

Transport and Environment Committee

10.00am, Thursday, 20 June 2024

Dog Fouling Enforcement

Executive/routine
Wards

Routine
All

1. Recommendations

- 1.1 Transport and Environment Committee is asked to note the contents of this report.

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Dog Fouling Enforcement

2. Executive Summary

- 2.1 This report responds to an [adjusted motion](#) by Councillor Cowdy on 16 November 2023 and considers the practicality of establishing a dog DNA register, improving enforcement and the use of Fixed Penalty Notices (FPN) as a means to control dog fouling.

3. Background

- 3.1 Dog Fouling continues to be a concern around the city with a high level of complaints received in comparison to enforcement action taken to resolve the issue. The purpose of this report is to explore the possible options available to tackle the issue of dog fouling and assist in the enforcement of dog fouling offences.
- 3.2 Dog fouling has a negative impact on the visual amenity of neighbourhoods across the city and poses health risks, particularly to young children who can contract Toxocariasis (parasite roundworm infection).
- 3.3 Various campaigns have been used in the past to increase awareness of dog fouling across the city including, Dish The Dirt, Don't Blame the Dog and Our Edinburgh. The Street Enforcement team have also carried out numerous patrols and initiatives in an attempt to catch or deter those who fail to pick up after their dog has fouled, however enforcement action taken remains low.

4. Main report

- 4.1 The Street Enforcement team are responsible for a wide remit to investigate and enforce various environmental offences such as dog fouling, littering, abandoned vehicles, domestic and trade waste, flytipping, abandoned bikes, A boards and Tables and Chairs Permits.
- 4.2 To comply with the Dog Fouling (Scotland) Act 2003 legislation, a FPN must be issued within seven days of the dog fouling offence. The date of fouling must be known to the officer for an FPN to be issued. Therefore, random sampling could not result in any effective enforcement action being taken. Street Enforcement Officers

are either required to witness the offence or require a statement from the person who witnessed the offence.

- 4.3 Whilst the powers are not available in Scotland, in England and Wales, enforcement officers are able to enforce Public Space Protection Orders (PSPOs) that enable them to ban specific acts, such as 'No Dogs Allowed', in a designated geographical area. However, PSPOs are still subject to constraints around the identification of the dog owner (e.g. offenders must provide their details to an officer for them to proceed with enforcement action but may refuse to do so resulting in no enforcement action being taken).
- 4.4 In preparation of this report, contact was made with the UK representative of PooPrints to discuss and consider the use of dog DNA analysis to combat dog fouling across the city. PooPrints are believed to be the only provider of dog fouling DNA analysis in the United Kingdom. The estimated costs of using a database can be found in Appendix 2. These are split between a one off cost for a dog owner to register their dog's DNA (£50) and the ongoing costs which would be incurred by the Council for each sample analysed (£100).
- 4.5 PooPrints have confirmed that whilst a number of Local Authorities within the UK have made enquiries about the feasibility of utilising the dog DNA register, none have proceeded to do so and is it likely due to not being cost effective.
- 4.6 PooPrints have reported to have had success within an exclusive residential development in Wembley, London, but in this case, residents are required to submit a sample of their dog's DNA as part of their tenancy agreement. It should be noted however that there is open access to the development for the general public which could result in instances of fouling from dogs whose DNA has not been registered.
- 4.7 In terms of the City of Edinburgh Council's Scottish Secure Tenancy Agreement, Condition 2.6 states that the tenant is responsible for cleaning up after their dog has fouled. As a social housing landlord, the Council is unable to compel tenants to comply with any requirement to register their dog's DNA for the purpose of dog fouling analysis. Even if done on a voluntary basis, it could not be considered a reasonable proposal as communities and traditional housing estates in Edinburgh are very mixed tenure.
- 4.8 The requirement to register DNA from the dogs of Council tenants and not from owner occupied residents, private renters or other registered social landlords may be considered discriminatory and presumptuous that Council tenants are more likely to fail to remove their dog's fouling than the occupiers of other tenures. Additionally, Council tenants only account for 3.8% of Edinburgh's population.
- 4.9 The investment in DNA analysis for dog fouling appears cost prohibitive and unlikely to improve what is a citywide/multi tenure issue. Edinburgh is a rapidly expanding city with commuters and tourists who will often have their dogs with them.
- 4.10 The benefits of utilising a dog DNA register would appear most aligned to gated communities where only registered dogs can access open spaces or in multi-storey domestic buildings where dogs occupy flats in close proximity of each other and the

cleanliness requirements of common parts and landings is acute, particularly where toddlers, babies and young children are active within in these spaces.

- 4.11 Three fundamental issues have been identified in utilising a dog DNA register:
- 4.11.1 Registration with the DNA register is voluntary and incurs a cost to the dog owner, therefore those who do not clean up after their dogs are unlikely to take part;
- 4.11.2 Samples are posted to Knoxville, Tennessee in the United States for analysis as this is where PooPrints is based and where the DNA register is held. In most cases, the response time for a result is approximately seven days which is likely to mean that it would have no validity for the issuing of an FPN if the result was received beyond this timescale. In addition, if the sample was from a dog not recorded on the DNA register no enforcement action could be taken and a cost would still be incurred by the Council; and
- 4.11.3 The combined costs of the testing kit and sample analysis is estimated at £100 per sample. This is greater than an FPN which is currently £80. It should be noted that a FPN allows the offender to discharge their liability to prosecution by way of payment of the FPN and they can choose not to do this. The Council then has to consider whether prosecution is likely to be viable.
- 4.12 A second company was identified in the UK which currently provides dog DNA analysis to Gloucestershire Police to help combat dog theft, however this company does not provide a service to analyse dog waste.
- 4.13 The Street Enforcement Service has contacted the Scottish Community Warden Network for examples of good practice across all Scottish Local Authorities but received only four responses. None of these Local Authorities are considering using a dog DNA register and instead favour engagement and education with dog owners through general patrols, targeted initiatives and communications campaigns. They have also reported a low level of FPNs issued for dog fouling offences, with one reporting only one FPN issued during the week of an intensive targeted campaign.
- 4.14 Currently, the most effective means of tackling dog fouling at source is through the Street Enforcement team and targeted communications campaigns. For example, a small scale dog fouling campaign in a targeted area such as Leith Links would cost in the region of £800 for materials with larger or city wide campaigns costing upwards of this amount. A radio awareness campaign is estimated at £3,000 for one week.
- 4.15 The Street Enforcement team relies heavily on the public reporting dog fouling to enable them to target resources appropriately. Unfortunately, in many cases the information received from the public is not sufficient and the team is engaging with colleagues in Communications and ICT to review how information can be better captured and effectively utilised.

- 4.16 Street Enforcement is a uniformed service and easily identifiable. If it were deemed necessary to carry out plain clothes patrols, it would require application for authorisation under the Regulation of Investigatory Powers (Scotland) Act 2000. This process is carried out internally within the Council but is subject to limitations and is audited by the Information Commissioner.
- 4.17 Previous patrols carried out in plain clothes did not produce a significant increase in FPNs. The Street Enforcement team will liaise with the City Operations Centre and Housing Concierge colleagues if dog fouling offences are witnessed on either the public realm CCTV or on CCTV cameras appointed at specific locations (such as high-rise Council housing blocks) in attempt to increase enforcement action.

5. Next Steps

- 5.1 Colleagues from Street Enforcement and Communications will develop future dog fouling campaigns and improvements to the reporting process will be investigated.
- 5.2 Officers will seek RIPSA authorisation, where appropriate, for plain clothes patrols to be carried out in attempt to increase enforcement action for dog fouling offences.

6. Financial impact

- 6.1 The costs of utilising Poo Prints for dog DNA sampling have been estimated at £100,000 per annum (based on the charges set out in Appendix 2), although this does not take into account the results of any procurement exercise the Council may be required to undertake.
- 6.2 In light of the restrictions imposed by the Scottish legislation, it does not appear that it would be practicable to use this service.
- 6.3 The costs of a dog fouling campaign have been estimated to start from approximately £800 depending on the scale. However, this cost would only be sufficient for a very small scale, targeted campaign in a relatively small area (e.g. it currently costs £39 for one lamppost wrap and £10 for an A3 Correx sign).

7. Equality and Poverty Impact

- 7.1 Registration with the DNA register, whilst voluntary, incurs a cost of £50 to the dog owner which could cause hardship to some dog owners, particularly dog owners already experiencing hardship.
- 7.2 Making the local environment cleaner and safer to use is beneficial to all citizens. In the context of dog fouling control, there are specific benefits for wheelchair users, people with buggies and prams and particularly for young children who may be at increased risk of infection from dog fouling.

8. Climate and Nature Emergency Implications

- 8.1 As a public body, the Council has statutory duties relating to climate emissions and biodiversity. The Council

“must, in exercising its functions, act in the way best calculated to contribute to the delivery of emissions reduction targets”

(Climate Change (Emissions Reductions Targets) (Scotland) Act 2019), and

“in exercising any functions, to further the conservation of biodiversity so far as it is consistent with the proper exercise of those functions”

(Nature Conservation (Scotland) Act 2004)

- 8.2 The City of Edinburgh Council declared a Climate Emergency in 2019 and committed to work towards a target of net zero emissions by 2030 for both city and corporate emissions and embedded this as a core priority of the Council Business Plan 2023-27. The Council also declared a Nature Emergency in 2023.

Environmental Impacts

- 8.3 Measures to reduce the impact of dog fouling will have a positive impact on the local environment. No impacts on the wider environment, including greenhouse gas emissions, climate change or climate change mitigation are identified as a result of this report.

9. Risk, policy, compliance, governance and community impact

- 9.1 The information in this report has not been subject to public consultation.
- 9.2 The main risk foreseen is that the Council could progress with a dog DNA registry service which fails to deliver the expected outcome as a result of poor buy-in from irresponsible dog owners who fail to remove their pet's waste. Whilst this option has been investigated it is not recommended in this report.
- 9.3 A fundamental risk to the Council is a public perception that the Council is failing to tackle dog fouling satisfactorily, however the Council can only act in accordance with the legislation and with the resources available.

10. Background reading/external references

- 10.1 There have been a number of previous reports to Committee on dog fouling. These are: [19 March 2013](#), [18 March 2014](#), [2 June 2015](#), [1 November 2016](#), [17 January 2017](#)

11. Appendices

Appendix 1: PooPrints Estimated Costs

Appendix 2: Record of dog fouling complaints received by the Street Enforcement Team and Fixed Penalty Notices (FPNs) issued

Appendix 1: PooPrints Estimated Costs

Registration of Dog	£50 (one off payment)	Payable by dog owner
Testing kit	£20 (per sample)	Payable by the Council
Analysis of dog fouling sample	£80 (per sample)	Payable by the Council

Appendix 2: Record of dog fouling complaints received by the Street Enforcement Team and Fixed Penalty Notices (FPNs) issued

Year	Complaints	FPNs
2018	533	19
2019	332	19
2020	143	1
2021	189	4
2022	463	1
2023	1,026	5
TOTAL	2,686	49