

Cabinet – 16 March 2011

The Environment Scrutiny and Performance Panel report into dog fouling – Portfolio Holder’s response

Portfolio: Councillor Zahid Ali, Communities and partnerships

Service: Public Safety

Wards: All

Key decision: No

Forward plan: No

1. Summary of report

- 1.1 The Environment Scrutiny and Performance Panel has recently carried out a review of dog fouling in Walsall in response to public concerns. The panel produced a number of recommendations aimed at raising public awareness of the problem and improving the way the council can tackle it. At the last meeting of Cabinet on 9 February 2011 the panel’s report was noted and it was agreed that the portfolio holder would report back on how the proposals were to be implemented.
- 1.2 This report sets out what action has already been taken to implement the recommendations of scrutiny and what more will be done. By taking these actions there will be wider awareness and understanding about the problem, responsible dog ownership will be encouraged and there will be closer involvement from housing landlords, schools and area partnerships. Taken together these actions should lead to a noticeable reduction in the extent of dog fouling in the Borough.

2. Recommendation

- 2.1 That Cabinet, in response to the recommendations of the Dog Fouling Working Group, receives and endorses the proposed actions as set out in **Appendix A** of this report.

3. Background information

- 3.1 The Environment Scrutiny and Performance Panel identified the need to consider dog fouling after receiving a Citizens Panel survey that took place in autumn 2009, which revealed that 41% of respondents were concerned about dog fouling. The Scrutiny and Performance Panel established a working group to consider and report on the problems being experienced in Walsall.

- 3.2 The Working Group heard evidence in relation to the education and enforcement activities carried out by the Council's Dog Wardens in relation to dog fouling. Statistical and procedural details were given to the working group comparing the work Walsall Council carried out with that of neighbouring authorities and Leeds Council who had been subject to recent press interest on this issue. Green Spaces provided information in relation to their procedures in relation to dog control and dog fouling and the planned implementation of a new Ranger service that could assist in education and enforcement on land administered by them.
- 3.3 Following submission of all the evidence to the Dog Fouling Working Group a report was submitted to Environment and Scrutiny Panel on 4 January 2011 which concluded that dog fouling was a significant issue of concern and that the Council should endeavour to protect people from the risks associated with it. In order to achieve that aim 13 recommendations were proposed.
- 3.4 The 13 recommendations made by the Dog Fouling Working Group are listed in **Appendix A** along with comments addressing how those recommendations may be achieved.

4. Resource considerations

4.1 Financial:

- 4.1.2 The Dog Warden Service has traditionally had a small amount of budget for the provision of basic antifouling signs targeted at areas of concern around the Borough. To undertake a more comprehensive campaign highlighting the dangers of and penalties for dog fouling greater investment would be required. Officers will work with Area Partnerships and others to make best use of any facilities they have for promoting the message at the lowest possible costs to the Authority. Should there be any additional costs arising from the campaign these will be met from within the Neighbourhood Services budgets.

4.2 Legal:

- 4.2.1 Staff undertaking enforcement exercises are required to comply with strict legal rules to ensure that any evidence they obtain will be relevant and admissible. There are a number of statutory provisions relating to criminal prosecutions, (which includes the issue of penalty notices) for example the collection of evidence and interviewing of suspects is regulated by the Police and Criminal Evidence Act 1984 and its Codes, together with the Criminal Procedure and Investigations Act 1996.
- 4.2.2 Officers also apply the Public Safety Enforcement Policy and have regard to the Enforcement Concordat and the Code for Crown Prosecutors in carrying out their duties.
- 4.2.3 In 2009 the Home Office published guidance on publicising criminal convictions. The purpose of the guidance is to clarify that, in the vast majority of cases, there is no legal impediment to such publication by the police and local authorities in particular, acting as public authorities that have statutory functions connected

with the criminal justice system. The guidance states, “Verdicts and sentences in criminal cases are given out in open court and are a matter of public record. There should be a presumption in favour of the police, local authorities and other relevant criminal justice agencies publicising outcomes of criminal cases and basic personal information about convicted offenders so as to:

- Reassure the public
- Increase confidence in the Criminal Justice System
- Improve the efficiency of the Criminal Justice System
- Discourage offending and/or re-offending.”

4.2.4 The main legal consideration which local authorities must take into account in reaching decisions about disclosing and publishing personal data is the Data Protection Act 1998 and each case will be considered having regard to that Act where the information is given by local authorities by way of direct communication with communities or press release.

4.3 **Staffing:**

4.3.1 As part of the Public Safety restructure the Dog Warden Service is being merged with the Disinfestation Service to form a combined Animal Control Team. There will be a reduction in staffing of one post and one of the Dog Wardens has taken voluntary redundancy on this basis. The work of the Dog Wardens will be shared between the Reassurance team (education) and the Public Health team (enforcement). The Animal Control team will assist in investigations, erect anti fouling signage and seize stray dogs. However, their contribution to the educational and enforcement work will be reduced.

5. **Citizen impact**

The purpose of the Dog Fouling Working Group Review was in response to a Citizens Panel survey highlighting concern amongst 41% of residents regarding the impact dog fouling could have on their communities and health. The work of the Public Safety service safeguards public health through a combination of education and enforcement and it is intended this continues through the current restructure and into the future.

6. **Community safety**

Dog fouling is a widespread problem within communities whether in individual streets or in local parks and open spaces. The consequences of dog fouling can range from the inconvenience of treading or cycling through it to serious ill health caused by the various organisms living in the faeces. Residents within the communities need to feel reassured that the Council is aware of the problem and that it is working alongside partners to tackle the problem within the resources available.

7. Environmental impact

Dog fouling is unsightly, malodorous and can pose a significant risk to human and animal health. The presence of faeces, particularly in larger quantities, can deter people (especially parents and children) from using the green spaces that are a facility to be used to improve their health and well being. Presence of dog faeces on grassed areas can lead to reduced or suspended maintenance of that grassed area giving the locality an unkempt appearance.

8. Performance and risk management issues

8.1 **Risk:** The present economic climate and reduction in budgets available to the council may have a detrimental impact on the ability of the service to respond to the needs of residents. Restructuring the service has allowed the workload to be shared amongst a wider group of officers.

8.2 **Performance management:** Much of the work of the Dog Wardens is being shared across a broader range of staff who already respond to a large variety of environmental concerns. It will not be possible for officers to concentrate solely on dog fouling issues. New procedures and schemes designed to identify and prioritise hot spots for dog fouling will need to be implemented to ensure performance does not fall significantly.

9. Equality implications

These proposals seek to benefit all parts of the community equally and will be applied consistently across the Borough unless a scheme of prioritisation identifies a particular need in a particular area. Should a situation arise where groups with specific needs are identified officers will work closely with partners to accommodate those needs to ensure there is no negative impact.

10. Consultation

The Public Safety service has undertaken customer satisfaction surveys in the past to gauge public opinion on the work it undertakes. Following the recommendations of the working group and restructure of the Service further such consultation will take place. This consultation will help to gauge if residents perceive a difference positive or negative in the authorities response to this issue. Projects or enforcement priorities will be brought before the Area Partnerships for consideration and comment this will therefore engage partners and residents in how dog fouling is tackled.

Background papers

Dog fouling working group report

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Jamie Morris
Executive Director



4 March 2011

Councillor Zahid Ali
Portfolio holder



4 March 2011

Appendix A

Responses to the Recommendations of the Environment Scrutiny and Performance Panel Report into Dog Fouling

Press coverage of this issue should be used to raise awareness of the health risks to children from dog fouling.

A press statement is being produced for release to coincide with this report in a bid to maximise publicity in relation to the dog fouling issue.

The anti fouling message will also where appropriate be promoted using the Council's face book and Twitter facilities.

Throughout the year press releases relating to dog fouling will be considered in their own right where this is appropriate. Where this may not be possible or consideration will be given to contributing information to other services or partners releases instead.

Awareness of enforcement activity is raised, not excluding publication of the numbers of people fined, through press coverage and public education.

As part of the press release mentioned above the number of Fixed Penalty Notices issued will be given as well details of the educational work that has taken place to inform residents of the dangers of allowing dogs to foul.

Information has also been provided for display on the First Stop Express as it travels around the Borough.

Area partnerships are encouraged to provide assistance with funding for signs in their locality where this is an issue.

Area Partnerships will be approached with a report setting out the recommendations of the report and the dog fouling issues in their area. The report will request funding in the region of £500 to provide a comprehensive range of promotional items to be used to educate residents on the dangers of dog fouling.

Area partnerships are provided with stencils and guidance (as used by former LNPs) to allow nominated community representatives to spray the 'no dog fouling' message on footpaths in Walsall.

All stencils have been made available to area partnerships for use within the community along with the necessary guidance.

Educational materials on dog fouling are displayed in a range of places such as pet shops, supermarkets and vets with hot spot areas targeted.

Officers have carried out an inventory of what promotional items are already available and the promotional items necessary utilising any money made available from Area Partnerships.

Area Managers have been asked to highlight hot spot areas based on local knowledge and with this information Officers will schedule visits to those areas to distribute the signs and leaflets etc,

Registered social landlords (RSLs) are asked to promote responsible dog ownership through their resident communications and are encouraged to provide signage as appropriate.

RSLs have been contacted and asked to contribute to the anti dog fouling initiative through promotions in their newsletters, assisting with additional signage in areas under their ownership and displaying messages in their offices and public buildings.

A request has been made that RSLs take robust action against tenants allowing their dog to foul. They have also been asked to act as witnesses for Public Safety Enforcement Staff to take action where their enforcement is more appropriate.

The service should inform the public that it is an offence to allow dog fouling, this should include shock tactics. Awareness of the law relating to dog fouling and enforcement activity should be raised, not excluding publication of the numbers of people fined, through press coverage and public education – such as attendance at community events, schools, residents groups, Neighbourhood Watch, street champions, area management forums and any other public format that can spread the message of good dog ownership.

In response to many of the working group recommendations, avenues have been explored to highlight the anti fouling message to the public. Through close liaison with the Area Partnerships, Public Safety officers will use community events to highlight the anti fouling message.

Posters highlighting the dangers of dog fouling have been sourced and are in development both as a traditional poster and as electronic image. These images can then be displayed on screens in locations such as the First Stop Express, housing offices and community buildings

The working group recommend that educational materials are used to get the message of dog fouling enforcement across, Members suggested that market stalls, the one stop shop bus, and events as part of the ‘not in my neighbourhood week’ are methods which could be used to get the message of dog fouling enforcement and education across.

Officers have been scheduled to attend the First Stop Express at several locations in the Aldridge and Beacon Area Partnership and the Brownhills, Pelsall, Rushall and Sheffield Area Partnership during February and March. Officers will be contributing through personal attendance and by the use of display material.

Area Partnerships have provided Public Safety with their list of events for the forthcoming year so that attendance can be planned for key events in key areas.

Green Spaces have been asked for their summer events programme in the parks so that attendance can be planned in advance or display materials can be provided.

Officers are scheduled to attend the Stay Safe with Saddlers Event at Bescot Stadium in June 2011. This event takes place over several days and approximately 400 children take part.

Officers are also scheduled to attend the Pelsall and Rushall Children's Area Partnership Stay Safe event where primary schools from that area join together and services promote key safety messages to them.

Events such as "Know your Town" and "Not in my Neighbourhood" will also be attended by officers who will promote the "no fouling" message to residents across the Borough.

In consideration of limited resources, areas are prioritised for intensive patrolling through intelligence on hot spots and through area partnerships

Following a review of the dog warden service it was considered that to have a greater effect on dog fouling a wider group of officers needed to be involved. The educational role discussed above will fall to Reassurance Officers to take forward. The enforcement role will be spread amongst a group of 6 Public Safety Enforcement Officers. As these officers also undertake significant other work their time to monitor dog fouling locations will be limited. A procedure for responding to all complaints has been devised with an emphasis on areas where repeat complaints are received; intelligence identifies a particular individual or where an on site assessment by an officer highlights a significant problem. In terms of enforcement the role of partner agencies and residents as eyes and ears is vital and in all cases those persons will be encouraged to work with the enforcement staff to identify and tackle dog fouling problems in their area. The new Rangers Service within Green Spaces will also greatly assist in tackling dog fouling issues in Parks.

The public safety reassurance team are approached to work with schools and consult the public to educate about dog ownership.

The Reassurance Officers have liaised with educational officers within the council to develop a programme of activities on the subject of dog fouling. The role of the Reassurance Team is to work both internally and with other agencies to promote key safety messages to residents of the Borough. They will therefore ensure that where an opportunity presents itself to promote the anti fouling message that they will do so.

The working group recommend that posters using shock tactics are displayed in parks and open spaces used by dog walkers. The working group suggested that the posters displayed should demonstrate the dangers of dog fouling, including toxicara.

Green Spaces has been asked to consider the erection of such posters in parks, the number required and likely sites for them. Where appropriate such posters will then be erected.

The recommendations in this report should be reviewed by the Environment Scrutiny and Performance Panel in September 2011.

The Public Safety service is presently being restructured however in terms of any new managerial arrangements the report and its recommendations will be highlighted to ensure continuity.

The report is sent to Cabinet, Registered Social Landlords and Area Partnerships.

A report will be sent to Registered Landlords and Area Partnerships asking for their assistance in highlighting this issue and asking for ongoing assistance in tackling the problem.