

WIRRAL COUNCIL

SUSTAINABLE COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE

29 JANUARY 2013

SUBJECT:	Tackling Dog Fouling
WARD/S AFFECTED:	ALL
REPORT OF:	SURJIT TOUR ACTING THE DIRECTOR OF LAW, HR AND ASSET MANAGEMENT
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to provide an update to Members in respect of the work of the Dog Fouling Enforcement team; part of the Wirral Community Safety Team. The work of the team contributes towards a number of the council's priorities by protecting people, the environment, and maintaining the high quality of Wirral's parks and open spaces by dealing with anti-social dog walkers.
- 1.2 The report was requested as part of the Sustainable Communities Overview and Scrutiny Committee work programme.

2.0 BACKGROUND AND KEY ISSUES

- 2.1 As the result of the successful "Give a Dog a Bad Name" dog fouling campaign delivered by Wirral Community Patrol during the summer of 2009, the budget resolution for 2010/2011 provided a further £40,000, "to be used to build on the current successful scheme, with funding being used in conjunction with, "Jobs For The Future", funding, in order to employ two or three trainees who will be trained in patrolling and enforcement."
- 2.2 Following a second budget decision in April 2012, the team currently comprises 9 Dog Fouling Wardens and 1 Team leader.
- 2.3 The Dog Fouling Enforcement team is part of the budget options now out for public consultation, which has been discussed at special Overview and Scrutiny Committee budget option meetings and is subject to the ongoing consultation process.
- 12.2 The Dog Fouling Enforcement Team is a uniformed service that uses cycles, council vehicles and public transport to travel about the borough. Complimentary have been provided to the Team by Merseyrail, and a quad bike is available to patrol parks and beaches. However, most of the work is carried out through foot patrols. Every officer keeps a pocket notebook to record evidence and incidents. Body worn video cameras are used to make visual and audio records of interactions during incidents.
- 2.5 All wardens are trained and empowered to issue Fixed Penalty Notices for the following:
- The Dogs (fouling of land) Act 1996
 - The Environmental Protection Act 1990- Sections 87 (1) & 88

3.0 ENFORCEMENT

3.1 Wirral Council has received 406 complaints regarding dog fouling from members of the public since April 2012. From these complaints, and other intelligence provided by other council departments and Biffa, the team's resources are deployed following analysis into high priority areas. A breakdown by Ward is included in the table below;

Since April 2012 wardens have issued:

- 137 Fixed Penalty Notice for dog fouling
- 20 for litter offences
- 50 written warnings
- 1 case has proceeded to prosecution and the offender was found guilty at Court and sentenced to a £100 fine with £175 court costs

	Warning Letter	Fixed Penalty	Dog Fouling Complaints
Bebbington	2	9	10
Bidston and St James	1	3	26
Birkenhead and Tranmere	4	10	25
Bromborough	2	3	15
Clatterbridge	0	2	19
Claughton	2	3	9
Eastham	3	9	12
Greasby, Frankby and Irby	2	6	13
Heswall	1	4	7
Hoylake and Meols	0	5	18
Leasowe and Moreton East	0	12	19
Liscard	3	1	26
Moreton West and Saughall Massie	0	2	10
New Brighton	1	40	14
Oxton	1	4	17
Pensby and Thingwall	4	6	17
Prenton	2	8	18
Rock Ferry	5	4	10
Seacombe	2	6	37
Upton	6	9	19
Wallasey	7	6	16
West Kirby and Thurstaston	2	13	8
Multiple wards			41
Total	50	165	406

4.0 AWARENESS RAISING ACTIVITY

12.2 In addition to enforcement activity the team engage in preventative education of dog owners through attendance with Animal and Welfare officers at public events, or whilst on patrol providing advice to dog walkers.

4.2 The Dog Fouling enforcement officers have participated at a number of public events, throughout 2012, as detailed below, at which they provided advice regarding dog fouling and issued bio-degradable dog bags to dog walkers and members of the public.

- May - Bark in the Park - Arrowe Park
- July - Lansdowne Road area
- August - Blue Bell Drive community event - Birkenhead North End
- August - PDSA event -Victoria Park
- August - PDSA event - Birkenhead Park
- August - Champion Dog Society event – Birkenhead Park
- September - Dog Leader event - West Kirby
- October - MFRS community event - Wallasey Fire Station

4.3 The team has joined with Environmental Health, Parks and Open spaces, and Recycling sections to promote positive dog ownership by promoting the Dog Leadership scheme, where members of the public have been encouraged to give out “poo” bags provided by the Council to other dog walkers with the aim of supporting the Dog Fouling Team efforts to reducing dog fouling.

4.4 Twelve members of staff from Wirral Partnership Homes have received training in dog fouling enforcement from the manager of the Dog Fouling Team, and are able to provide the team with statements to issue Fixed Penalty Notice or take alleged offenders to court.

4.5 Since April 2012:

- The dog fouling enforcement officers have identified, whilst on patrol, 6073 incidents requiring action e.g. Safety issues, exposed wires on lampposts, uneven pavements, fly tipping, graffiti, criminal damage. Instances of graffiti and littering are also referred to Technical Services Department for action.
- The team have reported over 737 instances of graffiti, of which 119 were offensive and therefore removed the same day.
- The Dog Fouling enforcement officers also report instances of fly-tipping to Technical services for their attention.
- The team have identified 1832 trip hazards as well as 647 instances of obstruction of footpaths.

5.0 RELEVANT RISKS

12.2 The “What Really Matters” consultation contains an option to reduce the Dog Fouling Team from ten down to two officers. If agreed this could have an impact on the level of dog fouling enforcement in the Wirral, due to the reduced number of patrolling, enforcement and preventative duties the team perform. However, the option also recognises that this can be

mitigated by the use of other streetscene based officers taking on this role as part of a multi-tasking culture.

6.0 CONSULTATION

6.1 Wirral Council is also part of a group of organisations who have consulted with residents regarding the issue of dog fouling and are part of a Wirral wide campaign to reduce dog fouling.

6.2 The budget option in relation to the Dog Fouling Enforcement Team is part of the Council's wider consultation in respect of the budget implications.

7.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

7.1 There are no direct implications for voluntary, community and faith groups arising from this report.

8.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

8.1 There are no direct implications from this report for resources, financial, it, staffing and assets implications.

9.0 LEGAL IMPLICATIONS

9.1 There are none arising directly from this report

10.0 EQUALITIES IMPLICATIONS

10.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

- See the attached Equality Impact Assessment

11.0 CARBON REDUCTION IMPLICATIONS

11.1 There are none arising directly from this report

12.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

12.1 The Dog Fouling enforcement officers work in liaison with partners from Wirral's, "Community Safety Partnership"; and the "Joint Community Safety Team". Dog fouling is seen as unacceptable anti-social behaviour and the team responds to intelligence received through the partnership.

12.2 Enforcement Officers through their work are reducing the risk of humans contracting the infection, Toxocariasis, through dog fouling. An infection to which children in particular are vulnerable.

13.0 RECOMMENDATION/S

13.1 Members note the content of this report.

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Equality Impact Assessment Toolkit (from May 2012)

Section 1: Your details

EIA lead Officer: Ian Lowrie

Email address: ianlowrie@wirral.gov.uk

Head of Section: Steve McGilvray

Chief Officer: Surjit Tour

Department: Law, HR and Asset Management

Date: 21 December 2012

Section 2: What Council proposal is being assessed?

Tackling dog fouling

Section 2b: Will this EIA be submitted to a Cabinet or Overview & Scrutiny Committee?

Yes If 'yes' please state which meeting and what date
Sustainable Communities Overview and Scrutiny Committee

Please add hyperlink to where your EIA is/will be published on the Council's website

<http://www.wirral.gov.uk/my-services/community-and-living/equality-diversity-cohesion/equality-impact-assessments/eias-2010/law-hr-asset-management>

Section 3: Does the proposal have the potential to affect..... (please tick relevant boxes)

- ✓ **Services**
- ✓ **The workforce**
- ✓ **Communities**
- ✓ **Other** (please state eg: Partners, Private Sector, Voluntary & Community Sector)

Partner agencies, Private Sector, Voluntary & Community Sector

If you have ticked one or more of above, please go to section 4.

- None** (please stop here and email this form to your Chief Officer who needs to email it to equalitywatch@wirral.gov.uk for publishing)

Section 4: Does the proposal have the potential to maintain or enhance the way the Council (please tick relevant boxes)

- ✓ Eliminates unlawful discrimination, harassment and victimisation
- Advances equality of opportunity
- ✓ Fosters good relations between groups of people

If you have ticked one or more of above, please go to section 5.

- No** (please stop here and email this form to your Chief Officer who needs to email it to equalitywatch@wirral.gov.uk for publishing)

Section 5:

Could the proposal have a positive or negative impact on any of the protected groups (race, gender, disability, gender reassignment, age, pregnancy and maternity, religion and belief, sexual orientation, marriage and civil partnership)? You may also want to consider socio-economic status of individuals. Please list in the table below and include actions required to mitigate any potential negative impact.

Which group(s) of people could be affected	Potential positive or negative impact	Action required to mitigate any potential negative impact	Lead person	Timescale	Resource implications
<p>All</p>	<p>Positive; Dog Fouling initiative will address dog fouling issues and anti-social behaviour involving dogs which will enable all protected groups free access to public parks and open spaces without hindrance.</p> <p>Continue to review the outcomes during the process for an early identification of any breach of equality or emerging issues.</p> <p>Negative; If the dog walker is visually impaired or any other form of disability is not aware of the dog fouling or not capable of picking-up the faeces they would be committing an offence but exemptions apply as detailed under 'Action required to mitigate any potential negative impact'.</p>	<p>Dogs (Fouling of Land) Act 1996 Under the Environmental Protection Act 1990, the Council has a duty to keep public areas clear of dog faeces, as it does with any other form of litter.</p> <p>Exemptions; Registered as a blind person in a register compiled under Section 29 of the National Assistance Act 1948 A person who has a disability, which effects their mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects</p>	<p>Mike Collins</p>	<p>Ongoing during the Tackling Dog Fouling initiative</p>	<p>Regular monitoring through equality data collection and reporting through Community Patrol 'Perspective' incident recording system.</p>
		<p>Dogs trained by Dogs for the Disabled, Support Dogs or Canine Partners for Independence or any dog upon on which a person relies</p>			

		<p>on for assistance</p> <p>Under the dog fouling Order or dogs on leads Order the offences will not apply to</p> <p>Any pack of hounds or dogs used for sporting purposes</p> <p>Any dog being worked for the capture or destruction of vermin</p> <p>Any dog being used for the driving of cattle or sheep</p> <p>Any dog being used on official duties by a member of Her Majesty's Armed Forces or Her Majesty's Customs and Excise or the Police Force</p> <p>Any dog used in emergency rescue work.</p>			

Section 5a: Where and how will the above actions be monitored?

During the enforcement operation, analyse any impact upon 'Protected Groups' utilising the Community Patrol 'Perspective' software incident reporting system and supervision. Supervision Dip-sample the images from officer's body-worn CCTV. Any adverse effect will be reported upon immediately and ensure measures are taken to remedy the situation.

Section 5b: If you think there is no negative impact, what is your reasoning behind this?

Section 6: What research / data / information have you used in support of this process?

Legislation has been the driver for the Dog-Fouling initiative and research undertaken through the 'Give a dog a bad name' campaign, there was an identified need for the process.

Section 7: Are you intending to carry out any consultation with regard to this Council proposal?

Yes

If 'yes' please continue to section 8.

If 'no' please state your reason(s) why:

(please stop here and email this form to your Chief Officer who needs to email it to equalitywatch@wirral.gov.uk for publishing)

Section 8: How will consultation take place and by when?

During awareness raising events throughout the year, there has been ongoing consultation which will continue through road-show events and Police 'Have Your Say' meetings. There has been Wirral Council 'What Really Matters?' survey which showed that the majority of respondents were in favour of the Council tackling dog fouling.

Before you complete your consultation, please email your preliminary EIA to equalitywatch@wirral.gov.uk via your Chief Officer in order for the Council to ensure it is

meeting it's legal requirements. The EIA will be published with a note saying we are awaiting outcomes from a consultation exercise.

Once you have completed your consultation, please review your actions in section 5. Then email this form to your Chief Officer who needs to email it to equalitywatch@wirral.gov.uk for re-publishing.

Section 9: Have you remembered to:

- a) **Add appropriate departmental hyperlink to where your EIA is/will be published (section 2b)**
- b) **Include any potential positive impacts as well as negative impacts? (section 5)**
- c) **Send this EIA to equalitywatch@wirral.gov.uk via your Chief Officer?**
- d) **Review section 5 once consultation has taken place and sent your completed EIA to equalitywatch@wirral.gov.uk via your Chief Officer for re-publishing?**