

Report To:	SCRUTINY PANEL B
Date:	21 JULY 2022
Heading:	DOG FOULING AND LITTERING
Executive Lead Member:	NOT APPLICABLE
Ward/s:	ALL
Key Decision:	NO
Subject to Call-In:	NO

Purpose of Report

The purpose of this report is to introduce the topic of Dog Fouling and Littering to Scrutiny Panel B following its inclusion on the scrutiny work programme 2022/2023 at the June 2022 meeting of the Overview and Scrutiny Committee.

Recommendation(s)

Scrutiny Panel B Members are recommended to:

- a. Note the information contained within this report.
- b. Approve terms of reference for the Scrutiny Review: Dog Fouling and Littering.
- c. Agree steps to progress the Scrutiny Review: Dog Fouling and Littering.

Reasons for Recommendation(s)

Dog Fouling and Littering was added to the scrutiny work programme 2022/2023 by the Overview and Scrutiny Committee in June 2022.

Alternative Options Considered

No alternative options have been considered at this introductory stage of the scrutiny review process.

Detailed Information

BACKGROUND

Dog Fouling and Littering was added to the scrutiny work programme 2022/2023 by the Overview and Scrutiny Committee at the June 2022 meeting. Members agreed that dog fouling and littering offences remain key issues for the Council to focus on, being the source of a high number of complaints reported to Councillors.

Scrutiny has undertaken numerous reviews of dog fouling and littering over past years, particularly regarding the issue of dog fouling. These past reviews will be useful for Members to consider and can be used to identify if the Council are still facing some of the issues set out in previous reports.

A review titled ***The Effectiveness of the Dog Fouling Control Service in Ashfield*** concluded in February 2004 presented Cabinet with the following set of recommendations:

- Continued work on the introduction of responsible dog ownership education packages into schools.
- The implementation of the proposed anti dog fouling slogan/cartoon competition during 2003/04.
- Statistical information in respect of the dog control service being reported via the 'Members Room' (or equivalent) on the Council's internet site and the expansion, if successful, of the current trial using the 'FLARE' complaints software system to allow members to track progress in removing abandoned vehicles, to cover progress in dealing with dog control complaints.
- The continuation of joint dog control officer / park ranger patrols to allow park rangers and other staff to gain practical experience of issuing fixed penalty notices.
- Investigation of the appropriateness of training the neighbourhood wardens to issue fixed penalty notices.
- The Continuation of investigations into the feasibility of CCTV evidence being incorporated into the Council's range of dog fouling/dog control measures.
- A monitoring report of the Dog Control Services being submitted to this Panel (or a replacement Panel) in 12 months' time.
- A representative from the Nottinghamshire authority with the highest score in the Benchmarking scheme be invited to talk to this Panel (or a replacement Panel) in 12 months' time.

A review titled ***Dog Fouling Scrutiny Review*** concluded in April 2010 presented Cabinet with the following set of recommendations:

- An information pack be produced for dog owners advising them of the dangers of dog fouling (to be made available on the website and hard copy on request);

- When a clean-up operation is carried out in 'hot spot' areas the surrounding neighbourhood is informed of this activity. Individuals also be given an avenue to report persistent offenders confidentially;
- Dog fouling education be included as part of the Clean Neighbourhoods Charter encouraging schools to sign up to it. Furthermore, appropriate signage warning people that dog fouling is an offence be provided around the District;
- When a person is prosecuted or issued with a fixed penalty notice a press release be prepared to highlight the message that this kind of act will not be tolerated;
- Dog owners found to be not in possession of a 'poop scoop bag' be issued with a warning that the Council will take action if that person is identified as an offender;
- Free promotional material from the 'Keep Britain Tidy' charity be acquired and distributed throughout the community;
- A central point for the recording and handling of dog complaints be established.

Throughout the review process, Members should consider the recommendations of the two previous reviews carried out and consider if any of the previous findings are still relevant to the Council's present day service delivery.

KEEP BRITAIN TIDY – DOG FOULING POLICY

Keep Britain Tidy support and develop campaigns and initiatives with the aim to see dog fouling all but eradicated by 2030. They focus on dog owners' responsibility and supporting the concept of 'any bin will do'.

Keep Britain Tidy support local authorities in incentivising action or implementing new rules under PSPOs requiring dog owners to carry waste bags. Keep Britain Tidy also lobby for sufficient finance to support local authorities in effective investigation and enforcement.

Keep Britain Tidy want all local authorities to provide an effective network of bins in known dog walking areas and dog fouling hot-spots, capable of receiving dog waste and ensure they are serviced regularly. Furthermore, Keep Britain Tidy want local authorities to maintain an effective enforcement service and make full use of current controls, such as PSPOs, to ensure that dogs and dog waste are effectively controlled.

REPORTING DOG FOULING AND LITTERING

As set out on the Council's website, it is an offence if a dog owner doesn't clean up after their dog immediately in public places and dispose of it responsibly. A fixed penalty notice can be issued to anyone caught failing to clean up after their dog's waste.

Furthermore, forgetting bags to dispose of dog waste is not an acceptable excuse. Dog waste bags are available at the entrance of various parks and green spaces in the District.

Dog fouling incidents can be reported to the Council through the Ashfield 24/7 portal.

The Council has a duty to clear litter and waste, as far as possible, from public land and places which the Council is responsible for. Litter that hasn't been collected can be reported to the Council through Ashfield 24/7.

Areas that the Council is responsible for mainly includes:

- Public highway (verges, pavements, and to some degree the road itself)
- Council owned car parks
- Play areas
- Pedestrian areas
- Parks and open spaces

COUNCIL CAMPAIGN

The Council launched the 'don't drop litter' campaign in early June 2022. The campaign aims to highlight the amount of litter and dog fouling that the Council picks up that has been dropped and left by the public, with the overall aim of encouraging a positive change in behaviour and attitude towards making decisions on what to do with litter and dog foul.

As part of the campaign, four dog fouling trees have been created and placed in Brierley Forest Park, Kingsway Park, Selston Country Park, and Titchfield Park. The trees have been placed to raise awareness of the problems associated with people failing to pick up dog waste or hanging waste bags on trees.

FIXED PENALTY NOTICES

Council Officers investigating incidents of anti-social behaviour or environmental crime may issue a fixed penalty notice for a number of offences, which include, amongst other things, dog fouling, littering, and fly tipping.

The amount of a fixed penalty notice is set using guidelines for penalty notice levels. The fixed penalty notice amount for littering is £100.00, £75.00 if paid within 10 days of the notice being issued.

Failure to pay a fixed penalty notice within 14 calendar days from the notice being issued may result in legal proceedings.

The legal powers that enable Ashfield District Council to issue fixed penalty notices are from a number of areas:

- Clean Neighbourhoods and Environment Act 2005
- Environmental Protection Act 1990
- Anti-Social Behaviour Act 2003
- Anti-Social Behaviour, Crime and Policing Act 2014
- Control of Pollution Act 1989
- Refuse Disposal Act 1978
- Environment Act 1995

VOLUNTEERING

The Council has a volunteering programme set out on the website. The programme has been designed to support volunteering opportunities with the Council. The Council offers environmental

volunteering opportunities and has numerous volunteer role descriptions uploaded to the website for activities such as litter picking, where volunteers can support the operations of Environmental Services and help the Council deliver its purpose of creating a clean, safe, and accessible environment.

TERMS OF REFERENCE

As recommended, Members should consider setting terms of reference for the Scrutiny Review: Dog Fouling and Littering.

Review Topic	Dog Fouling and Littering
Review Group	Scrutiny Panel B
Officer Support	Scrutiny Research Officer, Service Manager – Scrutiny and Democratic Services, Democratic Services Officer
Rationale	
Purpose/Objectives	
Indicators of Success	
Methodology/Approach	
Witnesses/Experts	
Sources of Evidence	
Site Visits	
Evidence Sources for Views of Stakeholders	
Resources Requirements	
Barriers/Risks	

Implications

Corporate Plan:

Cleaner and Greener is a key priority for the Council set out within the Corporate Plan.

Legal:

There are no direct legal implications resulting from the recommendations within this report. Members will receive appropriate advice regarding any legislation relating to dog fouling and littering.

Finance:

There are no direct financial implications resulting from the recommendations within this report. Members will receive appropriate advice regarding financial implications throughout the review.

Budget Area	Implication
General Fund – Revenue Budget	None at this stage.
General Fund – Capital Programme	
Housing Revenue Account – Revenue Budget	
Housing Revenue Account – Capital Programme	

Risk:

Any risks identified by Members through the Scrutiny Review: Dog Fouling and Littering will be presented to Cabinet within a final report.

Human Resources:

There are no direct HR implications resulting from the recommendations within this report.

Environmental/Sustainability

There are no direct environmental/sustainability implications resulting from the recommendations within this report. Members will review the environmental impact of dog fouling and littering through the review.

Equalities:

There are no direct equalities implications resulting from the recommendations within this report.

Other Implications:

None.

Reason(s) for Urgency

None.

Reason(s) for Exemption

None.

Background Papers

None.

Report Author and Contact Officer

Shane Wright
Scrutiny Research Officer
shane.wright@ashfield.gov.uk
01623 457318

Sponsoring Director

Ruth Dennis
Director of Legal and Governance
ruth.dennis@ashfield.gov.uk
01623 457009