

Clean Neighbourhood and Environment Sub-Committee – 8 February 2008

Minutes of the meeting of the **Clean Neighbourhood and Environment Sub-Committee** held on **8 February 2008** when there were present:-

Chairman: Cllr J M Pullen

Cllr Mrs T J Capon
Cllr C G Seagers

Cllr M G B Starke
Cllr Mrs M J Webster

VISITING MEMBER

Cllr Mrs J R Lumley

OFFICERS PRESENT

R Evans - Head of Environmental Services
D Byrne - Waste Management Officer
M Power - Committee Administrator

1 APPOINTMENT OF CHAIRMAN

Cllr J M Pullen was appointed Chairman of the Clean Neighbourhood and Environment Sub-Committee.

2 DECLARATIONS OF INTEREST

Cllr C G Seagers declared a personal interest by virtue of being a dog owner and Cllr Mrs T J Capon declared a personal interest by virtue of being a dog owner and having a small child whom she took to play spaces in the District.

3 TERMS OF REFERENCE

The terms of reference for the Clean Neighbourhood and Environment Sub-Committee were noted.

4 THE ADOPTION OF NEW POWERS UNDER THE CLEAN NEIGHBOURHOOD AND ENVIRONMENT ACT 2005

The Sub-Committee considered the report of the Head of Environmental Services advising Members about the availability of new powers that provide sensible controls over dogs in public places in respect of new Dog Control Orders.

Members emphasised that focus should be on encouraging responsible dog ownership in the District and that the new regulations should be kept as simple as possible.

Under the new orders there would be certain statutory defences available to individuals.

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Following discussion, the following points were noted:-

- Current legislation relating to the control of dogs would cease to have effect if/when the new powers were adopted.
- There was a legal requirement that, where practicable, signs were erected on land to which the new orders would apply. While the amount of signage necessary at the entrances to play spaces was quantifiable, there was concern that the cost would be high in respect of signage in open spaces. Although the Head of Environmental Services advised that it would not be appropriate or necessary to sign all the open spaces in the District, there was concern that this requirement could result in the Council incurring a high level of costs. It was requested that information be provided to the Sub-Committee Members regarding the costs in relation to signage under the new orders and that proposals be included in the Sub-Committee's report to the Executive Board.
- Under the Highways Act 1988 the definition of 'footpath adjacent to any road' meant that part of the highway where pedestrians can walk.
- Although the role of Contract Monitoring officers could be expanded to include the enforcement of the new orders relating to the control of dogs in public places, the Head of Environmental Services expressed some reservations that this could dilute their main role. There was funding for the employment of a dedicated enforcement officer on a one-year pilot basis from the Council's Smokefree England Grant.
- Stambridge Parish Council had replied to the consultation but had not been included in the list of consultees. The Head of Environmental Services apologised for this oversight and would contact Stambridge Parish Council in this respect.
- The District would only prosecute responsible adults in respect of dog control issues. Where there was a case of a child in charge of a dog, the responsible adult would be considered liable.

In respect of the proposals contained in the report, the following was noted:-

Fouling of Land by Dogs

- There had been no adverse representations from parishes and consultees and the majority of respondees believed that dog fouling should be an offence.
- Although one option would be to increase the number of dog bins in the area, it was recognised that some residents may oppose the placing of dog bins outside their houses. Members agreed that the new orders should be simple and that, for maximum effect, enforcement should be

concentrated and consistent.

Dog Exclusions

- Rochford District Council would be the enforcing authority for exclusion orders relating to all play spaces in the District, including those owned by Rochford Housing Association (RHA). The parish and town councils had been consulted and could also employ their own enforcement officers.
- The existing voluntary ban of dogs on sports pitches is considered unenforceable.
- It was requested that Rowan Way, Canewdon, which was not enclosed, be deleted from the list of play areas.
- Members requested that officers ensure that a suitable post is available outside all play spaces, away from the entrance, so that dogs could be tied up.
- The need for additional dog bins outside play spaces was recognised and officers were asked to look into the possibility of supplying polybags in these areas.

Dogs on a Lead

- It had been requested by Hockley Parish Council that Marylands Nature Reserve be added to the list of sites where dogs should be kept on a lead. It was suggested that wording be included on signs to be erected in the Nature Reserve to explain to the public why the restrictions were necessary.
- Members asked that more information be provided regarding other Local Nature Reserves and wildlife areas in the District that would benefit from being included in the list of sites.
- Great Wakering Parish Council did not wish Great Wakering Common to be included in the list of sites where dogs might be kept on leads (see Item 4.29 of the report).

Dogs on a Lead by Direction

- In response to a Member question, it was confirmed that the Council's enforcement officer would work closely with the Police in this respect.
- The Dangerous Dogs Act is available to deal with dogs out of control in any public place in a situation where someone is in fear for their safety.

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- Although Members accepted the list of named pleasure grounds (see Appendix 8 of the report) covered by the bye-laws, they requested the option of reviewing the list at a later date.

Specifying a Maximum Number of Dogs that can be Walked

- Whilst this proposal had support, it was the one issue for which the public consultation provided no clarity for one particular course of action. Members felt that no maximum number of dogs should be specified. It was felt that the orders relating to dogs on a lead by direction would enable the enforcement officer to deal with a situation where a dog or dogs were found to be not under proper control.

Regarding the Fixed Penalty Notice, it was confirmed that the cost of pursuing any violations would fall within the routine work of the Council department.

The Sub-Committee agreed that the Head of Environmental Services would prepare a press release, to be approved by the Chairman and distributed to Members of the Sub-Committee for circulation at an appropriate time.

Recommended to the Executive Board

- (1) That the additional sites identified by the Parish Councils, namely Pooles Lane Recreation Ground and Marylands Nature Reserve should also be subject to the Dogs on a Lead Order in addition to the sites identified in the draft order detailed in Appendix 3.
- (2) That notice of the draft orders, as detailed in Appendices 1,2 and 4, namely:-

The Fouling of Land by Dogs (Rochford) Order 2008;
The Dogs Exclusion (Rochford) Order 2008
The Dogs on a lead by Direction

be published in the Yellow Advertiser, together with a copy of the orders being published on the Council's website, to include:-

- identification of the land to which the orders will apply;
- a summary of the orders;
- if the order will refer to a map, where the map can be inspected;
- the address to which, and the date by which, representations must be sent to the authority. The final date for representations will be at least 28 days after publication.

That The Dogs (Specified Maximum) Order not be actioned at this time.

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- (3) That a further report be submitted to the Clean Neighbourhood and Environment Sub-Committee to outline the details of any representations received following publication of the statutory notices.
- (4) That the level of penalty for the Fixed Penalty Notices be set at £75 with no reduction for early payment.
- (5) That the supplementary comments received from Great Wakering Parish Council withdrawing their original comments for dogs to be kept on a lead on the Common be noted.
- (6) That a report be prepared detailing full costs of implementing the orders and proposals for Local Nature Reserves and other wildlife sites.

The meeting commenced at 2.00 pm and closed at 4.16 pm.

Chairman

Date

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