

ITEM 6



COUNCIL CABINET
18 October 2005

Report of the Planning and Environment Commission

Report on the Planning and Environment Commission's review of the Council's Enforcement of the Dog Control and Dog Fouling legislation

RECOMMENDATION

1. That Council Cabinet adopts the two recommendations arising from the Planning and Environment Commission's review of the way in which the Council enforces the Dog Control and Dog Fouling legislation. These recommendations are contained in 2.7 of this report.

SUPPORTING INFORMATION

Background

2.1 During March/April 2005 the Planning and Environment Commission conducted a review of the way in which the City Council enforces the dog fouling and dog control legislation.

2.2 The objectives of the review were:

- To identify the scale of any dog fouling problem in Derby and the level of public concern
- To find out how the dog fouling legislation is being enforced in Derby
- To compare the approach taken in Derby and the outcomes of that approach, with that of other similar sized local authorities that were known to have a good record of enforcing the legislation
- If appropriate, to make recommendations:
 - a) for addressing any dog fouling/control problem that has been identified, and;
 - b) for improving the enforcement of the dog fouling/control legislation in Derby

2.3 The methodology of the review was as set out in the Executive Summary of the review report which is contained in Appendix 2 of this report. Copies of the full report can be obtained from the Overview and Scrutiny Co-ordination Officer. Copies will also be placed in the Group Rooms.

Issue(s)

- 2.4 As a consequence of its review the Commission concluded that there is a significant problem with dog fouling in the City and that the actions currently being taken by the Environmental Services and Trading Standards Division are not effectively addressing that problem.

Conclusions of the Commission

- 2.5 The Commission recognises that the primary reason for the lack of effective action by the Environmental Services and Trading Standards Division is a lack of resources. The Commission considers that the introduction in April 2006, of the relevant sections of the Clean Neighbourhoods and Environment Act 2005 should provide the Environmental Services and Trading Standards Division with an opportunity to review and redress the way in which it deals with the twin issues of dog control and dog fouling.

Recommendations of the Commission

2.7 Recommendation 1

The Planning and Environment Commission recommends that the Environmental Health and Trading Standards Division should consider and consult on how the Council might use the Clean Neighbourhoods and Environment Act 2005 to deal with the problems of dog control and dog fouling. In particular it is recommended that the Environmental Health and Trading Standards Division should:

- Review the way in which it might employ the new legislation to the deal with stray dogs and dog fouling
- Consult with the public and dog owner groups
- Identify the areas within the City which could/should be subject to dog control orders
- Suggest the amount of the fixed penalties that will be imposed for contraventions of any dog control orders that are made by the Council
- Identify a local kennels or other facility that could be used to either temporarily or in the long term to hold stray dogs
- Identify the staffing and resource levels that will be required to effectively implement the new legislation

2.8 Recommendation 2

The Commission recommends that having implemented Recommendation 1 the Environmental Services and Trading Standards Division should prepare a report on the financial and personnel implications of putting into effect the dog control provisions of the Clean Neighbourhoods and Environment Act 2005. It is recommended that the

report is completed in time for its consideration as part of the 2006/07 draft Revenue Budget proposals.

Reasons for Commission's Recommendations

2.9 Reasons 1

The Commission considers that the Clean Neighbourhoods and Environment Act 2005 will provide the City Council with an opportunity to set up an effective dog control service for Derby.

2.10 Reasons 2

To ensure that the need for an effective dog control service is included for consideration as a service development issue in the 2006/07 draft Revenue Budget..

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Background papers:	Background Papers - None
List of appendices:	Appendix 1 – Implications Appendix 2 – Executive Summary and Recommendations

IMPLICATIONS

Financial

1. There will be financial implications associated with the adoption of the Commission's recommendations. These have not been quantified by the Commission but it has been recommended that they are identified by the Environmental Health and Trading Standards Division

Legal

2. The City Council has a statutory responsibility under Section 149 of the Environmental Protection Act 1990 to deal with stray dogs. There is no statutory duty to enforce the dog fouling legislation.

Personnel

3. There will be personnel implications associated with the adoption of the Commission's recommendations. These have not been quantified by the Commission but it has been recommended that they are identified by the Environmental Health and Trading Standards Division

Equalities impact

4. Effective enforcement of the dog fouling and dog control legislation will be of benefit to all Derby people.

Corporate Objectives, Values and Priorities

5. This report has the potential to link to the following of the Council's Corporate Objectives, Values and priorities:

Objectives:

- Healthy safe and independent communities

Values

- Adopt new ways of working wherever these will help us do things better and provide value for money, customer focussed services

Priorities

- Minimise increases in Council Tax and increase value for money services

‘A Messy Business’ – A Review of Derby City Council’s Enforcement of the Dog Fouling and Dog Control Legislation

1. Executive Summary and Recommendations

1. At its meeting on 22 July 2004 the Planning and Environment Commission agreed to conduct a review of the way in which the dog fouling legislation was enforced in Derby. At the suggestion of the Assistant Director – Environmental Health and Trading Standards, the review was subsequently expanded to include dog control issues.
2. Evidence gathering for the review was carried out in March/April 2005. The topic was chosen because the issue of dog fouling and the provision of poop scoop bins had been raised at Area Panel meetings where the public have also voiced the opinion that there should be more enforcement of the dog fouling legislation. Commission members also knew that a significant number of complaints about dog fouling are made each year to the Environmental Health and Parks Divisions of the Council. Members were particularly concerned about the issue of dog fouling because it seemed that the Council was not using the available legislation as effectively as some other local authorities.
3. The objectives of the review were to:
 - To identify the scale of any dog fouling problem in Derby and the level of public concern
 - To find out how the dog fouling legislation is being enforced in Derby
 - To compare the approach taken in Derby and the outcomes of that approach, with that of other similar sized local authorities that were known to have a good record of enforcing the legislation
 - If appropriate, to make recommendations:
 - c) for addressing any dog fouling/control problem that has been identified, and;
 - d) for improving the enforcement of the dog fouling/control legislation in Derby
4. The review was seen as having three distinct parts. These were for the Commission to:
 - a) Establish the scale of any dog fouling problem in Derby. It was proposed to do this by asking the public to inform the Commission of any locations where they considered there was a problem with dog fouling and subsequently by site visits to make an assessment of those locations.

- b) Interview the relevant stakeholders. It was anticipated that these would comprise officers of the Environmental Health and Parks Divisions and possibly some representatives of the public. It was thought that the latter could be selected from those people who responded to the Commission's request for information about problem areas, or from people who were contacted via the Area Panels. The Commission also considered it would be appropriate to interview the relevant Cabinet member(s).
 - c) Gain an appreciation of the approach taken by other Councils. For this purpose the Commission visited two local authorities that were known to have achieved significant successes in enforcing the dog fouling legislation. The local authorities selected were Tameside Metropolitan Borough Council and Mansfield District Council.
5. In the course of its review Councillor Mike Carr, the Council Cabinet member for Personnel and Direct Services, told the Commission that because of Dog Control Service staffing levels it was not possible to spend sufficient time enforcing the regulations.
 6. Andrew Hopkin, the Assistant Director – Environmental Health and Trading Standards, told Commission members that as there were no accessible kennels close to the City the Council's two Dog Wardens spent a large proportion of their time transporting stray dogs to the kennels that the Council had to use. Ian Donnelly, Group Leader – Public Health with the Environmental Health and Trading Standards Division confirmed that since the introduction of the Dogs (Fouling of Land) Act 1996, the Council had not prosecuted any dog owners for allowing their dogs to foul, and had only served four fixed penalty notices.
 7. The outcome of the Commission's visits to Tameside Metropolitan Borough Council and Mansfield District Council is reported elsewhere in this report. Although very different in their approach, both of these authorities appear to be dealing effectively with the issues of dog control and dog fouling.
 8. Visits were carried out by members of the Commission to a number of locations that had been reported as being badly affected by dog fouling. These visits showed that there were a number of locations across the City where there were problems with dog fouling. One footpath in particular was very bad and there was evidence of dog fouling on each of the parks that were visited.
 9. As a consequence of its review the Commission concluded that there is a significant problem with dog fouling in the City and that the actions currently being taken by the Environmental Services and Trading Standards Division are not effectively addressing that problem.
 10. The Commission recognises that the primary reason for the lack of effective action by the Environmental Services and Trading Standards Division is a lack of resources. The Commission considers that the

introduction in April 2006, of the relevant sections of the Clean Neighbourhoods and Environment Act 2005 should provide the Environmental Services and Trading Standards Division with an opportunity to review and redress the way in which it deals with the twin issues of dog control and dog fouling. The Commission has made two recommendations in support of this suggestion.

1.1 Recommendations

Recommendation 1

11. The Planning and Environment Commission recommends that the Environmental Health and Trading Standards Division should consider and consult on how the Council might use the Clean Neighbourhoods and Environment Act 2005 to deal with the problems of dog control and dog fouling. In particular it is recommended that the Environmental Health and Trading Standards Division should:

- Review the way in which it might employ the new legislation to the deal with stray dogs and dog fouling
- Consult with the public and dog owner groups
- Identify the areas within the City which could/should be subject to dog control orders
- Suggest the amount of the fixed penalties that will be imposed for contraventions of any dog control orders that are made by the Council
- Identify a local kennels or other facility that could be used to either temporarily or in the long term to hold stray dogs
- Identify the staffing and resource levels that will be required to effectively implement the new legislation

Reasons 1

12. The Commission considers that the Clean Neighbourhoods and Environment Act 2005 will provide the City Council with an opportunity to set up an effective dog control service for Derby.

Recommendation 2

13. The Commission recommends that having implemented Recommendation 1 the Environmental Services and Trading Standards Division should prepare a report on the financial and personnel implications of putting into effect the dog control provisions of the Clean Neighbourhoods and Environment Act 2005. It is recommended that the report is completed in time for its consideration as part of the 2006/07 draft Revenue Budget proposals.

Reasons 2

14. To ensure that the need for an effective dog control service is included for consideration as a service development issue in the 2006/07 draft Revenue Budget.

DRR 16 September 2005.