

Bolsover District Council

Executive

8 September 2014

Scrutiny Review of Enforcement - Report and Recommendations

Report of the Chair of the Safe and Inclusive Scrutiny Committee

This report is public

Purpose of the Report

- To consider the outcome of the scrutiny review of enforcement.

1 Report Details

- 1.1 The Safe and Inclusive Scrutiny Committee has completed its review of Enforcement.
- 1.2 The aim of the review was to reduce the incidence of fly-tipping, dog fouling and littering by a set date, across the District.
- 1.3 The objectives of the review were:
 - To identify other local good practice
 - To establish existing good practice by the authority
 - To identify any best practice by other authorities and assess whether it can be implemented in the District.
- 1.4 Members carried out the review with key issues in mind. These included encouraging and acting on reports made by members of the public and the costs to the Council and the public purse of cleaning up after irresponsible dog owners.

2 Conclusions and Reasons for Recommendation

- 2.1 The Safe and Inclusive Scrutiny Committee has made nine recommendations based on evidence gathered during the review. The comments of the relevant Portfolio Holder; Executive Directors – Growth and Operations; The Joint Assistant Director, Community Safety and Housing, Environmental Health Manager, the Housing Enforcement Officer and Principal Solicitor were sought prior to the final report being approved by the Scrutiny Management Board.

3 Consultation and Equality Impact

3.1 None.

4 Alternative Options and Reasons for Rejection

4.1 None.

5 Implications

5.1 Finance and Risk Implications

None.

5.2 Legal Implications including Data Protection

None.

5.3 Human Resources Implications

None.

6 Recommendations

6.1 That the Executive consider the Safe and Inclusive Scrutiny Committee recommendations set out in the report following the review of enforcement.

6.2 That the Executive provide a response on the review recommendations within 6 weeks in accordance with the Scrutiny Procedure Rules in order that an action plan can be drawn up to monitor implementation.

7 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
District Wards Affected	None.
Links to Corporate Plan priorities or Policy Framework	COMMUNITY SAFETY – tackling anti-social behaviour and its causes. CS 04: Reduce the incidence of fly tipping, dog fouling and littering by 20% by March 2015 The Safe and Inclusive Scrutiny

	Committee have made recommendations to assist in reducing the incidence of fly tipping, dog fouling and littering across the District by ensuring that available enforcement powers, current resources and best practice are utilised.
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8 Document Information

Appendix No	Title
A	Copy of Scrutiny Review Report
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
None.	
Report Author	Contact Number
C Millington	

Report Reference –

BOLSOVER DISTRICT COUNCIL

SAFE & INCLUSIVE SCRUTINY COMMITTEE

Scrutiny Review of Enforcement

July 2014

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Foreword of Councillor Mary Dooley

Chair of the Safe & Inclusive Scrutiny Committee

The Safe and Inclusive Scrutiny Committee undertook to review Enforcement on dog fouling, fly tipping and littering following discussion of topics at the Annual Scrutiny Conference, where it was identified as a serious issue in our District. The Committee felt that as a matter of urgency, the authority should use whatever means were at its disposal to improve our performance on enforcement in these three areas to help make our District free from litter and fly tipping and safe from the potentially fatal disease of toxicariasis.

The Committee feels that its recommendations will make a difference when implemented by relevant officers. I would like to thank everyone who has made a contribution to this Review – Members and officers, especially the Acting Scrutiny Officer and the Governance Officer for their support.

Councillor Mary Dooley

Chair of the Safe & Inclusive Scrutiny Committee

1. Introduction

The Safe and Inclusive Scrutiny Committee were concerned to improve the Council's performance on addressing dog fouling, littering and fly tipping.

Although most dog owners act responsibly and clean up after their dog, the fouling of streets and green spaces remains a key concern for residents in the District. Members of the Committee took the view that the public health risks from dog excrement should be emphasised more strongly:

Toxocariasis is a rare infection caused by roundworm parasites. It is spread from animals to humans via their infected faeces.

Roundworm parasites are most commonly found in cats, dogs and foxes and usually affect young children. This is because children are more likely to come into contact with contaminated soil when they play and put their hands in their mouths.

However, cases have been reported in people of all ages.

<http://www.nhs.uk/Conditions/Toxocariasis/Pages/Introduction.aspx>

The authority has an Eyes and Ears reporting system for employees and Members to report incidents and locations of fly tipping, littering or dog fouling which they have observed or received from members of the public. The Eyes and Ears Scheme is regularly publicised on the Council's intranet and monitoring, reporting and publicity is managed by the Patch Management Group.

Data on the number and types of reported incidents is reported to Scrutiny Committees on a regular basis and is available to Members and officers via the Council's performance management system, PERFORM. Cumulative data on fly tipping, dog fouling and littering can be found at Appendix 2, which also provides a detailed analysis of fly tipping incidents and enforcement action undertaken.

2. Recommendations

Having considered the issues and reached their conclusions, the Safe and Inclusive Scrutiny Committee makes the following recommendations:

- 2.1 Continue to pursue enforcement strategies to deter dog fouling, littering and fly tipping
- 2.2 Produce a summary of costs to council of clearing and patrolling and the cost to individual council tax payers
- 2.3 Explore the use of cameras in hot spot areas
- 2.4 Achieve widespread publicity on public health risks and costs to the Council of cleaning up, costs which are ultimately borne by council tax payers
- 2.5 Signage to be placed on areas of risk, indicating use of camera surveillance and stressing health risks of dog excrement
- 2.6 Produce publicity material using image of child with dog excrement with explanatory text indicating 'Toxicaria: this is the risk to you and your children posed by the dog owner who doesn't pick up'
- 2.7 Promote the use of all street bins / household general waste bins to dispose of bagged dog waste. Publicise these through In Touch and social media and explore the possibility of including this on council tax bills
- 2.8 High profile campaign with Scrutiny Members and enforcement teams
- 2.9 This is a consistently failing target. There is an urgent need for an increase in staffing levels, preferably permanent with no increase to the current establishment. Staff deployment needs to be reviewed to ensure efficiency especially if there are unfilled posts.

3. Scope of review

The Review sought to identify enforcement powers and best practice which can be used to reduce the incidence of dog fouling and littering across the District.

The aim of the Review was:

- To reduce the incidence of fly tipping, dog fouling and littering by a set date, across the District.

Our objectives were:

- To identify other local good practice
- To establish existing good practice by the authority
- To identify any best practice by other authorities and assess whether it can be implemented in the District

Members carried out the review with key issues in mind. These included encouraging and acting on reports made by members of the public and the costs to the Council and the public purse of cleaning up after irresponsible dog owners.

The Committee comprised the following Members:

Cllr Mary Dooley (Chair)

Cllr Terry Connerton (Vice Chair)

Cllr Brian Hendry

Cllr Eric Hall

Cllr Sandra Peake

Cllr Tom Rodda

Cllr Ken Walker

Cllr John Phelan

Cllr Vivienne Mills

Support to the Committee was provided by the Scrutiny Officer and the Governance Officer.

4. Method of review

The Committee met on 5 occasions to consider the scope of the review, key issues they wanted to discuss and the people they wished to interview.

The Council's performance management data was used to identify areas for investigation. The Committee undertook a review of relevant literature including best practice in other authorities, which is summarised at Appendix 4. It also sought both oral and written evidence from Council officers.

The methods used were a review of relevant literature; analysis of performance management data; and face to face interviewing.

5. Evidence

Documentary evidence

- Performance Management information on targets CS 04 and EH 01
- Members Reporting System: BDC Rangers Report by Ward
- Members Reporting System: Number of Fixed Penalty Notices Issued by Ward
- Flyer for BDC Dog fouling enforcement campaign
- Press cuttings highlighting successful prosecutions by other local authorities
- Best practice examples from other local authorities
- Job Description - NEDDC Environmental Enforcement Officer
- Job Description - NEDDC Environmental Enforcement Technical Officer
- Job description – NEDDC Environmental Warden (Dogs)
- Job Description - BDC Community Ranger
- Structure chart for Environmental Health (Commercial, Industrial and Licensing)
- Samples of completed Dog Fouling Monitoring Logs, Day Patrol Logs and Night Patrol Logs
- Enforcement data (Appendix 2)
- Environmental Health: Summary of best practice in respect of environmental enforcement (Appendix 3)
- Best practice examples from other local authorities – Dog fouling (Appendix 4)

Review of literature

Best practice examples of enforcement from other local authorities were gathered by the Scrutiny Officer via desk based research. Many of the measures taken were already being used by Bolsover District Council; others were felt to be unsuitable for the Council to adopt. A summary of best practice examples with regard to tackling dog fouling can be found at Appendix 4.

It was established through scrutinising job descriptions that the appropriate enforcement powers are available to those in enforcement roles. Documentary evidence from officer logs and enforcement managers supported the view that all resources are fully deployed to address the problems of dog fouling, littering and fly tipping.

Interviews

The Environmental Health Manager (Industrial, Commercial & Licensing) provided an overview of the range of activities which raise awareness of issues and the enforcement actions undertaken. A summary of these best practice examples for dog fouling is provided at Appendix 4.

Environmental Health is a shared service with North East Derbyshire District Council covering a total combined area of 168.3 square miles (435.9 km²). The service currently has 5 Environmental Health Officer posts, all of which have powers to issue Fixed Penalty Notices. These officers deal with stray dogs, dog fouling, fly tipping and abandoned vehicles, as well as undertaking litter patrols and educational and promotional activities, often out of office hours. All incidents of fly tipping, dog fouling and littering offences which are reported to Environmental Health are investigated by an officer.

Detailed data on the number and types of reported incidents and enforcement actions undertaken on fly tipping over several years is available to Members and officers via the Council's performance management system, PERFORM. This can be found at Appendix 2.

The Environmental Health Manager (Industrial, Commercial & Licensing) reiterated the need for Members to report incidences via the authority's Contact Centre so that enforcement action can be properly monitored. All cases are prosecuted where there is sufficient evidence but officers have to be in the right place at the right time to catch offenders 'in the act'.

The Committee was advised by the Principal Solicitor of a recent case of fly tipping in both Bolsover and North East Derbyshire districts by one offender who was successfully prosecuted as a result of witness statements by a Street Services Operative and two officers. The offender failed to attend court and a warrant had been issued for his arrest. Subsequently, the District Judge imposed a fine of £860 (2 offences at £430 each) plus £400 costs and a £43 victim surcharge, totalling £1303. This case was publicised via Council communications and received coverage in the local press. The Principal Solicitor noted that this case was successful because of the standard of evidence provided.

The Joint Assistant Director, Community Safety and Housing and the Housing Enforcement Manager provided detailed evidence of the wide variety of activities carried out by the CAN Rangers. The Rangers had two distinct roles. Daytime tasks were allocated by Firmstep (the Council's Customer Information System) and put through directly as tasks to the PDA devices held by the Rangers. This included working with the Police, Housing, Health and carrying out untidy garden inspections etc. A typical schedule of tasks undertaken was circulated. Night time activities were determined by the hot spot board or calls through Warden Control and Anti Social Behaviour or noise nuisance calls. The Rangers completed activity logs every night and a typical log was circulated to Members.

Dog fouling patrols are carried out throughout the week at various times and are usually targeted at times and localities identified through local intelligence reports. However, the presence of the CAN Rangers acts as a deterrent and those dog owners who might have behaved irresponsibly consequently change their behaviour on that occasion. So far this year, no Fixed Penalty Notices have been issued.

It is clear from the oral evidence taken that the evidential standards under criminal law are necessarily rigorous. While those employed in enforcement roles have the necessary powers and tools to meet these standards, the potential for enforcement action in response to reports from members of the public may be limited. This is particularly the case with regard to gathering evidence of dog fouling from residents, who are willing to report offences but are often reluctant to make a formal witness statement. The Council encourages reporting of dog fouling offences and gives clear advice to the public on how to do this in corporate communications such as In Touch and on its website. For example, the following is taken from the website:

Some people continue to be irresponsible and there are an increasing amount of dog owners who clear up after their dog and then leave the bag on a tree or a bush or even throw it on the ground. This is littering and we can issue a fixed penalty notice of £50.00 for this behaviour.

If you witness dog owners not picking up after their dog or disposing of their poop bags as described above, report them to us. Your call will be treated in confidence. If you decide to make a complaint about dog fouling, please ensure you supply as many details as possible in order for us to take the appropriate action:

- Name and address of the dog owner - if you know it!
- If the name/address is not known - a description of the person(s) and the dog(s)
- Did the offender drive a vehicle?
- A description and/or registration of the vehicle
- Location of the dog fouling or poop bag
- Time of the incident - Very important! We may be able to catch the person the next time as most dog walkers follow a similar daily routine

<http://www.bolsover.gov.uk/index.php/environment-waste/animal-welfare>

The Joint Assistant Director, Community Safety and Housing, advised that Patch Management Group is exploring the use of a smart phone application which members of the public, officers and elected Members might use to report the location and type of offence. This system would complement the existing Eyes and Ears reporting system for employees and Members.

Best practice

The Committee examined a range of best practice examples from other councils (see Appendix 4) and considered how these approaches might be used in the District. Evidence of the Council's own best practice is provided at Appendix 3.

6. Key findings

- Bolsover District Council takes a broad approach to tackling dog fouling, littering and fly tipping. Much of this work is driven and co-ordinated by the Environmental Enforcement, Cleansing and Education Group.
- In common with other local authorities, tackling dog fouling, littering and fly tipping remains a priority but also a challenge for Bolsover District Council due to the standards of evidence required to pursue enforcement action under criminal law and in addition, pressure on resources due to staffing issues.
- The indicative cost for cleaning up *each* dog fouling deposit is **£6.53**. compared to approximately £3.28 for emptying each dog bin The number of *reported* dog fouling incidents from 2010-2014 was 1101, costing the authority and its council taxpayers a total of £7189.53 to clean up. These costs could be widely publicised to encourage reporting by officers and members of the community.
- Reported incidents add to local intelligence mapping, enabling officers to pinpoint 'hot spot' areas and target persistent offenders.
- Deterring offenders by deploying tactics such as signage indicating that CCTV cameras are in operation could be used to support behaviour change while removing the burden of giving witness statements .

Appendix 1

Stakeholders

Portfolio Holder for Community Safety

Executive Director, Growth

Executive Director, Operations

Joint Assistant Director, Community Safety and Housing

Environmental Health Manager (Industrial, Commercial & Licensing)

Housing Enforcement Manager

Principal Solicitor

Appendix 2

Review of Enforcement: Reported incidents & enforcement action

Reported incidents, 2010 - 2014

	2010-2011	2011-2012	2012-13	2013-2014	Total
Fly tipping	746	640	526	861	2773
Dog fouling	285	284	264	268	1101
Littering	226	311	216	288	1041
Total	1257	1235	1006	1417	4915

Environmental Heath: Fly tipping reports and enforcement actions 2011-2014

		2011-2012	2012-2013	2013-2014
Land use	Highway	469	365	588
	Footpath/bridleway	37	35	51
	Back alleyway	10	12	17
	Railway	0	0	0
	Council land	105	95	180
	Agricultural	0	1	1
	Private - residential	18	12	23
	Commercial / industrial	0	4	1
	Watercourse/bank	1	2	0
	Other	0	0	0
	Total	640	526	861
Waste type	Animal carcass	3	6	4
	Green	36	37	44
	Construction/demolition	64	41	66
	B/bags commercial	2	0	0

		2011-2012	2012-2013	2013-2014
	Vehicle parts	11	8	9
	White goods	8	4	74
	Other electrical	40	15	33
	Tyres	45	47	50
	Asbestos	12	13	17
	Clinical	0	2	2
	B/bags household	59	55	107
	Chemical/fuel drums	11	9	19
	Other household	292	253	399
	Other commercial	57	36	37
	Other	0	0	0
	Total	640	526	861
	Size	Single b/bag	14	20
Other single item		138	105	184
Car boot or less		244	197	351
Small van		173	147	213
Large van		71	57	78
Tipper lorry		0	0	0
Multi/significant		0	0	0
Total		640	526	861
Actions	Investigations	678	515	559
	Duty of Care Insp.	483	246	210
	Notices	0	0	0
	Stop and Search	4	0	0
	Fixed penalties	10	2	2
	Prosecution	1	0	0
	Fly tip warns	54	83	98
	Actions Total	1230	846	869
	Incidents total	640	526	861
	Enforcement actions	1230	846	869

Source: Bolsover District Council performance management system (PERFORM)

Appendix 3

Report for Safe and Inclusive Scrutiny Committee

Environmental Health – Summary of best practice

in respect of environmental enforcement

All incidents of fly tipping, dog fouling and littering offences which are reported to Environmental Health are investigated by an officer.

1. Environmental, Enforcement Cleansing and Education Working Group attended by Environmental Health, Street Scene Manager, Housing Enforcement Manager, Can Rangers and Leisure Project Officer.
2. Educational and promotional initiatives: e.g Annual PDSA events, attendance at community events to promote responsible dog ownership, targeted cleansing and enforcement initiatives on intelligence received, high visibility dog fouling patrols,
3. Visits and talks to schools in relation to littering and dog fouling.
4. Responsible dog ownership advice.
5. Signage and spray pavement signs
6. Free micro chipping (chips provided free by the Dogs Trust)
7. Litter picking and rubbish removal by Offices where possible
8. Fly tipping stickers used on rubbish found so that the public know we have found it and are dealing with it.
9. Proactive covert surveillance (CCTV) in fly tipping and littering hotspots, which is reviewed weekly and results in significant numbers of fixed penalties.
10. Attend residents meetings and Parish Council meetings to identify concerns and develop action plans and approach to specific problems.
11. We have improved culture within the Council resulting in more reports of littering, fly tipping and dog fouling issues being reported for action from other officers and staff.
12. We carry out multi agency walkabouts with other organisations and agencies e.g. Environment agency, Police and Fire Authority
13. Work with landlords, Housing Associations and Council Housing to reduce littering and fly tipping from tenants
14. Leaflet dropping in target areas in relation to dog fouling
15. Provision of free dog bags to Residents.
16. Secured donations from Parish Councils for provision of dog bags
17. Dog fouling and littering reporting forms for Street Scene and others to report offences.
18. Partnership activities with Sanctuaries and Countryside Rangers to deal with dog and litter matters.
19. Stop and Search initiatives with the Police and Vosa

Outcomes

20. Fixed Penalty Notices issued for littering, dog fouling and fly tipping clean up

Numbers of Fixed Penalty Notices Served:

BDC	2010/11	2011/12	2012/13	2013/14
Littering	108	122	73	78
Dog Fouling	15	14	6	1
Fly Tipping	8	9	2	1

<i>NEDDC</i>	<i>2010/11</i>	<i>2011/12</i>	<i>2012/13</i>	<i>2013/14</i>
<i>Littering</i>	<i>11</i>	<i>8</i>	<i>7</i>	<i>25</i>
<i>Dog Fouling</i>	<i>5</i>	<i>5</i>	<i>2</i>	<i>3</i>
<i>Fly Tipping</i>	<i>2</i>	<i>4</i>	<i>3</i>	<i>3</i>

- 21. Fly tipping prosecution (April 2014)
- 22. Increase in attendance by public at PDSA events
- 23. Notable decrease in targeted areas in relation to litter and fly tipping
- 24. Success published on website and press releases to highlight consequences of littering and fly tipping

A breakdown of service requests and complaints received during 2013/14 can be provided if required.

Environmental Health Manager (Commercial, Industrial and Licensing)

13/6/14

Appendix 4

Safe & Inclusive Scrutiny Committee

Best practice examples of enforcement – Dog fouling

Who	What	Approach	Key learning	Outcomes
<p>Tunbridge Wells Borough Council</p> <p>Overview & Scrutiny Task & Finish Group: <i>Reduce Dog Fouling</i>, December 2012</p> <p>http://democracy.tunbridgewells.gov.uk/documents/s7825/Report_Template_11%2010%20201111%20amended.pdf</p>	<p>Dog fouling</p> <p>Littering</p>	<p>Three strand approach:</p> <ul style="list-style-type: none"> • Educate - responsible dog ownership • Equip – have the right tools to do the job and promote their use • Enforce – intelligence led 	<p>Intelligence led recording system, not a reactive response</p> <p>-> profile of hot spot areas</p> <p>-> target resources in these areas</p> <p><u>Dog owners are part of solution</u> – majority are responsible owners.</p> <p>Involve community through 'community reporters'</p>	<p>Recommendations from Review:</p> <ul style="list-style-type: none"> • Programme of 'bag & flag' events • Intelligence gathering approach, not reactive • Promote message that 'any waste bin will do' • Develop toolkit for parish councils, community groups to deliver their own 'bag & flag' events • Enable Members to promote this approach at town / parish council meetings etc • Explore high profile enforcement campaign to deter people from dropping litter and / or

Who	What	Approach	Key learning	Outcomes
				not cleaning up after their dogs.
<p>Ribble Valley Borough Council</p> <p>Report to Health & Housing Committee, <i>Defining future dog fouling strategy based on best practice</i>, May, 2013</p>	<p>Dog fouling</p>	<p>Enforcement: Dog Control Orders</p> <p>Behaviour change – individuals</p> <p>Public health awareness</p>	<p>Review arose from longstanding problem of fouling on Council playing pitches and significant increase in complaints to Dog Warden service.</p> <p>Recognition that single intermittent incidents cannot be traced or resolved effectively; and reluctance of witnesses to report / provide witness statements against their neighbours</p> <p>Dog Control Orders -> use of enhanced powers to extend removal provisions; exclude dogs from designated</p>	<ul style="list-style-type: none"> • Targeted high profile patrols • Installed & maintained 100+ dog waste bins • Promoted selected litter bins where bagged dog waste can be deposited • Use of enhanced Dog Control Orders - dog ban on Council playing fields • 3 educational awareness campaigns per year

Who	What	Approach	Key learning	Outcomes
			<p>areas; enforce control of dogs in public areas.</p> <p>Using findings from national research about behavioural traits of dog walkers:</p> <ul style="list-style-type: none"> • Perception by irresponsible dog owners that others 'get away with it' and that penalties will not be enforced allows them to justify their inaction • Dogs usually defecate within 10 minutes of leaving home • Deposits are usually made within 1 metre of footpaths • Only 10% of dogs in rural areas are kept on a lead all the time • Dog walking as key leisure activity for people living 	

Who	What	Approach	Key learning	Outcomes
			in & visiting rural areas	
Angus Council February 2009 http://www.angus.gov.uk/new/Releases-Archive/2009/2009-02-26a.htm	Dog fouling	'Zero tolerance' approach to dog fouling in the town of Arbroath. Enforcement patrols Publicity using council vehicles	Teams of enforcement officers working undercover over two week campaign observing, following and talking to dog walkers in the town between the hours of 7am and 10pm. To support this, three refuse collection vehicles used in Arbroath and the dog warden vans had side panels with the message 'Dog fouling. He can't clean it up', to highlight the issue.	Enforcement officers spoke with and/or issued waste bags to over 600 dog walkers. Finalist in <i>Keep Scotland Beautiful</i> - Best Local Environmental Quality Innovation award
Havant Borough Council May 2014 http://www.portsmouth.co.uk/news/local/havant-council-sprays-dog-mess-pink-to-shame-owners-1-	Dog fouling Littering	Enforcement campaign – Pick up or Pay up 'Paint poo pink' project as part of overall campaign to: <ul style="list-style-type: none"> • Raise awareness of extent of problem in local 	Targeted to discourage street littering	82 FPNs issued in first week, majority for cigarette ends

Who	What	Approach	Key learning	Outcomes
6053646		communities <ul style="list-style-type: none"> • Shame irresponsible dog owners into cleaning up. 		
South Ribble Borough Council September 2009	Dog fouling	Dog Control Orders issued for some enclosed children's play areas & public open spaces: http://www.southribble.gov.uk/sites/southribblecms.govplatform.firmstep.com/files/Dog%20control%20Orders%20%28amendments%29.pdf <ul style="list-style-type: none"> - Exclude dogs from designated areas; - Enforce control of dogs in public areas. Increased charge for Fixed Penalty Notices in 2013 http://agenda.southribble.gov.uk/akssribble/images/att4416.pdf		Dog Control areas extended to more children's play areas and open parks after public consultation in late 2013. 281 FPNs (value= £14,150) were issued in 2012-13 and 19 successful prosecutions taken for environmental offences. The Council was on track to exceed this performance in 2013/14.

