

Crime and Disorder Select Committee

Scrutiny Review of Dog Fouling Enforcement

SOME THINGS JUST CANNOT BE TAUGHT...



Crime and Disorder Select Committee
Stockton-on-Tees Borough Council
Municipal Buildings
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Select Committee – Membership

Councillor Wilburn (Chair)
Councillor Rowling (Vice-Chair)
Councillor Dixon
Councillor Mitchell
Councillor Parry
Councillor Vickers
Councillor Walmsley
Councillor Whitehill
Councillor Woodhouse

+
Councillor Corr)
Councillor Hall) Attended as a substitute.
Councillor Stephenson O.B.E.)

ACKNOWLEDGEMENTS

The Select Committee thank the following specific contributors to this review:

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Colin Snowdon.....	Environmental Health Unit Manager, Development and Neighbourhood Services
Craig Willows.....	Care for Your Area Service Manager

Scrutiny Support

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Scope

Which of our strategic corporate objectives does this topic address?

We aim to make the borough a better place to live and a more attractive place to do business, with clean streets, carefully tended parks and open spaces, affordable and desirable housing.

What are the main issues and overall aim of this review?

Dog fouling is consistently high on issues of concern to the public of Stockton and indeed on a national basis in urban areas. As all ward councillors will be aware complaint levels are high as is the level of dog ownership, but there is general support from the public, including the majority of dog owners to seek a resolution to this problem, caused by a minority of irresponsible dog owners.

DNA testing potentially provides a technical solution to this problem and although not viable now may be so in the future.

The Committee will undertake the following key lines of enquiry:

Current Service Provision
Dog Fouling Legislation
DNA Testing
Other Dog Fouling Initiatives

Who will the Committee be trying to influence as part of its work?

Cabinet, Dog owners

1.0 Executive Summary and Recommendations

- 1.1 Dog fouling is consistently high on issues of concern to the public of Stockton and since a previous scrutiny review a number of other local authorities are trying a number of initiatives to tackle this issue.
- 1.2 The use of dog DNA to help identify offending dogs and their owners who fail to clear the mess made has made national news since it has begun to be trialled elsewhere so this review aimed to examine its use in Stockton Borough.
- 1.3 The DNA trial is still ongoing and it is being observed by a number of local authorities in terms of whether it will stand legal challenge. As it currently stands the Committee would not proceed with introducing DNA testing but would reconsider its introduction if it was found to provide a cost effective dog fouling reduction measure and could be supported by a national licensing scheme.
- 1.4 The Committee then proceeded to consider other aspects of dog fouling enforcement focusing primarily on the use of Public Space Protection Orders (PSPOs) which have also begun to be utilised by other local authorities. There are challenges for councils to introduce PSPOs such as the cost of signage and having sufficient Enforcement Officers to patrol and issue warnings/fines.
- 1.5 Microchipping was examined as a way of identifying dogs that were allowed by their owners to foul public areas although its main use is to reunite stray dogs with their owners. Stockton Council provide a proactive fortnightly microchipping surgery by appointment to provide free chipping (in partnership with Dogs Trust) to all dog owners and a low cost service to cat owners. Unfortunately the Committee heard that the majority of database details are not kept up-to-date by the dog's owners.

The Committee recommend that:

- R1 SBC continue to use all means possible to counteract the problem of dog fouling subject to resource availability.
- R2 SBC review its dog fouling education support materials to encourage the public to provide more detail of offending dog owners, where possible, to more effectively target enforcement activity
- R3 Consideration is given to introducing a borough-wide Public Space Protection Order (PSPO) covering dog fouling related issues, taking account of pilot schemes elsewhere in the Country and resource constraints.
- R4 Consideration is given to the provision of permanent signage required in the borough if a PSPO is introduced.
- R5 SBC continue to monitor the use of dog DNA profiling and consider introduction if found to provide a cost effective dog fouling reduction measure.
- R6 SBC give support to the introduction of a national licensing scheme in order to support the effective use of DNA profiling.
- R7 SBC continue to work in partnership to support campaigns to get dogs micro chipped.

2.0 Background

- 2.1 The Council's former Environment Select Committee carried out a review of animal welfare and dog fouling in 2009 making a number of recommendations that the Environmental Health Department has acted upon since their introduction. This has seen the use of new technology to improve the recording of dog fouling incidents so that appropriate responses are made, the introduction of a popular and effective biodegradable paint scheme to highlight and remind dog owners to remove faeces, dog fouling around school grounds and on school walking routes targeted, and campaigning for the introduction of compulsory dog registration and micro-chipping.
- 2.2 This review was from a suggestion by the Cabinet Member for Access and Communities whose portfolio has responsibilities for crime and disorder reduction in Stockton Borough. Being aware of other local authority innovations to tackle the scourge of most, if not all councillor complaints regarding dog fouling and irresponsible owners not disposing of their dog's faeces a request to look again at Stockton Council's approach was made.
- 2.3 The Council has always adopted an ambassadorial and educational approach with regard to how Enforcement and Environmental Health Services operate. The budgetary pressures the Council now finds itself under due to national government imposed financial restrictions along with other reactive workloads has meant that the proactive programmes to tackle this issue are no longer affordable.

3.0 EVIDENCE

Current Service Provision

- 3.1 The Animal Health and Welfare Service is predominantly reactive, dealing with a high level of requests for service involving animals the service is not limited to dog control but includes all pets, wildlife and farm livestock.

	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16
Number of dog fouling patrols	788	715	685	637	624	435
Public area dog fouling complaints	553	531	618	568	545	508
Number of Stray dogs	580	660	670	664	613	511

- 3.2 Dog fouling is being tackled predominantly as a matter of educating the public to act responsibly in their dog ownership supported by use of enforcement powers for persistent offenders. In Stockton a range of advice and enforcement initiatives are utilised, aimed at involving a wide range of Council officers raising general awareness and targeting persistent offenders and locations.
- 3.3 If action is required to be taken against irresponsible dog owners, the Environmental Health Team can be contacted by telephoning 01642 526575 or by emailing environmental.health@stockton.gov.uk

General Area Patrols

- 3.4 Animal Welfare Collection/Enforcement Officers routinely carry out patrols of public areas known to have dog fouling problems. The animal collection/enforcement

officers cover the whole of the borough and work weekdays from 6.30 a.m. until 9.00 p.m. covering the times when most dogs are being walked. They are also complimented by Neighbourhood Enforcement Officers whose remit covers wider elements of environmental crime. The officers will provide one to one advice to dog walkers and where they identify breaches of the law will issue a £50 fixed fine or up to £1000 fine if the case is taken to Court.

Temporary Area Patrols

- 3.5 As part of efforts to tackle an area temporary pavement stencils are used which are sprayed on with temporary paint and temporary large yellow tri signs. These are put up in a smallish defined area and targeted with officer presence talking to all dog owners giving out free dog bags and where a dog owner is witnessed not picking up, they will get a fixed penalty ticket. The signs and the pavement stencils are placed for approximately 2-4 weeks in a given area whilst it is targeted with additional officer patrols to create a high profile presence that makes both dog owners and non-dog owners realise SBC is tackling the issue. After that period they are removed as other areas are targeted. It has been found that if they are left any longer and officer time cannot be given to the area then people just accept them as a token gesture and they don't have the same effect. From officer observations and feedback from residents they have a high success rate of resolving localised issues.



Kennelling Provision

- 3.6 The Animal Health and Welfare Service is also tasked with stray dogs picked up are usually under the control of a member of the public and are collected by an officer or brought to the Security Centre. The Committee also gave some consideration to this element of the service as it reduces the time available to dealing with dog fouling issues.
- 3.7 The service accepts the handover of dogs no longer wanted or able to be cared for as a way of alleviating the number of strays.
- 3.8 Since April 2008 the Council has had responsibility for additional strays previously collected by the police and experienced difficulties in accommodating strays for the statutory 7 day retention period. The Animal Welfare Service now work in partnership with a private kennel to provide purpose built kennels for the sole use of Stockton over a 10 year period. The contract started in 2009.
- 3.9 In addition the service has use of holding kennels at 16 Church Road and the out of hours kennels accessible from the security centre, which are to meet our 24 hour service provision. These kennels were upgraded in March 2012 to meet standards laid down in the Animal Welfare Act to provide more suitable indoor accommodation.

Impact of Service Reviews

- 3.10 This review has taken place prior to an Environmental Health Service review which will be expected to identify significant budgetary savings.
- 3.11 The capacity for the Animal Welfare Service to address the high workload demand in relation to dog fouling enforcement has been reduced over the past year due to the lack of a full staffing complement covering dog fouling enforcement and the statutory

duty to deal with stray dogs. A post may then be considered for deletion as part of the Environmental Health Review budgetary saving requirements. Should this post be deleted, capacity for bespoke dog fouling enforcement patrols would be severely curtailed.

- 3.12 Care for Your Area, the Council's service that deals with street cleaning, is also affected by a reduction in service provision due to government imposed budget cuts. Although the level of dog fouling may remain in the region of the current number of incidences the number of complaints might increase due to fewer staff available to provide a cleaning service if dog faeces remain in place for a longer time. This review is therefore attempting to pre-empt an increasing concern.

DNA testing use in dog fouling enforcement

- 3.13 The initial submission for this review highlighted that the London Borough of Barking and Dagenham Council had begun a voluntary pilot scheme to test the viability of using DNA profiling as a means to identify irresponsible dog owners that don't pick up after their dogs. The scheme has created a lot of publicity both locally and nationally and raised the profile of dog fouling issues. It has even suggested the Council could use e-fit style images of dogs from the DNA information to try and name and shame owners who let their pets defecate on the streets and then don't pick up the faeces.



- 3.14 The Principal Environmental Health Officer attended a one-day conference in order to provide information for the review. The science works on collecting small samples of dog faeces left behind by irresponsible dog owners and sending it off for analysis (£80 per sample) in order to hopefully match the DNA against registered dog owners on a database that they are creating. The normal cost for DNA registration for a dog owner is £30 per dog. If a match is made then the evidence will be used to serve a fixed penalty on the dog owner for a fouling offence.
- 3.15 The council was providing free DNA registration for the first 1000 dog owners (at a cost of £30,000 to the authority) in three specific areas of the borough. The intention was that if a dog owner wanted to walk their dog in one of the designated areas their dog would have to have been DNA profiled otherwise they risk a fine via a fixed penalty ticket for non-compliance. The council intend to try and enforce this via eventually designating the three pilot areas as PSPO's where it will be compulsory to have a dog DNA profiled.
- 3.16 However the progression to a fully declared PSPO requiring such a positive requirement on dog owners is being eagerly watched and anticipated by many councils in terms of whether it will stand legal challenge. Ultimately the positive act of DNA registration in itself does not fit the criteria specified in the legislation i.e. "*behaviour must be having a detrimental effect on the quality of life of those in the community*" and official government guidance highlights, that in determining which restrictions or requirements should be included in a PSPO, the council should ensure that the measures are necessary and proportionate to prevent the detrimental effect on those in the locality or reduce the likelihood of the detrimental effect continuing, occurring or recurring.
- 3.17 There are some significant cost implications to initiate such a pilot scheme and unless there is a large proportion of dog owners that register their dogs the likelihood

of a positive match is unlikely. If DNA profiling was linked to a national licensing scheme and was an additional requirement to microchipping then the science would undoubtedly make a huge difference in tackling dog fouling and irresponsible owners.

- 3.18 As it currently stands the Committee would not proceed with introducing DNA testing but would reconsider its introduction if it was found to provide a cost effective dog fouling reduction measure and could be supported by a national licensing scheme. Members then proceeded to consider other aspects of dog fouling enforcement.

Legislation

Dog Fouling

- 3.19 Legislation has been in place since 2001 to assist the Council to deal with irresponsible dog owners who do not remove the mess made by their pet. Under the Dogs (Fouling of Land) Act 1996 authorised Council Officers can issue a £50 Fixed Penalty Notice to anyone that is seen to allow their dog to foul in a public place and not clean up after it. Failure to pay the fixed penalty can result in prosecution that may lead to the offender being fined up to £1,000.
- 3.20 In subsequent years further legislation has been enacted. The Anti-Social Behaviour Crime and Policing Act 2014 allows for the creation of dog control orders within parts or all the borough. These are now referred to as Public Space Protection Orders (PSPO) and failure to comply can be dealt with via:
- £100 on the spot (a 'Fixed Penalty Notice')
 - up to £1,000 if it goes to court
- 3.21 Other councils have already introduced a PSPO that makes it an offence should dog walkers not have the means to remove their dogs waste.
- 3.22 The Committee was made aware of Daventry District Council which had introduced a Public Space Protection Order (PSPO) that makes it an offence should dog walkers fail to carry a poop bag or other means of clearing up after their animal. The council also enforces three dog control orders that make it an offence for people to fail to pick up after their dog, allow their dog into a designated children's play area and to fail to put their dog on a lead when directed to do so by a council officer.
- 3.23 Carmarthenshire County Council introduced a (Dog Control) Public Spaces Protection Order that deals with dog fouling from 1st July 2016 which will remain in force for three years. The Order applies to all public places which means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.
- 3.24 The Committee was subsequently interested to explore a borough-wide ban introduced via a PSPO especially as it brought with it the higher fine than currently charged, the introduction of which must firstly be consulted which would likely incur administrative costs/officer time before being signed off by the Secretary of State.
- 3.25 A concern was a lack of officers to adequately enforce a PSPO. Members are also aware that there might be issues regarding whether it is targeting anti-social behaviour not to be in possession of a bag to collect the dog faeces. Having met with the Council's Enforcement Team in its previous review (School Parking) the Committee is mindful of adding to the stretched resources available.

- 3.26 The guidance for PSPO's states that whatever area the PSPO covers should have appropriate signage to allow dog owners/walkers to know what is required of them. For the 7,500 signs the cost was estimated at £26,250 replacing signs from 2002 a lot of which have been lost through the lamp post column replacement.
- 3.27 The Committee was, as a result, concerned of the cost of new permanent dog signs. Members considered whether signage could instead be applied to dog bins as a dog walker might be more likely to see a dog bin because they should be picking up and as a result reduce the cost that would be incurred. The Committee calculated that this might only require 445 bins x £3.50/sign = £1,557.50 or 445 signs x £5/sign = £2,225.
- 3.28 Dog walkers have been provided with dog bins in the most popular walking areas by the Council since 2007 which has come from Ward Members' own budgets, approximately £55,800 from 07/08 through to 14/15. The Committee learned that whilst these bins are specifically designed for dog waste a tied bag of dog waste is allowed to be deposited in normal waste bins throughout the borough thereby lessening the excuse for dog waste not to be properly disposed and dealt with.

Microchipping

- 3.29 Secondary legislation introduced under the Animal Welfare Act 2006 from 6 April 2016 now requires the microchipping of all dogs in England and for them to be registered on an authorised microchip database by the age of 8 weeks and before transfer to a new keeper.
- 3.30 The introduction of the new regulations will, over the next few years, improve the service's already high return to owner rate (74%) and allow the re-uniting of a stray dog with its owner quickly and more efficiently as long as the details recorded against the chip are correct. The microchip is a radio transponder about the size of a grain of rice that is implanted into the sub-cutaneous layer at the back of the neck and it has a unique 15 digit reference.
- 3.31 It is the responsibility of owners to update and keep their details up to date. If an owner subsequently moves, changes contact telephone number, etc. then the dog is no longer considered microchipped under the regulations and a notice can now be served on the owner giving them 21 days to rectify the issue. The animal welfare service assists owners in this process by identifying the specific database and providing relevant contact details that owners need in order to update their records. A small cost (£10-£16) is charged by the various database companies. Ultimately, after further warnings, if the keeper fails to get their details up to date following the service of a notice, then s/he will be summonsed before a magistrates court and could be liable to pay a fine of up to £500
- 3.32 Approximately 30% of dogs dealt with as strays are microchipped even though the service has provided this service for more than 10 years. The biggest issue is that of the 30% that are microchipped almost 60% of them have incorrect details rendering the chip useless.
- 3.33 The same procedure applies to dogs that have no microchip, however as Stockton Council provide a free microchipping service in partnership with the Dogs Trust owners can be assisted to comply with the law at the point that they come forward to claim their dog, hence the vast majority of notices are in relation to personnel details being updated.

- 3.34 In addition to microchipping a stray dog for an owner on its safe return the animal welfare service continue to provide a proactive fortnightly microchipping surgery by appointment to provide free chipping (in partnership with Dogs Trust) to all dog owners and a low cost service to cat owners.

RECOMMENDATIONS

The Committee recommend that:

- R1 SBC continue to use all means possible to counteract the problem of dog fouling subject to resource availability.
- R2 SBC review its dog fouling education support materials to encourage the public to provide more detail of offending dog owners, where possible, to more effectively target enforcement activity
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- R7 SBC continue to work in partnership to support campaigns to get dogs micro chipped.