

AGENDA ITEM: 3

**SPECIAL OVERVIEW AND SCRUTINY BOARD**

**17<sup>th</sup> September 2010**

**CALL-IN:**

**Albert Park Dog Control Review**

**PURPOSE OF THE REPORT**

1. To allow Members of the Overview and Scrutiny Board (OSB) the opportunity to review a decision made at an Individual Executive Member meeting by the Mayor on 31<sup>st</sup> August 2010, in accordance with the Authority's Call-In Procedure.

**EXECUTIVE DECISION — 31<sup>st</sup> August 2010**

2. At an Individual Executive Member meeting, consideration was given to a report relating to the Albert Park Dog Control Order Review.
3. At this meeting, the report, detailed at **appendix 1**, (Map Appendix 1a, Impact assessment 1b) sets out the following:
  - a) The Local Authorities powers to determine a dog control order and the request for consideration for Albert Park on issues of Public Safety. The report references the extensive consultation period, which attracted significant public comment. The report also illustrates that the Executive declared in 2009 orders which were
    - To require people in charge of dogs to pick up fouling
    - To prohibit dogs from two fenced-off play areas
    - To require dogs to be kept on a lead in three of the four park 'quadrants'. A 15 acre (62,000 square metres) off-lead area was designated in the south-west quadrant of the park where dogs can run free.

On this decision, the Executive asked for a review to be carried out so that the full impact of the Orders could be assessed, and a report to be brought back for consideration.

- b) The report presents detail on the incidents involving dogs causing problems between November 2009 and May 2010 which are relevant to the rules of the orders. Additionally the park staff had conducted surveys regarding compliance to the orders and these are outlined in the report.
- c) The report indicates that the operation of the Orders has highlighted a difference in priorities between park users and dog walkers. The weekly Park run occurs every Saturday for approximately an hour, although it is not clear that this conflict directly relates to the orders.
- d) The report presents that the Equality Impact Assessment had been revisited as part of the review and this assessment did not find any adverse impact.
- e) The report presented an option appraisal, which presented three options. These are outlined in brief as follows :-

**Option 1 – Do Nothing**

That the Orders remain in force if :-

- The review has not identified an reason to change,
- Adequate provision exists for dog walkers
- The Orders have improved public perception of the park.

**Option 2 – Amend the Dog Control Orders**

To consider making the whole park an on-lead area, especially during the parkrun, to avoid accidents with loose dogs.

Or to delay the opening of the park to the general public on a Saturday morning until 10am when the run has ended. This option could improve public safety and minimise clashes.

**Option 3 – Revoke the Dog Control Orders**

To revoke an Order requires new public consultation, and a further Executive decision.

- f) The report concludes by presenting the Financial, legal and Ward implications.

4 In doing so, the Executive ordered the following:

**ORDERED**

- 1 That there be a sustained and relentless campaign to deal with the criminal element who frequent this park and allow their fighting dogs and other types to roam the park whilst their owners invariably consume alcohol in the alcohol free zone. Their behaviour will not be tolerated at all.
- 2 A dog owners' code of practice will be drawn up, which will not be mandatory but advisory.
- 3 That the zone where dogs are allowed off leads should remain and be extended to cover much of the northern area, beginning approximately 100 metres within the park from the entrance near to the lake. A new area being proposed should extend from the east to the west for the whole length and will
- 4 Between the times of 08:30am and 10:30am each Saturday all dogs will be kept on leads in all parts of the park so that no interference from dogs off leads affect the 5k run.
- 5 The arrangements will be monitored and a further review document will be placed before the Executive within 12 months, or sooner if appropriate.

Consequently, the intention to amend the existing Dog Control Order as identified in recommendations 3 and 4 be the subject of consultation, as required by the Act and the accompanying regulations, and will be the subject of a further decision in due course.

### **REASON**

The decision was supported by the following reason:

- 1) To determine the future of Dog Control in Albert Park.

The decision will come into force after five working days following the day the decision was taken unless the decision becomes subject to the call-in procedure.

### **CALL-IN PROCEDURE**

- 5 The Call-In Procedure allows Members the opportunity to Call-In a decision for scrutiny by the OSB which was made by:
  - i) The Executive;
  - ii) An individual Member of the Executive;
  - iii) A Committee of the Executive;
  - iv) A key decision made by an officer with delegated authority from the Executive; or
  - v) Under Joint Arrangements.

6. The Call-In Procedure may only be implemented if so requested by any five Members of the Council and upon receipt of any such request by the Proper Officer before the end of the fifth working day after the making of that decision.
7. Following an Executive meeting, which addressed the report of the Albert Park Dog Control Order Review, which was approved by the Mayor on 31<sup>st</sup> August 2010. Eight Members supported the request to Call-In such decision, in accordance with the Call-In procedure.
8. Throughout this special meeting of the OSB, Members will have the opportunity to review the decision. Having considered the decision the OSB may, if they feel it appropriate, refer the decision back to the decision-making body for re-consideration, setting out in writing the nature of their concerns.
9. If the decision is referred, then a further Executive Meeting will be held within ten further working days. The Executive can then make a final decision in the light of any recommendations made by OSB.
10. If the recommendations of the OSB are not accepted in full, then the Executive should notify the OSB and give reasons for not accepting the recommendations.

#### **REASONS GIVEN FOR THE CALL-IN**

11. The reason given to the Authority's Proper Officer which initiated the Call-In Procedure for the Mayor's decision on the Director of Environment's report, re the Albert Park Dog Control Order Review. Relates to the recommendations that the Mayor makes a determination on the future position with regard to Dog Control in Albert Park. and is as follows:-
  1. The running of the 5k race on a Saturday morning is detrimental to other users in the Park and dangerous because many runners wear spiked shoes. With Clarville common being located over the road, it would be better to let runners use this or alternatively let the dog walkers run round the stadium.

#### **Environment – Albert Park Dog Control Order Review**

12. To assist Members of the OSB to review the decision made by the Mayor in relation to the Albert Park Dog Control Order Review. The following key witnesses will be in attendance during this Special Meeting:

- i) Head of Community Protection. to present the background to the report presented to the Mayor at an Individual Executive Meeting held on 31<sup>st</sup> August 2010.
- ii) The Mayor (to present how the decision was reached); and
- iii) The Member who initiated the Call-In request (to present their views and concerns with regard to the decision made by the Mayor).

## **PROPOSED CALL- IN TIMETABLE**

13. To ensure the Call-In procedure is adhered to, the following Call-In timetable is as outlined below:

<b>MEETING</b>	<b>DATE/TIME</b>	<b>PURPOSE</b>
Special Meeting - Overview and Scrutiny Board	17 <sup>th</sup> Sep 10 10.00 AM	To review the decisions taken by the Mayor on 31 <sup>st</sup> August 2010, in accordance with the Call-In Procedure.
Individual Executive Meeting	23 Sept 10 1.30 PM	To re-consider the decision (if required to do so)
Overview and Scrutiny Board	19 <sup>th</sup> Oct 2010 4.30 PM	To notify the OSB of the outcome of the Call In

## **RECOMMENDATION**

14. It is recommended that the Overview and Scrutiny Board consider the content of this report, to enable the Call-In procedure to be adhered to.

## **BACKGROUND PAPERS**

15. The following background papers were used in the preparation of this report:
- i) Middlesbrough Council's Constitution / Call-In Procedure; and
  - ii) Middlesbrough Council's Scrutiny Handbook 2007.

### **Contact Officers:**

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