



SOUTH DERBYSHIRE DISTRICT COUNCIL
Environmental Health Division

Revised Strategy for addressing the problems of dog fouling within the geographical area of South Derbyshire.

October 2001

Introduction

It is estimated that the British Dog Population is around 6.8 million, with 5.5 million people in Britain owning dogs. This equates to a South Derbyshire Dog Population of approximately 6½ thousand. There are many positive aspects to dog ownership including companionship, security and enjoyment, however, there is widespread public concern about the effects of irresponsible dog ownership.

One of the main concerns is quite rightly dog fouling due to the health and nuisance implications.

It must therefore be the role of this strategy to promote responsible dog ownership through enforcement, publicity and education initiatives to bring about a change in attitude amongst those owners who are unwilling to clean up after their dogs.

The revision of this strategy has been undertaken in light of the Best Value Review of the service and the continued public concern over dog fouling within South Derbyshire.

The Role of the Local Authority

South Derbyshire District Council employs one Dog Warden who undertakes a range of duties relating to dogs, animal welfare and associated issues.

These duties include: -

- Dealing with stray dogs.
- Enforcing the Dogs (Fouling of Land) Act 1996.
- Investigation of Noise Complaints relating to Barking Dogs.
- Inspection and administration of animal boarding and breeding establishments in respect of licensing arrangements for these premises.
- Collar and Tag Provisions, including the provision of micro-chipping service.
- Assisting in animal welfare issues at the request of other agencies.

Legal Framework - Dogs (Fouling of Land) Act 1996

In 1996 the Government introduced The Dogs (Fouling of Land) Act 1996. This enabled local authorities to designate any land within their area: -

“which is open to the air on at least one side and to which the public have access with or without payment”.

This is subject to the following exemptions: -

- carriageways with a speed limit greater than 40 mph,
- land used for agriculture or woodlands,
- marshland, moor or heath, and
- rural common land.

Following widespread public consultation large areas of land within South Derbyshire were designated under the above Act in 1998 and further areas were added within 1999. Copies of the orders declaring the areas of land are available within the Environmental Health Division.

Within the designated areas an offence can be committed under Section 3 of the Act where :-

“A person in charge of a dog does not clear up forthwith after the dog has defecated, without reasonable excuse”.

The Local Authority can prosecute in the Magistrates Court in all cases where sufficient evidence has been obtained that the legislation has not been complied with. The maximum penalty on conviction for failure to comply with the Order currently is £1000. (Level 3)

There is a secondary provision of fixed penalty notices open to Local Authorities under the Dogs (Fouling of Land) Act 1996. Under this provision, the Local Authority may give an offender the option of paying a fixed penalty, currently £25, payable within 14 days to discharge any liability to prosecution.

When the South Derbyshire Designation Order was made, it was decided by the Housing and Environment Committee not to introduce this system.

After consultations undertaken as part of the Best Value review of the service it was clear that members of the public were concerned about dog fouling and the lack of enforcement undertaken. Benchmarking the Service with other Authorities indicated that whilst others did not have significantly more prosecutions there were fixed penalty notices served. Community Services Committee on the 12th July 2001 approved the proposal for the introduction of fixed penalty notices to try and address the public concerns.

Under this legislation, there is no requirement to sign designated areas, however, an annual budget of £250 has been used to put up signs throughout the designated areas where problems exist. To date approximately 1,500 signs have been erected. The budget also covers for the replacement of missing or vandalised signs. Additionally, this provision will cover the erection of signs by the Dog Warden at the request of members of the public.

Also Poop Scoop Bins were purchased through the Environmental Health Division, and these are emptied regularly by the Technical Services Division. Due to a change in the legislation for the collection of such waste there is no longer a requirement for separate dog fouling bins. During 2001/02 these bins will be removed and replaced with normal litter bins. Signs will be placed on these to show that dog-fouling waste can be placed within them.

Activity undertaken at present to address the problem of Dog Fouling

The Council's current approach to addressing the problem of dog fouling is based upon the principal of promoting responsible dog ownership and penalising irresponsible dog ownership.

The following table outlines the number of dog fouling complaints, relating to designated areas, received by the Environmental Health Division: -

Year	No. of Complaints.
1997/98	37
1998/99	37
1999/00	48
2000/01	39

The Local Authority seeks to foster a culture of responsibility through Education, Enforcement, and Publicity.

Enforcement is undertaken at the moment through the following methods: -

- responding to and investigating complaints made by the public, which will include evidence from the complainant and patrolling the reported area.
- Identification of 'hot spots' in consultation with the Parish Councils and patrolling the areas accordingly.

If sufficient evidence is obtained that an offence has been committed without reasonable excuse then the Council will prosecute.

To date only one successful prosecution has been obtained throughout the period since implementation of designated areas. There are a number of reasons that may account for this. One of the main reasons is the level of evidence required in order to take a prosecution. This has resulted in the introduction of the fixed penalty notices to try and address this.

Education and publicity have traditionally been achieved through publicising the requirements of the legislation by way of newspaper articles, signing of designated areas, and having worming/fouling roadshows in the town centre. Education of the public is a key part in trying to alter the behaviour of certain dog owners that do not pick up their dog faeces.

Other measures include the provision of 'Poop Scoop' bags that can be purchased from the Authority.

The following outlines the steps taken since the initial strategy was approved by the Housing & Environment Committee in October 1999.

1. **Review of Problem Areas** – The Dog Warden has undertaken 2 reviews of the district to identify 'Hot Spots' with the worst problems. Each area was given a rating between 1 (Clean) to 10 (Fouled). The Dog Warden undertook this in consultation with parish councils, complainants and a survey.
2. **Target Resources** – From the information that was gathered from the 'Hot Spot' survey this was then used to increase patrols of the sites and issue press releases to publicise the problems. Whilst this did achieve a certain degree of success, there still remains problems and no offenders have been prosecuted as a result of increased patrols.
3. **Improve publicity** – A number of press releases have been issued to try and promote responsible dog ownership.
4. **Education and Training** – The following have been undertaken since the original strategy :-

- The Dog Warden has attended several training seminars on the requirements of The Police and Criminal Evidence Act 1984 and also Dog Warden enforcement.
 - The Dog Warden has also been on a visit to Erewash BC, to assess the methods of enforcement undertaken at the Authority.
 - Training within Schools was proposed but has not been undertaken to date.
5. **Reward Schemes** - The proposed reward scheme in the original strategy has not been undertaken to date, as Members expressed concerns about this.
6. **Fixed Penalty Scheme** – The consultation with other Local Authorities has now been undertaken and this has revealed that the fixed penalty schemes have been quite successful in obtaining a good level of enforcement. Details of this are available within the Environmental Health Division. On the back of this a report was taken to the Community Services Committee on the 12th July 2001. The members approved the introduction of the scheme.

Future Proposals

In response to findings of the Best Value review and the continued number of complaints made for dog fouling it is proposed to undertake the following in order to address this problem within the Area of South Derbyshire. A table outlining the Key Actions is included at the end of the strategy.

1. **Review of Problem Areas**

The 'hotspot' survey undertaken previously will be undertaken within a month of the approval of this strategy. This will be undertaken by the dog warden to establish the worst affected areas to enable resources to be adequately targeted.

In order to obtain this information the Dog Warden will again contact Parish Councillors, District Councillors, members of the public reporting problems and any other information received within the Division.

Performance indicator – completion of review within 2 months

2. **Enforcement**

Once the worst affected areas have been identified to the best of our ability, and through the information available, resources will initially be focused on these areas.

Through better targeted patrols, and more active enforcement of the legislation, it is hoped that the message will be publicised that the Local Authority will not tolerate irresponsible dog ownership.

With the introduction of the fixed penalty notices this will enable the Dog Warden to issue notices for owners who do not clean up after their dog.

A programme for the enforcement of the 'hotspot' areas will be drawn up and patrolling of these areas will be undertaken at the most appropriate times of the day, in order to catch offenders. However, before this can be undertaken a review of the health and safety provision for the Dog Warden will be required. It is anticipated that patrols will initially be undertaken in pairs to ensure the safety of the Dog Warden.

Performance indicator – Number of fixed penalty notices issued or prosecutions undertaken.

3. Improve Publicity

With the introduction of the fixed penalty notices the Environmental Health Division will issue a Press Release to outline what will be undertaken and also outlining the health impact of dog fouling.

Additionally, a further 'road show' publicity caravan will be used to promote responsible dog ownership. It is anticipated that free poop scoops and information packs will be available to be given out to the public. As part of this exercise, questionnaires will be given out in order to try and determine the success of the work being undertaken for this strategy.

A press release will also be issued to outline the enforcement activities undertaken so as to try and change the behaviour of dog owners who continue to allow their dogs to foul on land within South Derbyshire.

Performance indicator – (a) number of visitors to the 'road show' and questionnaires completed

(b) Press release issued

4. Education and Training

A number of initiatives are planned to improve understanding and the need for responsible dog ownership throughout all spheres of the population.

- An educational pack will be drawn up and distributed to schools within the district.

- Leaflets and information packs will be distributed at the 'road show'
- The Dog Warden will receive training in relation to the issuing of fixed penalty notices.
- Enforcement officers within Environmental Health, including the Dog Warden, will receive training on the gathering of evidence and interviewing skills.
- Information leaflets will be available within Environmental Health and are distributed to the public in response to complaints.

Performance indicator – (a) Production and distribution of information pack.

(b) Training courses attended.

Staffing implications

It must be noted that dog fouling is not the only role of the Dog Warden, and so other activities may have to be curtailed or procedures amended to allow greater time to be spent on dog fouling enforcement duties within existing resources.

Additionally, assistance from other staff members from within the Environmental Health Division may be required to support the Dog Warden during enforcement. This will be reviewed in line with Health and Safety procedures.

The following outlines the main areas that will need to be reviewed to ensure that performance for the service does not suffer significantly as a result of this strategy.

1. **Dealing with stray dogs.**

Under the Environmental Protection Act 1990, the local authority has a legal duty to appoint an officer to deal with stray dogs. This includes a responsibility to kennel and care for any dogs collected in the area for up to seven days.

The Dog Warden, as part of her duties, will patrol the area for strays and respond to complaints/requests for service by members of the public who have found or reported stray dogs.

Dogs collected are taken to Lakeside Boarding Kennels, Whycnor, from where owners may reclaim their dogs. The following table outlines the statistics for this service: -

Stray Dogs	1997/98	1998/99	1999/00	2000/01
Total no. of Strays	194	153	162	138
No. of dogs reclaimed	116	80	87	64
No. of Dogs re-homed	77	73	75	70
No. of dogs put to sleep	1	0	0	4

This is a statutory function of the local authority and work must continue in this area to fulfil our legal obligations.

2. **Enforcing the Dogs (Fouling of Land) Act 1996.**

The legal provisions of this legislation are explained in more detail earlier in the report. The Dog Warden's duties are to patrol the area to enforce the requirements of this legislation. The Council have a policy to prosecute in all instances where there is sufficient evidence that the legislation has not been complied with.

Members of the public are also encouraged to submit evidence by Statements of Witnesses, and the Dog Warden supervised by a senior member of the Environmental Health staff will seek to prosecute on the basis of this evidence.

Currently, dog fouling complaints are responded to as necessary by patrols in the locality complained about. Complaints tend to be sporadic, and enforcement activity of this nature is rarely successful.

Any complaints received will be dealt with in line with the Divisions procedures. Information will be collected from complainants to identify if a 'hotspot' exists that will need programmed monitoring as outlined previously.

It is also proposed to try and identify whether other employees of the Council can be adequately trained to enforce the dog fouling provisions, to enable more effective enforcement.

Also, dog fouling does not just occur during normal working hours. Many households take dogs for a walk before and after work, therefore outside the hours worked by the Dog Warden and other Local Authority Officers. Limited resources are available within the Environmental Health Division so as outlined above it is proposed only to identify certain 'hotspots' to be patrolled out of hours. This commitment of staff resources will need to reviewed, depending on other work pressures and priorities that may exist in the future

3. **Investigation of Noise Complaints relating to Barking Dogs.**

The Local Authority has a statutory duty under Section 79 of the Environmental Protection Act 1990 to investigate complaints of this nature to establish if a statutory nuisance exists.

At present, the Dog Warden investigates these complaints to enable the expertise of this Officer in relation to dog related issues to be used. Practical advice is provided to dog owners on how to minimise barking to a level whereby nuisance is not caused to neighbours.

Currently, the Environmental Health Division receives 100-150 Barking dog complaints per annum. The complaints are dealt with in line with standard procedures for all complaints. These have been developed using standard letters to try and make the service more efficient and also reduce the time spent on each complaint.

The impact of the strategy on the response to such complaints will also need to be monitored so that the service provided is not affected.

4. **Inspection and administration of animal boarding and breeding establishments in respect of licensing arrangements for these premises.**

The Dog Warden inspects animal boarding and breeding establishments, which require a Licence from the Environmental Health Division. The Licences are renewable annually. Each licensed premise receives approximately two inspections per annum, to ensure the relevant standards are maintained throughout the year. The level of inspections will also need to be reviewed as necessary to target resources where required.

5. **Collar and Tag Provisions**

The Dog Warden enforces legal requirements on dog owners, that when in public places their dogs wear a collar and tag to identify them. This activity fits with other enforcement activities, as collection of stray dogs and at present is not perceived to take up much time by the Dog Warden.

The Dog Warden also operates a Micro-chipping scheme for dogs. This has been in operation since January 2000 and to date 55 dogs have been chipped. Although this is not a significant amount of time, it can be ceased if necessary to allow extra time for the strategy work.

6. *Assisting in animal welfare issues at the request of other agencies.*

Occasionally, the Police or RSPCA will request assistance from the Dog Warden. This is a sporadic activity, and short of refusing, this service, it is difficult to programme/plan for in time terms. Again, this is unlikely to affect other duties and is not planned to be reviewed.

Conclusions

There is widespread dog ownership throughout the UK, and also within the District of South Derbyshire. For many owners, dogs provide a positive contribution to their lives in the companionship, enjoyment and security they bring.

However, owning a dog is a commitment that brings with it many responsibilities. One of which is ensuring that in public places owners clean up after their dogs. Whilst many dog owners do behave responsibly, this is not universal, and dog fouling is a serious problem for local authorities to address. This is coupled with widespread concern from the public regarding irresponsible dog ownership.

Not only is dog fouling a nuisance, in that it is dirty and unpleasant, it also is a potential risk to health. Dog faeces can carry microbiological organisms such as campylobacter, salmonella and more seriously toxocara canis, a roundworm that can cause permanent loss of sight.

From the work undertaken within the Best Value review it is clear that the public still remain concerned about dog fouling and the lack of enforcement. This strategy revision has been undertaken to try and redress these concerns and provide positive action.

The challenge for South Derbyshire District Council is to bring about a change in public attitudes and behaviour, and make dog fouling socially unacceptable. Encouraging this change is a difficult process, and through education, publicity and active enforcement of the legislation, the local authority must reinforce the need for responsible dog ownership, and publicise the message that dog fouling will not be tolerated.

Recommendations

The Best Value review process has highlighted continued public concerns over dog fouling. This strategy revision will put in place measures that are hoped will try to reduce the problem of dog fouling within South Derbyshire.

To achieve this, the following has been recommended: -

1. Identify problem areas within the district.
2. Formulate a monitoring programme to patrol the 'hotspot' areas.
3. Actively enforce the legislation with offenders either being prosecuted or issued with fixed penalty notices.
4. Increase the publicity of the problem including the use of a publicity caravan positioned at targeted locations.
5. Continue to train the Dog Warden on enforcement of the legislation.
6. Implement the final findings of the Best Value review, undertaken by the Cleansing the Environment Team, into the South Derbyshire Dog Fouling Strategy as necessary.
7. Review this strategy for its effectiveness after 12 months of implementation.

The following table outlines the key tasks and dates to be undertaken.

Key Actions	Date(s)	Outcomes
1. Review 'hotspot areas within SDDC	Nov. 01	Formulate list of problem areas
2. Issue Press Release for strategy – outline key elements	Nov. 01	Highlight positive actions to address problem areas.
3. Publicity roadshow caravan at targeted locations.	Dec. 01 - Mar. 02	Provide information and obtain feedback
4. Devise risk rated inspection programme	Nov./Dec 01	Target resources based on risk
5. Undertake enforcement patrols in line with programme	Dec. 01 – Sept. 02	Issue fixed penalty notices / Prosecutions.
6. Training for Dog Warden in Evidence collection & Enforcement.	Nov. / Dec. 01	Provide knowledge & skills necessary to undertake enforcement.
7. Review effectiveness of strategy – Customer feedback, enforcement & hotspot survey	Aug. / Sept. 02	No. of fixed penalty notices, customer satisfaction & reduction in level of fouling.
8. Report to Committee on outcomes of strategy.	October 2002	Outline success & options.

