

## IMPLEMENTATION OF THE DOGS (FOULING OF LAND) ACT 1996 (Minute 50)

### 1 SUMMARY

- 1.1 The purpose of this report is to provide Members with a further update on the implications and practicalities of adopting the Dogs (Fouling of Land) Act 1996.

### 2 INTRODUCTION

- 2.1 A Notice of Motion was considered at the meeting of this Committee on 21<sup>st</sup> November 2000 and was then followed by a subsequent Officer report at the meeting of 30<sup>th</sup> January 2001.
- 2.2 Within the previous report, reference was made to the difficulty of enforcement of the Act and also of the extra resource that would be required for this purpose.
- 2.3 Members agreed that a further report should be brought to this Committee giving details of further investigations and in particular, the situation in other Local Authorities and the possible use of enforcement cameras.

### 3 OTHER LOCAL AUTHORITIES

- 3.1 After consultation with 7 other Local Authorities in Essex, the following information was gained with regard to their individual decisions on the adoption of the Act.

**Thurrock** – HAVE adopted the Act and are using an outside contractor to carry out the enforcement role.

**Chelmsford** – HAVE adopted the Act but are finding the enforcement very difficult.

**Basildon** – HAVE NOT adopted the Act and have instead chosen to put more resource into extra dog bins, signage and other promotional and educational initiatives.

**Colchester** – HAVE adopted the Act and issued 37 Fixed Penalties in 2000/01. Most of these were issued by the Environmental Enforcement Officer who is employed primarily for this purpose but also to issue litter penalties. The officer is equipped with a digital camera in order to

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gather sufficient evidence. The Authority employs 2 Dog Wardens who have also issued a few of the Fixed Penalties.

**Southend** – HAVE NOT adopted the Act.

**Castle Point** – HAVE NOT adopted the Act and have opted for undertaking more promotional and educational ventures in a similar vein to Basildon.

**Brentwood** – HAVE adopted the Act but have not noticed any significant improvement. They only consider prosecutions and do not issue Fixed Penalties due to enforcement difficulties, concerns over staff vulnerability and therefore the staff costs that would be incurred by considering it a 2 person job. They employ a Dog Warden who deals with the dog fouling issues in addition to stray and barking dogs. In the 1st year they took no prosecutions, the 2nd year took 2 prosecutions of which 1 was successful but no fine was imposed and so far this year have not taken any.

#### **4 CAMERAS**

- 4.1 Due to the potential difficulties of enforcement of the Act, the suggestion of using cameras has been investigated.
- 4.2 The use of enforcement cameras (similar to those used in traffic signals) is considered to be very expensive due to the number of cameras that would be needed to provide adequate coverage. There would also be an additional human resource required to monitor and deal with the results of the camera use and in fact the cost of the film could be extremely high as the camera would have to be triggered by movement regardless of activity. There would still be a difficulty in enforcement as there would be no known identity or address of the people caught on camera.
- 4.3 The use of CCTV was also considered but not thought practical for similar reasons detailed for the enforcement cameras. The cost of installing CCTV at present is in the region of £1500 per unit. In addition, there would be the connection costs to a central point, recording equipment and an extra staff resource to monitor the film and deal with any enforcement issues that arise. Due to the wide and diverse area of land that would need covering it is impossible at this stage to estimate an exact cost although it would be substantial.
- 4.4 In view of the above it is considered that the use of cameras should be discarded as they would not be effective in enforcing the Act.

**5 ENFORCEMENT**

- 5.1 Effective enforcement of the Dogs (Fouling of Land) Act 1996 would require the Council to invest in additional staff resources to undertake this role. Consideration should be given to the Health and Safety implications of situations that could prove very confrontational on a one- to-one basis away from Council offices.
- 5.2 It is suggested a minimum of 2 staff are employed to enforce the provisions of the Act and issue Fixed Penalties. The estimated cost to the Council would be £37,000 this being salary costs based on scale 3 and transportation costs. There would be an additional one off cost of purchasing digital cameras for producing evidence. If the Council chose to use an external contractor to undertake the enforcement duties, then Tenders would have to be sought although it may not prove to be a cheaper option.
- 5.3 All monies collected from fixed penalties have to be sent to the Secretary of State and are not retained by the council.

**6 ALTERNATIVE PROPOSAL**

- 6.1 Following the experiences of other Local Authorities and the overall enforcement problems accompanied by potentially high costs, Members may wish to consider the educational / promotional approach adopted by both Basildon and Castle Point. Although the installation of extra dog bins, signs and increased publicity material would have a resource implication, this would certainly not be as high as installing cameras across the District with the possibility of achieving as much benefit. The cost of purchasing extra dog bins is £198 per bin with a charge of £1 for each empty of the bin (weekly in the Summer and fortnightly in the Winter). At present there are approximately 60 dog bins on the highways around the District and another 60 sited in the District's parks and open spaces.

**7 ENVIRONMENTAL IMPLICATIONS**

- 7.1 The reduction in dog excrement around the District would improve the area's environmental conditions and reduce the risk of contracting illnesses as a direct result of contamination.

**8 RESOURCE IMPLICATIONS**

- 8.1 The cost of employing enforcement staff is estimated at £37,000.
- 8.2 A cost of £235 per extra dog bin, per year (purchase and emptying) would be required in addition to allocating further resource for signage

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and promotional material if Members chose the option detailed in section 5 of this report

- 8.3 At present there is no budgetary provision for this expenditure. Finance and General Purposes Committee would therefore need to give consideration as to how any proposals put forward by Members should be funded.

## 9 LEGAL IMPLICATIONS

- 9.1 The current Dog Fouling Byelaw would expire on the adoption of the Dogs (Fouling of Land) Act 1996 or on the tenth anniversary of the introduction of the Act. It would not therefore be worthwhile trying to plug any gaps with the byelaw.
- 9.2 Enforcement of the provisions of the Act would be entirely dependent on the strength of the evidence provided. Without sufficient evidence prosecution would prove difficult and sometimes unsuccessful.

## 10 RECOMMENDATION

- 10.1 It is proposed that the Committee **RESOLVES**

to consider the content of this report and decide if the Council wishes to adopt the provisions of the Dogs (Fouling of Land) Act 1996 or to undertake other initiatives to reduce the amount of dog excrement around the District. (CD(FES))

Roger Crofts

Corporate Director (Finance & External Services)

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For further information please contact Jeremy Bourne, Leisure and Contracts Manager on:-

Tel:- 01702 318163

E-Mail:- [jeremy.bourne@rochford.gov.uk](mailto:jeremy.bourne@rochford.gov.uk)