to any dogs due to fishing line, hooks and the empty spam cans dropped in the lake by inconsiderate anglers.

Model Yachting Lake: this lake supports a number of highly protected birds, amphibia and insects that use it for summer breeding. Dogs disturb wildlife, damage the concrete-rendered sides and reduce water quality. It is hard for dogs to get out of this lake and it contains some blue-green algae (shown by a study on water quality over the past year) that can give out poisons when they bloom.

Cemetery Lake: this lake attracts a large population of gulls and feral ducks due to the popularity of public feeding them. Whilst these are not rare birds,

indeed may be considered pest species, it is still illegal to allow dogs to chase them. Whilst this might be fun for the dogs it distresses wildlife.

Summary

The Common is a Special Site of Scientific Interest because of the Great Crested Newts. Dogs entering the lakes could potentially damage the habitat for these protected species (and other wildlife) reducing potential breeding sites. It is therefore considered that our duty under the above laws and to protect the SSSI outweighs our ability to allow dogs to bathe in the lakes.