

CABINET

Date of Meeting	Tuesday 14 February 2017
Report Subject	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 contained 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 land by dogs. Due to changes in legislation however, if the current Dog Control Order is not replaced by October 2017, enforcement action against dog owners that allow their dogs to foul in public areas without removing the waste, would not be able to continue.

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 this report are the Public Spaces Protection Orders (PSPO's) (Chapter 2, Sections 59-74).

This report recommends replacing the current Dog Control Order with a new PSPO which would cover all open space in the County. The existing Dog Control Order only requires owners to remove their dog's faeces from public areas however creating a PSPO gives an opportunity for additional enforcement activity against other designated offences, such as the complete exclusion of dogs or a requirement to keep dogs on leads on certain classifications of open space - such as children's play areas, marked sports pitches or other formal recreation areas.

An Environment Overview and Scrutiny Task and Finish group was convened to investigate the potential of a dog DNA scheme which could assist with dealing with the problem of dog fouling in Flintshire and this report seeks approval for the next steps to be taken following the work of the group.

RECOMMENDATIONS

1	That Cabinet notes and appreciates the work carried out by the Dog DNA Task & Finish Group but does not approve introducing the pilot scheme at this point.
2	That Cabinet approves the Implementation of a Dog Control Public Space Protection Order, containing the controls specified in Appendix 1 - subject to a local consultation process.
3	That Cabinet approves the introduction of the additional measures detailed in Appendix 2 , to further reduce the instances of dog fouling in the County.

REPORT DETAILS

1.00	EXPLAINING THE BACKGROUND TO THE PROPOSALS
1.01	The Dog DNA Task and Finish group was convened to investigate schemes introduced elsewhere in England and abroad to assist officers in dealing with the problem of dog fouling in Flintshire. Dog DNA schemes have been trialled in some parts of the Country, whilst other Councils have created Public Spaces Protection Orders (PSPO's) to deal with dog fouling which include other prohibitions in respect of dog ownership.
1.02	The Dog DNA Task and Finish Group have particularly explored the dog DNA scheme trialled in Barking and Dagenham, the first of its type in this Country. In the trial, 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 areas to collect samples of dog faeces. The samples were then sent to check for a match against any dog registered on the database.
1.03	A proposal to dedicate an area within Flintshire for dog walkers who have recorded their dogs DNA on a central data-base (which would be confirmed by a tag on the dog's collar) was presented to both an all Member workshop and the Environment Overview and Scrutiny Committee in January 2017. Both concluded that whilst there were merits in the proposals, further development work was required before the initiative could be adopted and that the pilot should not be taken forward at this point.
1.04	PSPO's are an intervention to prevent individuals or groups committing anti-social behaviour in a public space. They form part of the Anti-Social Behaviour, Crime and Policing Act 2014 and Councils may adopt a PSPO after consultation with the Police, the Police and Crime Commissioner and community representatives. They can be enforced by Police Officers, Police Community Support Officers and Council Enforcement Officers (if designated to do so) and the maximum duration of a PSPO before a review is required is three years, but can last for shorter periods of time where appropriate.

1.05	<p>Flintshire Council currently has 1 Dog Control order which covers all open space in the County as follows:-</p> <p><i>Fouling of Land by Dogs, (Flintshire County Council) - Order Number 1, 2009.</i></p> <p>This states that it is an offence not to clean up waste after a dog has fouled. The recommendation within this report is to replace the current Dog Control Order with a new PSPO, again covering all open space throughout Flintshire.</p>
1.06	<p>Creating a PSPO provides an opportunity to introduce additional enforcement actions against other designated offences, such as the complete exclusion of dogs from certain land classifications and a requirement to keep dogs on leads at all times in some specified areas.</p>
1.07	<p>At the All Member Workshop and the subsequent Environment and Overview Scrutiny Committee, members considered the additional enforcement areas and their relevance to each classification of open space. Environment Overview and Scrutiny then made a recommendation to Cabinet that the PSPO should include the enforcement activities defined in Appendix 1.</p>
1.08	<p>The Workshop and Committee meetings also considered a number of other activities which would promote responsible dog ownership in Flintshire and help reduce the level of dog waste which currently blights the open space and amenity land in the County. The Committee made a recommendation to Cabinet that the activities detailed in Appendix 2 should be adopted, where it is practical to do so.</p>
1.09	<p>Once approved, the proposals will be adopted on all Council land within the relevant land classification detailed within Appendix 1 - subject to a local consultation process and the revised PSPO will be in place before the existing Control Order expires in October 2017.</p>
1.10	<p>The new PSPO permits the Council to undertake enforcement activities on land not owned by the Council and therefore each Town and Community Council will be asked if they wish the Council to undertake these duties on land within their ownership, as part of the consultation process.</p>

2.00	RESOURCE IMPLICATIONS
2.01	<p>Budget - There will be costs associated with signage for the new PSPO's in areas where they may need to be displayed. These costs will be funded from current budgets.</p>
2.02	<p>Legal – A new PSPO would replace the existing Dog Control Order and a formal legal process would need to be followed together with the appropriate formal consultation process with any comments received during the process</p>

	duly considered.
2.03	Staffing – A new PSPO would be enforced by Streetscene Enforcement staff supported by the current external enforcement organisation when required. The potential of utilising other site based staff to undertake enforcement duties was also recommended by the Committee and this will be considered on a case by case basis.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	With Cabinet Member.
3.02	With All Member workshop – January 5 th 2017.
3.03	With Environment Overview and Scrutiny Committee – January 2017.
3.04	A 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.
3.05	Internal discussions have occurred between Streetscene and Transportation, Leisure Services and the Community Safety service area.

4.00	RISK MANAGEMENT
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 beyond this date.

5.00	APPENDICES
5.01	Appendix 1 – Enforcement orders to be included within the PSPO Appendix 2 – Additional activities to be undertaken to control dog fouling in the County

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	None. Contact Officer: Stephen O Jones Telephone: 01352 704700 E-mail: stephen.o.jones@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	Public Spaces Protection Orders (PSPO's)