

ESSENTIAL REFERENCE PAPER 'D'

Proposal to introduce the new offence of failing to have the means to pick up after a dog

East Herts District Council's three existing dog control orders (DCOs) make it an offence to:

- allow your dog off a lead at Hertford Castle Grounds, Bishops Stortford Castle Gardens, and all Council owned allotments;
- to allow your dog in designated East Herts childrens' play areas, games areas, bowling greens and marked playing pitches when there is a match in play;
- for one person to take more than 4 dogs on to any East Herts land at any one time.

Dog Fouling enforcement is undertaken using the Dog (Fouling of Land) Act 1996, but the areas to which it applies are limited and excludes land alongside highways over 40mph, moorland, heathland, woodland and areas where animals graze. This makes it confusing for the public and authorised officers to enforce. The fixed penalty of £50 is also felt to be too low when the penalty for littering is £80.

It is however generally considered that the three DCOs and the DFLA have been effective in promoting responsible dog ownership but the council continues to struggle to catch the minority of dog owners who persist in allowing their dogs to foul. Although the Council continue to receive over 230 complaints about dog fouling each year it is believed this figure fails to reflect the real level of concern across our district. Many residents report their concerns to their parish rather than the district council and many previous complainants remain unconvinced about the ability of the Council to act to prevent the fouling taking place.

The proposal is to use new powers contained in the Anti-social Behaviour, Crime and Policing Act 2014 to replace the three existing DCOs, and the DFLA with a single Public Space Protection Order, and to create two new offences under the same Order of failing to place a dog on a lead when requested to do so and failing to have the means to pick up after your dog. The latter requirement would provide an additional enforcement option for our authorised officers. Officers would approach dog owners and request them to produce bags, containers or other means by which they will pick up after their dogs. If the owner fails to produce this on request then provided the offence is on designated land and the offender is not exempted, by for instance being registered blind, an offence is committed for which a fixed penalty fine of up to £100 may be issued. Failure to pay the fine may result in legal proceedings with a potential fine of up to £1000 in the Magistrates' Court. If adopted it is intended that the introduction of this new power would be preceded by a substantial educational campaign and the use of an informal approach certainly on the first offence.

In order to introduce a PSPO the Council has to be satisfied on reasonable grounds that following conditions are met: that activities carried on in a public place have had a detrimental effect on the quality of life of those in the locality and that the effect of those activities is likely to be persistent or continuing in nature and justifies the restrictions imposed. This test is considered to be met for the following reasons:

- The Council receive over 230 complaints per year about dog fouling
- If ingested dog faeces containing the round worm parasite *Toxicara* can cause illness, including partial blindness - young children who often play in dirt, or eat dirt, are particularly at risk
- Treading or coming into contact with dog faeces is very unpleasant
- Our town and parish councils view dog fouling as a significant problem
- Although measures taken by the Council have been successful in reducing the incidence of dog fouling, and the expectation that owners should be picking up after their dogs is

now viewed as being reasonable, there are still a minority owners who continue to fail to pick up

- Catching dog owners in the process of allowing their dogs to foul is difficult, particularly during the darker months of the year, this offence provides an additional enforcement tool.
- A consultation process which includes social media and all interested local, regional and national bodies will be utilised prior to introducing any change to our existing provisions on dog control.