

# Transport and Environment Committee

10:00am, Tuesday, 28 October 2014

## Dog Fouling Prevention Initiatives in Edinburgh

Item number	7.13
Report number	
Executive/routine	Executive
Wards	All

### Executive summary

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This report addresses the outstanding remit from the Transport and Environment Committee of 18 March 2014 to report back on suitable dog fouling prevention initiatives which could be implemented to reduce dog fouling in Edinburgh, and provides an update on the Pride campaign.

### Links

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Coalition pledges	<a href="#">P44</a>
Council outcomes	<a href="#">CO17</a>
Single Outcome Agreement	<a href="#">SO4</a>

## Dog Fouling Initiatives in Edinburgh

### Recommendations

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It is recommended that Transport and Environment Committee:

- 1.1 notes the content of this report;
- 1.2 discharges the remit from the 18 March 2014 Transport and Environment Committee to receive a further update on other suitable dog fouling initiatives.
- 1.3 agrees to receive a report in June 2015 on the outcomes of consultation with the Scottish Government on the Control of Dogs Act.
- 1.4 agrees that the Council approaches the Scottish Government to request;
  - i. the introduction of a similar approach to the Control of Dogs Act, which would aim to target the long term behaviour of dog fouling offenders; and
  - ii. changes to the Dog Fouling (Scotland) Act 2003 in relation to:
    - a. an increase to the current FPN amount; and
    - b. an increase in the maximum fine of £500
- 1.5 notes that Committee will be advised of the outcome of these discussions in the report proposed to Committee in June 2015.

### Background

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- 2.1 Tackling dog fouling is consistently identified by local residents as one of their top 5 priorities in the annual Edinburgh People Survey. In response to an increasing number of complaints about dog fouling, a report was submitted to the Transport and Environment Committee at its meeting on 19 March 2013, seeking permission to roll out an established successful dog fouling campaign, and to pilot two other new and innovative approaches to tackle dog fouling in Edinburgh.
- 2.2 The results of these successful campaigns were reported to the Transport and Environment Committee on 18 March 2014. The report also recommended an update on the Pride Campaign, and a report detailing further initiatives which could be trialled in Edinburgh. The Pride Campaign aimed to launch a 12 month pilot in Edinburgh in summer 2013, which included the upgrade and installation of 100 Pride bins across Edinburgh. These Pride bins were intended to provide promotional messaging encouraging dog owners to pick up, as well as providing free dog waste bags via a bag dispenser installed in the bin. The Pride bins

would have been provided by Pride, and funded through private sector sponsorship from suitable sponsors.

- 2.3 The Environmental Wardens continue to tackle dog fouling in Edinburgh, both through regular patrols and local targeted initiatives.

## Main report

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### **Pride Campaign**

- 3.1 The Pride campaign developed by Wastesites Limited was due to launch in Edinburgh in Spring/Summer 2013, following Committee approval in March 2013. Unfortunately, Wastesites Ltd did not secure sufficient funding from sponsors and the Pride Campaign will not be launched in Edinburgh.

### **Don't Blame the Dog Campaign**

- 3.2 The South Neighbourhood has created a local campaign to tackle dog fouling entitled "Don't blame the dog". The campaign began on 16 June 2014 and uses a three stage approach to tackle identified hotspots.
- 3.3 Phase 1 of the campaign aimed to raise awareness of dog fouling through a combination of methods. The first involved promoting surgeries at various locations within the local community (e.g. libraries, supermarkets, community centres) so that local people could report and discuss dog fouling hotspots with the Environmental Warden Team. This phase also included a local media campaign using posters, stencilling pavements using dog fouling messaging, and using volunteers to highlight instances of dog fouling using yellow chalk. The aim of this phase was to raise awareness of the problem in the local community, as well as what could, and was, being done to reduce dog fouling in the area.
- 3.4 Phase 2 of the campaign involves targeted enforcement action using the identified hotspots reported and identified during phase 1 of the "Don't blame the dog" campaign. This phase began in late July 2014 and is currently ongoing.
- 3.5 Phase 3 of the campaign will involve local schools within the South Neighbourhood, both raising awareness of the problem, the consequences of dog fouling and the actions of the "Don't blame the dog" campaign. The focus will be on education, encouraging reporting of dog fouling and letting pupils know what they can do to address local dog fouling issues in their area. This phase is scheduled to begin at the end of September 2014 and will conclude in November 2014.
- 3.6 This campaign will be evaluated and the outcomes will be shared with all neighbourhood teams to inform other local initiatives.

## **Other Proposed Options for Edinburgh**

### **Publicity Orders**

- 3.7 The Regulatory Reform (Scotland) Act 2014 created a new power for a Court to be able to make a Publicity Order regarding a person convicted of a relevant offence. The order by the Court requires the person to publicise in a specified manner:
- a. The fact that the person has been convicted of the relevant offence;
  - b. The specified particulars of the offence;
  - c. The specified particulars of any sentence passed by the Court in respect of the offence.
- 3.8 The Publicity Order can only be imposed and enforced by the Court against a person convicted of a relevant offence, either of its own accord or on the motion of the Procurator Fiscal. Should the person fail to publicise the conviction as required, the matter would be pursued by the Court itself.
- 3.9 Publicity Orders have not been used in Scotland to date.
- 3.10 It is proposed that the Council investigates the use of this power in relation to dog fouling offences, aiming to liaise with the Crown Office and Procurator Fiscal Service and the Scottish Court Service. Ultimately, the aim would be to secure Publicity Orders for convicted dog fouling offenders in Edinburgh to discourage dog fouling offences.

### **Legislative updates**

- 3.11 The Scottish Government recently updated the amounts payable for Fixed Penalty Notices (FPNs) issued for litter and flytipping as part of the National Litter Strategy. This updated the FPN amounts from £50 to £80 for littering, and from £50 to £200 for flytipping. However, the dog fouling FPN remains at £40 rising to £60 after 28 days.
- 3.12 The maximum fine for a littering offence is £2,500, and the maximum fine for a flytipping offence is up to £40,000 or six months imprisonment, or both. The offence of dog fouling carries a maximum fine of £500 on summary conviction in Court. The penalties for the offence of dog fouling do not reflect the seriousness or the prominence of the offence, and are not in line with other environmental offences.
- 3.13 As part of the Scottish Government's consultation on the recent increases to the FPN amounts for littering and flytipping, the City of Edinburgh Council has already suggested that the levels of the current dog fouling FPN should be reviewed. As per recommendation 1.4, the Council is now seeking permission to formally approach the Scottish Government to request:
- the introduction of a similar approach to the Control of Dogs Act, which would aim to target the long term behaviour of dog fouling offenders; and

- changes to the Dog Fouling (Scotland) Act 2003 in relation to:
  - a. an increase to the current FPN amount; and
  - b. an increase in the maximum fine of £500

### **A New Long Term Approach**

- 3.14 Following feedback from Council enforcement officers, it has been suggested one of the reasons there is a persistent problem with dog fouling is that there is no follow up or monitoring of the perpetrators of dog fouling.
- 3.15 The Control of Dogs (Scotland) Act 2010 introduced a longer term approach to addressing the behaviour of dogs which are deemed to be out of control. This approach uses a Dog Control Notice imposing specific requirements with which the owner must comply, alongside a monitoring period in order to change the long term problem of the dog being out of control.
- 3.16 It is therefore suggested there should be the equivalent approach used by the Control of Dogs legislation when it comes to dog fouling. This would include using a Dog Control Notice or equivalent with a monitoring period after an offence to try and address the long term behaviour of irresponsible owners who do not pick up after their dogs.

### **Other Approaches**

- 3.17 Other local authorities in Scotland use a range of approaches to tackle dog fouling. Typically these use some of the same approaches adopted in Edinburgh. It should be noted that the Council carries out more enforcement than the majority of other local authorities in Scotland.
- 3.18 Community Safety within Services for Communities participates and forms part of the Executive of the Scottish Community Warden Network, which is a national forum, keeping abreast of new developments and best practice across Scotland which could be implemented in Edinburgh.

## **Measures of success**

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- 4.1 To identify new approaches or best practice to reduce dog fouling in Edinburgh.
- 4.2 A reduction in dog fouling complaints.
- 4.3 An increase in satisfaction with how the Council deals with dog fouling in the Edinburgh People Survey.

## **Financial impact**

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- 5.1 The current ongoing initiatives occurring across Edinburgh are delivered within existing Neighbourhood budgets, and have no additional financial impact.

- 5.2 The proposed measures to be investigated by the Council would be contained within the existing budgets, and is not anticipated to have any additional financial impact.

### **Risk, policy, compliance and governance impact**

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- 6.1 This report is not expected to impact on risk, policy, compliance or governance for the City of Edinburgh Council.
- 6.2 There may be an increase in Dog Fouling Fixed Penalty Notices served as part of the “Don’t Blame the Dog” campaign; any actual increase will be reported as part of the report due to committee in June 2015.

### **Equalities impact**

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- 7.1 There has not been a full impact assessment carried out as this is an update to previous reports for which the equalities impact was fully assessed.

### **Sustainability impact**

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- 8.1 The measures outlined in this report aim to help achieve a sustainable Edinburgh by promoting social cohesion and inclusion by encouraging a wider community response to reduce dog fouling and reduce the environmental impact of dog fouling.

### **Consultation and engagement**

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- 9.1 The proposed measures outlined within this document were obtained in consultation with the Environmental Warden service responsible for taking enforcement action against dog fouling in Edinburgh. The Environmental Wardens attend local community meetings engaging and providing feedback to local representatives around environmental issues including dog fouling concerns.

### **Background reading/external references**

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[Tackling Dog Fouling in Edinburgh – report to Transport and Environment Committee 18 March 2014](#)

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## Links

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<b>Coalition pledges</b>	P44 - Prioritise keeping our streets clean and attractive
<b>Council outcomes</b>	CO17 - Clean - Edinburgh's streets and open spaces are clean and free of litter and graffiti
<b>Single Outcome Agreement</b>	SO4 - Edinburgh's communities are safer and have improved physical and social fabric
<b>Appendices</b>	N/A