

Allerdale Borough Council

Executive – 11 February 2009

Animal Welfare Act 2006 and Anti-Social Behaviour Act 2003

The Subject of the Decision	The powers included in the Animal Welfare Act 2006 came into operation in April 2007. The Anti-Social Behaviour Act 2003 came into force in January 2004. The aims were to update and improve the powers available under previous law.
The Reason for the Decision	<p>Residents in Allerdale have reported incidents of stray dogs causing a nuisance, unsightly graffiti and fly posting in the community. The Environmental Wardens have acted on this information but in many instances found it difficult to resolve the complaints due to limited powers within the service.</p> <p>The adoption of the Animal Welfare Act 2006 will allow local authorities to address issues of ‘wellbeing’ with owners who regularly allow their dogs to stray.</p> <p>The adoption of the Anti-Social Behaviour Act 2004 allows the local authority to issue fixed penalty notices and removal notices to those who regularly carry out acts of graffiti or unauthorised fly posting.</p> <p>It is felt that a consistent and robust approach to dealing with persistent offenders under the Acts will support the LEQ aspects of the Environmental Warden Service.</p>
Recommendation	<p>This report recommends to Members that the Council adopts powers both within the Animal Welfare Act 2006 and the Anti-Social Behaviour Act 2003.</p> <p>The Enforcement Protocols contained within the Animal Welfare Act 2006 are included in the Council’s Policy Framework.</p> <p>That the Director of Partnerships and</p>

Community be given delegated authority to authorise officer's formal enforcement powers.

That the Council participates in a campaign to promote and raise awareness of the legislation.

Environmental Implications

Implementation of the provisions within the Acts will result in an improvement in local environmental quality.

Community Safety Implications

There is a proven link between enviro-crime, ie stray dogs, dog fouling, graffiti and antisocial behaviour. Implementation of the Acts will have a contributory effect on reducing antisocial behaviour in the borough.

Financial/Resource Implications

Implementing the Act should not be seen as a way to generating revenue, however by issuing Fixed Penalty Notices it will result in increased revenue.

The Council may incur additional costs in issuing Improvement Notices. Additional staff time will also be required in such cases. Additional costs in 2009/10 can be met from the Environment Campaign reserve; however these costs will need to be met from mainstream budgets in 2010/11 onwards. It is expected that this will be undertaken through proactive activity and review and redistribution of priorities within the existing team.

Human Rights Implications

Enforcement of the provisions of the Acts will be carried out within the context of the Council's enforcement protocol.

Employment Implications

None arising from this report.

Health and Safety and Risk Management Implications

Staff issuing Fixed Penalty Notices, Removal Notices and Improvement Notices, are properly trained and work within prescribed health and safety guidelines.

Data Quality Implications	Y - working with the CIT Team.
Equality Impact Assessment completed	N - working with the CIT Team
Wards Affected	All Wards
The Contribution this Decision would make to the Council's Key Aims	Directly contributes to the environmental aims within the CIP.
Is this a key decision	Yes
Portfolio Holder	Councillor Sam Standage
Lead Member of Staff	<p>Margaret Heyes LEQ Officer 01900 702824 margaret.heyes@alldale.gov.uk</p> <p>Ernie Davidson Environmental Services Manager 01900 702803 ernie.davidson@alldale.gov.uk</p>

1.0 Introduction

- 1.1 The Animal Welfare Act 2006 and Anti-Social Behaviour Act 2003 were introduced as a commitment from Government for improved regulation, consolidating existing laws, to clean up the streets and tackle environmental crimes (enviro-crime) and anti-social behaviour, such as littering, dog fouling, graffiti and fly posting.
- 1.2 Tackling anti-social behaviour is high on the agenda of both national and local government and local agencies. Local partnerships, together with local communities, have been encouraged to identify local problems, development of strategies and action plans to deal with these problems. The government expect that these new powers will support the role of the local authorities, through effective use of legislation to tackle non compliance by a minority of offenders which will lead to a down turn in antisocial behaviour.

2.0 Powers Under the Act

- 2.1 There are several powers that are available to local authorities under these Acts, many of which update and improve the powers available under previous law. Initially the focus of the work will be in relation to stray dogs and graffiti removal, the enforcement of which will require the issuing of Improvement and Removal

Notices for repeat offenders. Other provisions of the Act are of less importance to the situation in Allerdale and their implementation will be considered over time.

- 2.2 The responsibility to deal with stray dogs is primarily the local authority's; from 2007 the police relinquished their responsibility under the Clean Neighbourhood and Environment Act 2005.
- 2.3 Reports relating to stray dogs are attended by the Environmental Warden Team, however sometimes the dogs prove to be difficult to catch. This leads to frustration by the resident reporting it. The Animal Welfare Act 2006 will enable repeat offenders to be dealt with earlier, not only on seizure and containment of the dog, but by allowing 'improvement notices' to be issued, which will highlight the problem to the owner and request them to rectify the problem within a specific timescale. This will reduce the risk caused by the dog roaming the streets. Failure to do this may result in prosecution. If found guilty of an offence under the Act in court, the penalties range from a fine, a prison sentence, animals removed and/or disqualified from keeping animals in the future.
- 2.4 Adopting the Anti-Social Behaviour Act 2003 will allow a more proactive approach and support the Local Environmental Quality Strategy activity. This will allow 'improvement notices' to be issued which will highlight the problem to the owner and request them to rectify the problem within a specific timescale.

3.0 **Next Steps**

- 3.1 Implementation of the Act will require Council Officers to be properly trained and authorised to issue notices. The structure with the Environmental Warden Services and the street scene agenda supported by the Local Environmental Quality Strategy will allow the Council to use the new powers effectively and equitably.
- 3.2 It is felt that a consistent approach to dealing with the issue of stray dogs, graffiti and fly posting with a new, simplified system will enable local authorities to address the issues raised by residents proactively through the introduction of notices to rectify the situation in a specified timescale.
- 3.3 Members of the public will be made aware of the new powers available under the Act before they are enforced, through campaigns and press releases. The Council will also continue to work in partnership with other Districts over promotion and awareness-raising and will also work with Parish Councils, Housing Associations and other key stakeholders to make use of the powers of the Acts in problematic areas.

Ian Payne
Head of Environment

Report Implications

Please delete where applicable

Community Safety	Y	Sport	N
Financial	Y	Leisure	Y
Legal	Y	Tourism	Y
Social Inclusion	Y	E-Government	N
Human Rights	Y	North West Regional	N
Youth Issues	Y	European	N
Ethnic Minority Issues	Y	National	Y
Older People Issues	Y	Partnership	Y
Disability Issues	Y	Heritage/Culture	N
Employment (external to the Council)	N	Planning Policy	N
Employment (internal)	N	Enforcement	Y
Environmental/sustainability	Y	Transport	N
Environmental/visual	Y	Asset Management	N
Health	Y	Health & Safety	Y

Is this a statutory recommendation? N

Is this a key decision? Y

Has a risk assessment been undertaken? N

Wards affected All Wards

Background papers

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