

## POLICY REVIEW AND DEVELOPMENT PANEL REPORT

|                 |  |   |    |
|-----------------|--|---|----|
| REPORT TO:      | <i>Environment and Community Panel</i> |   |    |
| DATE:           | 13 <sup>th</sup> February 2018         |   |    |
| TITLE:          | Littering and Dog Fouling              |   |    |
| TYPE OF REPORT: | <i>Update</i>                          |   |    |
| PORTFOLIO(S):   | Environment                            |   |    |
| REPORT AUTHOR:  | Mark Whitmore                          |   |    |
| OPEN/EXEMPT     | Open                                   | WILL BE SUBJECT TO A FUTURE CABINET REPORT: | No |

### **REPORT SUMMARY/COVER PAGE**

|  |
|--|
| <b>PURPOSE OF REPORT/SUMMARY:</b>  |
| <p>To provide an members with:</p> <ul style="list-style-type: none"> <li>• An overview of the legislation relating to Dog Fouling and Littering</li> <li>• Provide an update on how the Community Safety and Neighbourhood Nuisance Team (CSNN) manage complaints of dog fouling and littering</li> <li>• To present options for future work in these areas</li> </ul>  |
| <b>KEY ISSUES:</b>   |
| <p>Determining an achievable response to littering and dog fouling complaints balanced against the other priorities of the CSNN team and budgetary constraints.</p>  |
| <b>OPTIONS CONSIDERED:</b>   |
| <p>Option 1 – Maintain existing levels of response. The CSNN team will deal with significant issues of littering and dog fouling as they occur but will not undertake specific targeted work in these areas.</p> <p>Option 2 – To bring a detailed fully costed report to members outlining:</p> <ul style="list-style-type: none"> <li>• The scale of the problem of littering and dog fouling across the borough</li> <li>• The resources required to deliver a robust littering and dog fouling enforcement strategy that address the problem effectively.</li> </ul> |
| <b>RECOMMENDATIONS:</b>  |
| <p>Option 2 is recommended to Members</p>  |
| <b>REASONS FOR RECOMMENDATIONS:</b>  |
| <p>The scale of littering and dog fouling is not currently well understood. Both issues impact on the community and the work and resources of other departments within the council, specifically Public Open Spaces.</p>   |

## **REPORT DETAIL**

### **1. Introduction**

To provide an update on the law regarding littering and dog fouling, levels of fine and action taken by the council in regard to these offences.

### **2. Monitoring Report.**

In 2015 the Community Safety and Neighbourhood Nuisance Team (CSNN) took on, with no additional resources, the delegated powers to deal with a wide range of environmental crime issues, including illegal waste disposal, littering and dog fouling. These are dealt with under different legislative powers which are described below. In addition to the teams work on environmental offences it also manages a large caseload of statutory nuisance, anti-social behaviour, foul drainage complaints and consulting on planning applications. In 2017 the team dealt with 1449 requests for service, 774 reports of anti-social behaviour and 711 planning applications a total of 2934 cases equating to 56 new cases per week.

#### **Legislative Background:**

| Offence     | Legislation  | Penalty   | Comments   |
|-------------|--|---|--|
| Dog Fouling | The Public Spaces Protection Order (Control of Dogs) – (Borough Council of King's Lynn & West Norfolk)2015<br>Offences defined by Section 67 of the Anti-social behaviour, Crime and Policing Act 2014 | Fixed Penalty Notice of £80 (reduced to £60 if paid within 14 days)<br>Prosecution – level 3 fine (currently up to £1000) | Offence is failure to pick up after a dog in any place to which the public have access with or without payment.<br>PSPO's last for three years before requiring renewal.<br>This PSPO is due for renewal by December 2018.   |
| Littering   | Environmental Protection Act 1990 Section 87.  | Fixed Penalty Notice of £75<br>Prosecution – level 4 fine (currently up to £2500)   | Offence is to throw down, drop or otherwise deposit any litter in any place to which the public have access with or without payment.<br>Definition of litter includes <ul style="list-style-type: none"><li>• the discarded ends of cigarettes, cigars and like products, and</li><li>• discarded chewing-gum and the discarded remains of other products designed for chewing.”</li></ul> |

#### **The Current Position:**

The CSNN team do not, currently undertake proactive work in either of these areas; the reasons for this are specifically priority and resource driven. The team receives in excess of 50 requests for service a week and do not have the resources within existing budgets to commit officer time to active patrols without significantly impacting on the other functions of the team.

Ideally offences need to be witnessed by authorised officers and dealt with at the time of offence. Whilst we can investigate reports from members of the public these are significantly more resource intensive, requiring statements and a detailed consideration of the evidential tests before progressing.

Care has to be taken over the analysis of the complaints received especially in respect of littering. The Public Open Spaces team maintain a schedule of regular cleansing of high footfall areas and as such any litter or fouling that occurs does not accumulate to an extent that gives rise to complaints. It is not, therefore, possible to give an accurate reflection of the scale of littering in the Borough as the work of the Public Open Space team effectively manages this work before reports are received.

### Dog Fouling

In 2017 there were 160 reports of dog fouling and 33 requests for advice, of the 160 reports 31 were referred to the CSNN team for follow up. This equates to approximately 2% of the teams work for the year.

Where reports of dog fouling are received the CSNN team will evaluate the evidence received and where appropriate will write to identified individuals to provide advice on compliance and outline the penalties for non-compliance with the order.

In one case, evidence received has been sufficient to progress a criminal investigation. This case is still ongoing and as such no further detail is available at this time.

Where a hot-spot area is identified the council will engage with the parish council and provide advice and guidance on how communities can manage the problem. Where this approach fails to achieve a positive outcome the Council will commit resources to a short campaign of education and enforcement. These campaigns have been found to have a short to medium term impact on levels of dog fouling with issues arising again in the longer term. However it is impracticable to maintain a long term presence in an area within the existing structure and resources available.

### Littering

Littering is an issue that primarily affects high traffic flow areas, such as the town centres. These areas are subject to regular sweeping throughout the day and as such we receive very few complaints of litter in these areas.

Where littering affects residential areas this tends to be associated with waste disposal issues, conditions of properties etc. These are dealt with using a range of different approaches and other legislation. An example of this is the work that the CSNN team has been undertaking in North Lynn to deal with waste in the alleyways.

Working collaboratively with local residents and following up cases where waste is being repeatedly presented in the alleyways has seen a significant improvement in the environmental quality of the area. This work is ongoing with resourcing levels adjusted according to demand.

A survey of littering in King's Lynn Town Centre was undertaken on the 31 October. Officers patrolled for a period of 6 hours in total. No enforcement action was taken but individuals were spoken to when they were seen littering. In total 17 offences were witnessed, all of which were discarded cigarette butts. It should be noted that there was also very good use of litter bins observed during this time.

### 3. Issues for the Panel to Consider

There are two options for the panel to consider:

#### Option 1 – Maintain existing levels of response

This would be cost neutral with no change to the existing reactive structure. However given the uncertainty over the scale of the problem, as it is effectively managed by street cleaning, there will be limited change to behaviours and attitudes to littering and dog fouling across the Borough.

#### Option 2 – Undertake a costed review of adding proactive littering and dog fouling work into the team.

In order to better understand the scale of the problem of littering an investigation of existing behaviours and attitudes will be required. Following on from this it will be possible to determine the level of resource required to adequately address the problem. Given the current demands on the CSNN team it is likely that this will require recruitment into a new post, this would be subject to a job evaluation but similar roles elsewhere in the county attract a salary in the region of £18-£20k pa.

#### **Draft structure for undertaking pro-active dog fouling and littering enforcement work.**

- Detailed analysis of street sweeping for littering and dog fouling to determine amount of work currently being undertaken and identify where behaviour changes are required.
- Design education campaign to ensure that message is received and understood by members of the public.
- Identification and delivery of training for officers
- Identification of local stakeholders and engagement
- Delivery of education campaign:
  - minimum of 1 month of proactive patrols (for dog fouling these are likely to be outside of normal office hours to ensure target group is engaged).
  - Media campaign, print, radio and social media
- Commencement of proactive enforcement patrols – ongoing work built into workflow for the CSNN team.

#### Stakeholders

Clean Up Team

CSNN Team

Local Businesses

Media & Design

Members

Parish / Town Councils

### 4. Corporate Priorities

This report supports Priority 3 – Work with our communities to ensure they remain clean and safe.

Specifically ensuring streets and open spaces are clean and pro-actively addressing anti-social behaviour.

This corporate priority is currently on target.

## **5. Financial Implications**

Option 1 – No financial implications

Option 2 – Financial Implications to be identified as part of the review. This is likely to require an increase in number of FTE posts within CSNN team.

## **6. Any other Implications/Risks**

Option 1 – None identified

Option 2 – Risks identified as part review.

## **7. Equal Opportunity Considerations**

None, any action taken will be in line with the Council's Corporate Enforcement Policy.

## **8. Consultation**

Cllr. Devereux, Cabinet Member, Environment

D Gates, Executive Director

N Johnson, Public Open Space Manager