

Report To:	Communities Scrutiny Committee
Date of Meeting:	14 June 2012
Lead Member / Officer:	Head of Planning, Regeneration and Regulatory Services
Report Author:	Senior Community Safety Enforcement Officer
Title:	The Effectiveness of Enforcement Action with regard to dog fouling

1. What is the report about?

Members request a report on the effectiveness of enforcement action regarding dog fouling within the Council.

2. What is the reason for making this report?

The Report provides historical, current and future methods of prevention and detection of dog fouling in Denbighshire.

3. What are the Recommendations?

Members consider the report and comment on any issues relating to the enforcement of dog fouling.

4. Report details

4.1 Background

Dog Fouling remains the single most complained about public nuisance in Denbighshire, which falls under “Environmental Crime”. It has a detrimental effect upon the lives of the residents and visitors to the county. There is evidence to show that dog fouling is probably the most complained about nuisance in any Local Authority nationally.

The offence of Dog Fouling is dealt with under the provisions of the Dogs Act 1996 and the Environmental Protection and Clean Neighbourhood Act 2005. Offenders can be prosecuted summarily in a Magistrates Court and fined a maximum of £1,000

A Fixed Penalty Notice can be issued to offenders as an alternative to prosecution. The offer must be made after the offender has been informed that he or she will be prosecuted in the Magistrates Court.

If the offer is accepted then the notice is an agreement that the offender will pay £75.00 within the period of 28 days (plus a further 7 days granted at the end of the 28 days.)

The notice is an agreement to discharge the fine and is not an admission of guilt, a recorded conviction and will not result in a court attendance. At this stage a presentation of the prosecution evidence is prepared.

The limitation of proceedings for such an offence is 6 months from the date of the commission of the offence.

Employees of the Authority and Police Community Support Officers (PCSOs) are authorised to issue Fixed Penalty Notices (FPNs) following a period of training and when they are in possession of the relevant authority.

Large numbers of Authority employees underwent training however the reality is that the only officers who issue Fixed Penalty Notices are Community Safety Enforcement Officers, Dog Wardens and to a much lesser extent the PCSOs.

Enforcement Officers have no power of detention whilst PCSO powers are limited.

The issue of a FPN can only be made if the standard of proof fulfils the required criteria of evidence that is considered sufficient for there being a reasonable prospect of a successful prosecution in the Magistrates Court.

The offer of the FPN is an alternative to avoid considerable cost to the Authority and Courts. The recipient can only be issued the notice if he or she is deemed suitable and accepts the offer.

Irrespective of the agreement being made the recipient still has the opportunity to change their minds and submit an attached notice requesting a court hearing.

It is a fact that there are an increasing number of members of the public who are becoming the owners of two dogs rather than one dog.

4.2 Enforcement Activities between 2008 and current date

Since 2008 a 'robust enforcement regime' was adopted by Denbighshire County Council's Public Protection Service

Historically smaller numbers of officers from the Dog Warden's department and Community Safety were engaged in the investigation of Dog Fouling complaints. Between 2008 and May 2010 resources were small and clearly a lesser level of importance was placed upon dealing with the offence.

Due to public demand a much greater emphasis in this respect commenced in May 2010 at the commencement of the Joint Community Safety Enforcement Pilot scheme.

The issue of Environmental Crime in its widest respect was considered however the offences of dog fouling and littering in that order emerged as the greatest problem to be tackled.

In excess of 10 Enforcement Officers have consistently been engaged in the activity that was deemed a priority.

A period of education by way of cautions and warnings occurred prior to prosecution of offences. A 'zero tolerance' regime is firmly in place.

The commencement of monthly Environmental Operations in Denbighshire (and Conwy) saw up to 12 Enforcement Officers, other authorised officers and PCSOs deployed specifically in Rhyl, Prestatyn, Denbigh and Llangollen issuing FPNs. A concentration was made in those areas perceived to be suffering the greatest problems (Rhyl).

Success was achieved in issuing notices for dog fouling however not nearly as successful as for littering offences. Chance detecting of dog fouling was haphazard and it became obvious that intelligence was the key to success.

Great emphasis was placed upon individual officers of the Community Safety Enforcement team to investigate every complaint of dog fouling ensuring contact with the complainant, requesting street cleaning and prosecuting offenders.

Dogs accompanying plain clothed patrolling officers are commonly used to assist them to blend in with the surroundings and typical areas where the offences occur.

Other preventative measures such as house to house enquiries in the areas of complaint, the erection of new signs and replacement of dog and litter bins. The free distribution of 'dog poo bags' also occurred.

The greatest success was achieved through the use of public space CCTV directing deployed officers to areas where offenders were seen to commit fouling and concentrating patrols in areas deemed 'fouling hot spots'. It also provided recorded images of offences that officers reviewed. Thereafter they set about tracing the offenders and issued FPNs.

Officers were routinely deployed in early morning and evening operations to maximise the chances of detecting offending dog walkers. The officers reacted in accordance with the information received from the complainants.

'Ad hoc' patrols rarely prove worthwhile and is considered a waste of resource.

All complainants who were interviewed and had witnessed the offending dog walkers were requested to make witness statements and provide oral evidence if required. However, the reality is that no person other than Enforcement Officers ever provided witness testimony. Members of the public who witness such offences are generally neighbours of the offenders and opt out of the willingness to present evidence for fear of reprisals or disruption to their lives. Tolerating the result of fouling was preferable to the possibility of open confrontation. These circumstances prevail and will not ever change.

Detecting persons who allowed their dogs to foul was considered relatively easy prior to the sustained effort that was made post May 2010.

As the months progressed into 2011 it became more difficult to detect such offences and it was recognised that other methods would need to be employed to maintain the sustained attack on the issue.

The continued operations and limited good media publicity sent a message out that fixed penalty notices were routinely being issued to offenders. The imposing of a substantial fine delivered the 'shocking' reality of the consequences of being an irresponsible dog owner.

4.3 Methods of prevention and detection

The following methods have and continue to be employed by Community Safety Enforcement in Denbighshire and achieve varying degrees of success in preventing and detecting offences of dog fouling.

4.3.1 Fixed Penalty Notices

Notices are still being issued but to a lesser extent clearly because the public who disregard the law are fully aware that enforcement activity has occurred with some vigour since May 2010. Failing to clear dog foul has become more of a social stigma, that has in turn forced those who still refuse to comply to commit the offence after dark, out of CCTV coverage or in areas not overlooked by buildings or persons.

4.3.2 Publicity

Periodical interest from DCC's press office and self generated publicity has been employed however it has not been sustained. National media coverage concerning the potential health risks as a result of dog foul is occasionally mentioned and articles and comments in the local press to emphasise the issue have heightened awareness.

4.3.3 Police / PCSOs participation

Joint operations and constant communication with the Police has failed to encourage sustained interest in seeking out dog fouling offenders irrespective of the instruction from senior police officers and encouragement from DCC.

4.3.4 CCTV

The utilisation of CCTV continues. Weekly environmental crime reporting by CCTV requires constant attention. Evidenced offences of varying quality in clarity of images and evidence are presented. Only the incidents that reach the required standard of proof are pursued. CCTV is the best method of catching offenders.

4.3.5 Communication with the public (education)

In response to complaints where generally no evidence sufficient to pursue or an unwillingness to provide written testimony is available always results in the alternative methods available being employed. Letters encouraging the reporting of fouling incidents, intelligence on offenders and information to those suspected that they will be prosecuted if apprehended are delivered to the locality of the complaint. Environmental audits with individuals and groups providing encouragement to children in their schools has become a more effective method of education. The setting of competitions within the schools involving children and their families is the latest method and has become very popular. This is a worthwhile form of tackling the problem and in which more emphasis will be placed.

Attendance at residents meetings and social activities (sports facilities) is constant.

Providing dog bags to One Stop Shops, Libraries and individuals who are witnessed clearing their dog mess occurs.

4.3.6 Public Realm

Requests to have foul cleared from areas of complaint and audits establishing the requirements of bins and signs are a constant activity.

4.3.7 Contractors

The engaging of private contractors through employment agencies has featured greatly in Denbighshire between June 2011 and January 2012 (latterly utilised in Conwy).

The greater number of notices issued was in respect of littering. Fouling offences were less common and became even more difficult through patrols alone.

The two officers became known in areas of concern and potential offenders identified their presence even though they were not displaying any form of visible identification.

Good publicity has been enjoyed due to the media being provided with information from members of the public who have applauded the activity.

The self funding for continued use of contractors terminated due to the failure to issue sufficient notices to maintain momentum.

Since the termination of the Contractors the resumption of Community Safety Officers operations has begun again.

The use of head cameras for the purposes of identification and deterring difficult offenders has been successful and will be an essential tool for the future.

4.3.8 Investigation of offences

All reports that are made to DCC are investigated utilising all the above methods. Every complainant is spoken to regarding their concerns and updated as the result of investigations.

4.4 Conclusion

During the period 2010 to 2011, 55 Fixed Penalty Notices for dog fouling were issued in Denbighshire.

During the period 2011 to 2012, 18 Fixed Penalty Notices were issued.

1 person was prosecuted for dog fouling.

The remaining Fixed Penalty Notice fines were all paid.

Clearly the success that was enjoyed during the first year of the Community Safety Enforcement pilot concentrating its efforts on reducing dog fouling has been responsible for a greater awareness by the public that committing such an offence can result in prosecution.

The disgrace of being caught offending without doubt has played a big part in changing the public attitude. A greater encouragement to report the incidents has been somewhat counter productive.

Complaint numbers have increased but the number of Fixed Penalty Notices issued has fallen.

The evidence that attitude has changed is evidenced daily, dog owners can now be seen in any location in our county clearing their dogs mess. Litter and dog bins are overflowing.

An operation that occurred in April 2012 conducted by the Community Safety enforcement team identified 20 consecutive dog owners clearing their dogs mess and disposing of the bag correctly.

4.5 Recommendations

The issuing of Fixed Penalty Notices must continue irrespective of the fact that offending is ever more considered a social pariah consequently making it more difficult to detect. There will always be those who seek to ignore the law and there is evidence to suggest they are now becoming more covert and cunning in where and when they allow their dogs to foul.

However, the issuing of Fixed Penalty Notices is not the complete answer to the problem.

Important emphasis should be placed on intelligence led activity to seek sufficient evidence to justify prosecution and therefore the offer of the alternative punishment of a Fixed Penalty Notice.

There must be a sustained utilisation of CCTV to obtain evidence of offending.

Review the level of training of officers to ensure that the investigative skills in respect of the offender identity and standards of proof are improved.

Review the conditions and requirements of contractors and enforcement officers when dealing in particular with the above paragraph concerning standards of proof and offenders identity.

There must be a greater emphasis on education in schools and the community. Responsibility has to be accepted by members of the community to support enforcement regimes.

Consideration should be given for the creation of dog walkers Charters and similar Charters with the Local Authority, Housing Associations, businesses and public groups. (These are being widely used and proving to be very successful)

Communication with the media must be improved to report on prosecutions, operations and initiatives.

5. How does the decision contribute to the Corporate Priorities?

The enforcement of environmental crime, in particular dog fouling, links to the 'Regenerating of our Communities' priority and 'Getting Closer to our Communities'.

6. What will it cost and how will it affect other services?

Not applicable

7. What consultations have been carried out?

None

8. What risks are there and is there anything we can do to reduce them?

Unsure?

9. Power to make the Decision

No decision required – not relevant

Article 6.3.2(c) of the Council's Constitution permits scrutiny committees to consider any matter affecting the area or its inhabitants.

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