
Report to: Cabinet

Date of Meeting: 27th February 2014

Subject: Fouling of Land by Dogs – Dog Control Order

Report of: Director of Built Environment

Wards Affected: All

Is this a Key Decision? Yes

Is it included in the Forward Plan? Yes

Exempt/Confidential No

Purpose/Summary

- To confirm the outcome of the consultation relating to the intention to create a new Dog Control Order under section 55 of the Clean Neighbourhood and Environment Act 2005 and the Dog Control Orders [Prescribed Offences and Penalties Etc] Regulations 2006 the effect of which will be to make it an offence to fail to remove dog faeces, forthwith, from land to which the Order relates,.
- To seek approval for this order to be made.

Recommendation(s)

That Cabinet approve the making of a Dog Control Order under Section 55 of the Clean Neighbourhood and Environment Act 2005 and the Dog Control Orders [Prescribed Offences and Penalties Etc] Regulations 2006; to be known as the Fouling of Land by Dogs (Metropolitan Borough of Sefton) Order 2014.

How does the decision contribute to the Council's Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community	√		
2	Jobs and Prosperity		√	
3	Environmental Sustainability	√		
4	Health and Well-Being	√		
5	Children and Young People		√	
6	Creating Safe Communities	√		
7	Creating Inclusive Communities		√	
8	Improving the Quality of Council Services and Strengthening Local Democracy	√		

Reasons for the Recommendation:

This will allow the council to proceed with a new order relating to the fouling of land by dogs.

What will it cost and how will it be financed?

(A) Revenue Costs

Costs identified within report to Cabinet Member Communities & Environment 31st July 2013 (Consultation, advertisement and refund, £6,000- existing budget.)

(B) Capital Costs

N/A

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Legal	
Human Resources	
Equality	
1. No Equality Implication	<input type="checkbox"/>
2. Equality Implications identified and mitigated	<input checked="" type="checkbox"/>
3. Equality Implication identified and risk remains	<input type="checkbox"/>

Impact on Service Delivery:

None

What consultations have taken place on the proposals and when?

Head of Corporate Finance & ICT has been consulted and comments have been incorporated into the report (FD 2748/14) Head of Corporate Legal Services has been consulted and comments have been incorporated into the report (LD 2748/14)

Are there any other options available for consideration?

None.

Implementation Date for the Decision - Following the expiry of the “call-in” period of the Cabinet decision

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Background Papers:

None

Background:

1. The Fouling of Land by Dogs (Metropolitan Borough of Sefton) Order 2006 provided the Council with the ability to take action against dog owners who allow their dog to foul and fail to pick it up forthwith.
2. It has been established that the original process to create the Fouling of Land by Dogs (Metropolitan Borough of Sefton) Order 2006 was technically defective, therefore invalidating the order. As a consequence following a prescribed procedure this Order was revoked in October 2013. During this process it was clear from representations received that there was a consensus that the Order should be replaced with a new Control Order relating to the fouling of land by dogs.
3. As a result further notifications of the intention of the Authority to make a dog control order were made to Parish Council's, placed in all relevant press and on the internet, seeking representations. The time period for these representations elapsed on 11th December 2013. Only one representation was received which was not material to the making of the order. This representation accepted that fouling is a problem and does need addressing but questioned the Sefton Council anti fouling message of "Bag It Tie It Bin It" on the basis that the message was disproportionate and that there are other means of disposal to comply with the order e.g. scooping and placing in a bin.

Next Steps:

4. Subject to Cabinet approval to make the order, a number of steps will be taken not less than seven days before the order is to come into force to, these will include;
 - Where practicable place signs summarising the order in conspicuous positions on or near the land to which it applies.
 - Publish in a local newspaper a notice that the order has been made and stating the place at which it may be inspected and copies of it obtained.
 - Make the information available on the website.
5. It is proposed that the Fouling of Land by Dogs (Metropolitan Borough of Sefton) Order 2014 will come into effect on Tuesday 1st April 2014.