

 <b>REPORT TO EXECUTIVE</b>			
<b>PORTFOLIO AREA: ENVIRONMENT INFRASTRUCTURE AND TRANSPORT</b>			
Date of Meeting:		1 <sup>st</sup> September 2003	
Public			
Key Decision:	Yes	Recorded in Forward Plan:	Yes
Inside Policy Framework			

**Title:** THE DOGS (FOULING OF LAND ACT) 1996:  
Extension of Designated Areas

**Report of:** Head of Environmental Protection Services

**Report reference:** EPS 56/03

**Summary:** The report outlines the current provisions of the Carlisle Dog Fouling Designated Areas Order 1997 and identifies benefits in the service achievable through the extension of the enforcement provisions to apply to the whole of the Carlisle City Council area.

**Recommendations:** Members are requested to support the proposals to apply the provisions of the Dogs Fouling of Land Act throughout the district by designating the whole of the Council Area under the provisions of that legislation and approve that it be forwarded for consultation to the 11<sup>th</sup> September meeting of Infrastructure Overview and Scrutiny Committee.

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2. **BACKGROUND INFORMATION AND OPTIONS**

1.1 The Carlisle Dog Fouling Designated Areas Order 1997 was made under enabling legislation; The Dogs (Fouling of Land Act) 1996.

The Designated Areas Order specifies those areas within the Carlisle District Council Area that the provisions of the Act are currently applied. The areas are defined by a line drawn on a map around Carlisle city, Brampton, Longtown and Dalston delineating the area designated. All other areas designated are listed by name of the hamlet, or village settlement.

2. Due to the expansion of the boundary of the City area many new housing developments are now located outside the designated area and as such have no dog fouling control provisions in place. An example of this is the Garlands Estate.
3. Enforcement difficulties can also arise in connection with the rural villages as it is difficult to determine exactly where a village boundary falls.
4. It is proposed that consideration should be given to the designation of the whole of the City Council area under the Dogs Fouling of Land Act. This would apply the dog fouling control measures to the whole of the Council's area subject to the exempt land stipulated within the Act (i.e. Agricultural Land, Common Land (rural), Mountain, Moorland, Marshland & Heathland, Woodland (commercial) and carriageways with a speed limit of above 40mph and land running along side them).
5. For this purpose a plan defining the Designated Area would consist of an official map on which the boundary of the Council district area has been drawn and this would form part of the new Designated Areas Order.
6. The procedure to re-designate must conform with that required by the Act, which involves a requirement for the publication of the proposals in the local newspaper and a minimum of a 28 day period for the receipt of written representations. At the end of this period the Authority must consider any representations received.
7. Additional publicity would initially be advisable following the formation of the new Designated Order so as to ensure that the public are widely advised of the changes.

## **2. Consultation**

1. No consultation externally but informal consultation has taken place with the Legal and Democratic Services Department regarding the legal procedures involved and the feasibility of designating the whole of the Council's Area under the Act.
2. The Statutory requirement for a period of public representation in the formation of a new Designation Order would need to be met.

## **3. Recommendations**

Members are requested to support the proposals to apply the provisions of the Dogs Fouling of Land Act throughout the district by designating the whole of the Council Area under the provisions of that legislation and approve that it be forwarded for consultation to the 11<sup>th</sup> September meeting of Infrastructure Overview and Scrutiny Committee.

#### **4. Reasons for Recommendations**

To cause an extension of the area covered by the provision of the Act so as to apply throughout the City Council area and ensure that the benefits resulting from its enforcement are able to be fairly distributed to all residents.

#### **5. Implications**

- Staffing/resources – nil
- Financial – nil
- Legal – Legal Services will be involved in the drawing up of a new Designation Order
- Corporate – nil
- Risk Management – none
- Equality Issues – no
- Environmental – will help ensure a cleaner local environment
- Crime and Disorder - nil