

7 February 2012		ITEM 8
Cleaner, Greener, Safer Overview and Scrutiny Committee		
Work the Council carries out with regards to dogs.		
Report of: Lucy Magill, Head of Public Protection		
Wards and communities affected: All	Key Decision: Yes	
Accountable Head of Service: Lucy Magill, Head of Public Protection		
Accountable Director: Jo Olsson, Director of People Services		
This report is Public		
Purpose of Report: to inform members of the work the Council carries out with regards to dogs.		

Comment [sj]: PLEASE CLICK THIS BOX ONCE and enter the date of the meeting (in font 16, not capitals)

Comment [sj]: Please leave this for completion by Democratic Services

Comment [sj]: PLEASE CLICK THIS BOX ONCE and enter the name of the Committee you are reporting to (in font 16, not capitals)

Comment [sj]: PLEASE CLICK THIS BOX ONCE and enter the title of your report (in font 16)

Comment [a j]: Please enter the name and job title of the person who will be presenting the report

Comment [sj]: Please enter details of any Wards and Communities affected by the

Comment [sj]: Yes/No/Not Applicable – a 'Key Decision' is generally one affecting more

Comment [sj]: Please state the Head of Service's name and job title

Comment [sj]: Please state Director's name and job title

Comment [sj]: State whether your report is Public or Exempt. If Exempt (i.e. not to be given to

Comment [sj]: Briefly set out the purpose of your report

Comment [sj]: Please provide a summary of the key points in your report

Comment [sj]: The recommendations should be set out in bold in the form of the

Comment [sj]: You should briefly explain why the report is on the agenda - See para. 5.3 and 5.4

EXECUTIVE SUMMARY

The report states the responsibilities the Council has in relation to dogs; including, stray dogs, barking dogs, dog fouling, , animal licensing and deceased animals.

1. RECOMMENDATIONS:

1.1 That Cleaner, Greener, Safer Overview and Scrutiny Committee note the work which the Council carries out in relation to dogs.

2. INTRODUCTION AND BACKGROUND:

2.1 This the Council has various responsibilities in relation to Dogs.

2.2 Stray Dogs

2.2.1 Since April 2008 Local authorities are legally responsible for collecting and detaining stray dogs under the Environmental Protection Act 1990.

2.2.2 There is no statutory definition of Stray Dog but the accepted view and one given by DEFRA is:

- a dog found in a public or private place and,
- a dog that should not be in that public or private place and,

- it is there without its owner and/or not under the control of its owner or their representative.

2.3 Barking dogs

2.3.1 Under the Environmental Protection Act 1990, Section 79, a local authority must take reasonably practicable steps to investigate a complaint about noise. This therefore makes provision for the local authority to deal with issues of excessive dog barking as a statutory noise nuisance.

2.4 Dog Fouling

2.4.1 A Dog Control Order was introduced in Thurrock in 2008. This order makes it an offence not to clear up after a dog on any land which is open to the air and to which the public have access.

2.4.2 In line with the Public Protection Enforcement Policy, an authorised officer can issue a Fixed Penalty Notice (FPN) if they have sufficient evidence to believe that the person in control of a dog has committed an offence. If the FPN is not paid a prosecution case can then be compiled. Breach of the Dog Control Order can attract a maximum fine of level 3 on the standard scale (currently £1000)

2.5 Animal Licensing Relating to Dogs

2.5.1 The local authority, acting as the licensing authority, can devise and implement licence conditions in relation to Pet Shops, Boarding Kennels and Dog Breeding Establishment. Each piece of legislation details its own general objectives of licence conditions; however, the common principle is protecting the welfare of animals.

2.5.2 **Pet Shops** - A pet shop is simply defined as a business, including private dwellings, selling animals as pets. The term animal in this context applies to all vertebrates.

2.5.3 **Boarding Kennels** - A licence is required where the provision of accommodation for cats and dogs is the predominant activity and it constitutes a business.

2.5.4 **Dog Breeding Establishments** - A licence is required for any premises where more than two bitches are kept for the purposes of breeding for sale. Commercial dog breeding establishments are premises having five or more litters of puppies in any twelve month period. The occasional or hobby breeder does not require a licence. Restrictions are also placed on breeding bitches to ensure that they are not bred with dogs below one year in age and are not required to have more than six litters.

2.6 Dog Chipping

- 2.6.1 There is not currently a mandatory requirement for dog owners to have their dog chipped.
- 2.6.2 Since 2009, in an effort to reduce the number of stray dogs Thurrock has carried out 5 dog chipping sessions in conjunction with our dog contractor and latterly, the Dogs Trust. The Dogs Trust carry out this work free of charge including the provision and registering of the chips. We have another session scheduled for 16 February in Grays High Street where again our contractor and the Dogs Trust will be in action.

2.7 Animal Welfare

- 2.7.1 The Animal Welfare Act contains various sections relating to causing unnecessary suffering, animal fights and duty of care for welfare needs having to be met etc.
- 2.7.2 In Thurrock, the Act is enforced in relation to farmed animals only and we would refer matters relating to dogs to charitable agencies for action e.g. RSPCA etc.
- 2.7.3 The council has a rabies policy where suspected illegal landings of animals including dogs are dealt with.

2.8 Deceased Animals

- 2.8.1 Thurrock Council provides a service of collection and removal of dead animals from **public highways** and **council owned land**. The Environment Department make every effort to try to make dog owner aware that their dog has been found.

2.9 Housing

- 2.9.1 Tenants have been consulted as part of the Local Offers and highlighted that they classed the need for a policy on Dangerous Dogs as a priority. This will be considered in line with current work programmes, resources and the proposed re-structure of the Housing Department.
- 2.9.2 Action can be taken under the Tenancy Agreement, under 4.2 of Good Neighbour Responsibilities, where tenants are creating a nuisance by permitting their dogs to bark, foul or cause a noise nuisance to other residents. This could result in a Possession Order and a tenant could lose their security of tenure.
- 2.9.3 Injunctions under Section 222 of the Local Government Act 1972. The Council can apply for these injunctions to stop behaviour that can be shown to cause a public nuisance. Injunctions can instruct tenants to rehouse their pet/ dogs or tidy up a dirty garden.

3. ISSUES AND/OR OPTIONS:

- 3.1 **Dangerous Dogs and Banned Breeds** - Principally there are 3 pieces of legislation that cover this work. In Thurrock this work is enforced by the police.
 - 3.1.2 Dangerous Dogs Act 1991 – Section 1 prohibits the ownership of certain types of dogs (also referred to as banned breeds or controlled dogs) unless they are exempted on the Index of Exempt Dogs (IED). The dogs which this applies to are,
 - o Pit Bull Terrier,
 - o Japanese Tosa – Dogo Argentino and
 - o Fila Brasileiro.
 - 3.1.3 Section 3 of the Dangerous Dogs Act 1991 creates a criminal offence of allowing any dog to be dangerously out of control in a public place or a place where it is not allowed. If a dog causes fear or apprehension that it may injure a person then it can be regarded as dangerous.
 - 3.1.4 The Dogs Act 1871 – This legislation deals with incidents relating to dogs where allegations of irresponsible dog ownership are concerned. This is principally used where there are attacks on other domestic pets or livestock.

Comment [s]: Other headings may be appropriate. The report should outline the reasoning that leads to its recommendations and **must** include:

1. a brief summary of options considered;
2. consultation outcomes
3. a risk assessment.
4. Whether the responsible cabinet members have been consulted/contributed to the report (NB professional and political advice must be clearly distinguished)

- See para.5.5 of the report writing guidelines.

4. CONSULTATION (including Overview and Scrutiny, if applicable)

- 4.1 Initial paper to Overview and Scrutiny

Comment [jj]: This should include any consultation with Ward Members and Shadow Portfolio Holders, as well as any public or statutory consultation

5. IMPACT ON CORPORATE POLICIES, PRIORITIES, PERFORMANCE AND COMMUNITY IMPACT

- 5.1 Work relating to dogs helps the Council achieve its priority of ensuring a clean, safe and green environment.

Comment [a]: Please refer to Section 5.7 of the Report Writing Guidelines

Comment [sj]: This section should always be completed – if they are dealt with fully in another part of the report, they also need a brief cross reference here. The names and job titles of the officers providing the implications should be

6. IMPLICATIONS

6.1 Financial

Implications verified by: **Mike Jones**
 Telephone and email: **01375 652722**
MxJones@thurrock.gov.uk
 The work related to above is all contained within existing budgets.

Comment [sj]: See Guideline 6.2

Comment [sj]: See Guideline 6.3

6.2 Legal

Implications verified by: **Alison Stuart**
 Telephone and email: **01375 652 040**
astuart@thurrock.gov.uk
 The legal implications are set out in the main body of the report.

6.3 **Diversity and Equality**

Implications verified by: **Samson DeAlyn**
Telephone and email: **01375652472**
sdealyn@thurrock.gov.uk

In the work carried out in relation to dogs, the Council should be aware of the reliance of some residents on dogs, such as guide dogs and this should be taken into account in relation to action taken, for example dog control orders.

6.4 **Other implications (where significant) – i.e. Section 17, Risk Assessment, Health Impact Assessment, Sustainability, IT, Environmental**

Not applicable

7. **CONCLUSION**

7.1 The work Thurrock Council carries out in relation to dogs is wide and varied.

BACKGROUND PAPERS USED IN PREPARING THIS REPORT:

APPENDICES TO THIS REPORT:

Report Author Contact Details:

Name: Lucy Magill
Telephone: 01375 652513
E-mail: lmagill@thurrock.gov.uk

Comment [sj]: See Guideline 6.4

Comment [sj]: This should inform the recommendations in the report

Comment [sj]: See Guideline 8. If any Papers are to be placed in the Members room that relate to this report, you should also list them here

Comment [sj]: List the Appendices referred to in the Report

Comment [sj]: Insert the full contact details of the author of the report