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REPORT TO: COMMUNITY SERVICES

AGENDA ITEM: 7

DATE OF MEETING: 12<sup>TH</sup> JULY 2001

CATEGORY:  
DELEGATED/  
RECOMMENDED  
OPEN

REPORT FROM: SANDRA WHILES

PARAGRAPH NO: N/A

MEMBERS' CONTACT POINT: ALAN TWELLS  
ENVIRONMENTAL PROTECTION  
MANAGER – EXT. 5945

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SUBJECT: INTRODUCTION OF FIXED  
PENALTY NOTICES FOR DOG  
FOULING

REF:

WARD(S) AFFECTED: ALL

TERMS OF  
REFERENCE: CS5

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## 1.0 Recommendations

- 1.1 That Committee authorise the introduction of fixed penalty notices under the provisions of Section 4 of the Dogs (Fouling of Land) Act 1996.

## 2.0 Purpose of Report

- 2.1 To obtain Member's approval for the introduction of dog fouling fixed penalty notices under the provision of Section 4 of the Dogs (Fouling of Land) Act 1996 and to empower the Divisional Environmental Health Manager to delegate enforcement of the provisions to Council employees.
- 2.2 To advise Members of the provision for the authorisation of officers for the enforcement of the fixed penalty notices.

## 3.0 Detail

- 3.1 Under the provisions of Section 2 of the Dogs (Fouling of Land) Act 1996, (The Act), areas of South Derbyshire were designated for the purposes of the Act. This subsequently brought in Section 3 of the Act, making it an offence if a person in charge of a dog allowed it to defecate on designated land and not clear it up.
- 3.2 Under Section 4 of the Act it enables an authorised officer of the Council to serve fixed penalty notices for offences under Section 3 of the Act. At the time of the original designations the provision of issuing fixed penalty notices was not brought into operation by this Council.

- 3.3 As part of the Best Value review under 'Cleansing the Environment' a benchmarking exercise was undertaken with other Authorities to compare the level of enforcement undertaken. This revealed that although other Authorities did not prosecute many offenders, a significant amount issued fixed penalty notices. In addition, the review also identifies concerns about the lack of visible enforcement undertaken for dog fouling offences. In order to try and address these concerns it is now proposed to bring in the provisions of the fixed penalty notices. The current level of fines is £25, although this is under review by the Government, and may be set to increase.
- 3.4 The dog warden and other relevant members of staff within the Environmental Health Division will be authorised initially to enforce the provisions of fixed penalty notices. It is also proposed to try and identify other relevant persons who may be authorised so that a greater enforcement of the provisions could be possible.

#### **4.0 Financial Implications**

- 4.1 The money raised from the fixed penalty notices will initially have to go to central funds, but the Government has proposed to review this and allow the money to be used locally.

#### **5.0 Corporate Implications**

- 5.1 The enforcement of the provisions will be undertaken within existing staffing resources.

#### **6.0 Community Implications**

- 6.1 The enforcement of the fixed penalties will impact across the whole of the district and is aimed at addressing concerns relating to the problem of dog fouling.

#### **7.0 Conclusions**

- 7.1 In order to try and assist the enforcement of the provisions of the Dogs (Fouling of Land) Act 1996 it is proposed to authorise relevant officers for the issuing of fixed penalty notices.
- 7.2 In order to publicise this, a press release will be issued outlining the new proposed provisions for the enforcement of dog fouling within South Derbyshire.

#### **8.0 Background Papers**

- 8.1 The Dogs (Fouling of Land) Act 1996.
- 8.2 The Dog Fouling (Fixed Penalties) Order 1996.
- 8.3 The South Derbyshire Dogs (Fouling of Land) Order 1998.
- 8.4 The South Derbyshire District Council Dogs (Fouling of Land) (Amendment) Order 1999.