

FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision 2 November 2015

Portfolio:	Public Protection
Subject:	Dog Fouling strategy and Public Space Protection Order Consultation
Report of:	Director of Operations
Strategy/Policy:	
Corporate Objective:	A Safe and Healthy Place to Live and Work

Purpose:

To address the issue of dog fouling within the Borough, which the Executive Leader raised as an issue in need of attention at the meeting of the Council in February 2015. Authorisation is sought to undertake a communications campaign to raise awareness, and for a formal consultation on the making of a Public Spaces Protection Order, in accordance with the Anti-social Behaviour, Crime and Policing Act 2014.

Executive summary:

The Executive Leader of the Council raised dog fouling within the Borough as one of a number of issues in need of attention in his presentation at the meeting of the Council in February 2015. In response it is proposed that a campaign be undertaken to raise awareness of the issue and encourage residents to report dog fouling.

Fareham Borough Council currently relies upon a byelaw to prosecute people who do not clear up after their dog has fouled. Prosecution is however intended to be "last resort" enforcement measure, is expensive and not always in the public interest. Authorised officers were previously able to issue Fixed Penalty Notices (FPNs) for this offence under the Dogs (Fouling of Land) Act 1996. The Act has now been repealed, along with the ability to introduce Dog Control Orders, which means that FPNs can no longer be issued without a Public Spaces Protection Order (PSPO) being in place. Authorisation is sought to undertake a public consultation to allow a PSPO to be put in place across the Borough.

Recommendations

That the Executive approves:

- (a) that a consultation exercise be run between 16 November 2015 and 11 January 2016 on a draft Public Spaces Protection Order, in accordance with section 72 of the Anti-Social Behaviour Crime Policing Act 2014; and

- (b) a communications campaign to raise awareness of dog fouling issues.
- (c) an increase of the Fixed Penalty Notice fine for not clearing up after a dog has fouled from £75 to £100.

Reason:

To enable a strategy to be developed to reduce the incidence of dog fouling in the Borough.

Cost of proposals:

The cost of the proposal for the awareness campaign is £2,780, which will be met from existing budgets.

Appendices:

Appendix A: Hot-spots

Appendix B: Poster by Camilla

Background papers: None

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Executive Briefing Paper

Date: 2 November 2015

Subject: Dog Fouling strategy and Public Space Protection Order Consultation

Briefing by: Director of Environmental Services

Portfolio: Public Protection

INTRODUCTION

1. At the meeting of the Council in February 2015, the Executive Leader raised dog fouling throughout the Borough as an issue in need of attention. This report will set out how the issue of dog fouling is currently handled within the Borough and propose a number of actions aimed at helping to resolve the problem.

BACKGROUND

2. Fareham Borough Council introduced an Enforcement Team in 2004, to patrol the Borough in order to enforce legislation relating to a wide range of environmental issues. The Enforcement team was also given the task of helping to educate the public to try and reduce the problem of dog fouling.
3. There are currently two Enforcement Officers in the Enforcement Team. The Council's nine Civil Enforcement Officers (CEOs) are also empowered to issue Fixed Penalty Notices (FPNs) for littering and (prior to the power being repealed) dog fouling offences alongside their usual work of enforcing parking regulations.
4. The Dogs (Fouling of Land) Act 1996 made it an offence for a dog walker not to remove faeces from land to which the public have access and permitted FPNs to be issued for this offence. Until recently FPNs were issued as an on the spot fine of £75.00 if the owner did not to pick their dog's faeces. They are offered the opportunity to pay the fine instead of facing prosecution.

CURRENT SITUATION

5. The Dogs (Fouling of Land) Act 1996 has now been repealed and officers can only prosecute people for failing to clear up dog fouling if they witnessed it under the Council's local dog fouling byelaw. This change has reduced the ability of the Enforcement Team to take action and, since the act was repealed, FPNs can no longer be issued for people failing to pick up after their dog has fouled.
6. At the Council meeting held on 20 February 2015 the Executive Leader announced that there appeared to be a growing problem with dog fouling within the Borough and that a

review was needed to identify the best way of tackling this problem.

7. Dog fouling is a national problem and many local authorities are trying to tackle the issue using a variety of approaches. Often the approach taken by councils is designed around what suits their particular area. One neighbouring authority was identified as employing a private company to help tackle issues with dog fouling and litter.
8. Based upon the number of dog owners within the Borough, the current scale of the problem suggests that it is caused by a minority of dog owners. The problem with dog fouling would be much larger if the majority of dog walkers were less considerate.
9. There are many signs around the Borough warning members of the public of the penalties for not clearing up after their dog has fouled. As dog fouling is still an issue, signs are now placed on all new street name plates. Signs are also placed where new hot spot areas are identified.
10. Since December 2014 the Council has also begun displaying a new sign (Appendix B) created by young local resident, Camilla Ellwood, after being inspired to send a poster to the Mayor after experiencing issues with dog fouling within her neighbourhood.
11. Alongside the signage, the Enforcement Officers carry out early morning and evening patrols, where information has been received about offences occurring at these times. When the Enforcement Officers are present dog walkers tend to pick up dog faeces, which explain why no FPNs have been issued recently.
12. Patrols do have an effect, but the Enforcement Officers cannot be everywhere at once. The Council asks members of the public to report when dog fouling is taking place so that these areas can be targeted by patrols and allow the impact of the Enforcement Officers to be maximised.
13. There are currently over 600 waste bins around the Borough, which allow people to dispose of dog waste. The Council's cleansing team are also proactive in removing instances of fouling from open spaces and footpaths.
14. Since the Council meeting in February, employees have undertaken significant research into the problem of dog fouling. Using the Council's Ocella system, it has been possible to identify trends in the complaints about dog fouling between January 2012 and October 2015.
15. The data indicates that dog fouling is most often reported during the winter months. The points below discuss some of the possible reasons for this increase.
 - (a) The dark evenings mean that it is not as easy to see people and therefore people may not feel the same pressure to pick up after their animal. The darkness also means that dogs that run free may not be seen when they foul and therefore may go unnoticed by the owner.
 - (b) Grass cutting stops at this time of year and therefore the dispersal of dog fouling no longer takes place, which affects the speed of the breakdown process and makes it more noticeable to passers-by.
16. The data from Ocella also revealed areas of the Borough with the most commonly reported problems. The identified "hot-spots" are in Portchester East and Fareham North-West wards. The data also showed that Hill Heard is a ward that is starting to have a problem with dog fouling. Appendix A includes more details on the "hot-spots". Looking

ahead, this information extracted from Ocella, will continue to be used by employees to target local awareness campaigns, enforcement action and cleansing resources.

A WAY FORWARD

17. The proposed awareness campaign will aim to re-educate, inform and encourage dog owners to dispose of dog waste responsibly. The campaign will be designed to change existing habits or, in the case of new dog owners and occasional dog walkers, encourage desirable behaviour. It is for this reason a radio campaign is proposed as one of the channels of communication.
18. Various strands need to be addressed to ensure a comprehensive campaign:
 - (a) It is important to make members of the public aware of the significant health risks they create, particularly for children, by not picking up after their dogs.
 - (b) There are two types of bin in the Borough which can be used – red bins specifically for dog waste and more recently dual purpose litter bins that can take both dog waste and general litter. Some dog owners actually bag their dog waste, but leave it lying on the ground or hang it from a tree rather than using the bins provided.
 - (c) Some dog owners use the cover of darkness to avoid picking up waste; whilst others might not see what their dogs are doing in the dark. As a result part of the campaign will focus on helping to tackle these issues.
19. The campaign will address all of the above scenarios using a mix of online and offline media including posters, Council Connect, the Council's website, Fareham Today, social media, press releases and public events.
20. In order to get people on board with the campaign, it is proposed that there will be a mix of serious and fun messages. The target audiences have been identified as dog owners and dog walkers (not necessarily owners) of all ages; along with providing general information to all Fareham residents.
21. It is proposed that social media campaigns, competitions and giveaways are used to encourage and engage members of the public. All Fareham residents, whether dog owners or not, will be encouraged to report hot spots where dog waste is an issue so that the Council can take action.
22. It is proposed to run a campaign from January to March 2016. This will allow some messages to directly target dog owners who choose to take advantage of the darkness, during these months, and not pick up their dog waste.
23. A budget of £2,780 is required to undertake the campaign. The following outline the items that are proposed to make up the campaign and their associated costs:
 - (a) A four week radio campaign with The Breeze, at £1,230, which includes 120 thirty-second adverts and the cost of production. The Breeze South has strong local links with Fareham. For the past four years the Breeze has worked with Ferneham Hall and is a media partner for the annual pantomime, the main partner for the Christmas light switch-on and also a media partner for Fareham Town Centre events. Able to reach over 65,000 listeners, the Breeze predict that the campaign would reach over 112,000 people over the four-week period.
 - (b) £270 for the graphic design work, for a "let's take the oops out of poops" logo, which

will be used to support the campaign.

- (c) 10,000 branded bags, for collecting dog waste, to be used for giveaways. The bags will cost £361 and a design with the phrase “let’s take the oops out of poops” is currently being prepared.



- (d) A pop-up stand, at £188, which will be taken to events and meetings around the Borough. The stand will also be used to support giveaway events at Council Connect and in reception of the Civic Offices.
- (e) Branded Dickie bags, which are zipped bags that attach to belts or dog lead/harness to carry filled and empty waste bags in between bins. It is proposed that 20 be purchased at a total cost of £350 for competition giveaways.



- (f) £130 for a set of four posters for Council Connect light-boxes.
- (g) £50 to help improve the reach of up to 5 Facebook posts by using the boost facility.
- (h) £198 for two new banners that will be displayed on the Council’s Refuse Collection Vehicles.

PUBLIC SPACES PROTECTION ORDER (PSPO)

24. A number of local byelaws currently deal with dog fouling offences. On a wider scale dog fouling offences were covered by the Dogs (Fouling of Land) Act 1996 or by Dog Control Orders introduced under the Clean Neighbourhoods & Environment Act 2005 ('CNEA').
25. In October 2014 the Anti-Social Behaviour Crime & Policing Act 2014 repealed the ability to adopt new Dog Control Orders under the CNEA and set a limit on all existing Orders to expire within 3 years. Fixed Penalty Notices under the 1996 Act can no longer be issued as a result of this piece of legislation. In order to control dog fouling or other anti-social activities of a similar nature, the Council can use new powers introduced in the 2014 Act to make a PSPO to replace a Dog Control Order or to replicate the type of offence that would have been covered by the Dogs (Fouling of Land) Act 1996. This means that FPNs will be able to be issued again by the Council.
26. A significant number of Local Authorities have begun the process of implementing PSPOs to control dog fouling in public spaces. This approach is now the established and

appropriate means to exercise some degree of control over dog fouling in the absence of a Dog Control Order or to replace one that is due to expire.

27. A PSPO is designed to make public spaces more welcoming. A local authority can make a PSPO if it is reasonably satisfied that two conditions are met.
- (a) The first is that activities carried out in a public space have had a detrimental effect on the quality of life of those in the local area or that it is likely that activities will have such an effect.
 - (b) The second is that the effect or likely effect of activities is, or is likely to be, of a persistent or continuing nature.
28. It is proposed that a PSPO is introduced, in accordance with the Act, which will make it an offence to fail to remove dog faeces in any public space within Borough.
29. Before introducing a PSPO the Council is required to carry out a consultation. It is proposed that an 8-week consultation will be publicised widely through the Council's website, Council's e-panel, Twitter, Facebook, press releases to local media, emails to community groups and copies of the order in the main reception of the Civic Offices. The consultation will also ask residents to identify areas that they think are dog fouling hot spots.
30. In addition the Council plans to publish a notice of its intention to make a PSPO in the local free newspaper, which covers the whole Borough. This is not required by the legislation, but guidance from the Department for Environment, Food & Rural Affairs suggests that this is best practice.
31. Once responses to the consultation have been received and considered the order may be amended and the final proposals will be presented to the Executive for approval in 2016.
32. This report proposes to consult on the introduction of a PSPO to cover dog fouling. In the future Councillors may wish to consider using further PSPOs to cover other issues, such as a requirement for dogs to be kept on leads or dog exclusion zones or other positive obligations to encourage responsible dog ownership.
33. Whilst a PSPO is in force any existing local byelaws and Dog Control Orders will cease to have effect. A PSPO can only be in effect for a period of up to 3 years; however, that period can be extended for a further 3 years if it continues to be necessary following review during its period of operation.
34. Under a PSPO the offence of not clearing up after a dog has fouled can be dealt with by issuing a FPN of up to £100. The current FPN within the Borough for dog fouling and littering offences is set at £75. It is proposed that the fine for not clearing up after a dog has fouled is increased to £100 under the PSPO.

CONCLUSION

35. Dog fouling has been highlighted as an issue within the Borough and the Council needs to take action to counter this. It is proposed that the Council makes use of the changes in legislation to implement a PSPO to provide improved powers to the Enforcement Officers for issuing FPNs.
36. Analysis of complaints, made by members of the public, has allowed a number of hot-spots to be identified. This information will be used to help focus enforcement patrols in

the future, to maximise the effectiveness of the Enforcement Officers' time.

37. Alongside enforcement action it is also proposed that an awareness campaign be undertaken, across a variety of media, to help raise awareness and inform dog owners as well as the residents of the Borough about the issues and dangers of dog fouling.
38. In taking a combined approach, with enforcement and an awareness campaign, it is hoped that the scale of the dog fouling problem can be reduced, across the whole Borough.