

ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE

Date of Meeting	Wednesday 11 January 2017
Report Subject	Pilot Dog DNA scheme and the introduction of Dog Control Public Spaces Protection Orders
Cabinet Member	Deputy Leader of the Council and Cabinet Member for Environment
Report Author	Chief Officer (Streetscene and Transportation)
Type of Report	Operational

EXECUTIVE SUMMARY

Flintshire County Council adopted powers within the clean Neighbourhoods and Environment Act 2005 and currently has a single Dog Control Order, covering the entire County, in relation to the fouling of public open space by dogs. Due to changes in legislation the current Dog Control Order needs to be replaced, otherwise enforcement actions would not be able to continue against owners that allow their dogs to foul in public areas without collecting the waste and disposing of it in an appropriate manner.

In October 2014, the Anti-Social Behaviour, Crime and Policing Act 2014 came into force. The Act covers a wide variety of anti-social behaviour and the sections relevant to dog fouling include the introduction of Public Spaces Protection Orders (PSPO) and this report considers replacing the current Dog Control Order with a new PSPO covering the all public open space across the County.

The existing Dog Control Order only requires owners to remove their dog's waste from public areas however, the creation of a PSPO provides an opportunity for enforcement against other designated offences, such as the complete exclusion of dogs from a defined area or keeping dogs on leads on certain classifications of open space at all times, such as children's play areas, marked sports pitches and other formal recreation areas.

An all member workshop has been arranged for January 5th 2017 to highlight the prohibition options available and to obtain members views on both these and the possible introduction of a pilot dog DNA scheme in the County following the work carried out by the Environment and Overview Task and Finish group.

RECOMMENDATIONS

1	That Environment Overview and Scrutiny notes the work carried out by the Dog DNA Task & Finish Group and recommends a potential pilot area for a scheme to Cabinet.
2	That Environment Overview and Scrutiny recommends Cabinet approve the Implementation of a Dog Control Public Space Protection Order (PSPO) for specific offences on designated classifications of open space. (A summary of the outcomes and recommendations from the workshop will be presented at the Committee meeting)

REPORT DETAILS

1.00	EXPLAINING THE BACKGROUND TO THE PROPOSALS
1.01	The dog DNA Task and Finish group were convened to investigate dog DNA testing schemes which have been introduced elsewhere in England and further afield in order to assist with the problem of dog fouling in Flintshire. The group also reviewed the option of introducing Public Spaces Protection Orders (PSPO's) to deal with dog fouling, which included wider prohibitions with respect to dog ownership, other than dog fouling.
1.02	Serving PSPO's is an intervention intended to prevent individuals or groups committing anti-social behaviour in a public space and they form part of the Anti-Social Behaviour, Crime and Policing Act 2014. Councils may introduce a PSPO after consultation with the Police, the Police and Crime Commissioner and community representatives and they can be enforced by Police Officers, Police Community Support Officers and Council Enforcement Officers (if designated to do so). The maximum duration of a PSPO before a review is required is three years, but can last for shorter periods of time where appropriate.
1.03	<p>Flintshire Council currently has a single Dog Control order which covers the entire County as follows:-</p> <p><i>Fouling of Land by Dogs, (Flintshire County Council) - Order Number 1, 2009</i></p> <p>The minimum recommendation is to replace the current Dog Control Order with a new PSPO covering dog fouling on publically open space land across Flintshire and an order requiring dogs to be put on a lead, when the owner is directed to do so by an authorised officer.</p>
1.04	<p>An all Members Workshop has been arranged for 5th January 2017 with the intention of further explaining the law around PSPO's, and capturing members views on:-</p> <ol style="list-style-type: none">1. The further prohibition options available in respect of dog control on relevant land classifications.2. Enforcement arrangements for any of the prohibitions options

	<p>considered appropriate.</p> <p>3. The possibility of introducing a pilot dog DNA scheme in Flintshire.</p> <p>4. Other issues in respect of dog fouling.</p>
1.05	<p>Prohibition options to be considered by the workshop for defined categories of open space include the following:</p> <ol style="list-style-type: none"> 1. Excluding dogs from <ul style="list-style-type: none"> • marked sports pitches • formal recreation areas (e.g. bowling greens and tennis courts) • children's play areas • school grounds 2. All dogs to be kept on a lead in cemeteries 3. For dog walkers to have a maximum number of dogs under their control at any one time
1.06	<p>The Dog DNA Task and Finish Group have explored the dog DNA scheme trialled in Barking and Dagenham - the first of its type in the Country. Dog owners were encouraged to register their dog's DNA with a specified company, whilst officers from the Council's environmental enforcement team carried out proactive patrols in three pilot area to collect samples of dog faeces. The samples are then sent to check for a match to any dog registered on their database.</p>
1.07	<p>The proposal in Flintshire is to dedicate an area for dog walkers who have recorded their dogs DNA on a central data-base, which will be highlighted by a tag on the dog's collar. It would be an offence to walk a dog in the designated area without a tag and any dog faeces found in the area would be traceable through a DNA test. The cost of undertaking the trial will be presented to the workshop.</p>
1.08	<p>The outcome of all of the above proposals is anticipated to help create better, cleaner, safer places by promoting considerate dog ownership, leading to reduced incidences of uncollected dog waste.</p>

2.00	RESOURCE IMPLICATIONS
2.01	Budget - There will be costs associated with any signage for PSPO's in any areas where they may need to be displayed.
2.02	Legal – A new PSPO would replace the existing Dog Control Order. A legal process would need to be followed with the appropriate formal consultation process included - any views received during the process would be duly considered.
2.03	Staffing – All new PSPO's would be enforced by Streetscene Enforcement staff supported by the current external enforcement organisation when

	required.
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3.00	CONSULTATIONS REQUIRED / CARRIED OUT
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3.01	Any PSPO would require a public consultation and formal consultation with the Chief Constable of North Wales Police, The Police and Crime Commissioner for North Wales and appropriate community representatives.
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3.02	Internal discussions have occurred between Streetscene and Transportation, Leisure Services & Community Safety.
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3.03	With Deputy Leader and Cabinet Member.
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4.00	RISK MANAGEMENT
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4.01	If the current Dog Control Order is not replaced by October 2017, the enforcement against owners that allow their dogs to foul in public areas would not be able to continue.
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5.00	APPENDICES
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5.01	None – the outcome of the workshop will be presented at the committee meeting.
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6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
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6.01	None. Contact Officer: Stephen O Jones Telephone: 01352 704700 E-mail: stephen.o.jones@flintshire.gov.uk
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7.00	GLOSSARY OF TERMS
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7.01	Public Spaces Protection Orders (PSPO's)
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