

MEETING : CHESHIRE LOCAL ACCESS FORUM
DATE : 10 DECEMBER 2010

REPORT OF : Greenspace Project Officer on behalf of Rupert Adams, Regulatory
Services manager
Contact : Denise Snelson
Officer : 01606 271931

CHESTER WEST AND CHESTER BOROUGH WIDE DOG CONTROL ORDER PROPOSAL

- 1 Cheshire West and Chester Council are looking to establish a Borough wide Dog Control Order (making it an offence to fail to remove dog faeces). This would be under 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.
- 2 This order, if adopted, would remove a level of public confusion that exists. Much of the Borough's area is already covered by the Dogs Fouling of Land Act 1996 (the preceding legislation addressing dog fouling), but there are also pockets of land where Dog Control Orders have been adopted.
- 3 The penalties are different in each instance. Dog Control Orders are seen as the most appropriate and proportionate mechanism through which dog fouling can be addressed. There is widespread public support for orders concerning the removal of dog faeces and an acceptance by dog owners that clearing up after their dog has fouled is their responsibility.
- 4 There are other Dog Control orders that could be adopted, including dog bans. Some sites in Chester are covered by such orders but we are not yet considering extending these.
- 5 If an authority is considering making a Dog Control Order, which would affect open access land (land subject to Part 1 of the Countryside and Rights of Way Act 2000), it must consult the appropriate access authority.
- 6 I am aware that there are already comprehensive dog control provisions which may be applied to access land, including if necessary the banning of dogs. When considering such orders and as a Primary Authority we must pay particular attention to the views of the Local Access Forum in deciding whether any proposed order affecting open access land is necessary.
- 7 At this stage it would assist the Regulatory Services Manager to receive your views on this proposal in respect of Open Access land in Cheshire West and, if you have different views for different locations. However, I am uncertain what

land might be included in this category and any help you can give me to identify such sites would be appreciated.

8 We will be writing separately to the Town and Parish Councils to establish their views.

9 The link below explains a little more about Dog Control Orders.

<http://www.defra.gov.uk/environment/quality/local/legislation/cnea/documents/dogcontrol-orders.pdf>

RECOMMENDED

That the report be noted and the Forum's view be sought on this proposal in respect of Open Access land in Cheshire West, including if there are different views for different locations.

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