

Dog Control Notices

The Clean Neighbourhoods and Environment Act 2005 introduce a number of new procedures and powers for local authorities including adoptive powers to introduce Dog Control Orders (DCO). This allows local authorities to use Dog Control Orders (DCOs) to tackle:

- Failing to remove dog faeces
- Not keeping a dog on a lead
- Not putting a dog on a lead when directed to do so by an authorised officer
- Permitting a dog to enter land from which they are excluded
- Taking more than a specified number of dogs onto land
- Land can be designated as long as it is open to the air to which the public are entitled or permitted to have access (with or without payment).

Fixed Penalty Notices

The authority can set the level for fixed penalty notices between £50 and £80. It needs to balance the level of the penalty against potential non-payment rates and subsequent prosecutions. The Authority can also allow discounts for early payments providing this does not go below a minimum payment of £50.

Failure to Pay

Failure to pay a FPN will result in legal proceedings being instigated for which the fine is level 3 (currently £1,000) on conviction in a magistrates court. For repeat offenders, where the FPN has previously provided no deterrent, the local authority may skip the FPN procedure and instigate legal proceedings directly requiring the defendant to appear in court and face prosecution for the offence with the possibility of a fine of up to scale 3.

Defences and Exemptions

There are some defences and exemptions that relate to persons who do not clear up after their dog fouls including:

Reasonable excuse - not that they did not have equipment or were unaware

Explicit consent of land owner to allow the dog to foul

Exemptions for Registered blind or people with disabilities who have trained assistance

Southend Borough Council will look at each case based upon its merits and with reference to written guidance will determine if the FPN will be issued or if issued will be enforced. Ultimately it will be for a magistrate to determine if an excuse is reasonable or an exemption is valid if the Council decide to serve a FPN or instigate proceedings and do not accept that there is a reasonable excuse or that the person is exempted.

Consultation

The Council is considering the use of Dog Control Notices under Section 59 Clean Neighbourhoods and Environmental Act 2005. We conducted a public consultation on an Environmental Enforcement Policy and the results identified over four in five (83%) of all respondents support the proposal that no more than four

dogs should be under the control of one person walking dogs on public land in the borough, 70% support the creation of new 'Dog Exclusion Zones' if there is a proven need, and in consultation with the community.

Southend Council recognises that the majority of dog owners already clean up after their dogs.

The Council intends to consult public from 11th February 2009 till 11th March 2009. Notice of intention have now been published. The areas covered, Frequently Asked Questions and a questionnaire are linked from this page along with information relating to the proposed Dog Control Orders. The questionnaire will cover views relating the introduction Dog Control Orders for dog fouling, dog exclusion areas, dogs on leads areas, dogs on leads on request areas and the number of dogs which a person can be in control of in certain areas. You can fill this online, or print it and send it back to the address given below.

The Council will also be consulting with a number of bodies including the Police, Parish Council, Schools, Leisure Services, Parks, Dog Clubs and many others statutory organisations to ascertain their views and requirements on the proposed draft Orders. The aim is to balance adequate controls on dogs in public areas whilst allowing responsible dog owners to enjoy their pets. The orders will focus on dealing with the minority of irresponsible dog owners who cause problems and detract from the amenity and safety of the general public. The Council would like the process to be as inclusive and as transparent as possible by maximising public input. Please take the time to become familiar with the issues and to make your opinions and comments known.

Post Consultation

The consultation on the proposed Orders expires on 11th March 2009. The Council will then consider the responses; determine whether to implement DCOs and what form these orders should take if implemented. If these are implemented then a "Notice of Making Orders" will be published 7 days before the Orders become effective. After this process Dog Control Orders could be operational within the Southend Borough Council.

Your views, suggestions and comments on the proposed Orders, would be welcome. Printed copies of the consultation questionnaire may be returned to:

Waste & Street Scene Group
Public Protection Division
Department of Enterprise, Tourism and the Environment
Southend-on-Sea Borough Council
Civic Centre
Victoria Avenue
Southend Borough Council Essex
SS2 6ER

EMail: doete@southend.gov.uk

Website: www.southend.gov.uk