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Date: 14th October 2015

Dear Sir/Madam,

A meeting of **Health Social Care and Wellbeing Scrutiny Committee** will be held in the **Sirhowy Room, Penallta House, Tredomen, Ystrad Mynach** on **Tuesday, 20th October, 2015** at **5.30 pm** to consider the following agenda item which was omitted when the papers were published.

Yours faithfully,

A handwritten signature in blue ink that reads 'Chris Burns'.

Chris Burns
INTERIM CHIEF EXECUTIVE

A G E N D A

11 Fixed Penalty Notices for Dog Fouling and Littering.

Circulation:

All Members And Appropriate Officers

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HEALTH, SOCIAL CARE AND WELLBEING SCRUTINY COMMITTEE – 20TH OCTOBER 2015

SUBJECT: FIXED PENALTY NOTICES FOR DOG FOULING AND LITTERING

REPORT BY: CORPORATE DIRECTOR, SOCIAL SERVICES

1. PURPOSE OF REPORT

- 1.1 During the meeting of 24th March 2015 a Member requested a report detailing the numbers of fixed penalty notices served by Caerphilly council for dog fouling and littering drawing comparisons with other local authorities cross Wales. This report includes the most recent information available for the Welsh Government and covers the period between 1st April 2013 and 31st March 2014.

2. SUMMARY

- 2.1 This report provides information on the numbers of fixed penalty notices served by local authorities in Wales for littering and dog fouling during the financial year 2013/14. The number of fixed penalties paid and the number of prosecutions for non-payment are also detailed.

3. LINKS TO STRATEGY

- 3.1 The enforcement of dog fouling and littering legislation contributes to the Healthier, Greener, and Safer priorities within the single integrated plan, Caerphilly Delivers.

4. THE REPORT

- 4.1 The control of dogs, dog fouling and litter enforcement are functions dealt with by Public Protection staff.
- 4.2 Dog fouling is an emotive subject that has the potential to affect all residents and visitors to the County Borough. When questioned, residents often refer to dog fouling as one of the environmental nuisances/anti-social behaviour issues that adversely affects them.
- 4.3 Public Protection typically deals with approximately 1300 complaints about dog fouling per annum.
- 4.4 Many local authorities have looked into installing more dog waste or litter bins to decrease the amount of litter that is deposited on the streets. However, research on why people drop litter or let their dogs foul is more complicated than this: It appears that most people know the law, are responsible dog owners and are happy to clean up after their dogs, however there are some people, who either believe that 'it is someone else's responsibility (i.e. a council or cleansing officer) to clean the streets, or will have a quick look round to see if there is anyone watching and will then make a decision on whether to pick up or not. For these two groups of

dog owner, the presence of a litter or dog waste bin nearby is irrelevant. In the absence of any bin, they can of course take the waste home for appropriate disposal.

- 4.5 The Dogs (Fouling of Land) Act covered all designated land within Caerphilly CBC and requires dog owners to pick up after their dogs had fouled or face a £75 fixed penalty notice.
- 4.6 Dog Control Orders were introduced in Caerphilly CBC in accordance with the Clean Neighbourhood and Environment Act (CNEA) 2005. The introduction of the legislation after public consultation resulted in dogs being excluded from multi use games areas and Enclosed Children's Play areas identified throughout the County Borough.
- 4.7 Under Section 88 of The Environmental Protection Act 1990, the Authority has the power to take enforcement action for littering offences. At present, when enforcement officers witness the offence, they issue a Fixed Penalty Notice.
- 4.8 Failure to comply with a statutory notice will result in the institution of legal proceedings against the person responsible for compliance. Authorised officers will be in possession of sufficient evidence to enforce any statutory notice before it is served and will be prepared to pursue non-compliance through prosecution without exception. The Public Protection Enforcement Policy covers enforcement for this legislation.
- 4.9 The Council recognises there are many situations where there is a shared or complimentary enforcement role with other agencies. Some enforcement activities require an inter-agency or multi-agency approach where the Council's powers alone are insufficient or where a combined approach is required as a matter of good practice or safety. The Council has authorised all Police Constable Support Officers (PCSO) to take action for dog fouling and littering. The combined fixed penalties have been issued and a memorandum of understanding signed between the authority and Heddlu Gwent Police.
- 4.10 Collection and disposal of dog excrement in bins is organised by Community and Leisure Services. There are currently 912 dog waste bins and 2279 litter bins in Caerphilly CBC.
- 4.11 Stickers and publicity materials are used to inform and encourage dog owners to utilise all lawful methods of disposal. In addition, publicity events including flagging events in high use areas such as football pitches and public parks are run all year. Campaigns for anti-littering, including "No Ifs No Butts" are run in conjunction with these events.
- 4.12 The Junior Forum has been significantly involved in the design of publicity materials, in particular, new lamppost stickers highlighting the need for dog owners to pick up after their dogs. In addition the Youth Forum has also designed posters, used for highlighting issues around littering and fly-tipping.
- 4.13 Local Authorities in Wales report the number of fixed penalty notices served to the Welsh Assembly Government. The figures reported for 2013/14 are provided in the table below.

**LOCAL AUTHORITY FIXED PENALTY NOTICE
DATA – 1 APRIL 2013 TO 31 MARCH 2014**

DOG FOULING

Local Authority	No of fixed penalties issued	No of fixed penalties paid	No of cases of non-payment taken to court	No of cases of non-payment awaiting court action	No of cases of not paid where no further court action is being taken	Use of Private Contractors
Anglesey CBC	9	8	0	0	1	
Blaenau Gwent CBC	153	104	20	23	6	yes
Bridgend CBC	0	0	0	0	0	
Caerphilly CBC	47	43	2	3	0	
Cardiff CC	66	49	5	0	7	
Carmarthenshire CBC	64	57	4	3	0	
Ceredigion CBC	0	0	00	0	0	
Conwy CBC	91	57	2	19	3	yes
Denbighshire CC	44	16	0	N/A	N/A	yes
Flintshire CC	11	8	2	0	1	
Gwynedd CBC	27	22	0	1	4	
Merthyr Tydfil CBC						
Monmouthshire CC	1	0	1	0	0	
Neath Port Talbot CC	76	63	12	0	1	
Newport CC	5	1	2	1	1	
Pembroke CBC	4	4	0	0	0	
Powys CBC	5	2	0	0	3	
Rhondda Cynon Taff CBC	36	19	0	10	7	
Swansea CC	21	16	2	2	1	yes
Torfaen CBC	41	33	1	3	4	yes
Vale of Glamorgan CBC	10	6	1	0	1	
Wrexham CBC	21	14	2	0	2	

LITTER

Local Authority	No of fixed penalties issued	No of fixed penalties paid	No of cases of non-payment taken to court	No of cases of non-payment awaiting court action	No of cases of not paid where no further court action is being taken	Use of Private Contractors
Anglesey CBC	7	6	1	0	0	
Blaenau Gwent CBC	1287	851	170	128	138	yes
Bridgend CBC	36	35	0	23	0	
Caerphilly CBC	239	218	3	7	10	
Cardiff CC	176	131	10	0	35	
Carmarthenshire CBC	270	247	11	7	5	
Ceredigion CBC	2	2	0	0	0	
Conwy CBC	2268	1589	209	192	140	yes
Denbighshire CC	69	0	0	N/A	N/A	yes
Flintshire CC	13	10	1	1	1	
Gwynedd CBC	37	33	0	0	4	
Merthyr Tydfil CBC						
Monmouthshire CC	1	1	0	0	1	
Neath Port Talbot CC	253	191	2	16	44	
Newport CC	296	174	55	49	18	
Pembroke CBC	0	0	0	0	0	
Powys CBC	0	0	0	0	0	
Rhondda Cynon Taff CBC	214	175	0	23	16	
Swansea CC	2239	1635	67	527	10	yes
Torfaen CBC	1475	1069	112	132	162	yes
Vale of Glamorgan CBC	53	39	3	0	14	
Wrexham CBC	29	21	0	0	6	

- 4.14 During the period covered by the Welsh Government returns, shown in the above table it should be highlighted that Blaenau Gwent, Conwy, Denbighshire, Swansea and Torfaen Councils have all used private external contractors for dog fouling and littering enforcement.
- 4.15 Part 4 of the Anti-Social Behavior, Crime and Policing Act 2014 has now become statute. Chapter 1 of Part 4 brings in Community Protection Notices to replace a whole variety of fixed penalty notices currently used by the Police and Local Authorities. In addition there will be a requirement for the authority to replace the current Dog Control Order with a Public Spaces Protection Order. This will include Dog Exclusion areas and cover dog fouling. In addition it will allow the Fixed Penalty Notice to be increased in value.

5. EQUALITIES IMPLICATIONS

- 5.1 Dog Control Order and dog fouling legislation provides exemptions in particular cases for registered blind people, deaf people and for other members of the public with disabilities who make use of trained assistance dogs.
- 5.2 There is no requirement for an Equalities Impact Assessment Questionnaire to be completed for this report.

6. FINANCIAL IMPLICATIONS

- 6.1 Fixed penalties for dog fouling offences are set at £75, reduced to £50 if paid within 14 days. Fixed penalties for littering offences are set at £100, reduced to £75 if paid within 7 days. In 2013-14, Public Protection staff issued 239 Fixed Penalty Notices for littering, attracting paid fines of £11,200. The Council retains the income from fixed penalty notices.

7. PERSONNEL IMPLICATIONS

- 7.1 None.

8. CONSULTATIONS

- 8.1 This report has been sent to the Consultees listed below and all comments received are reflected in this report.

9. RECOMMENDATIONS

- 9.1 The Scrutiny Committee is asked to note the contents of this report.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 To provide the information requested by Members of the Committee.

11. STATUTORY POWER

- 11.1 The Dogs (Fouling of Land) Act 1996.
Clean Neighbourhood and Environment Act (CNEA) 2005.
The Environmental Protection Act 1990.

Author: Lyndon Ross, Senior Environmental Health Officer
Consultees: Councillor Nigel George, Cabinet Member for Community & Leisure Services
Dave Street, Corporate Director, Social Services
Rob Hartshorn, Head of Public Protection
Ceri Edwards, Environmental health Manager
David A. Thomas, Senior Policy Officer (Equalities & Welsh Language)
Mike Eedy, Finance Manager
Sian Phillips, Human Resources Manager

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