

ANGUS COUNCIL

POLICY AND RESOURCES COMMITTEE- 23 JUNE, 1998

LITTER ABATEMENT AND DOG FOULING - PROPOSALS

REPORT BY CHIEF EXECUTIVE IN CONSULTATION WITH DIRECTOR OF ENVIRONMENTAL AND CONSUMER PROTECTION, DIRECTOR OF RECREATION SERVICES AND CONTRACT SERVICES MANAGER

ABSTRACT

This Report reviews options in respect of pilot action, which the Council is taking in respect of litter abatement and dog fouling, particularly in areas where there have been substantial complaints.

1. RECOMMENDATION

The Committee should: -

- 1.1. Note the terms of the Report and endorse proposals in respect of joint anti-dog fouling and anti-litter action by Environmental & Consumer Protection, Recreation Services and Contract Services staff and the Police in areas where there have been substantial complaints.
- 1.2 Request the Scottish Office to introduce a fixed penalty system for dog fouling with powers to local authority officials to impose penalties;
- 1.3 Publicise a "good dog owner" campaign with advertising articles and features in local newspapers, local radio, school visits etc. The message would be that littering and dog fouling are unacceptable and will result in penalties.
- 1.4 Review the "Access to Dogs" policy to designated problem areas. The message should concentrate on the need for dog owners to clean up if dogs foul an area and to keep dogs under control.
- 1.5 Support the Police in seeking an extension of powers so that police officers could impose fixed penalties for litter offences;
- 1.6 Seek greater participation by the public in reporting offences.

2. BACKGROUND

Members will be aware that numerous complaints have been made over the years about litter and dog fouling in public areas.

Members will be aware that it is an offence in terms of the Environmental Protection Act 1990 to drop litter in a public place and an offence under the Civic Government (Scotland) Act 1982 to allow a dog to deposit its excrement on the pavement or on designated areas in public parks etc.

There are different provisions however, with regard to prosecution. So far as litter is concerned, Proper Officers appointed by the Council can deal this with. In the case of dog fouling, however, the Police are the body empowered to prosecute and local authority officials can only act as witnesses. Although these statutes have been in force for some time, there has been little in the way of prosecution under either since their introduction.

The former Angus District Council had introduced a "Dog Fouling Nuisance Alleviation Scheme" which sought to educate the public in keeping pavements and open areas clean after their animals. A large number of "doggy bins" have been erected throughout public areas.

Recently, following initiatives by Tayside Police higher profile action in respect of dog fouling in pilot areas in Montrose (where a campaign has already begun) and further action in Carnoustie is being taken. Action is also being taken in respect of litter in Forfar and other areas.

Chief Superintendent Scott Robertson, the officer in charge of the Eastern Division (Angus) of Tayside Police has commented that he is keen to promote proactive action in respect of both litter and dog fouling and has welcomed the working pilot arrangements in both Montrose and latterly Carnoustie and likewise recent action regarding litter in Forfar.

Chief Superintendent Robertson has commented: - "For too long these offences, although deemed minor, have been allowed to occur with no real concentrated effort being made to curb the problem. There is no doubt that education is the long-term solution to both problems where these offences are treated as anti-social behaviour and the public apply their own pressure on defaulters."

The Chief Superintendent says that he will be pleased to ensure commitment in the form of police resources for any further pilot schemes which the Council wish to initiate and he supports the campaign to raise the profile of the dog fouling problem, in an effort to enlist the assistance of the public. He is also in agreement that it is desirable that Council officers have powers in respect of dog fouling and the introduction of a fixed penalty system for use by police officers would also be a positive step which would encourage an increase in offences being dealt with.

He also suggests that he would wish the fixed penalty system in respect of litter extended for the use of police officers and this would be a matter that the police could pursue.

"This is a good example of Angus Council and the police working together to solve local problems and one which I fully endorse."

The Housing Department is also in the course of preparing a tenant advice leaflet which will draw tenants' attention to the need to observe anti-dog fouling and anti-litter measures.

3. PILOT ACTION AREAS

In the light of these developments there have been further discussions by the officials and it is therefore proposed to develop the pilot schemes in various areas to reduce both litter and dog fouling.

Contract Services Staff will report obvious instances of dog fouling to the Police. Inspectors will also draw the attention of members of the public to the fact that allowing dogs to foul areas without cleaning up is an offence and that offenders will be reported to the police. The co-operation of other Departments will be sought so that incidents of dog fouling can be brought to attention and a publicity programme seeking the help of the general public will also be developed.

Given the willingness of the Police to take a higher profile in respect of dog fouling offences, it is considered that prosecutions are likely to follow and if these are given publicity, then this will have a marked effect on the behaviour of people who refuse to co-operate with the dog fouling legislation at present.

If the programme leads to prosecution and/or reduction in the fouling of certain areas it is proposed that it be remitted to the Directors of Environmental and Consumer Protection, Recreation and the Contact Services Manager to continue a further series of initiatives in other areas in 1999/2000.

4. FURTHER ACTION

As noted, whereas Council officials can deal with litter offences, the Police require to be involved in dog fouling prosecutions. In the circumstances, it is suggested the Scottish Office should be approached to review this procedure so as to enable Council officials to deal with either offence.

In order to ensure public awareness, it is also proposed that a "good dog owner" campaign be promoted. This will be coupled with messages about Keeping Angus Beautiful by reducing litter.

The Publicity Section is also considering how a press and advertising campaign might be promoted to bring home the message to the public that dog fouling and littering will not be tolerated.

So far as access to areas for dogs is concerned, the present policy is that dogs are given "graded" access to parks and other surrounding areas. There is a total prohibition in some areas, access on leads in others and in the more open areas such as parks, for instance, dogs are able to run free. The emphasis in the new campaign would be on the need for responsible owners to be able to ensure their pets do not foul areas.

Finally, public co-operation in tackling both problems is seen as the key. The public should be encouraged to report both littering and dog fouling, providing evidence if need be. The availability of CCTV in public areas may be a key function in helping bring home prosecutions.

5. CONCLUSION

Dog fouling and littering have been continuing problems for a number of years. Without joint action by the Police and prosecutions, the message that such conduct will not be tolerated is unlikely to be brought home to persistent offenders. On that basis, the action by the Police is to be welcomed and the development of a further programme will be proposed when the results of the pilot schemes are available.

6. FINANCIAL IMPLICATIONS

The cost of the work on the pilot areas will be met within the current revenue estimates.

7. CONSULTATION

All Departments concerned in tackling the dog fouling nuisance problem have been consulted.

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IR/BAK

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E:IR/Reports/DogFouling

Note

No background papers as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied upon to any material extent in preparing this report.