

Single Member Cabinet Decision

Executive Forward Plan Reference	E2285
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The adoption of Dog Control Orders in Bath and North East Somerset

Decision maker/s	Cllr David Dixon, Cabinet Member for Neighbourhoods
The Issue	<p>The existing enforcement framework for controlling dogs is restricted to offences relating to dog fouling under Section 3 of the Dogs (Fouling of Land) Act 1996. The Clean Neighbourhoods and Environment Act 2005 allows for a local authority to introduce dog control orders to deal with:</p> <ul style="list-style-type: none"> ➤ Failing to remove dog faeces ➤ Not keeping a dog on a lead ➤ Not putting and keeping a dog on a lead when directed to do so by an authorised officer ➤ Permitting a dog to enter land from which dogs are excluded ➤ Taking more than a specified number of dogs onto land
Decision Date	01 Aug 2011
The decision	<p>The Cabinet Member agrees:</p> <ul style="list-style-type: none"> ➤ To authorise the start of the consultation process required by the Dog Control Orders (Procedures) Regulations 2006, so that the proposed dog control orders specified in the report may be considered by the authority ➤ To authorise the publication of notices for the proposed dog control orders identifying the land and summarising the proposed orders ➤ That a charge of £75 is set for fixed penalty notices served under the new orders which are in line with existing fixed penalty notice charges for littering offences ➤ To note that following the public consultation, any representations made will be considered by the Cabinet Member and any decisions will be ratified in a further single member decision
Rationale for decision	<p>In the event that the proposed orders are not made the absence of legislation means that the current dog fouling fixed penalty charge will remain frozen at £50 and the authority is prevented from increasing this. However, should the proposed orders be made and come in to force they will increase the amount of fixed penalty to £75, are capable of amendment and will introduce a series of measures to promote responsible dog ownership underpinned by effective enforcement measures which may include prosecution in the event a fixed penalty notice goes unpaid.</p>
Financial and budget implications	<p>It is not anticipated that there will be any significant cost associated with the process of introducing the dog control orders.</p> <p>The dog control orders enable offences to be discharged through the</p>

	payment of a fixed penalty notice. Any income generated from the issuing of fixed penalty notices would be directed back into cleansing and enforcement.
Issues considered	Customer Focus; Young People; Health & Safety; Impact on Staff; Other Legal Considerations
Consultation undertaken	Ward Councillor; Parish Council; Town Council; Other B&NES Services; Service Users; Local Residents; Stakeholders/Partners; Section 151 Finance Officer; Chief Executive; Monitoring Officer
How consultation was carried out	Consultation will be through circulation of the report and also through PACT meetings and individual meetings with residents and other stakeholders.
Other options considered	By not seeking to make dog control orders the opportunity to take enforcement action for offences will remain limited to the failure to remove dog faeces and the public may perceive this as the Council not taking robust action against their wider concerns regarding the control of dogs in public places and not ensuring a safe, clean environment.

Signatures of Decision Makers	
Date of Signature	

Subject to Call-in until 5 Working days have elapsed following publication of the decision