

Anti-Fouling Strategy



1. INTRODUCTION

Denbighshire County Council's position on dog fouling is simple and clear – dog fouling is unacceptable within our community. The Council also fully respects the fact that most dog owners have a responsible and respectful attitude towards their communities.

Dog fouling is anti-social and those that fail to pick up, display a disregard for other people, public health and the environment. Failing to pick up immediately after the dog is in offence under the Clean Neighbourhoods and Environment Act 2005 and Dogs Fouling of Land Act 1996.

Denbighshire County Council intends to take a tough stance with irresponsible dog owners, and will issue £75 fixed penalty notices, and follow up non-payment through the Council's legal team for consideration of prosecution. If prosecuted and found guilty, the maximum fine is a £1,000. Those that bag the mess but don't bin it (i.e. they dispose of bagged faeces in a hedge or tree), can face a fine of up to £2,500 in Court, for the offence of littering.

In our most recent Residents Survey, dog fouling was highlighted as one of the main issues that people most wanted to address, and regular communication with our residents, and from our Elected Members, have highlighted this as a serious concern. This approach to anti-fouling contributes to the emerging corporate priority on "Providing a clean environment".

The anti-fouling strategy aims to reduce the prevalence of dog-fouling in public spaces within Denbighshire, and is divided up into three main areas:

- ⇒ to increase awareness of the issues associated with dog-fouling and the actions being taken by the Council in a communications and marketing campaign. The Head of Service with responsibility for this strand will be Jamie Groves
- ⇒ to increase the robustness of enforcement measures that are available to the Council. The Head of Service with responsibility for this strand will be Graham Boase
- ⇒ to ensure that there is adequate provision of public litter bins that can be used to dispose of bagged dog faeces, and to highlight the collection arrangements that are in place within all of our communities. The Head of Service with responsibility for this strand will be Steve Parker

The Council will also work very closely with Town & Community Councils to ensure that there is a coherent and consistent approach to the three elements of this strategy at the local level, which is in line with the expectations of the Charter between Denbighshire County Council and the Town & Community Councils.

2. COMMUNICATIONS AND MARKETING

Dog fouling is an issue that affects many communities in Denbighshire. It was highlighted in our most recent residents survey as one of the issues people wanted to be addressed and regular communication with our residents through face to face conversations and public meetings reflect the desire from our communities for something to be done to eradicate the problem.

The Council, like many others, has been trying to address this issue for a long time, but ploughing physical resources to dealing with the issue is not always the answer. The Council wants to listen to the views of residents and to this end it has agreed to run a clearly branded campaign that sends out a clear message that dog fouling will not be tolerated in Denbighshire,

We need to find out why this is a problem in Denbighshire and be proactive in our approach to tackling the issue, with a view to reducing the number of dog fouling incidents in the County.

The approach the Council intends to take is to raise awareness of the problem and the extent of it, including explaining quite clearly the steps the Council will be taking to try and eradicate the problem. It will also engage with residents and communities and will introduce a highly visible approach to the campaign. This will show communities that the Council is serious about tackling this issue.

The campaign will look at educating people about the impact that dog fouling has on the visible image of the county, as well as the health dangers; it will look at increasing enforcement activities and be more proactive in the approach to publicising court cases, dog fouling hot-spots, and naming and shaming persistent offenders.

Key to this campaign is the community involvement and the Council will gather local communities in clean-up campaigns to improve the visual image of an area, as well as making ways of complaining about dog fouling and accessing information far easier than in the past.

The campaign will be multi-media, using all the relevant communications channels to communicate key messages. We will be targeting a wide range of individuals, groups and communities, using channels such as leaflets, posters, website, social media, paid-for advertising, proactive media relations, as well as having literature available in our reception areas and Council buildings.

To be successful, this campaign will need the support of local communities, as well as a wide ranging group of partner organisations. The next step is to implement a marketing campaign and to monitor its effectiveness, to see whether we can work together with our partners and target audiences successfully to stamp out this very anti-social form of behaviour.

3. COLLECTION ARRANGEMENTS

The legal duties placed upon the council, and the council's response mechanisms, vary according to location. There are three main categories of land under the council's control, i.e. Schools, Public Realm areas, and Countryside areas. Dealing with each in turn:

1. Schools, School Playing Fields and Educational Establishments

It is the schools themselves who hold the legal duty to clear litter & dog mess from their own land. However, the offence of dropping litter is committed if people do so on school grounds, so the council still retains the power to take enforcement action. The Council's Public Protection and Environmental Services departments are able to provide advice and assistance to schools if they require it.

2. Public Realm Areas

Public Realm areas comprise; roads, footways and the public open spaces in our towns and villages. This is the category that generates the greatest level of demand.

Public Realm areas are cleaned by the Council's Environmental Services department (ES). The department recognises that the public view dog mess in a different way to other litter, and that our response times therefore need to be as quick as ES can make them.

There are three ways that the council removes dog waste from public realm areas:

- a) material deposited in the council's litter bins and bespoke dog waste bins (by responsible dog owners)
- b) material that is cleaned from roads and footways as part of the council's routine street cleansing operations

- c) material that is removed reactively, as a result of a specific notification (from a DCC employee or a member of the public)

Dealing with each method in turn:

- a) Use of Litter Bins and Dog Waste Bins

Denbighshire CC is the duty holder responsible for keeping public realm areas free from litter and refuse, including dog mess. However, there is no legal requirement for the council to provide waste bins of any kind. The type and location of bin provision is therefore entirely discretionary.

There are two main reasons why the council chooses to provide bins. Firstly, for the convenience of the public, and secondly, as a preventative tool, i.e. to reduce the amount of litter deposited on the floor.

Dog waste is legally permitted in the council's normal litter bins, and it doesn't cause any nuisance, providing the waste is bagged. If there are any locations where the need for bin provision has been demonstrated, Denbighshire CC will therefore provide a dual purpose bin. This provides a better service to the public than a single use bin. Many of the newer bins have logos on them that say "dog waste accepted".

A number of Town and Community councils have chosen to provide dog waste bins in public realm areas, but this is done for the extra convenience of local dog-owners, i.e. rather than because of any legal duty. T&CC's have no legal duties in relation to the cleanliness of public realm areas. They are only legally responsible for the cleanliness of land that is under their control.

- b) Removal by Mechanical Sweeper

When a sweeper driver encounters dog waste, they are instructed to take extra care to try to remove as much as possible, i.e. going backwards and forwards as necessary. The standard we are aiming for is to get the footway to the same condition as it would have been if the dog owner had "picked up". If necessary too, drivers will apply water in order to achieve this, but in most cases it is better to keep the area dry.

- c) Manual Removal

The frequencies of our routine street cleansing operations are predetermined; some streets are swept daily, some are swept weekly, and some are swept monthly. Because not every street is swept every day, or inspected every day, it is inevitable that we will have to rely on the public and/or council officers to notify incidents that we are unaware of. Over 90% of the litter notifications received by ES relate to dog fouling, and most of these require manual removal.

Response times vary according to when the message is received, but they are always "as soon as possible". If street cleansing teams are already in work, the response will be immediate, i.e. typically within an hour. Weekend cover is available in tourist areas, in the tourist season, but not at other times / locations.

Any notifications that are received out of hours are the first priority on the next working day. The standard of cleanliness that is aimed for is to get the footway to the same condition as it would have been if the dog owner had "picked up".

3. Countryside Areas

This category covers the areas that are managed by DCC's Countryside Service (i.e. not the countryside in general). The service manages a wide variety of different classes of land, and the regimes that are in place vary accordingly. Some areas are classed as public open space, so enforcement is possible. In other areas the service is forced to rely on education and guidance. For example in Forestry Commission areas, the

advice to dog owners is “stick and flick”. Countryside wardens also adopt the same method if/when fouling has occurred on the main paths.

There are approx. 12 dog waste bins located in our countryside areas. Some of these are maintained and emptied by town and community councils; i.e. typically at sites where the main usage comes from local residents. At one site, the bin is maintained and emptied by the local residents association.

Irresponsible behaviour tends to be concentrated at Loggerheads, where we have large numbers of visitors from outside the local area. That is where the majority of the education and guidance is focussed.

4. ENFORCEMENT

Background

A strong enforcement approach is required so that those individuals that don't pick up are dealt with appropriately and to act as a deterrent to ensure all dog owners do pick up.

The enforcement approach will be led by the Planning & Public Protection Service.

Actually catching a dog owner not picking up is very difficult as we have a limited number of trained enforcement officers who are able to take the appropriate action, dog owners that don't pick up often walk their dogs outside of “normal” working hours, and such dog owners are very adept at concealing the fact they are not picking up.

It is only an offence not to pick up in certain situations (e.g. within a 40mph area) and if caught the Council can either prosecute the offender in the Courts or serve a Fixed Penalty Notice (FPN).

The Council's preferred method is to serve a FPN, as it is less bureaucratic and should act as a deterrent to the irresponsible dog owner.

The Council are able to serve a FPN on an irresponsible dog owner based on the statement of a reliable third party witness.

The Council are able to authorise appropriately trained none DCC employees to serve FPNs.

PCSO's are authorised to serve FPN for dog fouling.

If the offender accepts a FPN and pays the £75 fine within the allotted 28 days, then that is the end of the matter. Payment of a FPN is not an admission of guilt and does not represent a criminal conviction. As such the details of the service of a FPN is a data protection issue.

If the FPN fine is not paid then the Council will prosecute the dog owner through the Courts, the details of which will then become a public record.

FPN can be served for other offences, such as littering , including dropping chewing gum and cigarette butts.

In recent years Officers have served a number of FPN, the vast majority of which have been for littering.

YEAR	TOTAL FPN	DOG FOULING FPN
2010/11	238	50
2011/12	272	18

We recognise the need to have a more robust, coordinated and comprehensive approach to the enforcement of dog fouling which will involve the following actions.

Engage a private contractor to serve FPNs

The Service, in consultation with the Lead Member Cllr David Smith have signed a temporary 12 month agreement with an external contractor XFor to provide a small team of enforcement officers to work across the County serving FPN for dog fouling and littering offences.

The company will be managed by a senior Community Safety Enforcement Officer from within the Service.

Apart from some initial modest set up costs, the trial period will be cost neutral to the Council, in that XFor will be paid £45 for every FPN served. There is no other payment to XFor.

For every responsible dog owner who XFor witness picking up will be approached for their details and entered into a monthly draw, when a modest prize will be given to the draw winner, funded by XFor.

Increase the number of DCC staff authorised to serve FPNs:

As well as the external contractor the Service will retain a number of front line enforcement officers who have the relevant training and authorisations to serve FPNs.

We will also consider training and authorising other front line officers to serve FPN e.g. public realm officers.

It is envisaged that we will build up our own internal enforcement capacity in terms of Officers able to serve FPNs. However we do not envisage them being as effective as the dedicated external contractor.

Better links with the police:

Through the Community Safety Partnership (CSP) we intend to work closer with the police in enforcing dog fouling and raising awareness of what we are doing.

We hope to encourage the police to instruct PCSO's to take the issue of dog fouling more seriously and to use their powers of serving FPNs on offenders.

Better links with the community:

We want to work closer with our communities in enforcing dog fouling. We will be encouraging residents to "inform" on those in their communities who do not pick up, so we can use more third party statements to serve FPN on irresponsible owners.

Our enforcement officers and police colleagues can attend schools to promote children to encourage their family members to pick up, the children can assist with posters that can be displayed locally etc.

We can better inform Town and Community Councils of what actions we have taken in their areas and encourage them to report "hotspots" or known irresponsible dog owners.

Use of CCTV:

Where we have CCTV coverage (mainly Rhyl, Prestatyn, Rhuddlan) we can use the operatives to track dog owners in areas of known problems and film/record if they do not pick up.

This evidence can then be used to prosecute or serve FPNs.

While this already happens, we can promote the use of CCTV more to act as a deterrent in those areas.

We also have remote CCTV cameras which can be deployed in different areas of the County and while the quality of the picture images will not be as good as the fixed cameras, they should be good enough to formally identify if a dog owner does not pick up.

Dog Control Orders:

We do have the option of imposing additional controls in terms of excluding dogs from certain locations (e.g. sports pitches, school playing fields, beaches etc), ensuring dogs are only on leads in certain areas, limiting the number of dogs an owner can walk at any one time etc.

Prior to imposing any County wide Dog Control Orders there would need to be an appraisal of resources implications and a full public consultation exercise.

Some Authorities have imposed Dog Control Orders so it may be best to do further research to see what issues have come to light and how successful they have been.

Stray Dogs:

Stray dogs are often let out by their owners to roam the streets and have become trained to return home at certain times. These dogs are obviously guilty of fouling as there are no owners walking with them to pick up. They also foul indiscriminately i.e. are as likely to foul on a playing field than anywhere else.

We need to be tough on stray dogs, by ensuring they are collected and pounded as soon as possible for collection by their owners, and to ensure their owners are fined as a deterrent.

Regular offenders could have their dogs confiscated.

Dog Chipping:

We need to encourage dog chipping, so if we find strays (who have become so deliberately or by accident) we can also identify their owners.

Dogs that are pounded should be chipped automatically with the cost paid for from the fine collected from the owners.

Intelligence led surveillance:

We need to better identify problem “hot spot” areas where local residents are reporting a dog fouling problem. We should then focus effort in these areas to capture the offenders.

This is likely to involve using a variety of techniques, including covert operations outside of normal working hours.

We may also need different approaches during the summer and winter months. During the summer many visitors to the area bring their dogs and they be less likely to pick up as they have no “connection” to the area. Tourist areas may therefore need to be targeted more during summer months.

Get the message across that tough enforcement works:

We need to get the message across as it will deter and educate irresponsible dog owners, while providing communities with the knowledge that we take the problem seriously and are responding to their concerns.

If the public have a higher degree of confidence that we will tackle the problem they are more likely to take the time and trouble to report problems and actually act as third party witnesses allowing us to serve more FPN.

5. IMPLEMENTATION AND MONITORING

More detailed implementation plans will be formulated for all the 3 strands of this strategy and outcome measures will be developed in order to measure success. These will include specific measures around:

- ⇒ Levels of complaints received by the Council
- ⇒ Numbers of FPNs issued
- ⇒ Town & Community Councils and public perceptions of the cleanliness of their community

These measures will also contribute to the evaluation of performance against the Corporate Priority of “Providing a Clean Environment”.

