

PERTH AND KINROSS COUNCIL

Environment Committee – 28 August 2013

Dog Fouling in Perth and Kinross

Report by the Depute Director (Environment)

This report highlights the work of the Animal Welfare Team in dealing with dog fouling issues and sets out future priorities for work in this connection.

1. BACKGROUND / MAIN ISSUES

- 1.1 Dog fouling is the most offensive form of littering on our streets and parks. Dog faeces can contain a range of pathogenic organisms including toxicara – a roundworm which causes infections in humans (particularly children) through coming into contact with contaminated soil or faecal matter. Toxicariasis can cause headaches, stomach pain and in severe cases can affect vision. Dog fouling complaints are due to the antisocial behaviour of a very small minority of dog owners. The vast majority of dog owners clear up behind their pets and act in a socially responsible manner. This report details the work of the Animal Health and Welfare officers in the Environment Service to address dog fouling issues.
- 1.2 Perth and Kinross Council employs 4 officers in an Animal Welfare Team. The remit of the team includes: all Animal Health issues (livestock welfare, transport of livestock, disease control, traceability, horse passports etc); and dog fouling, stray dogs, barking complaints, control of dogs, and dangerous dogs. The team is also responsible for the issuing and inspections of various licences (including Riding Establishments, Zoos, Pet Shops, Animal Boarding, and Dog Breeders).
- 1.3 It is the operational intention of the team to direct the equivalent of 3.0 full time equivalent (FTE) officers to working in the area of dog control generally, however this may not always be achievable, in a large agricultural rural area, where numerous and diverse responses are required in relation to animal welfare issues generally, which may be short term priority. In practical terms, taking into account the officers' other duties, the available officer time devoted specifically to patrolling and enforcing dog fouling offences is equivalent to 1.0 FTE staff.
- 1.4 In 2012/13 the team dealt with the following in relation to dogs
- 559 dog fouling complaints
 - 197 enquiries about stray dogs
 - 157 complaints regarding barking dogs

- 32 dangerous dog alerts
- 75 requests for dog waste bins.
- 54 talks to schools under the 'Safe and Sound Scheme' which teaches children appropriate techniques, to be safe around dogs

Legal Issues

- 1.5 The Dog Fouling (Scotland) Act 2003 makes it an offence for a person in charge of a dog to fail to remove and dispose appropriately of any excrement/faeces (not urine) after the dog has fouled, without reasonable excuse
- 1.6 Fouling must take place in a specified public place for the Act to apply. This does cover common areas (shared gardens and closes etc) but does not include private gardens, privately owned land, private car parks etc. Nor does the legislation extend to agricultural land.
- 1.7 The Animal Welfare Officers are authorised under Section 4 of the Dog Fouling (Scotland) Act 2003 to issue fixed penalty notices (FPN) in respect of these offences as an alternative to prosecution.
- 1.8 The FPN specifies a fixed penalty of £40, increasing to £60 if it is not paid within 28 days from the day after it was issued, unless a Hearing has been requested by the alleged offender, or the notice is withdrawn.

Barriers to enforcement and the issuing of Fixed Penalty Notices

- 1.9 Many complaints received by the Animal Welfare Officers relate to dogs being allowed to foul in neighbouring gardens or communal gardens. This could be tackled as Anti-Social behaviour, but not by the dog fouling legislation.
- 1.10 By the very nature of the event, many dog owners walk their dogs in public walkways and parks in areas of low population. This can pose problems for the officers when attempting to issue a FPN. Dog owners can become aggressive, and, although the legislation allows a FPN to be issued by a lone officer, this should be balanced against the risk of violence to staff, and the Council's duty under the Health and Safety at Work Act. Therefore for safety reasons, many situations may require the presence of two officers.
- 1.11 In addition, despite the legislation creating an offence for a suspected offender failing to give their name and address details, in the absence of a police presence, refusal to provide those details is a common occurrence. If name and address details are refused, officers can call police for assistance, but the level of response depends on the availability of police officers, both in terms of their distance from the incident, and their competing priorities. By the time a police officer arrives, the dog owner may have departed
- 1.12 Despite the Council receiving many complaints about dog fouling, the vast majority of instances the complainants are either unable or unwilling to provide more than basic information, to allow the offender to be identified. Most complainants will only identify the existence of fouling and will not have witnessed the event itself, or the person responsible.

- 1.13 Animal Welfare Officers have the use of liveried vans, identifying the vehicle as Perth and Kinross Council's Dog Control service. The officers also wear distinctive uniforms. Whilst this is useful to show a presence in areas where a problem has been identified, the overt presence of officers leads to an artificial situation likely to reduce fouling (and reduce FPNs issued). Although their presence may act as a deterrent in the short term it is unlikely to have a permanent effect. Undercover 'covert' operations would have to be mindful of the provisions of the Regulation of Investigatory Powers (Scotland) Act 2000 (RIPSA) and the need for proper authorisation and documentation. Due to the public and media concerns with the perceived overuse of RIPSA powers for what is considered trivial offences, Councils have been actively discouraged from carrying out covert surveillance under RIPSA, for activities such as dog fouling.
- 1.14 It is also worth noting that many dogs are walked in the morning and in the early evening during the working week. It follows therefore that if, after interpreting the available intelligence, there is a need to target "offenders" it is likely to be at those times. In the early months of 2013 targeted patrols by Animal Welfare Officers were carried out at these times; however no illegal fouling was detected.
- 1.15 Even where the offender has been identified, and a FPN properly issued, the offender may choose not to pay the fine. Steps can be taken to seek a civil action e.g. arrestment of wages, but this requires further expense for the Council (Sheriff Officers fees, Court costs) with no guarantee of a successful outcome if the offender does not have the ability to pay. Information from the Animal Welfare Officers suggests that offenders come from all social strata with no typical offender profile.
- 1.16 There is an option to consider bypassing the FPN process and proceeding directly to a report to the Procurator Fiscal. The option would be reserved for persistent offenders in order not to overly burden the Procurator Fiscal Service.
- 1.17 A particular issue for Perth and Kinross Council is the extent of the area, covering over 5,000 square kilometres, with 2,200 miles of paths, and 1,800 public open spaces.

Extent of dog fouling complaints

- 1.18 Table 1 details the annually recorded number of calls made to the Environment Service since 2003 which refer to instances of dog fouling. The information does not distinguish where a number of calls have been made about the same occurrence or the same locality, but does suggest an upward trend in fouling complaints. The increase from year ending March 2003 to year ending March 2013 shows an increase in calls of 34%, contrasted with the increase in the number of households in Perth and Kinross during the same period of approximately 8.5%.

Table 1. Fouling Service requests

Reporting Year (to March 31)	No. of Requests
" " 2003	302
" " 2004	361
" " 2005	379
" " 2006	392
" " 2007	412
" " 2008	372
" " 2009	378
" " 2010	459
" " 2011	392
" " 2012	495
" " 2013	559

- 1.19 Although the actual number of dogs in the area are not known, national estimates of the number of households with at least one dog vary from 23% to 41%. At a conservative value of 25% ownership, this suggests that the number of dogs in Perth & Kinross will presently, be upwards of 16,250 (in 2011 there were 65,000 households).
- 1.20 It could be suggested that only a fraction of those deposits present a problem leading to a complaint – although there will also, of course, be a significant number of unreported fouling instances.
- 1.21 The number of calls does not in itself correlate necessarily with the number of dogs allowed to foul. The records only reflect the number of calls received. Some will be repeat calls suggesting that the same owner/owners are at fault. The same locality may be complained about by several callers, which in itself again cannot identify the number of owners responsible. A caller may identify an area with numerous deposits, suggesting a number of owners may be at fault.
- 1.22 A crude calculation of the number of complaints received as a % age of the estimated number of dogs in the area shows the “culprits” responsible for this anti-social behaviour represent around 3% of dog owners across the Perth and Kinross area, indicating that the vast majority of dog owners are behaving responsibly.
- 1.23 Annual environmental quality assessments of Perth and Kinross by Keep Scotland Beautiful report that animal faeces are not considered a problem on streetscapes in this area (See Appendix 1).

Tackling the issue of dog fouling in Perth and Kinross – current approach

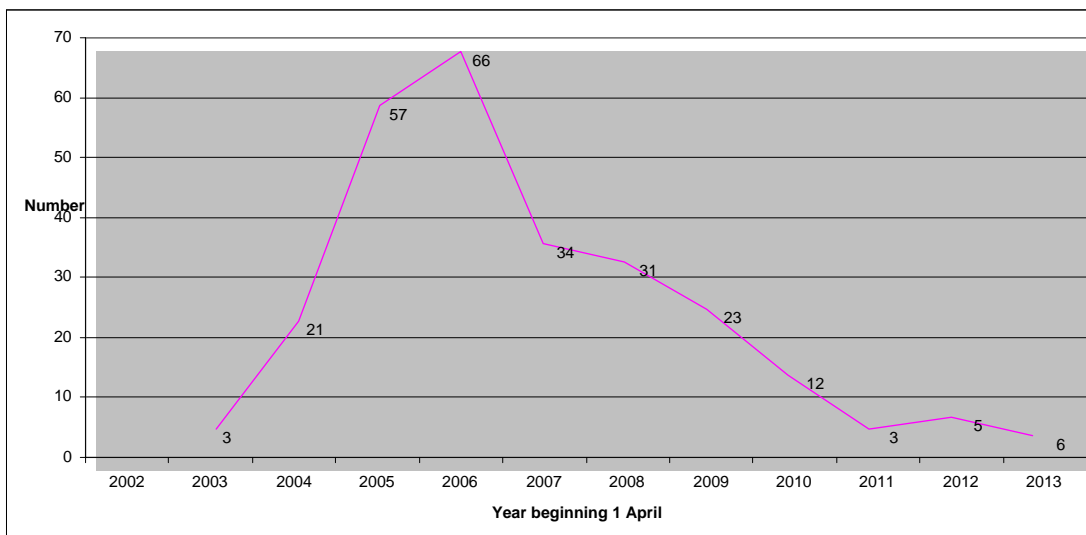
- 1.24 All complaints are initially handled by the Customer Service Centre. The call centre staff, have been requested to gather as much detail of the complaint as possible such as, where the fouling took place? What time it took place? Was it witnessed by the caller? Can the owner of the dog be identified? Description of the dog? This helps the Animal Welfare team build an intelligence based picture of problem locations, and possibly offenders.

- 1.25 Reports indicating the presence of fouling are forwarded to Operations at Friarton who arrange for the area to be cleared of dog faeces.
- 1.26 If the caller specifically requests to speak to a dog control officer, this is recorded and the caller is then contacted by a Dog Control Officer within 3 working days (although the vast majority are contacted within 1 working day).
- 1.27 The Officer will try to gather relevant information from the complainant, then advise on the enforcement options available.
- 1.28 If, in the early stages following a complaint, it is possible to identify an alleged offender (not a common occurrence), a visit is made to the dog owner's home. The issue is discussed with the officer, pointing out the potential legal contravention and financial penalties, and a supply of dog bags is given.
- 1.29 If the intelligence received highlights particular areas of concern (e.g. a number of reports pointing at the same offender, or a concentration of complaints in the area), the area concerned is then patrolled at the appropriate time, to monitor and enforce the provisions of the Act.

Fixed Penalty Notices

- 1.30 The graph below (Graph 1) illustrates the number of Fixed Penalty Notices issued by the Council since the introduction of the Dog Fouling (Scotland) Act 2003

Graph 1 Fixed Penalty Notices Issued in Perth and Kinross 2002 – 2013



- 1.31 It may be worth noting that in the reporting year 2006 – 2007 when the number of notices issue peaked at 66, the following year the number of fouling service requests fell to 372 (from 412 the previous year), and the number of FPNs issued has subsequently reduced. It is difficult to categorically state why this reduction happened. It was not due to a reduced level of activity by the relevant officers. One explanation is that a high number of FPNs acted as a deterrent both to those offending (and prevented them re-offending) and to other dog owners. Also the preventative measures implemented (see following sections) would have an impact on peoples' behaviour, which is a positive indicator that the public are observing the message about responsible dog ownership. Similar reductions in complaints occur in 2010 – 2011 with much reduced enforcement via Fixed Penalty Notices. In 2012/13, a total of six FPNs were issued.
- 1.32 Although this report has focussed on the enforcement elements of dog fouling control, the Service carries out significant prevention and intervention work, which contributes to lowering the levels of dog fouling in the area.

Dog Waste Bins

- 1.33 Over the years a number of dog waste bins have been placed in strategic spots for disposal of dog waste. There is no statutory duty to provide dog waste bins for use of the public but they are provided to encourage proper disposal of waste. Despite the presence of these bins in many areas, a minority of the public leave dog bags containing waste at the side of paths or on trees and bushes. This can also be offensive, and dog owners should either put this waste in a bin, or take it home.
- 1.34 Current records show that there are 220 specialised dog waste bins placed in streets with a further 532 placed in walks and parks.
- 1.35 Dog owners are also being encouraged to use normal street litter bins (around 1,650), since research by the Council showed that previous nationally held perceptions that dog waste was not allowed in street litter bins, was incorrect.
- 1.36 Many requests for new dog bins are received from a variety of sources. It is not possible, nor necessary, to accede to all such requests. A needs assessment has to be carried out. This needs assessment is undertaken by the Animal Health and Welfare Officers. It involves consideration of:
- The extent of dog fouling present in the area
 - The level of fouling due to other issues such as street sweeping problems, time span of fouling, more than one dog
 - The availability a suitable location to site a bin
- 1.37 Each bin costs upwards of £200 to supply and install with further costs (approx £40) each year to empty and maintain.

Dog Waste Bags

- 1.38 There is no statutory duty to provide dog waste bags to the public. It has been seen as an extension of the prevention and education process, and as a means of minimising legal enforcement required. The bags are supplied through a network of Council offices, private shops and offices, etc, around Perth and Kinross, numbering some 90 plus outlets at present.
- 1.39 Dog bags are delivered by Animal Health and Welfare Officers to the outlets on request when the outlet runs out. The outlets are supplied with an appropriate number of bags (from 2,000 – 14,000 depending on demand). Deliveries take place when other duties take the officers near the outlets.
- 1.40 The uptake of these bags has increased year on year and markedly so after the new legislation was introduced in October 2003. The total number of bags supplied has increased annually from 1.5 million in 2009 - 2010, to a total of 2.2 million bags issued during 2012 -2013 at a cost of £9,600. The increased distribution of free bags, along with other preventative measures, may account, at least in part, for the lower numbers of people being caught allowing their dogs to foul.

Dog Fouling Signs

- 1.41 There is no statutory duty to provide dog fouling signs. It has been seen as an extension of the prevention and education process and as a means minimising the legal enforcement required. The service holds a supply of signs warning against dog fouling (approx 100). These can be placed in areas where there is reasonable concern over a local problem. They can be placed in conjunction with dog bins or where there is no suitable place to situate a bin.

Routine Patrols

- 1.42 While carrying out their other duties (stray dogs pick up and delivery, delivery of waste bags, complaints about barking, activities (relating to dangerous dogs), licensing activities, and other dog welfare issues) officers visit areas of special concern while in the area. Again, as mentioned above, this overt presence may have a deterrent effect but is unlikely/less likely to lead to the issuing of Fixed Penalty notices.

Education

- 1.43 Since 2008, the team has carried out a rolling programme, of “Safe Sound” visits to Primary 1 schoolchildren, teaching dog safety to over 50 schools (1,000 plus pupils) each year. As part of the session, issues around dog fouling are also raised. The children are encouraged to discuss these issues with their parents. The “Safe and Sound” project Won 1st prize in the UK Kennel Club Good Citizen Dog Scheme in 2009. The team was also awarded Gold in the Council’s Securing the Future Award scheme in 2011, for this initiative.

- 1.44 Animal Health and Welfare Officers also attend various dog events and shows throughout the year e.g. “Pets Factor” and the “MacRosty Bark” dog show, making themselves available to entrants and visitors, and advising on all aspects of responsible dog ownership including fouling. Free dog waste bags are distributed at these types of events.

Other Preventative Measures

- 1.45 For a number of years the Animal Health and Welfare Officers have attempted to introduce the Green Dog Walkers scheme in local community areas.
- 1.46 The scheme requires local participation and would involve dog walkers supplied with green armbands signifying their interest and advertising that they can be approached by other dog walkers to supply dog waste bags
- 1.47 Several areas have intimated an interest in the scheme, often via their local Councillors, (including Bridge of Earn, Kinross, Milnathort, Glenfarg, Kenmore, Pitlochry and Comrie) but, despite initial discussions and advice from Animal Health and Welfare Officers, the scheme has failed to take off.
- 1.48 The scheme itself presupposes the continuing availability of free dog bags.

2. PROPOSALS

- 2.1 It can be seen that the number of complaints received about dog fouling, when set in context against the estimated number of households which own dogs, supports the view that dog fouling, whilst clearly an anti social act, is not a widespread problem in Perth and Kinross. This position is supported by Keep Scotland Beautiful reports.
- 2.2 The relatively low incidence of complaints may be explained by the continuing enforcement of the law by the Animal Health and Welfare Officers, via their visibility on patrol in public areas, coupled with the ongoing preventative educational activities, and provision of the means of disposal of animal waste via dog bags and bins.
- 2.3 Fouling offences still occur however, it is recognised that this is a significant issue for the public and Elected Members. In recent research into public attitudes to littering carried out by Keep Scotland Beautiful, almost 7 in 10 people rated dog fouling as the item on our streets, parks and beaches that bothered them the most. Therefore the key areas for development 2013/14 are :
- (a) Animal Health and Welfare Officers will carry out a planned programme of patrols in problem areas with Community Police Officers, to further reinforce the public presence of enforcement staff in an effort to reduce the level of complaints currently being experienced.

- (b) The Animal Health and Welfare team will engage with communities affected by anti social behaviour by dog owners, to encourage the public to be more participative in helping officers identify those responsible for dog fouling offences. As previously mentioned the lack of specific information on the identity of the offenders, or the type of dogs involved, make it difficult for enforcement sanctions to be applied, or for proactive warning visits to be carried out to offenders. In the age of smartphone video technology and social media, officers will encourage the public to forward images of offenders to the Service, to help in intelligence gathering. If there is a sufficiency of corroborative evidence from the public, enforcement measures could be considered, although that would depend on the circumstances of each case. Officers will work on promoting the message that they need the public's help to support officers in challenging and taking action against the minority of dog owners who offend.
- (c) Dog Fouling Fortnight – officers will link with Keep Scotland Beautiful which, will be focussing on the issue of dog fouling across Scotland for two weeks from 30th September until 13th October 2013 as part of the Clean Up Scotland campaign. This national campaign will be encouraging dog walkers to 'Grab it, Bag it, and Bin it', asking anyone who would like to be involved to organise a dog fouling survey of their local park or pitch to assist with a better understanding of the problem.
- (d) Renewed efforts will be made to encourage the uptake of the Green Dog Walkers scheme within affected communities in an attempt to address dog fouling issues. Promotion of this scheme will take place with existing community groups, and with the support of colleagues in Community Learning and Development.
- (e) Officers are preparing a training scheme for other Council colleagues, to allow them to be authorised to take action should they observe an offence taking place. This training and authorisation will be rolled out to other officers in the Environment Service whose daily role involves them being out in public places (e.g. Operations Supervisors, Community Greenspace Officers, Parking Attendants).
- (f) Officers will benchmark with other similarly sized Council areas, to identify service improvements which could be implemented in Perth and Kinross.

3. CONCLUSION AND RECOMMENDATIONS

3.1 The Committee is asked to:

- Endorse the activities of the Animal Health and Welfare team in addressing the problem of dog fouling.
- Note the key areas for development in 2013/14

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Approved

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Date 8 July 2013		

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
Resource Implications	
Financial	None
Workforce	None
Asset Management (land, property, IST)	None
Assessments	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	Yes
Sustainability (community, economic, environmental)	Yes
Legal and Governance	Yes
Risk	None
Consultation	
Internal	Yes
External	Yes
Communication	
Communications Plan	Yes

1. Strategic Implications

Community Plan / Single Outcome Agreement

1.1 This report contributes to the local outcomes of:

- Our Communities and people experiencing inequalities will have improved quality of life, life chances and health
- Our people will have improved health and wellbeing
- Our area will have a sustainable natural and built environment

Corporate Plan

1.2 The Council's Corporate Plan 2013 – 2018 lays out five outcome focussed strategic objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. They are as follows:

- i. Giving every child the best start in life;
- ii. Developing educated, responsible and informed citizens;
- iii. Promoting a prosperous, inclusive and sustainable economy;
- iv. Supporting people to lead independent, healthy and active lives; and
- v. Creating a safe and sustainable place for future generations.

1.3 This report contributes to objective v.

2. Resource Implications

Financial

- 2.1 There are no financial implications arising directly from this report.

3. Assessments

Equality Impact Assessment

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.
- 3.2 The proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome: Assessed as not relevant for the purposes of the EqIA.

Strategic Environmental Assessment

- 3.3 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.
- 3.4 In respect of this proposal no further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

Sustainability

- 3.5 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions.

Legal and Governance

- 3.6 The Head of Legal Services has been consulted in the preparation of this report.

Risk

- 3.7 There are no corporate risks associated with the proposals contained within this report.

4. Consultation

Internal

- 4.1 The Head of Legal Services and the Head of Democratic Services have been consulted on the content of this report and are in agreement with the proposals.

5. Communication

- 5.1 Communication will be on-going with relevant internal and external stakeholders.

2. BACKGROUND PAPERS

There are no background papers

3. APPENDICES

Appendix 1 – Keep Scotland Beautiful Reports

Keep Scotland Beautiful Reports

Each year Keep Scotland Beautiful produce a report on LEAMS (Local Environmental Audit and Management System) for each Council in Scotland. This is a statutory Performance Indicator of street cleanliness for local authorities. During the 2011/2012 financial year, 7 cleanliness surveys were conducted within the Perth and Kinross Council area. Each survey represented a minimum 2% sample of the local authority area. During the 7 surveys, 484 individual areas were assessed for the following criteria; cleanliness grade, types of litter, sources of litter, litter bins and the local environmental quality. The report by Keep Scotland Beautiful, made the following observations in relation to dog fouling in Perth & Kinross:

- `Dog fouling (0.8%), vandalism (0.0%), graffiti (0.2%) and fly-posting (0.0%) were not observed to be a major problem on the streetscape of Perth and Kinross Council.`
- `Over the last three years dog fouling has been decreasing in impact, currently less than one in a hundred transects assessed recorded an incident, all found to be minor (one foul).`

The report for 2012/13 makes the following comments regarding dog fouling:

- `Dog fouling, vandalism, graffiti and fly-posting were rarely recorded.`
- `The statistics do not indicate that animal faeces is a problem on the streetscape, around one in a hundred sites recorded a small presence of dog fouling, similar to last year.`