1. **RECOMMENDATION(S)**

1.1 It is recommended that the Committee:-

(i) note the contents of the report, and;

(ii) agree the expansion of enforcement and prevention responsibility to other Council Departments under the described tasking model and process to tackle environmental antisocial behaviour.

2. **BACKGROUND**

2.1 Report No. 27/11 was submitted to the Scrutiny and Audit Sub-Committee on 5 January 2011. In this report Members were asked to:-

(i) agree that primary responsibility for monitoring and enforcing dog fouling issues transfer to the Community Wardens Service from 1 April 2011 as set out in option 2B;

(ii) agree that the deployment of warden resources will be done in accordance with the National Intelligence Model.

2.2 The Community Safety Survey(s) of 2009 and 2011 (see Report No. 753/11) highlighted dog fouling and littering to be high priority for the citizens of Angus.

3. **CURRENT POSITION**

3.1 On agreement of the above report, the Community Warden Service were given primacy for the investigations and enforcement into complaints of dog fouling in Angus. The service also retained a secondary element of responsibility for enforcement duties into tackling littering and fly tipping.

3.2 The service was redesigned to be both a reactive and proactive resource to tackle environmental anti-social behaviour through an outcome led and problem solving approach. The service works wherever possible with communities and other partners to resolve these issues, working to provide real results for the communities of Angus.

4. **APPROACH**

4.1 Community Warden Service consists of 2 Senior Wardens and 10 Wardens to cover all Angus. It is part of the Community Safety Team and line managed by the Senior Community Safety Officer.

4.2 In order to accommodate the new focus of the service and provide best effectiveness, based on problem analysis evidence, the shift pattern of the Community Warden Service was amended. It now encompasses the hours between 7 am – 8 pm Monday to Wednesday and 7 am – 11 pm
Thursday to Saturday, to tackle fouling at traditional dog walking times e.g. early morning, lunchtime, early evening and last thing at night.

4.3 Wardens are tasked in areas where a high incidence of dog fouling, littering and fly tipping has been identified. Targeting and subsequent tasking is carried out through a process based on the National Intelligence Model. Information is gathered from all available intelligence sources, including police and Council complaints, local media and through direct contact with community groups and the public and then analysed. Taskings are produced from this analysis which allows for the most equitable deployment of the resources available.

4.4 An initial street survey check of fouling was undertaken by the service in order to establish baseline figures regarding the volume of dog foul on the street and public areas of Angus. This quickly concluded that there was a notable disparity between the places where dog fouling complaints were occurring and where the actual areas of high incidence were located.

4.5 All dog fouling complaints are now fed into the APP (Flare) Information Technology management system which enables management and staff to have an overview of all dog fouling and littering complaints and problem areas. Daily feedback reports are also submitted by the Service giving details of findings and action taken. This provides a clear and auditable path as to where the Service is having success and also the locations where the Service is encountering difficulty in achieving success.

4.6 Each Community Warden has been issued with a body camera, to assist in evidential capture and provide additional personal safety. The footage obtained through use of these cameras supports enforcement prosecutions and also in resolving quality of service complaints.

4.7 The Community Safety Survey of 2009 had previously identified that environmental anti-social behaviour was of considerable community concern. The follow-up survey (Report No. 27/11) focused on this area in more detail and reiterated that concerns remain high.

5. PERFORMANCE AND IMPACT

5.1 During the six month period since 1/04/11 Community Warden Service has issued 41 Fixed Penalty Notices for Dog Fouling and dealt with 176 complaints. This is a significant increase on the 2 tickets issued over the same period last year.

5.2 Complaints over the same period have increased by 35.8% (113 in 2010). This is believed to be due to the change in focus of the service being widely publicised and greater public confidence in the service being provided. Other supporting evidence to this is the drop in actual fouling and percentage of customer satisfaction.

5.3 Since the Community Wardens focused on this issue, there has been an 81% reduction in dog fouling in the worst affected areas. This resulted from work carried out on the 53 streets of highest incidence identified from the street survey check within Angus. There were 39 faeces deposits on the worst affected street. This problem was tackled, street is now consistently clean and is no longer a community concern.

5.4 The reduction in fouling in each town/area can be seen below.

*Figure 1*

<table>
<thead>
<tr>
<th>TOWN/AREA</th>
<th>August 2010</th>
<th>August 2011</th>
<th>% Diff +/-</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arbroath area including Friockheim, Inverkeilor and Auchmithie</td>
<td>632</td>
<td>291</td>
<td>-54%</td>
</tr>
<tr>
<td>Brechin area including Edzell</td>
<td>143</td>
<td>76</td>
<td>-46.9%</td>
</tr>
<tr>
<td>Carnoustie area including Muirdrum, Easthaven and Westhaven</td>
<td>174</td>
<td>92</td>
<td>-47.2%</td>
</tr>
<tr>
<td>Forfar area including Lunanhead and Letham</td>
<td>397</td>
<td>169</td>
<td>-57.4%</td>
</tr>
<tr>
<td>Kirriemuir area including Glamis and Newtyle</td>
<td>92</td>
<td>43</td>
<td>-53.3%</td>
</tr>
<tr>
<td>Area</td>
<td>Number of Incidences</td>
<td>Number of Fines</td>
<td>Percentage</td>
</tr>
<tr>
<td>------</td>
<td>----------------------</td>
<td>----------------</td>
<td>------------</td>
</tr>
<tr>
<td>Montrose area including Hillside and Ferryden</td>
<td>348</td>
<td>156</td>
<td>-55.2%</td>
</tr>
<tr>
<td>Monifieth area including Newbigging Monikie and Wellbank</td>
<td>68</td>
<td>36</td>
<td>-47.1%</td>
</tr>
<tr>
<td>Birkhill, Muirhead and Tealing area</td>
<td>77</td>
<td>34</td>
<td>-55.8%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>1931</td>
<td>897</td>
<td>-52.1%</td>
</tr>
</tbody>
</table>

5.5 Over the past 6 months, Community Wardens have observed and recorded in excess of 700 incidences where responsible owners have immediately picked up dog fouling and disposed of it appropriately - this may have been aided by the visible presence of the Warden’s service.

5.6 Further to the Fixed Penalty Notices issued, 4 young persons between the age of 12 and 16 years were detected in charge of dogs which had fouled and they failed to remove the faeces. All were interviewed in the presence of their parents/guardians and a Dog Fouling Warning Notice issued.

5.7 Also 2 children of non-age for criminal responsibility were also detected in charge of dogs which had fouled and they failed to remove the faeces. Both were warned in presence of parents/guardians.

5.8 Since 01/04/2011, Wardens have also issued 11 Fixed Penalty Notices for Littering and issued 114 Litter Notices to under 16 year olds for offences detected. Where possible, the under-16 litter notice is delivered to parents/guardians to ensure that they are aware of the offence. If this is unable to be achieved, the notice is sent to the parents/guardians.

5.9 There have been 2 young persons who have re-offended, one in relation to Dog Fouling and the other in relation to Littering. A meeting was held with parents/guardians of those involved and an Acceptable Behaviour Agreement undertaken by each young person in conjunction with parents/guardians.

5.10 A telephone survey of all customers coming in contact with the Community Warden Service in relation to a dog fouling complaint has been carried out and is part of the customer satisfaction process. The results have been very positive with 95% being either satisfied or extremely satisfied with the service provided. The remaining 5% indicated dissatisfaction with regard to the fouling not being cleaned up timeously or in some instances at all.

5.11 A Green Dog Walker Initiative has been launched in Carnoustie during the summer, aimed at promoting responsible dog ownership, primarily targeting dog fouling. This initiative was sponsored by the Community Safety Team and the local volunteers supported by the Community Warden Service. The Initiative also assisted the service in the dog foul street survey for Carnoustie.

5.12 The Community Wardens continue to carry out their original duties of preventing and assisting in tackling anti-social behaviour in communities including young persons causing nuisance, vandalism, problems of graffiti, removal of discarded drug related needles, reporting of illegal drug related information, also in providing community reassurance, engagement, reporting, supporting and feedback to communities thus getting a more core based output from the same resource.

6. LEGAL

6.1 Legislation enables that where a Fixed Penalty Notice has not been paid for a dog fouling offence, recovery of the monies can be made via civil diligence. To ensure a cost effective process is in place, a means testing system has been developed, prior to forwarding the matter to Sheriff Officers for action. The means testing process has been carried out on 7 occasions. On each of the occasions the test indicated that there was very little likelihood of monetary return as the offender was unemployed and that the outlay cost for civil diligence would not be cost effective.

6.2 Where a Litter Fixed Penalty Notice has not been paid, legislation empowers the local authority to report the offence to the Procurator Fiscal through a Specialist Agency Reporting System.
The Community Safety Team has developed access and had staff trained in the use of the system. To date 3 persons have been reported for this offence.

6.3 2 persons have been reported to the Procurator Fiscal in relation to failing to provide their name and address on being required to do so by Community Wardens under the Dog Fouling Legislation. This action has been carried in conjunction with Tayside Police.

6.4 A person seeking to challenge a Dog Fouling Fixed Penalty Notice may request a hearing. In order for this to occur, the circumstances have to be reported to the Procurator Fiscal via the Specialist Agency Reporting System for consideration and the hearing is held in a Sheriff Court. Three persons have requested a hearing. One case has been reported to the Procurator Fiscal and no further proceedings taken in relation to the other two as access to the Specialist Agency Reporting System was not in place.

6.5 A Graded Payment System has been developed by the Community Safety Team to allow the incremental payment of fines for those on low incomes or benefits. It is a cost effective development utilising current incremental payment methods through Access Offices. No additional cost is involved. Feedback has been received that some of the persons did not pay this fine as they could not afford the full amount at one time. It is hoped that this development will encourage offenders on low incomes or benefits to pay their fines.

7. **CHALLENGES**

7.1 The formation of public access network paths throughout Angus has created a significant problem of dog fouling waste. Paths are being well used but there is no co-ordinated clean up process in place. Research has indicated that it is up to each landowner on whose land the path passes to clean up the mess. Challenge is to develop a process with landowners and other relevant services to address problem.

7.2 The clean up of dog foul on rights of way and privately owned public access closes is also proving to be a problem. These along with the network paths fall within the dog fouling legislation empowering fixed penalty notices to be issued but, unless it is causing a public nuisance responsibility for removal lies with the owner of the land or close. This is causing a problem for the Community Warden Service in relation to public expectation. Challenge is to develop a process with landowners and other relevant services to tackle problem.

7.3 Requirement for street clean-ups is proving to be a key issue where requests outstrip capability in meeting customer expectation. Challenge is to examine customer expectation and if service issue is cause develop tasking method for relevant service to address expectation.

7.4 Tackling the crafty persistent offenders. There are a number of locations throughout Angus where determined local residents watch for Community Warden presence and as soon as they leave allow their dogs to foul. Challenge is to develop different methodology to tackle these problems.

7.5 Reduce time spent by Community Warden Service in carrying out Dog Fouling Street Survey Checks throughout Angus. The check is a valuable measure of success or failure in tackling problem of dog fouling.

7.6 Making a significant difference in tackling dog fouling has brought with it an increased interest and a higher public expectation which can outstrip resource capability. Challenge is to retain community interest with realistic expectation.

8. **THE WAY AHEAD**

8.1 It is proposed that the approach described in this report shall continue and be developed further to include a greater involvement from other Departments and agencies within Angus Council and Angus Community Safety Partnership.

8.2 It is proposed that an Environmental Anti-Social Behaviour Group is formed involving members of agencies and Departments with delegated authority for Environmental ASB enforcement. These include Neighbourhood Services and Infrastructure Service, i.e. Waste Management,
8.3 The remit of this group will be to identify and prioritise problem areas and collectively work in the approach outlined and utilised by the Community Wardens Service to tackle these problems by preventative and enforcement methods.

8.4 Consideration for utilisation of covert methodology to detect the persistent offender including, where necessary, making application for authority under the Regulation of Investigatory Powers (Scotland) Act 2000.

8.5 Development of a group of volunteers throughout Angus to carry out Dog Fouling Survey checks within their immediate community and report findings to Community Safety Team. This development would remove task from Service enabling Wardens to provide more time to tackling anti-social behaviour problems and also provide an independent verification of success or failure.

8.6 Improved communication and working with communities and partners through local community safety tasking and co-ordinating process to ensure that they are aware of what the actual problems are, what is being done to tackle them and what is being achieved.

9. RISKS

9.1 This report does not require any specific risk issues to be addressed.

10. FINANCIAL IMPLICATIONS

10.1 There are no financial implications arising from this report.

11. HUMAN RIGHTS IMPLICATIONS

11.1 There are no human rights implications arising from this report.

12. EQUALITIES IMPLICATIONS

12.1 The issues dealt with in this report have been the subject of consideration from an equalities perspective. An equalities impact assessment is not required.

13. ANGUS COMMUNITY PLAN AND SINGLE OUTCOME AGREEMENT

13.1 This report contributes to the following local outcome(s) contained within the Angus Community Plan and Single Outcome Agreement 2011-2014:-

- Our communities are safe, secure and vibrant.

14. CONSULTATION

14.1 The Chief Executive, Director of Corporate Services, Head of Finance and Head of Law and Administration have been consulted in the preparation of this report.

15. CONCLUSION

15.1 Members are asked to recommend the continued use of the tasking model through intelligence gathering to tackle the issue of environmental anti-social behaviour. Also, agree to the broadening of resources from other Council Departments to carry out duties in relation to the prevention and enforcement of dog fouling and other environmental anti-social behaviour.

RON ASHTON
DIRECTOR OF NEIGHBOURHOOD SERVICES

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 on to a material extent in preparing the above report.

CommSafety/NS/AMcK/BM