

Subject: Dog Controls

Report to: Environment Committee 12th September 2016

Report by: Jane Beck Director of Customer Services
Paul Shucksmith Senior Environmental Ranger

SUBJECT MATTER/RECOMMENDATIONS

This report provides the Committee with details about a review carried out of dog control measures within the Borough with a view to consolidating existing Byelaws and Designation Orders along with any new requirements under a single Public Space Protection Order (PSPO).

The Report recommends that the Committee;

- 1. Agree to the consolidation of dog control legislation within the Borough into a new PSPO as detailed in this report.**
- 2. Agree to the methodology of the public consultation as detailed in the report.**
- 3. Agree that following the public consultation the final draft version of the PSPO comes back to Committee for ratification**
- 4. Agree that for the present time the Council will not pursue the issue around DNA testing on dog faeces.**

1. INTRODUCTION/BACKGROUND

Officers from Environmental Services have undertaken a review of dog control measures across the Borough with a view to update Byelaws and controls, many of which were created in the 1980's. The new controls will be regulated under the recently introduced Anti-Social Behaviour, Crime and Policing Act 2014. Initial consultation has been carried out internally with Officers, Management and Councillors and externally with Parish Councils and a number of landowners as to what control measures are felt are required on publically accessible land across the Borough. These proposals have been collated into a draft Public Space Protection Order. As part of the legal process to implement a PSPO, public consultation must be carried out to provide the opportunity for comment and views on the proposals.

Furthermore, Officers recently attended a workshop at Barking and Dagenham Council who have carried out a trial of using DNA sampling to help address the issue of dog fouling. For such a scheme to work effectively control measures would need to be introduced requiring all dog owners to have their dogs DNA swabbed so that any uncollected dog foul could be DNA tested and cross matched. Information on the trial is provided as part of this report.

2. THE REVIEW

Review Background

To promote responsible dog ownership and address the issue of dog control Great Yarmouth Borough is currently covered by a variety of Byelaws and Designation Orders relating to dog fouling, sites where dogs are banned from and where dogs should be kept leashed. The last review took place in 1996 and most of the Byelaws pre-date this time. As a result there is publically accessible land and recreational areas which do not currently have any control measures in place but would benefit from having them introduced together with other sites which have control measures which are no longer appropriate or needed. A review has now been carried out to look at what control measures are needed and to update these to a Public Space Protection Order (PSPO) under the Anti-social Behaviour, Crime and Policing Act 2014.

PSPO'S

PSPO's are designed to replace and streamline a range of powers such as Byelaws and Orders which have historically been available to local authorities to deal with anti-social behavior including dog control.

The test for the local authority to make a PSPO is that it must be satisfied on reasonable grounds that two conditions are met:-

- Activities carried out in the public place are having, have had or will have a detrimental effect on the quality of life of those in the locality, and
- Activities are or are likely to be persistent, unreasonable and justify the restrictions imposed by the Order

Penalties for a breach of a PSPO is a fine of up to £1,000 upon prosecution or, as an option, a Fixed Penalty Notice can be offered – for Great Yarmouth this is currently set as £80 or reduced to £60 if paid within ten days.

Internal and Parish Consultations

Officers in conjunction with relevant Departments have reviewed existing control measures and looked at what new measures are felt required. GYBC proposals provide coverage on playsites, cemeteries and the two main tourist beaches at Gorleston and Great Yarmouth. Parish Councils were provided the opportunity to propose any measures they feel are

required on land within their area. In response ten Parishes made a total of 22 proposals covering a range of land including playing fields, heritage sites and burial grounds. Some Parish proposals covered land under private ownership to which the public have access and consent was required from the landowner as part of the proposal process.

During the review we also received two proposals, one from English Heritage and one from a local farmer, for control measures on private land to which the public have access.

Both GYBC and Parish proposals were provided to Departmental Managers, Senior Management Team and Members for comment and the opportunity to add any further proposals. One response was received which was a further proposal.

3. DRAFT ORDER AND PROPOSALS

The following are the main control measures proposed under the draft PSPO which is attached as **Appendix 1:-**

- **Failing to Remove Dog Faeces** - An offence is committed where the person responsible for a dog fails to clear up forthwith after a dog has fouled on public land and private land to which the public have access. This is proposed to be a Boroughwide requirement.
- **Dogs on Lead Request** - Enables authorised officers to require that a dog is immediately leashed. This is designed to be used where a dog is causing a nuisance or a hazard to itself or other people. This is proposed to have Boroughwide coverage.
- **Dogs on Lead Requirement** - Makes it a requirement that when using a location with such an Order on that all dogs must be kept leashed. Locations proposed to be covered by such a requirement are covered in Schedule 1 to the PSPO, see **Appendix 2** attached.
- **Dog Bans** - Bans dogs from entering a site covered by such an Order. Locations proposed to be covered by such a requirement are covered in Schedule 2 to the PSPO, see **Appendix 3** attached.

The Borough Council has sought to instigate a dog ban on all fenced playsites it either owns or manages. A small number of fenced sites within communal housing areas will not be able to be covered by a ban due to the sites providing a thoroughfare to properties. For these sites a dogs on leash requirement has been sought instead. Additionally, a number of open playarea sites will not be covered by any requirement as they have no obvious boundary which will make enforcement difficult and open to challenge.

- To aid Members please see **Appendix 4** which, whilst not forming part of the actual PSPO, does provide information on amendments to existing controls and the proposals for sites not previously covered.

4. **PUBLIC CONSULTATION**

Following agreement of the draft PSPO it will go out to public consultation for a period of four (4) weeks. The proposals will be advertised in the press and highlighted on the Council's web page. The public will have the opportunity to comment on the proposals through a survey available online, at the main Council receptions or if requested by post. The questions within the survey are attached in **Appendix 5** and will seek to determine public feeling about the proposals plus give the opportunity for comment.

The consultation will also be sent to partners, organisations and bodies such as the Police, RSPCA and neighbouring authorities identified with having an interest in dog control.

5. **IMPLEMENTATION**

Following public consultation any comments or views will be considered and the PSPO will be finalised. This will be returned to Environment Committee for agreement and then onto Council. Once agreed the authority will then proceed with the making of an Order with a view to it coming into effect on 1st April 2017. Once an Order has been made any interested person may challenge the Order within six weeks via the High Court. PSPO's last for three years after which time they must be reviewed and renewed if still required. During this time they can still be cancelled, varied or altered, however there is a prescribed route that must be followed to do this.

6. **DNA TESTING**

Following interest from Members in the scheme Officers attended a workshop at Barking and Dagenham Council who have carried out a trial of using DNA sampling to address the issue of dog fouling. Please see the attached **Appendix 6** for information on the workshop.

7. **ENFORCEMENT**

Current Byelaws around dog control are generally enforced by the Environmental Ranger team. It is recognised that the new proposals will expand the areas for control and place a strain around both enforcement and proactive work, particularly on large open sites. As part of the consultation exercise with Parishes it was asked how the Parish could help with enforcement of the measures they wished to propose. One Parish has a paid dog warden, a number of Parishes have voluntary dog wardens who have had training from the Environmental Rangers and others have said they will collate information about issues via Parish Councillors to pass on to the Rangers. As part of the general enforcement of PSPO's across the Borough (including the Alcohol PSPO introduced last year and the Car Enthusiasts PSPO that is currently out for consultation), all Council officers undertaking

enforcement roles are duly authorised. The issue around resources for enforcement is one that will need to be closely monitored.

8. FINANCIAL IMPLICATIONS

Where a control measure is in place adequate signage highlighting the requirement must be present. £20,000 has already been allowed in this year's budget to cover the cost of new signage for the sites. To reduce overall costs signage provision for the Drinking PSPO has been delayed so that both controls measures can be included on the one sign.

9. EQUALITY ISSUES

Exemptions have been considered in making the draft PSPO for those people with disabilities who make use of trained assistance dogs. Guidance would suggest that anyone using any type of assistance dog is not subject to a Banning Order in respect of their assistance dog and are also exempt from any requirement to pick up under the Dog Fouling Order. Additionally, PSPO's should not restrict the normal activities of working dogs and we would not seek to enforce in such cases.

10. RECOMMENDATIONS

Committee are asked to consider the individual site proposals contained within the draft PSPO taking into account whether they feel they are appropriate and enforceable, and are recommended to;

- a) Agree to the consolidation of dog control legislation within the Borough into a new PSPO as detailed in this report.
- b) Agree to the methodology of the public consultation as detailed in the report.
- c) Agree that following the public consultation the final draft version of the PSPO comes back to Committee for ratification
- d) Agree that for the present time the Council will not pursue the issue around DNA testing on dog faeces

Area for consideration	Comment
Monitoring Officer Consultation:	None
Section 151 Officer Consultation:	None
Existing Council Policies:	None
Financial Implications:	Yes
Legal Implications (including human rights):	Yes
Risk Implications:	None
Equality Issues/EQIA	Yes

assessment:	
Crime & Disorder:	Yes
Every Child Matters:	None



The Anti-social Behaviour, Crime and Policing Act 2014

The Public Spaces Protection Order (Great Yarmouth Borough Council) ????

Great Yarmouth Borough Council (in this order called “the Authority”) hereby makes the following Order:

This Order comes into force on 1st April 2017 for a period of 3 years.

Offences

1. Fouling-failure to remove dog faeces

If within the administrative area of the Authority a dog defecates at any time on land to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission and a person who is in charge of the dog at the time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless

- (a) he has reasonable excuse for failing to do so;
- or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

2. Dogs on Leads by Order

A person in charge of a dog shall be guilty of an offence if, at any time, within the administrative area of the Authority he does not comply with a direction given to him by an authorised officer of the authority to put and keep the dog on a lead unless

- (a) he has reasonable excuse for failing to do so;
- or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

An authorised officer may only give a direction under this order if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog that is likely

to cause annoyance or disturbance to any other person, or to a bird or another animal.

3. Leads Requirements

A person in charge of a dog shall be guilty of an offence if, at any time, (during the period specified in the schedule if stated), on land detailed in Schedule 1 below he does not keep the dog on a lead unless

- (a) he has reasonable excuse for failing to do so;
- or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

4. Exclusion-Dog Ban

A person in charge of a dog shall be guilty of an offence if, at any time, (during the period specified in the schedule if stated), he takes the dog onto, or permits the dog to enter or to remain on, any land detailed in Schedule 2 below unless

- (a) he has reasonable excuse for failing to do so;
- or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

5. Exemptions

Nothing in part 1 or part 4 of this order shall apply to a person who –

(a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or

(b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance; or

(c) has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.

For the purpose of this order –

☐ A person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;

☐ Placing the faeces in a receptacle on the land which is provided for the purpose,

or for the disposal of waste, shall be sufficient removal from the land;

☐ Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces

☐ “an authorised officer of the Authority” means an employee, partnership agency or contractor of Great Yarmouth Borough Council who is authorised in writing by Great Yarmouth Borough Council for the purposes of giving directions under the Order.

☐ Each of the following is a "prescribed charity" -

- _ Dogs for the Disabled (registered charity number 700454)
- _ Support Dogs Limited (registered charity number 1088281)
- _ Canine Partners for Independence (registered charity number (803680)
- _ Dog A.I.D (Registered Charity Number 1124533)
- _ Medical Detection Dogs (Registered Charity 1124533)

6. Penalty

A person who is guilty of an offence under this order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale

APPENDIX 2

THE PUBLIC SPACES PROTECTION ORDER (GREAT YARMOUTH BOROUGH COUNCIL) ????

SCHEDULE 1

LAND TO WHICH THE DOGS ON LEAD REQUIREMENT SHALL APPLY

- Promenade adjacent to the beach between Wellington Pier and Britannia Pier, Great Yarmouth - To operate from Good Friday or 1st April (which ever falls first) to 30th September each year
- Great Yarmouth (New) Cemetery North, Kitchener Road, Great Yarmouth
- Great Yarmouth (Old) Cemetery South, Kitchener Road, Great Yarmouth
- Great Yarmouth (Caister) Cemetery, Ormesby Road, Caister on Sea
- Promenade adjacent to the beach between the breakwater and Ravine, Gorleston - To operate from Good Friday or 1st April (which ever falls first) to 30th September each year Elder Green Playarea, Elder Green, Gorleston
- Hertford Way Playarea, Hertford Way, Gorleston
- Pine Green Playarea, Pine Green, Gorleston
- Clarendon Close (North) Playarea, Clarendon Close, Great Yarmouth
- Clarendon Close (South) Playarea, Clarendon Close, Great Yarmouth
- Dorset Close Playarea, Dorset Close, Great Yarmouth
- Howard Street South Playarea, Howard Street South, Great Yarmouth
- King Street Multi Use Games Area (MUGA), King Street, Great Yarmouth
- Sidney Close Playarea, Sidney Close, Great Yarmouth
- Green Lane Playing Field, Green Lane, Bradwell
- Generation Wood, Mill Lane, Bradwell
- Roman Fort, Butt Lane, Burgh Castle
- River Way, Belton
- Special Protection Area covering the beach from Salisbury Road, North Denes, Great Yarmouth to Tan Lane, Caister-on-Sea
- St Margaret's Burial Ground and Churchyard, Yarmouth Road, Ormesby St Margaret
- Allotments, Black Street/Low Road, Winterton-on-Sea
- Recreation Ground, Somerton Road, Winterton-on-Sea
- Land adjacent to Village Hall (south), King Street, Winterton-on-Sea
- Caister Roman Fort, Norwich Road, Caister-on-Sea

Appendix 3

THE PUBLIC SPACES PROTECTION ORDER (GREAT YARMOUTH BOROUGH COUNCIL) ?????

SCHEDULE 2

LAND TO WHICH THE DOG EXCLUSION/BAN SHALL APPLY

- All Borough Council owned or managed fenced playareas
- All Borough Council owned or managed fenced fitness areas
- All Borough Council owned or managed fenced skate parks
- All Borough Council owned or managed Multi Use Games Areas (MUGA) with the exception of King Street, Great Yarmouth
- Runham Playarea, Thrigby Road, Runham
- The beach between Wellington Pier and Britannia Pier, Great Yarmouth - To operate from Good Friday or 1st April (which ever falls first) to 30th September each year
- The beach between the breakwater and Ravine, Gorleston - To operate from Good Friday or 1st April (which ever falls first) to 30th September each year
- Magdalen Lawn Cemetery, Oriel Avenue, Gorleston
- Gorleston Old Cemetery, Magdalen Way, Gorleston
- Bland Corner, New Road, Belton
- New Road Playing Field, New Road, Belton
- Burgh Castle Playing Field, Church Road, Burgh Castle
- Hemsby Playing Field, Waters Lane, Hemsby
- Hemsby Burial Ground, The Street, Hemsby
- Amenity Area, Pit Road, Hemsby
- St Margaret's Ruins, Coast Road, Hopton-on-Sea
- Martham Playing Field, Rollesby Road/Playing Field Lane, Martham
- Edgar Tenant Recreation Ground, Station Road, Ormesby St Margaret
- Repps Playing Field, High Road/Church Road, Repps with Bastwick
- Allotment Gardens, Low Street/Church Road, Repps with Bastwick
- St Edmunds Church and Parish Graveyard, Church Road, Thurne
- Thurne Playing Field, The Street, Thurne

Appendix 4

SITES FOR CONSIDERATION

THE BELOW ARE AREAS OF LAND WHICH CURRENTLY HAVE A BYELAW ON HOWEVER WE HAVE SOUGHT TO AMEND AS PART OF THE REVIEW:-

TYPE OF CONTROL	LOCATION	CHANGE
Dogs On Lead Request	Boroughwide	Current byelaws only cover certain open green spaces. Officers wish to have Boroughwide coverage.
Dogs on Leash Requirement	Promenade adjacent to the beach between Wellington Pier and Britannia Pier, Great Yarmouth	Existing is in force from 1 st May to 30th September. To take account of Easter falling early it has been proposed to bring this forward to start on 1 st April or Good Friday which ever falls earliest.
Dogs on Leash Requirement	Promenade adjacent to the beach between the breakwater and Ravine, Gorleston	Existing dogs on leash requirement is in force from 1 st May to 30th September. To take account of Easter falling early it has been proposed to bring this forward to start on 1 st April or Good Friday which ever falls earliest.
Dogs on Leash Requirement	Great Yarmouth (New) Cemetery North, Kitchener Road, Great Yarmouth	Site currently has a dog ban, however this has been difficult to enforce due to the site providing a through route for the public. Officers feel a leash requirement would be more appropriate.
Dogs on Leash Requirement	Great Yarmouth (Old) Cemetery South, Kitchener Road, Great Yarmouth	Site currently has dog ban, however this has been difficult to enforce due to the site providing a through route for the public. Officers feel a leash requirement would be more appropriate.
Dogs on Leash Requirement	Great Yarmouth (Caister) Cemetery, Ormesby Road, Caister-on-Sea	Site currently has dog ban, however this has been difficult to enforce due to the site providing a through route for the public. Officers feel a leash requirement would be more appropriate.
Dog Ban	The beach between Wellington Pier and Britannia Pier, Great Yarmouth	Existing dog ban is in force from 1 st May to 30th September. To take account of Easter falling early it has been proposed to bring this forward to start on 1 st April or Good Friday which ever falls earliest
Dog Ban	The beach between the breakwater and Ravine, Gorleston	Existing dog ban is in force from 1 st May to 30th September. To take account of Easter falling early it has been proposed to bring this forward to start on 1 st April or Good Friday which ever falls earliest.

THE FOLLOWING ARE SITES WHICH CURRENTLY HAVE NO BOROUGH COUNCIL CONTROL MEASURE IN PLACE BUT FOR WHICH WE HAVE RECEIVED A PROPOSAL. THESE WOULD BE NEW SITES:-

TYPE OF CONTROL	LOCATION
Dogs on Leash Requirement	Special Protection Area covering the beach from Salisbury Road, North Denes, Great Yarmouth to Tan Lane, Caister-on-Sea
Dogs on Leash Requirement	Caister Roman Fort, Norwich Road, Caister-on-Sea
Dogs on Leash Requirement	Land adjacent to Village Hall (south), King Street, Winterton-on-Sea
Dogs on Leash Requirement	Recreation Ground, Somerton Road, Winterton-on-Sea
Dogs on Leash Requirement	Allotments, Black Street/Low Road, Winterton-on-Sea
Dogs on Leash Requirement	St Margaret's Burial Ground and Churchyard, Yarmouth Road, Ormesby St Margaret
Dogs on Leash Requirement	River Way, Belton
Dogs on Leash Requirement	Roman Fort, Butt Lane, Burgh Castle
Dogs on Leash Requirement	Generation Wood, Mill Lane, Bradwell
Dogs on Leash Requirement	Green Lane Playing Field, Green Lane, Bradwell
Dog Ban	Bland Corner, New Road, Belton
Dog Ban	New Road Playing Field, New Road, Belton
Dog Ban	Burgh Castle Playing Field, Church Road, Burgh Castle
Dog Ban	Hemsby Playing Field, Waters Lane, Hemsby
Dog Ban	Hemsby Burial Ground, The Street, Hemsby
Dog Ban	Amenity Area, Pit Road, Hemsby
Dog Ban	St Margaret's Ruins, Coast Road, Hopton-on Sea
Dog Ban	Martham Playing Field, Rollesby Road/Playing Field Lane, Martham
Dog Ban	Edgar Tenant Recreation Ground, Station Road, Ormesby St Margaret
Dog Ban	Repps Playing Field, High Road/Church Road, Repps with Bastwick
Dog Ban	Allotment Gardens, Low Street/Church Road, Repps with Bastwick
Dog Ban	St Edmunds Church and Parish Graveyard, Church Road, Thurne
Dog Ban	Thurne Playing Field, The Street, Thurne

QUESTIONS FOR PUBLIC CONSULTATION

DOG CONTROL – PUBLIC SPACE PROTECTION ORDER

1. I am completing this survey:-

- ☐ As a resident of the Borough of Great Yarmouth
- ☐ As a business person
- ☐ As a visitor
- ☐ Representing a charity or organisation

Other (please specify):

2. Please supply your postcode:

3. Are you a dog owner?

- ☐ Yes
- ☐ No

4. **DOG FOULING**

The Council is proposing the continuation of the existing powers that make it an offence if a person in charge of a dog fails to clean up its faeces. Do you agree or disagree with this proposal?

- ☐ Agree
- ☐ Disagree

5. **DOGS ON LEAD BY ORDER**

The Council is proposing a new Boroughwide offence for failing to put a dog on a lead when directed to do so by an authorised officer where the dog is considered to be out of control, causing alarm or distress or to prevent a nuisance. Do you agree or disagree with this proposal?

- ☐ Agree
- ☐ Disagree

6. **DOGS ON LEAD REQUIREMENT**

In addition to its own proposals, the Council has received a number of proposals from Parish Councils and other landowners that would require a dog to be leashed when on certain areas of land. This would be in the interest of hygiene, preventing nuisance and respect. Do you agree where it has been proposed dogs should be leashed on the following types of land:-

- **Heritage Sites**

[] Agree

[] Disagree

- **Promenades adjacent to the main tourist Beaches at Great Yarmouth and Gorleston**

[] Agree

[] Disagree

- **Cemeteries and Churchyards**

[] Agree

[] Disagree

- **Special Protection Areas for Nature (Beach at North Denes to Caister)**

[] Agree

[] Disagree

- **Recreational Areas**

[] Agree

[] Disagree

7. **DOG BAN**

In addition to its own proposals, the Council has received a number of proposals from Parish Councils and other landowners that would ban dogs from certain areas of land. This would be in the interest of hygiene and safety. Do you agree where it has been proposed dogs should be banned from the following types of land:-

- **Fenced Playareas, Fitness Areas, Skate Parks and Multi Use Games Area (MUGA)**

[] Agree

[] Disagree

- **Designated areas of the Beach at Gorleston and Great Yarmouth**

[] Agree

[] Disagree

- **Cemeteries and Churchyards**

[] Agree

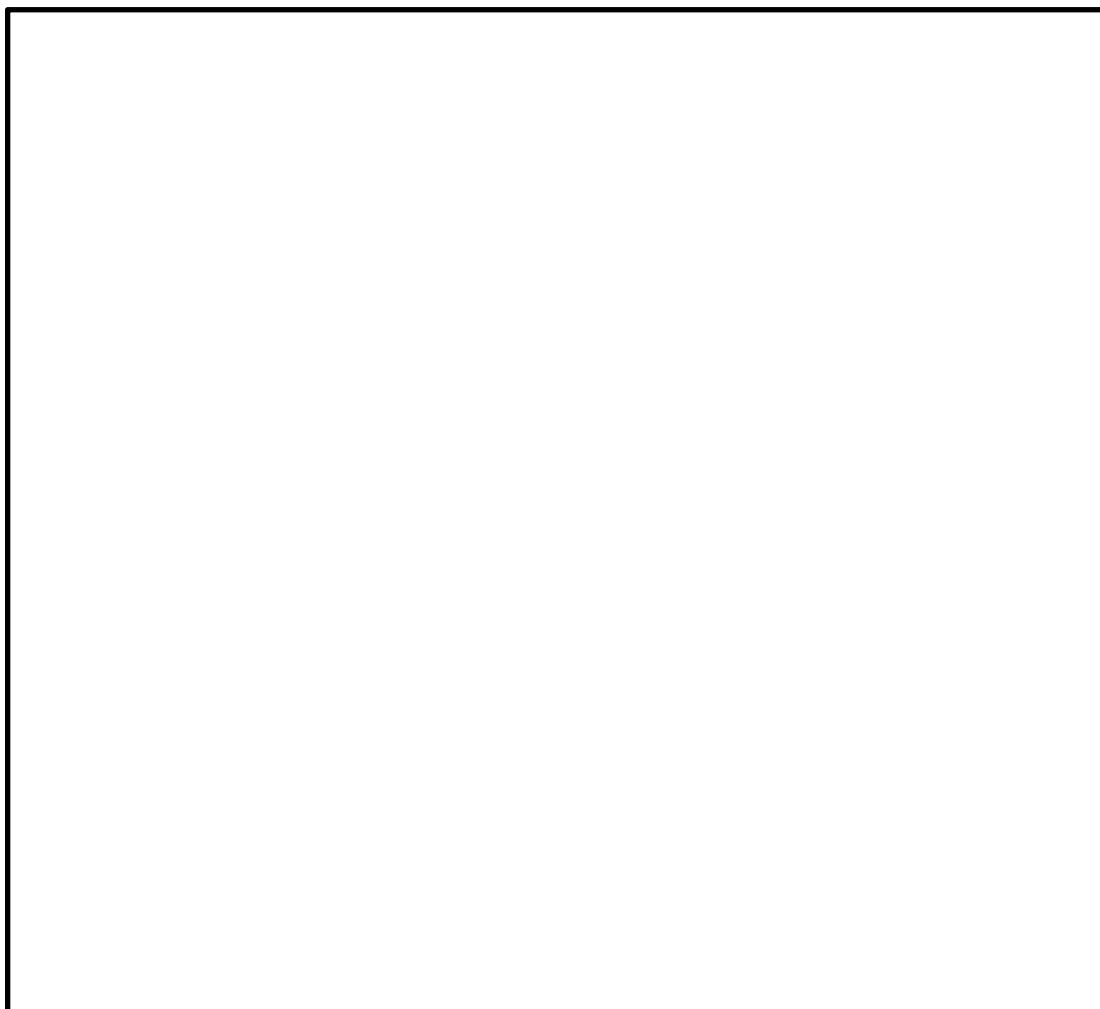
[] Disagree

- **Recreational Areas**

☐ Agree

☐ Disagree

8. ANY OTHER COMMENTS



Please return completed questionnaire by 10 October 2016 to:-

Dog Control Consultation
Environmental Services
Town Hall
Hall Plain
Great Yarmouth
NR30 2QF

Appendix 6

OVERVIEW OF DOG DNA WORKSHOP BARKING AND DAGENHAM COUNCIL

BACKGROUND

- Officers from Environmental Services attended a workshop in June held at Barking and Dagenham Council
- At the workshop were representatives from Barking Council including management, enforcement staff, dog warden and representatives from PooPrints who provide dog DNA testing in the UK
- Barking and Dagenham Council have recently held a trial around using DNA sampling to address the issue of dog fouling
- The trial took place over three months. The dog warden initially recorded the amount of dog fouling in 3 of their main parks. They then monitored the amount of dog fouling present throughout the duration of the trial and claim to have had a reduction of up to 90% in these areas.
- During the trial DNA testing was offered free to dog walkers using the parks and they had a take up of 400 dogs which they state is 25% of the dogs in the area. Dogs which were tested were given a collar tag so officers could see that the dog had been tested.
- DNA is taken from a dog via a swab in the cheek carried out by Council Officers. This swab is then sent away for processing at a fee charged by PooPrints of £30 per dog. Where faeces are found and a cross reference match is required PooPrints charge a fee of £70 for carrying out the service.
- Any dog foul found in the parks was DNA tested and they advertised they would take enforcement action against any positive match.
- The Council now wish to make it compulsory that to walk your dog in their main parks you can only do so if your dog has been DNA tested. They envisage using a Public Space Protection Order to pursue this further.

Issues Raised

- Whilst the workshop had been put on to demonstrate how DNA testing could be used there are a number of fundamental issues that have yet to be addressed and it would appear that the day was also held to seek ideas from other Councils as to how to resolve these.

- These issues include how does DNA testing fit with current legislation, can DNA testing actually be made compulsory, can you prevent a person from walking a dog if it hasn't been DNA tested and is any of this enforceable. Further questions were also raised around the need for additional staffing to ensure compliance with any DNA registration scheme.
- The Council's Solicitor who gave a presentation does not feel they can justify making it a requirement that any dog walker using their park would have to have their dog DNA registered but are looking to word it that an officer can, at their request, swab a dog being walked in the designated parks. This would suggest that there is uncertainty as to how this sits legally and are going down the route that there would have to be just cause in the first place to swab the dog.
- When questioned as to whether any requirement would apply to visitors and people not living in the area they said they did not think they would be able to enforce against them.
- Information about the trial was not always forthcoming. When questioned as to when the trial took place and did the audit allow for the seasonal trend found with the issue of dog fouling, was the area cleared a week or so prior to the first audit to ensure that what they were recording was new foul and not the accumulation of a number of months they failed to provide any detail.
- No information was provided when questioned about whether the issues of dog fouling increased in other parts of the Borough and the decrease seen in the parks was simply because users went elsewhere.
- The Council has 16,000 properties and estimated that the number of properties with dogs is 10% so have 1600 in the Borough. Without more accurate figures this does bring their 25% take up into question.
- It emerged that the figures of DNA registration included all their stray dogs which according to figures provided would mean that 200 of the 400 dogs tested were actually stray so actual voluntary buy in from the public was minimal.
- A question which repeatedly came up was a request to see the findings of the trial and the business case for pursuing it further. Any information on this was refused with the reason given that their legal team were currently working on bringing in the PSPO and did not feel that it was appropriate to release the information prior to this being introduced.
- Figures they did disclose were that they had tested 40 piles of dog faeces for cross referencing which had come back with one single positive match. No formal action was taken with the reason given that they wanted to educate the person, however it was felt it was more likely because current legislation would not allow it.
- A figure was provided that the estimated total cost of the trial would be somewhere in the region of £70,000.

Whilst in the future there may be scope for DNA to be a tool to address dog fouling, currently there are too many uncertainties around its legality and actually requiring compliance. It also has been shown to come at a significant cost. Barking appears to be proceeding with using it

but it would appear that this will be done in a watered-down way to what they originally envisaged and registration will be voluntary and not compulsory.