

OVERVIEW AND SCRUTINY BOARD

28 MAY 2013

**FINAL REPORT OF THE
ENVIRONMENT SCRUTINY PANEL
- DOG FOULING**

PURPOSE OF THE REPORT

1. To present the Environment Scrutiny Panel's findings, conclusions and recommendations following its investigation of the topic of dog fouling.
2. The environmental charity Keep Britain Tidy indicates ¹that *dog fouling is recognised as the most offensive type of litter on our streets and it is consistently raised as a public concern. Not only is it unsightly and unpleasant but it can also be dangerous to public health, particularly through ²toxocariasis.*
3. Although Keep Britain Tidy has recorded a reduction in overall levels of dog fouling nationally since 2001/02, it is still a significant cause of offence amongst the public. It continues to be a major issue in many of our towns and cities.
4. In 2010 the UK dog population was estimated to be 8 million, with dogs producing approximately 1,000 tonnes of excrement each day. Some dog owners still fail to clean up after their dogs and the highest levels of dog fouling are found in areas where people live.
5. The scrutiny panel recognises that, in recent years, and based on relevant performance indicators, the streets of Middlesbrough are at their cleanest ever levels. However, several scrutiny panel members were of the view that dog fouling problems have worsened in recent years. Accordingly, the panel sought to ascertain the current position, particularly in light of the Council's current budget position.

¹ See <http://www.keepbritaintidy.org/KeyIssues/DogFouling/Default.aspx>

² Toxocariasis is a roundworm infection. It mainly affects children between 18 months and five years and can cause eye disorders, nausea, asthma and (in rare cases) seizures and fits.

6. This topic was investigated over the course of three Environment Scrutiny Panel meetings held between 11 February and 15 April 2013. A final panel meeting was held on 13 May 2013 to consider a draft final report. A Scrutiny Support Officer from Legal and Democratic Services co-ordinated and arranged the submission of written and oral evidence and arranged witnesses for the investigation. Meetings administration, including preparation of agenda and minutes, was undertaken by a Governance Officer from Legal and Democratic Services.
7. A record of discussions at panel meetings, including agenda, minutes and reports, is available from the Council's Eagenda committee management system, which can be accessed via the Council's website at www.middlesbrough.gov.uk.
8. This report has been compiled on the basis of information submitted to the scrutiny panel by officers from the Council's Neighbourhoods and Communities Department.
9. The membership of the scrutiny panel was as follows:

Councillors Kerr (Chair), Clark (Vice-Chair), Brady, Cole, Davison, C Hobson, McPartland, Saunders and P Sharrocks.

TERMS OF REFERENCE

10. The agreed terms of reference of the scrutiny panel's investigation were as follows:
 - a) To examine the current position regarding dog fouling in Middlesbrough, particularly the current scale of the problem.
 - b) To consider available resources and staffing, particularly in the light of recent Council budget reductions.
 - c) To examine how the issue can be best addressed, including enforcement and education.

THE SCRUTINY PANEL'S FINDINGS

11. The scrutiny panel's findings in respect of dog fouling in Middlesbrough are set out below in respect of each of the agreed terms of reference.

TERM OF REFERENCE: *"To examine the current position regarding dog fouling in Middlesbrough, particularly the current scale of the problem."*

12. In respect of this term of reference, the scrutiny panel considered information regarding:
 - Dog fouling and street cleanliness performance.
 - The number of dog fouling reports received from the public via the authority's CRMS system.

13. The panel was provided with current information in respect of street cleanliness, which is measured using Best Value Performance Indicator (BVPI) 199a. This is an independent measure of random areas using national sampling criteria. It was explained that BVPI outcomes are reported as a percentage of areas with litter and detritus present. Thus, a score of 10% would indicate that 10% of the areas sampled were considered unsatisfactory. It was highlighted that, in terms of the overall BVPI score, street cleanliness in Middlesbrough has improved significantly in recent years, with streets at their cleanest-ever levels.
14. BVPI information headed Area Trends for Dog Fouling was submitted to the panel. This covered the five sampling areas of the Borough for the period January 2010 to January 2012. The information showed that the BVPI score in relation to dog fouling is generally fairly constant and ran at 3-4% during the period. The score peaked at 3.4% in April 2010 but was then reduced to 3.1% by January 2012.
15. Members were informed that the number of dog fouling reports received from the public between 2010 and 2013, as recorded on the Council's Customer Relationship Management System (CRMS) system, is as follows:

	2010	2011	2012	2013 (To mid Feb)	TOTAL
No. of Reports	360	414	440	109	1323

16. The increase from 360 to 440 reports between 2010 and 2012 represents an increase of 22% over the three-year period. However, the relevant service manager advised that this does not necessarily always indicate an increased level of fouling. It was explained that this could be as a result of increased public awareness of reporting and the detailed CRMS system. It was also suggested that this could also be as a result of the environment having been brought up to a higher level of cleanliness overall - which can mean that the public are then less tolerant of any litter, dog fouling, graffiti etc.
17. Officers also referred to the severe winter weather and snow of recent months. It was suggested that snowy weather can result in an increase in reports of dog fouling as:
- The problem can be immediately more visible.
 - Dog faeces that would otherwise have been cleared away become covered by snow. These are then left until the snow melts and immediately become very unsightly.
18. Area Care staff also raised the issue of dog fouling in gated alleys, which may have worsened in recent times. This point was echoed by a panel member, who indicated that, in his view, the position on this has worsened in some town centre areas.

TERM OF REFERENCE: “To consider available resources and staffing, particularly in the light of recent Council budget reductions.”

19. If someone fails to clean up after a dog, local authorities will clear dog fouling from public places that they are legally responsible for. Middlesbrough Council has also invested in providing a number of dog bins in areas that are popular with dog walkers.
20. In terms of available staffing, the authority has historically used dog wardens, officers from Community Protection Services and Area Care staff to tackle dog fouling and associated issues.
21. The aims of the Middlesbrough Dog Warden service are to promote responsible dog ownership and control nuisance. This has involved seizing strays, promoting initiatives such as microchipping and educating the public.
22. However, the scrutiny panel was advised that, as a result of Council budget reductions, the Dog Warden post has now been deleted. Officers from the Waste Team in Community Protection currently undertake the post's duties, on an additional-duties basis. This team is responsible for fly tipping and abandoned vehicles and has been reduced from 10 to 3.6 staff. The effect of increased workload and reduced staffing is that dog-related services have diminished. As a result of competing service demands it is not always possible to provide a dog warden when required and officers acknowledge that service provision in this area has worsened.
23. It was explained that the Council's budgetary position has also resulted in significant reductions in Area Care staffing levels over the last three years. The following figures show numbers of Area Care personnel who have left through early retirement/voluntary redundancy and compulsory redundancy:

2010/2011: 13 operatives + 1 manager. Total reduction = 14 posts.

2011/2012: 15 operatives + 1 manager. Total reduction = 16 posts.

2012/2013: 7 operatives.
24. As at February 2013, the total reduction of 37 personnel (35 operatives and 2 managers) leaves a current total of 106 Area Care staff. This represents a reduction of over 25%, from 143 staff in 2010. Members were advised that although these staffing reductions have inevitably impacted on service provision, every effort is being made to maintain service standards as far as possible.
25. A further point that was highlighted to the panel relates to the seasonal working patterns of Area Care staff. Staff use a Banked Hours working scheme, where they work more hours in summer and less in winter. Also, additional (seasonal) staff are taken on between the summer and October each year. This means that fewer resources are available to deal with all Area Care issues, including dog fouling, in winter. Furthermore, in recent adverse winter weather the Mayor directed that Area resources should be concentrated on snow clearing. This results in pressure on other areas of the service.

TERM OF REFERENCE: “To examine how the issue can be best addressed, including enforcement and education.”

26. The scrutiny panel was advised that the issue of stray dogs is key in examining dog fouling. Clearly, stray dogs are not in anyone’s control and are free to foul wherever and whenever they choose - strays cannot pick up after themselves. Stray dogs do not only worsen fouling but can also cause problems of nuisance and danger, such as to individuals and to road traffic.
27. Having recognised these issues some time ago, Middlesbrough Council has, over time, taken action to reduce the number of strays and thereby reduce the level of dog fouling. This has principally been achieved through microchipping schemes. These have been undertaken in conjunction with the Dogs Trust (a national charity) and have proved to be very successful as chipped dogs can be easily returned to their owners.
28. Historical evidence shows that microchipping works and that a 20% reduction in the number of strays in Middlesbrough was mirrored in a reduction in the number of public complaints received about dog fouling. Numbers of strays in Middlesbrough have been reduced from a peak of around 300 per year and, in general, continue to decrease.
29. The scrutiny panel was also advised that the Government has indicated that, from April 2016, all dogs will be required to have a microchip. The Government indicates that compulsory microchipping will significantly reduce the number of lost and stray animals being kept by local authorities and charities at significant cost. At this stage it is not known how the scheme will operate and what part local authorities might play in the process. The current position in Middlesbrough is that the Council no longer accepts surrendered dogs. These, and any strays that are picked up, are referred to local animal charities.
30. The panel was provided with statistical information regarding the number of stray dogs on an individual ward basis. This was based on 475 reports received from the public over the past 12 months. It was explained that the way in which the statistics are compiled meant that around 20% of reports could not be assigned to an individual ward. However, the statistics illustrate the top (and bottom) areas for dog fouling reports, as follows:

Top six wards for public dog fouling reports: April 2012 - Mar 2013:

Ward	No. of Reports
Gresham	43
Nth. Ormesby and Brambles Farm	37
University	32
Coulby Newham	26
Park	25
Linthorpe	24

Bottom six wards for public dog fouling reports: April 2012 - Mar 2013:

Ward	No. of Reports
Stainton and Thornton	7
Thorntree	7
Ladgate	6
Pallister	6
Marton	2
Easterside	1

31. It was explained that the above results should not be regarded as definitive in respect of the worst areas of dog fouling. This is because a number of factors can affect the number of dog fouling reports received from the public, such as:

- The amount of green space in an area.
- Popularity of an area with dog walkers.
- The tolerance of the public in respect of environmental cleanliness.

32. In accepting the above point, and has been indicated earlier in this report, the scrutiny panel did express the view that dog fouling in gated back alleys (for example in Gresham) is a particular concern and problem.

33. In law, it is the responsibility of a dog owner, or the person in charge of a dog, to clear up any faeces left by it. If this does not happen, offenders can be issued with a Fixed Penalty Notice, or if the case goes to court, a fine of up to £1,000.

34. The relevant regulations state specifically that being unaware that the dog has fouled, or not having a suitable means of removing the faeces, is not a reasonable excuse for failing to clean up.

35. There are a number of pieces of legislation that can be used to assist or address issues of dog fouling. These include the Clean Neighbourhoods and Environment Act 2005; the Dogs (Fouling of Land) Act 1996; and the use of Dog Control Orders

36. The authority has adopted the acts as necessary and has declared some areas, including Centre Square, as areas that are subject to Dog Control Orders. Staff have also been trained and authorised in respect of the necessary actions.

37. In designated areas, Dog Control Orders can be used to:

- Ensure that dogs are kept on leads.
- Ban dogs completely from specific areas.
- Limit the number of dogs taken onto land.
- Ensure that dog faeces are removed.

38. The scrutiny panel was reminded that one of the recommendations arising from its 2009-10 examination of Street Cleansing was *'That, in order to reduce problems of dog fouling in gated back alleys, Dog Control Orders requiring all dogs to be kept on leads in back alleys, should be introduced.'*
39. The above recommendation, and the other recommendations contained in the Environment Scrutiny Panel's final report, was/were approved by The Executive on 2 March 2010. It was confirmed, however, that, particularly in the light of problems in relation to the introduction of a Dog Control Order in Albert Park, the recommendation has not been implemented to date.
40. The scrutiny panel was informed that Dog Control Orders have been used with some success nationally and locally. However, the Government has indicated that they will be incorporated into revised legislation dealing with anti-social behaviour. Indications are therefore that it is unlikely that any new orders will be granted as the Government's stated intention is to reduce regulation in areas such as the use of Dog Control Orders.
41. It was explained that, in terms of dog fouling and other offences, such as littering, the Mayor indicated some time ago that a 'hard-line' enforcement policy should not be pursued. Instead, where any offences are witnessed by enforcement staff, street wardens etc, perpetrators are spoken to and encouraged to clean up after a dog, or to pick up discarded litter. If they refuse to do so, or commit a second offence, enforcement action is then taken and a fixed penalty notice is issued.
42. First offences are also followed up with a warning letter. It is noted, however, that a fixed penalty may be issued in the case of first offences in certain circumstances - for example if there is a clear warning sign nearby.
43. In terms of the enforcement process, the scrutiny panel was advised that the authority does act, where possible, on reports received from the public. There are facilities to report dog fouling through the Council's website and through its Facebook page.
44. A key point in respect of taking enforcement action on dog fouling is that the offence must be witnessed/evidenced by an appropriate officer. This can be particularly resource intensive and creates difficulties, especially in the current financial climate. Given the current staffing position, it is not possible to act on every complaint received, although the position can be better if details such as perpetrator identities, regular days/times of offences are reported by complainants. In such cases, the authority will act whenever possible. A warning letter will also be sent where perpetrators have been identified. Prosecutions in particular (which are undertaken when fixed penalty notices are not paid) can be very resource and time intensive, with the need to prepare legal documentation, engage legal services and attend court.
45. A further issue is that enforcement is normally undertaken during office hours (Monday to Friday, 09.00 - 17.00), although arrangements can be made to gather evidence outside of these hours in appropriate cases.

46. In general, enforcement action is time consuming and costly and produces little return. It is recognised however, that this is necessary in some cases and acts as a deterrent, especially when publicised.

47. In the last 12 months, the service has:

- Received 474 complaints.
- Undertaken 1,300 actions (eg patrols, warning letters).
- Spent approximately 1,000 hours on dog fouling issues.
- Issued four fixed penalty notices.
- Undertaken two prosecutions.

48. The scrutiny panel was informed that the Council's environmental policies are currently being reviewed so that best use can be made of available resources.

49. Education has been identified as an important and effective way of addressing dog fouling. It is recognised that (the issue of strays aside) if patterns of bad dog-owner behaviour in relation to dog fouling can be permanently changed, then other measures - such as enforcement and street cleaning - are not required. In this regard, the Council has used the following measures/initiatives to date:

- Free poop scoops (a very cost-effective (and educational) solution at £10 per thousand).
- Poop scoop dispensers.
- More dog bins.
- Improved signage.
- Press campaigns.
- Lighter enforcement (ie a chance to pick up after the dog).

50. As outlined earlier in this report, due to budget reductions, the Council's dog warden post has been deleted, with its duties being undertaken by other staff, in addition to other duties. A further impact of this, and the overall budgetary position, has been less opportunity and ability to undertake educational and promotional campaigns.

51. The scrutiny panel queried whether demand for dog bins was increasing. It was indicated that this was the case and, as a result, around £30,000 was recently spent on additional bins. This has raised some issues however, in that although no one wants dog fouling, no one wants a bright red, obtrusive dog bin outside their home. As a result, officers are examining the possible use of dual bins (ie for both dog waste and litter) in more neutral colours.

52. A particular problem that has been identified by Keep Britain Tidy in respect of the need for, and importance of, dog bins was highlighted to the panel. Keep Britain Tidy indicates that, although most people now pick up after their pets, a major problem has arisen in relation to this. Increasing amounts of bagged dog faeces are being left adjacent to footpaths and on green areas as people fail to dispose of their bags. The organisation is currently running a national publicity campaign (*'There's no such thing as the dog poo fairy'*) to encourage people to dispose of their bagged waste. Free publicity materials, such as posters and stickers, are available from Keep Britain Tidy.

53. In terms of other ways in which dog fouling has been addressed, the scrutiny panel heard that a **Green Dog Walker Scheme** was introduced in June 2012 as part of a drive to reduce dog fouling around Hemlington Lake. The scheme originated in Falkirk, Scotland where it has been running for several years. Due to its success, it has now spread to a number of other areas throughout the UK.
54. The Green Dog Walker Scheme is run by local volunteers and is intended to be a friendly and non-confrontational approach to changing attitudes about dog fouling. Green Dog walkers sign up to a pledge to wear a Green Dog Walker armband when walking their dog; always clean up after their animal and dispose of the waste appropriately; and encourage other dog walkers to do the same.
55. Participants also agree to carry extra bags for distribution on request/when appropriate. They also undertake to never aggressively confront dog walkers about dog fouling.
56. Local ward councillors reported to the scrutiny panel on the operation of the Green Dog Walker scheme to date. It was explained that the scheme has been welcomed by local residents, who have been willing to get involved. 'Hot spot' areas have been targeted and dog fouling problems continue to be reduced.
57. In addition to Hemlington's Green Dog Walker Scheme, the local Community Council also promoted and organised a *Doggy Fun Day* in August 2012. The event proved to be very successful and included free health checks and advice, free microchipping, promotion of the Green Dog Walker Scheme, a dog show and an obedience display.

CONCLUSIONS

58. Having considered the submitted information, the Environment Scrutiny Panel reached the following conclusions:
1. Dog fouling has long been recognised as the most offensive type of litter on our streets. It is consistently raised as a public concern and this is reflected in the number of complaints received. Not only is it unsightly and unpleasant but it can also be dangerous to public health. Following the recent National Health Service (NHS) reorganisation, Middlesbrough Council is responsible for Public Health locally and has received additional funding for this purpose.
 2. In the current financial climate, it is commendable that service managers and staff in Area Care and Community Protection are making every effort to maintain services with less resources. However, given the scale of the reductions in staffing levels and budgets, it is inevitable that services will be detrimentally affected in the longer term. It is not possible for any Council service area to perform to the same standard following large scale staffing and budget reductions. For example, the Dog Warden post has been deleted, its duties are being covered by other officers and this is already affecting service provision. In this context, it is necessary to accept the reality of the situation and determine how a reduction in available resources can be best managed. Any resources that are available will need to be used to maximum efficiency and effectiveness.

3. Stray dogs are a major - if not the major - contributory factor to levels of dog fouling. Positive action has been taken in recent years to reduce levels of strays in Middlesbrough. Ongoing action is required in this area if the problem is to continue to be addressed. Microchipping schemes have proved particularly effective. In the longer term, it is anticipated that the Government's proposal to introduce compulsory microchipping for all dogs from 2016 will reduce, and possibly all but eliminate, the issue of strays.
4. The Green Dog Walker Scheme that was introduced in Hemlington in 2012 has had a positive impact. The scheme has promoted positive community engagement and reduced dog fouling at minimal cost to the Council. As the authority has paid for the necessary licence to operate the Green Dog Walker scheme, there is an opportunity to extend the scheme to other areas of Middlesbrough.
5. Enforcement action in respect of dog fouling is time consuming and resource intensive, particularly in terms of witnessing offences and obtaining evidence. A 'light touch' approach is currently taken in respect of enforcement action, with fixed penalties/prosecution being used for second offences or where people refuse to pick up. The Community Protection Service is currently reviewing its enforcement regime, which gives the Environment Scrutiny Panel an opportunity to comment on future policy. Given the resource-intensive nature of enforcement action, there is also an opportunity to consider whether operational Council staff could be used to assist with enforcement work, or in educating the public in appropriate circumstances.
6. There is an issue of people bagging dog waste but then discarding the bags along footpaths and in green spaces. Investment in dog bins has assisted in addressing this, although there can be problems in finding suitable locations for the bins. These need to be sited sensitively, away from commercial and residential premises. Dual use bins - for both litter and dog waste - can be an appropriate solution.

RECOMMENDATIONS

59. Following the submitted evidence, and based on the conclusions above, the scrutiny panel's recommendations for consideration by the Overview and Scrutiny board and the Executive are as follows:
1. That, given the additional funding that has recently been made available to Middlesbrough Council to undertake the local Public Health function, and the links between dog fouling and public health, a request is made for some of the funding to be directed towards addressing dog fouling issues.
 2. That, following an assessment to determine suitable areas, the Green Dog Walker scheme is extended from Hemlington to other areas of Middlesbrough.

3. That the issue of dog fouling and the Council's associated budget/staffing problems are highlighted to all Community Councils. Community Councils should be requested to consider:
 - a. Purchasing poop scoops (which are the single most cost-effective to addressing dog fouling) for use by local residents.
 - b. Purchasing litter/dog bins and signage for use in appropriate areas.
 - c. Promoting involvement in the Green Dog Walker Scheme in any areas where it becomes operational.
 - d. Making use of free resources (such as Dog Fouling Campaign posters and stickers) available from Keep Britain Tidy.
4. That action is continued to reduce the number of stray dogs in Middlesbrough. Hotspot areas should be identified and resources concentrated on those areas. Microchipping schemes should continue to be promoted/undertaken as resources permit.
5. That, wherever possible and in appropriate areas, any new or replacement litter bins are dual use - ie suitable for both litter and dog waste.
6. That the possibility of using operational Council staff, for example in Area Care, to assist in enforcement action on dog fouling is investigated.
7. That the Council's current light touch approach in relation to dog fouling enforcement (ie the use of fixed penalties/prosecution being used for second offences, or where people refuse to pick up) is continued.
8. That the possibility of using appropriately trained operational Council staff to encourage good behaviour and assist in enforcement action, such as the issuing of fixed penalty notices for dog fouling, is investigated.

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 - K Garland
 - K Larkin
 - A Mace
 - P Robertson
 - C Robinson
 - L Turvey

BACKGROUND AND REFERENCE MATERIAL

60. The following sources were consulted or referred to in preparing this report:

- Report to and minutes of the Environment Scrutiny Panel meetings held on 11 February, 4 March and 15 April 2013.

- Keep Britain Tidy Website:
<http://www.keepbritaintidy.org/KeyIssues/DogFouling/Default.aspx>
- Dogs Trust Website: <http://www.dogstrust.org.uk>

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