

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO HEALTH & HOUSING COMMITTEE

Agenda Item No. 10

meeting date: THURSDAY, 7 JUNE 2018
title: TACKLING ANTI-SOCIAL BEHAVIOUR RELATING TO DOGS -
UPDATING FIXED PENALTY NOTICES
submitted by: MARSHAL SCOTT - CHIEF EXECUTIVE
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1 PURPOSE

1.1 Increasing of fixed penalty notice fines to £100.

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives – To sustain a strong and prosperous Ribble Valley.
- Corporate Priorities – Keeping Ribble Valley Borough Council an attractive place for all – reducing fouling and other incidents of dog related Anti-Social Behaviour (ASB) within the borough through active enforcement.
- Other Considerations – None.

2 BACKGROUND

2.1 Ribble Valley Borough Council is home to many thousands of responsible dog owners who exercise their pets across the Borough. Our parks and open spaces also attract responsible dog owners from further afield. Unfortunately not everyone that owns a dog is responsible though. It had long been felt that irresponsible dog ownership is not limited to whether an owner cleans up after their dog. Irresponsible dog owners allow their dogs to stray, allow them to intimidate other people and even harm other animals. The ultimate consequence of irresponsible dog ownership can be life changing or fatal.

2.2 There is still a small minority who think it is acceptable not to clean up or to even place their bagged dog waste in trees etc. Although catching those responsible is often difficult, our enforcement officers, supported by the supplementary litter enforcement service, use the information provided by residents to target hot spots in order to catch those responsible and issue them with fixed penalty notices.

3 ISSUES

3.1 The fixed penalty notice currently for each Public Space Protection Order is £80. The maximum fine through prosecution is £1,000.

3.2 Whilst the current Dog Control Orders do provide officers with the tools to tackle aspects of irresponsible dog ownership, it is felt that the opportunity should be taken to review them and to make changes that will set a fixed penalty level that is more in line with other offences and extends the provisions of the current orders to areas which should be protected too.

3.3 To ensure consistency across Local Authorities we would look to impose a £100 fixed penalty for all offences created by a PSPO. The maximum fine through prosecution would remain £1,000.

- 3.4 In order to successfully enforce the measures created by these orders it is necessary for enforcement officers to be able to obtain the details of the person responsible. Without this a person can simply ignore the enforcement officer or provide false details.
- 3.5 In the legislation for littering (Environmental Protection Act 1990 Section 88(8B) there is an offence of failing to provide or providing inaccurate details. It is felt that a similar measure should be introduced to these orders to support the officers when deemed appropriate and necessary. This does not guarantee compliance but creates an additional offence should it be necessary to take an offender to court.
- 3.6 The following exemptions will apply to the orders:
- i) The following persons are exempt from being required to remove their dog faeces from the land forthwith:
- a person who is registered as a blind person
 - a person who has a disability and relies on a dog trained from the following prescribed charities i.e. from the "Dogs for the Disabled", "Support Dogs" or "Canine Partners for Independence".
- ii) The following are exempt from the dog exclusion order, i.e. they are able to take their dogs into the dog exclusion zones:
- a person who is registered as a blind person
 - a person who has a disability and relies on a dog trained by the following prescribed charities i.e. from either "Dogs for the Disabled", "Support Dogs" or "Canine Partners for Independence".
 - a person who is deaf and relies on a dog trained by the Hearing Dogs for Deaf People.

4 OPTIONS

- 4.1 Do nothing and rely upon existing Orders being converted in October. This is not a recommended option as this will restrict the exclusion areas to play areas that are fenced and enclosed. It also means the current fixed penalty level for fouling and exclusion will remain. This is less than littering for what are considered more serious offences. Local authorities should also demonstrate good practice and consider all available powers, including its discretionary responsibility to respond to the Anti-Social Behaviour, Crime & Policing Act 2014.
- 4.2 Introducing the new PSPO's will enable officers to use the higher penalty notice of £100 to tackle irresponsible dog owners in regard to fouling and dog related anti-social behaviour.

5 RISK ASSESSMENT

- 5.1 The approval of this report may have the following implications:
- Resources – None identified.
 - Technical, Environmental and Legal – None identified.
 - Political – None identified.

- Reputation – None identified.
- Equality & Diversity – None identified.

6 RECOMMENDED THAT COMMITTEE

- 6.1 Agree for the Fixed Penalty Notice available for each PSPO to be set at £100 in line with other PSPO's.

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