

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

16 APRIL 2009

**REPORT OF ENVIRONMENT
SELECT COMMITTEE**

CABINET DECISION

Housing and Community Safety – Lead Cabinet Member – Councillor Nelson

ANIMAL WELFARE / DOG FOULING

1. Summary

The Environment Select Committee undertook a review of two strands of dog ownership. Firstly the Committee investigated the trend of dog fouling complaints over the last ten years and the effect the Council's policy has had on this, in particular, education and enforcement issues. In addition it considered further control dog fouling in certain designated areas and how these orders would be enforced. Flexibility regarding the level of any fines imposed.

Secondly the Committee reviewed resource issues arising from the first six months of implementation of the Clean Neighbourhoods and Environment Act 2005 from April 2008 which placed sole responsibility on the Council for dealing with stray dogs.

2. Recommendations

It is recommended to Cabinet that:

- R1 Dog waste bins are GIS located and that this information is available on the SBC web site.
- R2 To improve the reduction of dog fouling in the borough such incidents should be GIS recorded and that this information be available through the FLARE system.
- R3 The call centre to include asking for the nearest lamp post number to assist locating dog fouling on the GIS system if an identifiable address can not be provided.
- R4 To explore the possibility of Dog Control Orders, as per the Clean Neighbourhoods and Environment Act 2005, for specified areas including enclosed children's play areas and associated public seating areas.
- R5 The Council introduce a pilot scheme of biodegradable pavement painted stencils in known areas of dog fouling to act as an additional reminder to dog owners to act responsibly.
- R6 The Council turn it's attention to dog fouling problems on and around school grounds and on footpaths that are used to access school grounds and Safe Routes to School to try and minimise the incidence of children being exposed to a potential health and safety hazard.
- R7 The Council continue to use responsible dog ownership education packages in schools and explore the expansion of its delivery when budgetary pressures allow.

R8 The Council proactively lobby local MPs to campaign for the introduction of compulsory dog registration and micro-chipping of dogs.

3. Reasons for the Recommendations/Decision(s)

In order to further assist the Animal Welfare and Enforcement services deal with incidences of poor dog ownership issues.

4. Members Interests

Members (including co-opted members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (paragraph 8) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (paragraph 10 of the code of conduct).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting considering the business is being held -

- in a case where the Member is attending a meeting (including a meeting of a select committee) but only for the purpose of making representations, answering questions or giving evidence, provided the public are also allowed to attend the meeting for the same purpose whether under statutory right or otherwise, immediately after making representations, answering questions or giving evidence as the case may be;
- in any other case, whenever it becomes apparent that the business is being considered at the meeting;

and must not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (paragraph 12 of the Code).

Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc; whether or not they are a Member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting (unless the interest arises solely from the Member's membership of, or position of control or management on any other body to which the Member was appointed or nominated by the Council, or on any other body exercising functions of a public nature, when the interest only needs to be declared if and when the Member speaks on the matter), and if their interest is prejudicial, they must also leave the meeting room, subject to and in accordance with the provisions referred to above.

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RECOMMENDATIONS

It is recommended to Cabinet that:

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DETAIL

1. Councillors identified that an area of fairly constant contact with residents was complaints regarding the amount of dog waste that was left on public pavements and in public parks. Allied to this it was decided to examine the Council's Animal Welfare Service as legislation had been introduced that impacted on its delivery of services.
2. The Council's Environmental Health service receive approximately 2,000 animal welfare requests each year regarding dogs. The service also receive about 350 complaints a year about dogs fouling in public places. Currently there are 200 dedicated dog bins located in popular dog walking areas which are provided to reduce the amount of dog waste left on public footpaths and play areas.
3. Legislation is in place to assist the Council to deal with irresponsible dog owners who do not remove the mess made by their pet. Under the Dogs (Fouling of Land) Act 1996 authorised Council Officers can issue a £50 Fixed Penalty Notice to anyone that is seen to allow their dog to foul in a public place and not clean up after it. Failure to pay the fixed penalty could result in prosecution that may lead to the offender being fined up to £1,000.
4. Historically the North East has been the busiest area in the UK for animal welfare issues with the highest investigation and prosecution work load for the country. Stockton Council operates differently to many other local authorities because it has its own Animal Welfare Department. The level of work undertaken by the department has hugely increased compared to the same months in previous years as a result of the adoption of the Clean Neighbourhoods and Environment Act 2005 which transferred all responsibility for stray dogs from the police to local authorities.
5. The review highlighted many areas of good practice that is already being carried out. The Committee commend the work of officers dealing with dog fouling and animal welfare issues. The sharp increase in work caused by changes in legislation place an incredible pressure on the finite resources available to deal with the concerns of the public. The Committee is therefore hopeful that its recommendations will help to strengthen the areas of positive working arrangements and go some way to provide opportunities for further improvement.

FINANCIAL AND LEGAL IMPLICATIONS

Financial

6. Recommendation 2 requires approximately £8k to purchase software that would allow a connection to be made between the recording of reported problems on the Council's FLARE system; and the specific highlighting of locations, trends and other related problems on the Council's GIS system.
7. The Cabinet resolved on 21 July 2008 that the benefits of the connectivity of the two relevant IT systems be acknowledged and the Environmental Health Manager build into Service Improvement Planning the acquisition of the appropriate software necessary to achieve greater connectivity between use of the Council's FLARE and GIS systems, so as to produce a higher level of management information that more accurately records specific trends regarding reported pest control problems.

Legal

8. None

RISK ASSESSMENT

9. This scrutiny report is categorised as low to medium risk.

COMMUNITY STRATEGY IMPLICATIONS

Environment

10. To assist making Stockton a cleaner, greener place to live, work and visit.

Community Safety and Well-Being

11. No significant impact

Health

12. No significant impact

Economic Regeneration

13. No significant impact

Education and Lifelong Learning

14. No significant impact

Arts and Culture

15. No significant impact

EQUALITY IMPACT ASSESSMENT

16. When an Equality Impact Assessment is carried out it will need to consider the suggested recommendations.

CONSULTATION INCLUDING WARD/COUNCILLORS

17. No specific consultation exercise was undertaken.

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Background Papers

None

Ward(s) and Ward Councillors

Not ward specific

Property

None