

ENVIRONMENT AND COMMUNITY SAFETY OVERVIEW AND SCRUTINY COMMISSION

Agenda Item 49

Brighton & Hove City Council

Subject: Dog Fouling in Brighton & Hove
Date of Meeting: 4 April 2011
Report of: Strategic Director, Place
Contact Officer: Name: Roy Pickard Tel: 29-2145
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Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 Scrutiny has asked for information on how the various services of the council co-ordinate their work relating to dog fouling.
- 1.2 The work of the Animal Welfare Team, the Park Rangers, the Seafront Officers and City Clean is very important to a city like Brighton & Hove with its leisure and tourist industry. It keeps the city's workers, residents and visitors safe and healthy and enhances the city's reputation as an attractive place to work, live and visit.

2. RECOMMENDATIONS:

- 2.1 That the report is noted.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS

- 3.1 The Council reviewed the rules relating to dogs in the City after an extensive public consultation in 2007 & 2008. The council implemented these new Dog Control Orders in 2009.
- 3.2 Four Dog Control Orders were created under the Clean Neighbourhoods and Environmental Act 2005. These were:
 - The Fouling of Land by Dogs (Brighton & Hove) Order 2009
 - The Dogs on Leads (Brighton and Hove) Order 2009
 - The Dogs on Leads by Direction (Brighton and Hove) Order 2009
 - The Dogs Exclusion (Brighton and Hove) Order 2011

- 3.3 The control of fouling was included in the orders and apply to Land open to the air (which includes land that is covered but open to the air on at least one side) and; to which the public are entitled or permitted to have access (with or without payment).
- 3.3 In practice this means that all streets, roads, parks, seafront promenade, beaches and public open spaces require those in charge of a dog(s) to clear up after it.
- 3.4 Exemptions to this are land that is used for agriculture, woodland and Forestry Commission Land. Assistance Dogs are also exempt from the Orders.
- 3.5 The Animal Welfare Team, Park Rangers and Seafront Officers enforce the Dogs Control Orders. All teams use education, advice and enforcement to ensure the public complies with the rules.
- 3.6 The teams work together during action days targeting problem areas of the city. These action days are often in partnership with the police. Throughout 2010 approximately 10 action days were carried out.
- 3.7 Penalties for non-compliance with the dog control order are court action with a possible £1000 fine or the issue of a fixed penalty notice of £80. Enforcement action is taken in conjunction with the Council Enforcement policy.
- 3.8 Enforcement of Dog Control Orders can be challenging, as it requires officers to witness the offence and to obtain the name and address of the person in charge of the dog.
- 3.9 Successful enforcement of the rules relies on officers being in the right place at the right time and offenders co-operating with officers. What is common is that when officers are patrolling an area people will pick up after their dog. It is often the case that people flout the rules when nobody is looking.
- 3.10 Fixed penalty notices can be issued on behalf of third party information provided the informant is prepared to provide a written statement and appear in court as necessary
- 3.11 Officers do not use directed surveillance to catch offenders as this is considered disproportionate, so no RIPA (Regulation of Investigative Powers Act) authorisations have been sought for complaint investigation.
- 3.12 The city's animal welfare officers carry out approximately 350 fouling investigations each year and 250 proactive patrols in hot spots across the city.
- 3.13 The hotspots the team is currently focusing on are Happy Valley, St Lukes School and surrounding areas, Hanover, St James Street, College Place,

Max Miller Walk, Seafront and beaches, Roundhill Crescent, Freshfield Road, Elm Grove, Swanborough Drive, Bristol Estate, Saunders Park View, Benfield Valley and the Level.

- 3.14 These areas are receiving extra patrols and signage is being improved to remind dog owners of their responsibilities.
- 3.15 During Animal Welfare Officer's weekend patrols, which total in excess of 162 hours, the entire city is visited to ensure compliance with the City's Dogs Control orders. Officers will take the appropriate enforcement action if offences are witnessed.
- 3.16 Four fixed penalties have been issued for fouling in the last year of which three have been paid. The unpaid one was withdrawn as a result of inaccurate evidence.
- 3.17 The Animal Welfare Team use events such as dog shows in the city and talks to schools to educate the public on responsible dog ownership.
- 3.18 Dog fouling bins are installed in areas where people exercise their dogs. Some are also carefully located in residential areas, as a result of public requests and after careful consultation with residents. The City Clean service funds and installs these bins.
- 3.19 The public can also use litter bins found throughout the city to dispose of dog waste.
- 3.20 City Clean will clean badly affected streets and residents are encouraged to telephone this service on 29-2929 if they are experiencing problems.

4. **CONSULTATION**

- 4.1 A considerable amount of consultation was carried out with open spaces groups, Council departments, Members and the general public during the formation of the Dog Control Orders. The Citizen Panel was also engaged to help us understand the public's animal welfare priorities.
- 4.2 The Dog Control Orders were publicised widely by the local press and media during the consultations and when they were confirmed by Order.

5. **FINANCIAL & OTHER IMPLICATIONS:**

5.1 Financial Implications

The 2011/12 net budget for the Animal Welfare within Environmental Health is £178,000. This includes a figure to cover the appropriate proportion of the Head of Environmental Health & Licensing and administrative support.

Finance Officer consulted: Louise Hoten

Date: 24 March 2011

Legal Implications

- 5.2 The Fouling of Land by Dogs Order 2009 was introduced following an appropriate consultation and publicity and complies with the relevant legislation and guidance.

Lawyer consulted: Elizabeth Culbert

Date: 24 March 2011

Equalities Implications:

- 5.3 An Equalities Impact Assessment has been completed as part of the work to create Dog Control orders. Assistance dogs are exempt from the orders.

Sustainability Implications:

- 5.6 Unacceptable risk, and a reduction in the city's reputation as being a clean and safe environment would reduce development of the city, tourism and benefits to local people, in addition to private and family lives.

Crime & Disorder Implications:

- 5.7 Effective enforcement and education promoting responsible dog ownership will reduce this type of environmental crime.

Risk and Opportunity Management Implications:

- 5.8 A sensible approach to responsible dog ownership protects the Council's reputation as a responsible authority and makes the city a clean and pleasant place to live, work and visit.

5.9

Corporate / Citywide Implications:

- 5.9 A safe and healthy environment benefits the local economy and develops the city's tourism

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 None.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 For information

SUPPORTING DOCUMENTATION

None