

13TH MARCH 2017

REPORT OF HEAD OF REGULATORY SERVICES

DOG FOULING AND ENFORCEMENT

1.0 PURPOSE OF REPORT

- 1.1 To provide members with information on the current costs and enforcement of dog fouling and to consider what further measures could be considered, including the feasibility of establishing Public Spaces Protection Orders (as a replacement for Dog Control Orders) which would allow fixed penalty notices to be issued.

2.0 RECOMMENDATIONS

2.1 It is recommended that the Committee:

- (i) Declines the opportunity to recommend the establishment of a Public Spaces Protection Order due to the reasons stated at paras 3.7 and 3.8. below and the financial implications set out in Section 5.**
- (ii) Considers whether further measures would be desirable, and if so their nature and extent, for further assessment (see para.3.10 below)**

3.0 KEY ISSUES

- 3.1 Currently complaints of dog fouling are received by the Environmental Health Team and are recorded onto the database. This monitors the areas that present the most prevalent problems. In response, posters are put up in those areas using the “We’re Watching You” campaign.
- 3.2 Additionally, each complaint is forwarded to Waste Management who make a judgement about the siting and extent of the fouling. Fouling in the town centre or near a school where there is heavy footfall is cleared in 24 hours, while streets more remote would take longer to clear.
- 3.3 The cost of instructing our street cleansing contractors to clear dog fouling ranges from £50 per collection to £80 depending on the distance and extent of the fouling. The cost of each poster is £56.00.

3.4 Current Enforcement Provisions

The Council decided to reduce the Dog Warden service in 2012/13 in response to budgetary pressures, and provides a service limited to the statutory requirements only, comprising of the collection of stray dogs and their repatriation (or rehoming) where possible. Therefore there is very limited presence within the area which in turn reduces

the ability to identify offenders, further reduced since most offences occur at night or early morning when it is dark. Against this background, no fixed penalty notices have been issued and no prosecutions have been pursued. The problem of fouling typically eases with the lighter evenings and mornings.

3.5 Current Pro-Active Work

The anti-social behaviour team with PCSOs (Police Community Support Officers) carry out ad – hoc patrols of the areas where the most fouling occurs, derived from the incidence of complaints. Temporary CCTV cameras have been installed and one offender was identified. The anti-social behaviour team contacted the offender and gave advice (in line with our enforcement policy). This was last carried out in November and is another patrol is due.

- 3.6 The Environmental Health Team is working with Mars Pedigree pet foods to promote Responsible Dog Ownership. One activity is to go into primary schools to encourage responsibility and take pride in pets. A poster competition has been proposed along the lines of “Take Pride in Your Pets and Your Community”. Ultimately, the campaign aims to change behaviour and awareness within their communities.

3.7 Next Steps

The Council is able to consider a ‘Public Space Protection Order’ (PSPO) under the Anti-Social Behaviour, Crime and Policing Act 2014. The effect of such an Order is to identify an area, within which dog fouling is an offence and can be addressed by means of a Fixed Penalty Notice of a value of £75. This is enforced through the Courts as failure to pay such a fine is an offence. In order to establish a PSPO, there are consultation requirements and, if it is agreed, a requirement that it is advertised and posters affixed in and around the area.

- 3.8 In order for the establishment of the PSPO to be effective it would need to be enforced. The provisions of such order to not alleviate the ‘burdens of proof’ in terms of the quality of evidence required to witness transgressions and identify the dog owner responsible. At present there is no resource available for such activity. Officers engaged in this work need to be readily identifiable for their purpose and are required to declare the observations and records that they create (including digital records and photographs etc).
- 3.9 The Council has previously developed a partnership with local residents who are prepared to take an active role in addressing this issue. However. Such volunteer’s role is necessarily limited because they are not authorised to take action of serve Notices – their role is principally to supply information (on offenders) and provide deterrent due to their presence and visibility. Consideration could be given to increasing this approach.
- 3.10 This report is intended as a ‘discussion document’ to establish the baseline formed by the current provisions and resource allocation. The Committee is invited to note the above provisions and conclude on whether further measures would be desirable, and if so their nature and extent. It is proposed that the feasibility and resource implications of such measures could then be assessed for consideration by this and other relevant Committees.

4.0 POLICY AND CORPORATE IMPLICATIONS

4.1 The issue is considered to relate to both 'People' and 'Place' Corporate Priorities (in terms of creating an environment that meets people's needs and reducing crime respectively). It has attracted a significant level of attention in social media in which an expectation is conveyed that the Council should do more to address the issue.

5.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

5.1 Based on our most recent experience of establishing similar Orders (such the last Dog Control Order), this would cost in the region of £5000.

5.2 There is currently no provision for 'patrols' in the form of a Dog Warden or other officers within existing budgets and any such increase in the level of service would need to be calculated and presented as a growth item through budget setting processes, to be considered alongside budgetary capability and other competing priorities.

5.3 Clearly the sums concerned would be directly related to the level of service required, whether carried out directly by staff employed by MBC or on a contractual arrangement. If the Committee is mindful that it wishes to develop the service in this way, it is invited to consider what scale of arrangement is required and costings can be developed on that basis.

6.0 LEGAL IMPLICATIONS/POWERS

6.1 At present, dog fouling is an offence under the Dog Control Orders that we have in place. These cover all of the Melton Mowbray, including the Country Park, but are due to expire in Autumn 2017.

6.2 Public Space Protection Orders are intended to replace the above Orders and can be established under the Anti-Social Behaviour, Crime and Policing Act (ASBCPA) 2014, s59. Officers expected to take action under the provisions of such an Order would require specific delegation and authorisation.

7.0 COMMUNITY SAFETY

7.1 There are not expected to be any significant community safety implications as a direct result of this report.

8.0 EQUALITIES

8.1 There are no direct equalities issues or implication that should result from this report.

9.0 RISKS

9.1 **Probability**

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Very High A				
High B				
Significant C		2		
Low D	1			
Very Low E				
Almost Impossible F				
	IV Neg- ligible	III Marg- inal	II Critical	I Catast- rophic

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Impact

Risk No.	Description
1	The Committee does not approve the establishment of a PSPO
2	Continued high profile in media and social media and reputational impact for the Council

10.0 **CLIMATE CHANGE**

10.1 There are no climate change implications as a result of this report.

11.0 **CONSULTATION**

11.1 Should a Public Space Protection Order be proposed, it would need to go out to public notice and consultation in accordance with legislative requirements.

12.0 **WARDS AFFECTED**

12.1 All wards in the town centre including the Country Park would be affected

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Date: 1st March 2017

Appendices : None

Background Papers: None