

AGENDA ITEM

REPORT TO CABINET

19 JANUARY 2017

**REPORT OF CRIME AND
DISORDER SELECT
COMMITTEE**

CABINET DECISION

Access and Communities – Lead Cabinet Member – Councillor Nelson

SCRUTINY REVIEW OF DOG FOULING ENFORCEMENT

1. Summary

This review was undertaken at the request of the Lead Cabinet Member initially to examine the use of dog DNA to identify dogs and subsequently their owners failing to dispose of the faeces responsibly. The review also scrutinised other aspects of enforcement.

2. Recommendations

1. SBC continue to use all means possible to counteract the problem of dog fouling subject to resource availability.
2. SBC review its dog fouling education support materials to encourage the public to provide more detail of offending dog owners, where possible, to more effectively target enforcement activity
3. Consideration is given to introducing a borough-wide Public Space Protection Order (PSPO) covering dog fouling related issues, taking account of pilot schemes elsewhere in the Country and resource constraints.
4. Consideration is given to the provision of permanent signage required in the borough if a PSPO is introduced.
5. SBC continue to monitor the use of dog DNA profiling and consider introduction if found to provide a cost effective dog fouling reduction measure.
6. SBC give support to the introduction of a national licensing scheme in order to support the effective use of DNA profiling.
7. SBC continue to work in partnership to support campaigns to get dogs micro chipped.

3. Reasons for the Recommendation(s)/Decision(s)

1. The Crime and Disorder Select Committee's Review of Dog Fouling Enforcement has examined the Council's approach to dealing with the issue of dog owners failing to dispose of their dog's faeces even though the Council has provided facilities throughout the borough and so provides alternative approaches..

4. Members' Interests

Members (including co-opted Members) should consider whether they have a personal interest in any item, as defined in **paragraphs 9 and 11** of the Council's code of conduct and, if so, declare the existence and nature of that interest in accordance with and/or taking account of **paragraphs 12 - 17** of the code.

Where a Member regards him/herself as having a personal interest, as described in **paragraph 16** of the code, in any business of the Council he/she must then, **in accordance with paragraph 18** of the code, 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 and the business:-

- affects the members financial position or the financial position of a person or body described in **paragraph 17** of the code, or
- relates to the determining of any approval, consent, licence, permission or registration in relation to the member or any person or body described in **paragraph 17** of the code.

A Member with a personal interest, as described in **paragraph 18** of the code, may attend the meeting but must not take part in the consideration and voting upon the relevant item of business. However, a member with such an interest may make representations, answer questions or give evidence relating to that business before the business is considered or voted on, provided the public are also allowed to attend the meeting for the same purpose whether under a statutory right or otherwise (**paragraph 19** of the code)

Members may participate in any discussion and vote on a matter in which they have an interest, as described in **paragraph 18** of the code, where that interest relates to functions of the Council detailed in **paragraph 20** of the code.

Disclosable Pecuniary Interests

It is a criminal offence for a member to participate in any discussion or vote on a matter in which he/she has a disclosable pecuniary interest (and where an appropriate dispensation has not been granted) **paragraph 21** of the code.

Members are required to comply with any procedural rule adopted by the Council which requires a member to leave the meeting room whilst the meeting is discussing a matter in which that member has a disclosable pecuniary interest (**paragraph 22** of the code)

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SUMMARY

The attached report presents the Crime and Disorder Select Committee findings following the Scrutiny Review of Dog Fouling Enforcement.

The Committee's report makes recommendations to assist the Council provide an appropriate response to the level of dog fouling incidents that are a regular concern to residents reported to Members.

RECOMMENDATIONS

1. SBC continue to use all means possible to counteract the problem of dog fouling subject to resource availability.
2. SBC review its dog fouling education support materials to encourage the public to provide more detail of offending dog owners, where possible, to more effectively target enforcement activity
3. Consideration is given to introducing a borough-wide Public Space Protection Order (PSPO) covering dog fouling related issues, taking account of pilot schemes elsewhere in the Country and resource constraints.
4. Consideration is given to the provision of permanent signage required in the borough if a PSPO is introduced.
5. SBC continue to monitor the use of dog DNA profiling and consider introduction if found to provide a cost effective dog fouling reduction measure.
6. SBC give support to the introduction of a national licensing scheme in order to support the effective use of DNA profiling.
7. SBC continue to work in partnership to support campaigns to get dogs micro chipped.

DETAIL

1. Dog fouling is consistently high on issues of concern to the public of Stockton and since a previous scrutiny review a number of other local authorities are trying a number of initiatives to tackle this issue.
2. The use of dog DNA to help identify offending dogs and their owners who fail to clear the mess made has made national news since it has begun to be trialled elsewhere so this review aimed to examine its use in Stockton Borough.
3. The DNA trial is still ongoing and it is being observed by a number of local authorities in terms of whether it will stand legal challenge. As it currently stands the Committee would not proceed with introducing DNA testing but would reconsider its introduction if it was

found to provide a cost effective dog fouling reduction measure and could be supported by a national licensing scheme.

4. The Committee then proceeded to consider other aspects of dog fouling enforcement focusing primarily on the use of Public Space Protection Orders (PSPOs) which have also begun to be utilised by other local authorities. There are challenges for councils to introduce PSPOs such as the cost of signage and having sufficient Enforcement Officers to patrol and issue warnings/fines.
5. Microchipping was examined as a way of identifying dogs that were allowed by their owners to foul public areas although its main use is to reunite stray dogs with their owners. Stockton Council provide a proactive fortnightly microchipping surgery by appointment to provide free chipping (in partnership with Dogs Trust) to all dog owners and a low cost service to cat owners. Unfortunately the Committee heard that the majority of database details are not kept up-to-date by the dog's owners.

COMMUNITY IMPACT IMPLICATIONS

6. The recommendations in this report will not have any implications impacting on any specific community group in the borough and does not seek approval for a new policy, strategy, or change in the delivery of a service.

FINANCIAL IMPLICATIONS

7. The introduction of a PSPO and the required permanent signage would incur costs. (7,500 signs = £26,250 or 445 signs on dog bins x £5/sign = £2,225)

LEGAL IMPLICATIONS

8. The introduction of a PSPO would require consultation before implementation.

RISK ASSESSMENT

9. This review of dog fouling enforcement is categorised as low to medium risk. Existing management systems and daily routine activities are sufficient to control and reduce risk.

COUNCIL PLAN POLICY PRINCIPLES AND PRIORITIES

10. We aim to make the borough a better place to live and a more attractive place to do business, with clean streets, carefully tended parks and open spaces, affordable and desirable housing.

CORPORATE PARENTING IMPLICATIONS

11. This report does not contain corporate parenting implications.

CONSULTATION INCLUDING WARD/COUNCILLORS

12. No consultation was undertaken for this review.

Name of Contact Officer: Graham Birtle
Post Title: Scrutiny Officer
Telephone No. 01642 526187
Email Address: graham.birtle@stockton.gov.uk

Education related? No

Background Papers N/A

Ward(s) and Ward Councillors: N/A

Property N/A