

## **PET OWNERSHIP – DOG FOULING ON ESTATES**

Report of the Director of Housing and Customer Services

### **1. SUMMARY**

- 1.1 At the City Board meeting on 25 August 2011 a question was received from a member of the public concerning actions taken by Derby Homes staff following complaints about the problem of dog fouling.
- 1.2 This report examines the Pet Policy and outlines the powers landlords and local authorities have in relation to this problem.

### **2. RECOMMENDATION**

That the City Board notes the content of this report and approves the proposal within paragraph 3.14 to further review processes to improve awareness and joint working processes with the City Council.

### **3. MATTER FOR CONSIDERATION**

- 3.1 Since April 2006, the Clean Neighbourhoods & Environment Act 2005 provides local authorities, parish and town councils and the Environment Agency with more effective powers to tackle poor environment quality and anti-social behaviour (ASB). In particular, this Act replaces dog byelaws with a new, simplified system which enables local authorities to deal with five dog control matters; fouling dogs; banning dogs from designated areas; requiring dogs to be kept on a lead (in designated areas and by direction); and restricting the number of dogs that can be walked by one person.
- 3.2 For the purpose of this report we are looking at how the local authority and Derby Homes can take action against irresponsible pet owners who allow their dogs to foul in public places.
- 3.3 Dog mess is an eyesore and a health hazard. Dog owners (excluding registered blind people) have a legal duty to clean up if their dog messes in a public place. Most councils require dog owners to carry a poop scoop and a disposable bag whenever they take their dogs out to a public place. In many areas specific bins are provided for the disposal of dog bags.
- 3.4 As mentioned above legal measures to prevent dog mess are contained in the Clean Neighbourhoods and Environment Act 2005, this allows local authorities to create byelaws relating to dog mess. Councils can,
  - Issue dog control orders against individual dog owners for offences which includes allowing a dog to foul a public space

- Issue fixed penalty notices in relation to dog control orders, in Derby the fixed penalty is £50.00
- In very serious, and persistent cases, magistrates can issue a maximum penalty of £1000.

3.5 The table below show the numbers of complaints received by the Council in relation to dog fouling.

Year (up to the 26 <sup>th</sup> August)	Number of Dog Fouling Complaints
2009	248
2010	362
2011	678

The explanations from the Neighbourhood Team for the perceived steep rise are to do with the launch of Streetpride and the awareness raising campaigns. Fifteen of the seventeen Neighbourhood Boards now have devolved budgets to run dog fouling campaigns. These awareness raising tactics may result in a further increase in reports of dog fouling for 2012.

3.7 As has been widely reported in the local press and various websites, the Council is to lose its 2 dedicated Dog Wardens. In their place will be a team of 6 'Neighbourhood Wardens' or 'Response Officers' whose remit will be wider, also dealing with graffiti, fly-tipping as well as dog fouling. Although a dedicated team is being lost, there will be four more staff to deal with this.

3.8 The table below shows the numbers of complaints received by Derby Homes in relation to dog fouling.

Year (up to the 26 <sup>th</sup> August)	Number of Dog Fouling Complaints
2009	9
2010	11
2011	12

3.9 Guidance for pet owners is provided in the Pets Policy, Appendix 1. The Policy aims to provide additional information for tenants who own pets and outlines the conditions in which animals should be kept in properties managed by Derby Homes. The Pet Policy supplements and underpins the Tenancy Agreement. Section 7 of the agreement deals with conditions relating to pet ownership and states:

3.10 "You, or anyone living with you must not allow your pet or pets to frighten, annoy or cause a nuisance to any other person living in the locality of your property. In some flats, maisonettes and sheltered schemes, you may only keep caged birds or fish. You must get permission to keep unusual pets such as snakes.

3.11 You must not keep any pet which causes or is likely to cause a nuisance or annoyance or disturbance to neighbours or others living in the locality of the property.

3.12 Examples of this include, but are not limited to: allowing your pet to persistently foul in an inappropriate place, barking, creating a foul smell, inadequate control, creating any kind of health hazard.

- 3.13 On receipt of a complaint about dog fouling the Housing Officer will always investigate. It is important that the complainant gives as many accurate details as possible so that the pet owner can be identified and contacted. If the problem persists action can, and will be taken under the conditions of tenancy if the perpetrator is a tenant, or member of a tenant's family.
- 3.14 In many cases it is not possible to investigate complaints thoroughly because of the inaccurate details received at the point of complaint.
- 3.15 Where persistent fouling is in a public place, as opposed to a communal area or on land owned by Housing we will liaise with the Council and action may also be taken by the City Council under the Clean Neighbourhoods and Environment Act 2005.
- We are committed to working with the City Council Neighbourhood Teams and will
- 3.16 participate in initiatives to promote responsible pet ownership and reduce instances of dog fouling within the City. We will also review our joint working processes to ensure that tenants and leaseholders have clear guidance on how to report issues of dog fouling.

## **2. LEGAL AND CONFIDENTIALITY IMPLICATIONS**

- 2.1 Legal measures to prevent dog mess are contained in the Clean Neighbourhoods and Environment Act 2005, this allows local authorities to create byelaws relating to dog mess.
- 2.2 The Housing Act 1985, as amended by the Housing Act 1996 conveys a wide range of rights to tenants and also a number of responsibilities which includes the ownership of pets and the prevention of any nuisance or annoyance to others.

## **2. ENVIRONMENTAL IMPLICATIONS**

Research has concluded that there are links between dog fouling and toxocariasis. Successful publicity campaigns on this link and its dangers are believed to have reduced the problem by 40%. All reports reviewed indicate that human toxocariasis is potentially a serious infection, particularly amongst young children and elderly people.

The areas listed below have no implications directly arising from this report:

Consultation  
Financial and Business Plan  
Council  
Personnel  
Equalities Impact Assessment  
Health & Safety  
Risk  
Policy Review

If Board members or others would like to discuss this report ahead of the meeting please contact the author, or Phil Davies, Chief Executive, [phil.davies@derbyhomes.org](mailto:phil.davies@derbyhomes.org) – Phone: 01332 888528

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