

Item no.

Report to: **District Council of Easington**
Date: **6 March 2008**
Report of: **Executive Member for Liveability**
Subject **Dog Control Orders for the District of Easington**
Ward: **All**

1. Purpose of Report

1.1 The report is to make a dog control order for the District of Easington. The order will be known as the "Fouling of Land by Dogs (District of Easington) Order 2008".

2. Consultation

2.1 Consultation to date has involved;-

- An initial workshop meeting with District of Easington members on 2/3/07,
- Presentation and discussion with Community Services Scrutiny Committee on the 17/7/07,
- A presentation to each Area Forum between April and June 2007,
- 2 meetings with a representative selection of District of Easington residents one on the 19/2/07 for the north of the District and 19/3/07 for the South,
- Town/Parish Council Consultative Meetings held over a series of months and a consultation letter to each secondary authority,
- Meetings with the Heritage Coast team,
- Discussions with the local police,
- Consultation with organisations concerned with the welfare of dogs.

The views expressed during consultation have shaped the form of the dog control order for the District of Easington.

2.2 The statutory consultation process has been followed in publicising the council's intent to make the Order in 2 local newspapers and inviting person to object or make representation. No objections have been received and the council can now make the order in line with the statutory process.

3. Background

3.1 Previous reports have outlined the powers available under the Clean Neighbourhoods and Environment Act 2005. Local authorities can make a range of orders to control dog related problems in their areas. This includes the power to replace the existing Dogs (Fouling of Land) Act 1996 designated no fouling areas with;

- A “Fouling of Land by Dogs Order”, and/or
- A “Dogs on Leads Order”, and/or
- A “Dogs on Leads by Direction Order”, and/or
- A “Dogs Exclusion Order”, and/or
- A “Dogs (Specified Maximum) Order”.

3.2 The proposal put forward during consultation was that as a minimum, the existing no fouling areas should be extended to cover all appropriate areas within the District. This would require the Council to make a “Fouling of Land by Dogs (District of Easington) Order 2008 with attached maps setting out the areas subject to the order. Previous reports have established the policy of setting the level of fixed penalty at the maximum level (for littering and dog fouling this is currently £80) and that a discount to £50 applies on early payment. There has been unanimous support for making such an order and the maps identifying the designated areas have been amended in line with comments from members, residents and other stakeholders.

This would extend the no fouling controls to some areas that were previously not designated under the Dogs (Fouling of Land) Act 1996 as follows;

- certain new housing estates,
- parts of the countryside,
- areas of roads above 40 miles per hour, and
- certain industrial estates,

3.3 In making any dog control order the Council must have regard to the statutory guidance and to representations made by persons or bodies consulted. Relevant aspects of the statutory guidance includes a requirement to,

- Have the resources to adequately enforce any order,
- Consider the impact of an order on the freedom and needs of responsible dog owners, and
- Erect adequate signage and waste bins etc to ensure that everyone can understand the controls imposed by an order.

3.4 On the 15/1/08 Executive gave approval to commence the statutory publicity process. Notices were placed in two local newspapers advertising the council's intent to make the order and inviting comments and objections. No objections have been received so we may now make the order.

4. Position Statement and Option Appraisal

4.1 The consultation process has found unanimous support for the Council to make a "Fouling of Land by Dogs (District of Easington) Order 2008" and to increase the level of fixed penalty for dog fouling offences to be in line with littering offences. Maps of proposed designated no fouling areas have been widely distributed and final versions have now been prepared to reflect the comments returned.

Feelings expressed during consultation regarding the use of the other controls were mixed, for example there has been a degree of objection to proposals to prohibit dogs from certain areas, principally Seaham beach and the introduction of a "Dogs Exclusion Order" may meet with formal objection during the publicity period.

Certain town and parish Councils however, have stated that they would like to see higher levels of controls applied to certain areas such as parks and playing fields, beaches and shopping areas.

At this stage therefore, it proposed to seek approval for the making of a "Fouling of Land by Dogs (District of Easington) Order 2008".

4.2 Consideration will be given as to whether the higher level controls available by making a Dogs on Leads (District of Easington) Order 2008 (i.e. to require dogs to be kept on leads in certain areas) and a Dogs Exclusion (District of Easington) Order

2008 (i.e. to prohibit dogs from certain areas) in line with the local government reorganisation process.

- 4.3 A draft “Fouling of Land by Dogs (District of Easington) Order 2008” is appended. Maps identifying the land where fouling by dogs will be prohibited will be attached to the order.

5. Implications

5.1 Financial

There may be a small amount of additional income generated due to the increase in the maximum level of fixed penalty notices from £50 to £80, although the policy of discounting to £50 for early payment will mean that any increase is insignificant. Around 100 fixed penalty notices are served each year.

The additional advertising, publicity and signage will require additional expenditure and the aim is to meet these costs from existing budgets. New signs will be required in areas coming within these controls for the first time and signs in existing designated areas will also need to be updated as the existing ones make reference to the Dogs (Fouling of Land) Act 1996 and warns that fines are £50.

It is envisaged that around 3,000 new signs would be required. It would cost approximately £20,000 to purchase and install this number of new signs and the cost will be met from existing budgets.

5.2 Legal

The Clean Neighbourhood and Environment Act offers local authorities the powers to introduce more comprehensive controls to keep their areas clean and improve BVPI 199 performance. DEFRA are carrying out surveys to see how local authorities are responding to the new Act.

5.3 Policy

The existing policy of issuing spot fines where offences are witnessed and prosecuting for non-payment of spot fines would continue.

5.4 Risk Implications

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There is a potential for adverse publicity with any increase in enforcement which can be managed by effective communication and publicity. There is equally the chance of criticism if we do not take advantage of the new powers.

5.5 *Communications*

A communications strategy would be developed to ensure comprehensive publicity. Consultation would follow the statutory process. Maps will be available for public comment during the 28 day consultation period.

6. Corporate Implications

6.1 *Corporate Plan and Priorities*

The introduction of new CNEA powers will help deliver the corporate priority for clean and tidy communities.

7. Recommendations

- 7.1 That the Council make the order known as the “Fouling of Land by Dogs (District of Easington) Order 2008” as detailed in this report.

Documents and publications used in drafting this report;

Clean Neighbourhoods and Environment Act 2005 and statutory guidance