

DOGS

Dog Fouling

When the Dogs (Fouling of Land) Act 1996 was introduced, Babergh District Council adopted its powers by creating an order which made it an offence for someone not to clear up after a dog when it fouls. This order applies to all land in the district, which is open to the air, and the public has access to, with the only exceptions being:

- Roads with a speed limit exceeding 40mph and the land running along side them
- Land used for agriculture or woodland
- Land which is predominantly marshland, moor or heath
- Rural common land
- Land where a private act takes precedence

A person is not guilty of this offence if they have reasonable excuse for failing to remove the faeces, they have permission from the person in authority of the land, or if they are registered blind. Not having a bag or not knowing that the dog has fouled is not a reasonable excuse.

This offence can lead to a fine of up to £1,000 or alternatively a Fixed Penalty Notice (£50 fine) may be issued. Babergh is responsible for carrying out enforcement action and issuing Fixed Penalty Notices in relation to this offence.

Sufficient evidence is needed to take enforcement action against someone who has committed a dog fouling offence, therefore if you witness someone committing an offence, Babergh will require the name and address of the person who committed the offence, a witness statement, and photographic proof of the offence.

If you have insufficient evidence, for example you know who is committing an offence, but you do not have proof, then Babergh issue a warning letter.

Where you have any evidence to support a dog fouling offence, report the details to Babergh's Environmental Protection Team on 01473 825889 or via the 'Report A Problem' page on the Babergh website (www.babergh.gov.uk).

Stray Dogs (including lost and found)

Babergh has a duty, set out in the Environmental Protection Act 1990, to deal with stray dogs. This duty was, until recently, shared with the Police, but their responsibility was repealed when the Clean Neighbourhoods and Environment Act 2005 was introduced.

In brief, Babergh has a duty to seize (if practicable) and detain a dog which it believes to be a stray, keep a register of seized dogs, and issue statutory fines relating to the wearing collars and tags (Control of Dogs Order 1992). Babergh fulfils this duty through a Dog Warden Service with a policy of only collecting stray dogs which are contained. As part of the Dog Warden Service, Babergh also keeps a register of lost dogs.

Seized dogs are taken to an appointed kennels and are held for seven days, unless reclaimed by the owner. After seven days they become the ownership of the kennels and are re-homed, or in some cases, destroyed.

Lost, found or stray dogs should be reported to Babergh's Environmental Protection Team on 01473 825889 (during office hours) or 01362 698384 (out of office hours).

Dog Control

In addition to the above, the CNEA introduced additional powers for Local Authorities, including Town and Parish Councils, to tackle dog control issues by creating Dog Control Orders. These orders can be created to make the following an offence in a designated area:

- Failing to remove faeces
- Not keeping a dog on a lead
- Not putting, and keeping, a dog on a lead when directed to do so by an authorised officer
- Permitting a dog to enter land from which dogs are excluded
- Taking more than the specified number of dogs onto land

At present there are no Dog Control Orders in the Babergh district.