

OVERVIEW AND SCRUTINY BOARD

A meeting of the Overview and Scrutiny Board was held on 17 September 2010.

PRESENT: Councillor Brunton (Chair); Councillors C Hobson, J Hobson, Ismail, Kerr, Khan, McPartland (as substitute for Councillor Dryden), Mawston, Purvis and J A Walker.

OFFICERS: J Bennington, E Chicken, P Clark, P Robertson and M Robinson.

**** PRESENT BY INVITATION:** The Mayor (Ray Mallon)
Councillor Elder (originator of the request to Call-In the decision).

**** ALSO IN ATTENDANCE:** Councillors Cox, Lowes, McTigue and Porley.
Members of the public.

**** APOLOGIES FOR ABSENCE** were submitted on behalf of Councillors Cole, Dryden, Sanderson and Williams.

**** DECLARATIONS OF INTEREST**

No declarations of interest were made at this point of the meeting.

ALBERT PARK DOG CONTROL REVIEW

A report of the Senior Scrutiny Officer had previously been circulated regarding the meeting, which had been arranged in accordance with the Council's Call-In procedure. The Call-In related to decisions made at a meeting of the Individual Executive Decision Making meeting of the Mayor held on 31 August 2010 when consideration had been given to a report relating to the Albert Park Dog Control Order Review.

The main components of the report of the Senior Scrutiny Officer included the following: -

- a) a copy of the report at Appendix 1 entitled Albert Park Dog Control Review which had been considered at the Individual Executive Decision Making meeting of the Mayor held on 31 August 2010;
- b) The decisions taken at the Individual Executive Decision Making meeting of the Mayor held on 31 August 2010 as follows:-
 - i) 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.
 - ii) A dog owner's code of practice will be drawn up, which will not be mandatory but advisory.
 - iii) 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 meet the existing zone.
 - iv) Between the times of 8.30 a.m. and 10.30 a.m. 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.
 - v) 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 (iii) and (iv) be the subject of consultation, as required by the Act and the accompanying regulations, and will be the subject of further decision in due course.

The decision was supported by the following reason:

To determine the future of Dog Control in Albert Park.

- c) Details of the Call-In procedure;
- d) The reasons given to the Authority's Proper Officer, which had initiated the Call-In procedure as '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 Clairville Common being located over the road, it would be better to let runners use this or alternatively let the dog walkers run around the stadium.

The Chair welcomed all to the meeting and following introductions explained the procedure to be followed at the meeting.

The Mayor read out a prepared statement, which highlighted the areas of consideration, which had been taken into account in making the decisions at the meeting, held on 31 August 2010.

Councillor Elder was afforded the opportunity of asking questions of the Mayor during which the following points had been raised: -

- in response to concerns expressed regarding the extent of current enforcement of the Dog Control Order the Mayor referred to the decisions taken at the meeting held on 31 August 2010 specifically that there would be 'a sustained and relentless campaign to deal with the criminal element who frequent the park and allow their fighting dogs and other types to roam the Park.....' and indicated that the specific incidents referred to could be examined.
- the Mayor also referred to the opportunity for Members to have raised such matters and areas of clarification prior to the meeting held on 31 August 2010.

Councillor Elder outlined the reasons for invoking the Call-In procedure which centred on the importance of Albert Park being available for many activities/users; circulated photographic evidence of dogs being present before, during and after a 5k race and off and on leads in Albert Park; referred to specific incidents involving dogs getting distracted when off a lead; safety aspects of the 5k run; and clarification sought around the proposed consultation exercise.

The Mayor was afforded the opportunity of asking questions of Councillor Elder. At this point of the proceedings Councillor Elder confirmed her agreement to the decisions taken at the Individual Executive Decision Making meeting of the Mayor held on 31 August 2010.

In view of such agreement the Chair asked the Board at this stage of the process to consider the evidence the main observations of which centred on: -

- i) Councillor Elder's stated agreement to the decisions taken at the Individual Executive Decision Making meeting of the Mayor held on 31 August 2010;
- ii) opportunities existed for Members to seek clarification or make comments prior to decisions being taken at meetings of the Executive or Individual Executive Decision making meetings;
- iii) the value in seeking to work together with all park users and encouraging people to use Albert Park not just from the immediate vicinity, other areas but further afield to assist with the regeneration of the Town.

The Board considered the evidence and voted upon its decision following which it was unanimously agreed not to refer the matter back.

ORDERED that the decision taken at the Individual Executive Decision-Making meeting of the Mayor held on 31 August 2010 be not referred back on the basis of the evidence presented.