

REPORT TO: SAFER & STRONGER STRATEGIC GROUP – 21 May 2009

SUBJECT: REVIEW OF DOG FOULING PROCEDURE

BY: CORPORATE POLICY UNIT MANAGER

1. REASON FOR REPORT

- 1.1 The Safer & Stronger Strategic Group is invited to note the progress undertaken by the Safer Co-ordinating Group to address dog fouling and agree the amendments to the procedure for issuing fixed penalties.

2. RECOMMENDATION

- 2.1 **The Safer & Stronger Strategic Group are asked to note the progress made by the Safer Co-ordinating Group to address dog fouling through education, early intervention and enforcement. The group is also requested to approve the amendments to the Dog Fouling procedures which will allow the issuing of fixed penalties without first delivering a warning.**

3. BACKGROUND

- 3.1 The Dog Fouling (Scotland) Act 2003 (The Act) states that a person in charge of a dog in any place to which the act applies, allows the dog to foul and then does not immediately remove the faeces, shall be guilty of an offence. The offence is only complete when the person in charge of the dog does not remove the faeces.
- 3.2 The Act allows for officers authorised in writing by the local authority to issue the fixed penalties. The Moray Council has authorised Community Wardens and Animal Services Officers.
- 3.3 Keep Scotland Beautiful delivered fixed penalty training to these authorised officers. As part of the training it was emphasised that a warning must be given prior to the issuing of a fixed penalty. Consultation has since taken place with other councils throughout Scotland where it was identified that the delivery of a warning by officers before issuing a fixed penalty was not applied uniformly across Scotland.
- 3.4 This information has led to Safer Communities reviewing its procedures in regard to issuing fixed penalties (**Appendix 1**).

- 3.5 The Safer Co-ordinating Group have tasked Community Wardens and Animal Services Officers to work with communities to tackle dog fouling issues at a local level. This involves identifying 'hot spot' areas and then carrying out a period of education and awareness raising. Posters and leaflets are distributed in the area, which identify the health and social issues around allowing dogs to foul in a public place and links are made with the local press. The Community Wardens and Animal Services Officers, undertake joint patrols/initiatives to deter and detect offenders. There are no figures available as to the number of warnings delivered by the Community Wardens and Animal Services Officers during the past 4 years, however only 3 Fixed Penalty Notices have been issued.
- 3.6 Environmental Protection have undertaken many actions towards tackling dog fouling in Moray which include; running an advert on MFR to highlight dog fouling as a specific issue, the distribution of over 300,000 free dog bags over the year via libraries, access points, some post offices, and to Community Wardens for their areas. They are also currently analysing a distribution pattern of all dog bag uptake by postcode to compare distribution of bins versus uptake of free bags. A litter survey is being undertaken to gauge public perception. This will cover 2% of the population and will include questions relating to dog fouling, owners responsibility and availability of scoop bags.
- 3.7 There are over 1200 litter bins and 250 dog bins across Moray. There have been 4 recent requests from community wardens for additional dog bins to be sited, but there is no facility to provide additional bins currently.
- 3.8 The Contact Centre, who now handle all of Environmental Protection's 7045 calls, have been advised that when any concerns come in on dog fouling either, as a specific issue or, to request bins that they complete the pro forma and forward as appropriate to the appropriate service.
- 3.9 Environmental Health use an educational and advisory approach when dealing with dog fouling. They will visit alleged offenders after receiving complaints of dog fouling and inform individuals of legislation and warn them regarding allowing their dog to foul. It is, however, rare that Environmental Health Officers witness the failure of picking up faeces, due to the hours they work and commitment to regular duties such as Animal Health and Welfare, Pest Control, Dog Barking, Primary food Inspection, etc. Proactive patrols at key dog walking times i.e. mornings/evenings cannot be accommodated within current resources.
- 3.10 The Procedures for issuing Fixed Penalty Notices for Dog Fouling have been reviewed and amended so warnings no longer need to be issued first which bring The Moray Council into line with the majority of other authorities in Scotland. The amendment also takes into account the concerns raised by communities around perceived increases in litter

and dog fouling within communities. If there is clear intention not to pick up the faeces i.e. the person responsible for the dog takes two clear steps away, or, when challenged, they have no means of removing the faeces on their person i.e. dog bags, scoop, then a fixed penalty notice can be issued on the spot.

- 3.11 It is anticipated the amendment to the procedures will allow for additional fixed penalties to be issued. The issuing of fixed penalties by Community Wardens has to be done with the full support of the communities they represent. Consultation has taken place with communities throughout Moray, where it was learned that dog fouling and litter are major concerns. Communities fully support Community Wardens issuing fixed penalties.
- 3.12 Overt mobile CCTV cameras will also be used seasonally in dog fouling 'hot spot' areas to identify owners who are not removing faeces and again fixed penalty notices will be issued accordingly. This will assist where Wardens/Officers are not able to patrol due to shifts/hours of work.

4. SUMMARY OF IMPLICATIONS

(a) Community Plan / Theme Plans / Partner Plans

Safer is a strand of the Safer & Stronger Theme of Community Planning.

(b) Policy and Legal

The Antisocial Behaviour (Scotland) Act 2004 places a statutory obligation on The Moray Council to implement the range of antisocial behaviour measures and continued joint working necessary to tackle such behaviour.

The Dog Fouling (Scotland) Act 2003 sets out the legislation and enforcement in relation to dog fouling.

(c) Resources (Financial, Staffing and Risks)

The budget to deliver Safer Communities has been set and allocated for a three year period. No additional funding will be required within this budget to implement the amendments to the procedures. The collection of fixed penalty payments will be absorbed within the workload of the Antisocial Behaviour Unit at no additional cost.

Environmental Protection have advised that there is no additional funding available for the provision of additional dog bins.

(d) Consultations

Ian Bruce, Environmental Protection Manager, provided information contained in the report.

Donnie MacKay, Environmental Health Manager provided information contained in the report.

17 of the 32 local authorities responded to a request for information regarding procedures for issuing fixed penalty notices in their areas. 15 of the 17 have procedures similar to the proposed amended procedures.

Grampian Police and the Community Wardens have also been consulted and full support the amendments.

5. CONCLUSION

- 5.1 The Safer & Stronger Strategic Group are asked to note the progress made by the Safer Co-ordinating Group to address dog fouling through education, early intervention and enforcement. They are also requested to approve the amendments to the Dog Fouling procedures which will allow the issuing of fixed penalties without first delivering a warning.**

Author of Report: Andy Jamieson, Antisocial Behaviour Co-ordinator

Background Papers: Procedure for Dog Fouling and Issuing of Fixed Penalty Notices

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