**YHEEG - Minutes of meeting Held 12/2/2016 – West Street Offices - York**

**Start 10am**

**Present**

Doncaster

York

Hambleton

Calderdale

East Riding

Bradford

Harrogate

Kirklees

Chesterfield

**Apologies**

Sheffield, Hull, North Lincs

**Round up of news from Councils**

Most Councils reported were still undergoing changes and restructures this normally meant that resources were more limited.

**Agenda Issues**

**Dog Chipping** – New law

<http://www.doglaw.co.uk/pdfs/Doglaw%20NOTES%20MicroChipping%20Dogs-%204.4.15.pdf>

Meeting next week in West Yorkshire to finalise approaches to this issue.

**Shopping trollies** - is a CPN the most appropriate piece of legislation to deal with abandoned trollies - has anyone taken action against a supermarket

Could be used however better to work informally with supermarkets. Or adopt section 99 of EPA further guidance:

<https://www.gov.uk/guidance/removing-abandoned-shopping-trolleys-council-powers>

**Public Space Protection Orders**

Some local ones controlling local issues. None have been adopted for dog fouling and dog control, however, some Councils were considering PSPO’s for dog issues. The group decided that it would be great to have **a common approach/restriction across the whole of Yorkshire and Humberside**. The group wished to adopt standard common prohibitions for dog fouling and dog control this is in appendix 1.

Individual Councils would respond to consultation feedback in their local area on “means to pick up” and different authorities have different attitudes to discounts for early payment of fines, however in principle fine levels should be set at £100 to reflect the public feeling on this issue.

**Community Protection Notices**

These were in use by most authorities and seen to be popular and working well. Most Councils are using them for waste and litter issues as well as low level ASB.

No standard wording for use for Japanese Knotweed (Sheffield) was available.

**NAFN developments**

Members urged to use the National Anti-Fraud Network to log details of envirocrime prosecutions or simple caution particularly for fly tipping and waste offences.

**Dead domestic animals** – Councils made aware of highways agency’s approach to this issue and should consider have robust procedures in place to deal with this issue.

<http://www.bbc.co.uk/news/uk-england-31691393>

**Seizure of vehicles –** Not authority has developed procedures around this issue as yet.

More info: <http://www.legislation.gov.uk/uksi/2015/426/contents/made>

**Fly Tipping**

Significant effort is being put in to reduce fly tipping across Yorkshire and the Humber.

Most Authorities using CCTV.

FPN – coming soon

**Section 46 -** Deregulation of s46 Civil Penalty

Some Councils just starting using the new procedures.

Reports of other Councils using the CPN approach – this was thought to be inappropriate.

**Waste Carriers – lower tier registration**

The group was made aware the EA website may not show some lower tier carriers. Some Councils still doing stop and searches.

**Training for Enforcement Officers**
The group agreed to try and source training for new officers on Envirocrime. Officers were to report back **before March 2016** on progress on this issue.

**Single Justice procedure**

This was noted. More information:

<https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/322167/fact-sheet-regulatory-cases-single-justice-procedure.pdf>

**Private contractors – FPN’s**

A couple of Councils were using private contractors to collect evidence/issue fixed penalty fines.

**Campaigns/publicity**

Some local campaigns be run across Yorkshire and the Humber

**Meeting Ended 1500**

Next meeting **Friday 20th May 2016** venue TBC

Sheffield

Leeds

Doncaster

York

Were Favoured for transport links



**Yorkshire and Humber Environmental Enforcement Group – Dog Control Draft Prohibitions**

**General provisions:**

**1.** This order applies to all land in the administrative area of the Authority to which the public or any section of the public has access, on payment or otherwise, as or right or by virtue of express or implied permission.

**2.** A person who fails to comply with any obligation imposed by this order is guilty of a criminal offence by virtue of section 67(1) of the Anti-social Behaviour Crime and policing Act 2014 and liable to a fine on summary conviction not exceeding level 3 on the standard scale. The level of the fixed penalty fine will be set at £100 with no discount for early payment.

**Obligations on persons with dogs:**

**3. Fouling**

If a dog defecates at any time on land to which this order applies a person who is in charge of the dog at the time must remove the faeces from the land forthwith 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. Leads by order**

A person in charge of a dog on land to which this order applies must 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.

**5. Leads**

A person in charge of a dog on land detailed in Schedule 1 below must 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.

**6. Means to pick up**

A person in charge of a dog on land to which this order applies must have with him an appropriate means to pick up dog faeces deposited by that dog 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.

The obligation is complied with if, after a request from an authorised officer, the person in charge of the dog produces an appropriate means to pick up dog faeces.

**7. Exclusion**

A person in charge of a dog must not take it into or keep it within a fenced/enclosed children’s play area and signed at its entrance(s) as a “dog exclusion area” (whether the sign uses those particular words or words and/or symbols having like effect) which is designated and marked for children’s play 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.

**8. Exemptions**

Nothing in 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) a person with a disability affecting their mobility, manual dexterity or ability to lift, carry or move everyday objects and who relies upon a dog trained by a prescribed charity 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 ………….. Council who is authorised in writing by ……….. Council for the purposes of giving directions under the Order.

**Schedule 1**

**Dog on Leads**

**General**

**We would wish to place the following dogs on leads restriction in the following areas:**

1. All cemeteries and churchyards, including green burial areas;
2. All footpaths around lakes and ponds;
3. All sports grounds, fields, parks, and pitches, which are maintained by the local authority and are not subject to ‘Dog Exclusion’, but only when in use for officiated sporting matches.

**Schedule 2**

**Dog Exclusions**

**General**

**We would wish to place the following dogs exclusion restriction in the following areas:**

1. Children’s play areas containing play equipment and/or sporting apparatus (which are enclosed)
2. Sport and recreational facilities i.e. multi-use games areas, courts and pitches (which are enclosed)
3. Sensitive nature areas, or specific horticultural areas within parks (which are enclosed and clearly signed).