

Transport and Environment Committee

10am, Tuesday, 2 June 2015

Dog Fouling Prevention

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| Item number | 7.11 |
| Report number | |
| Executive/routine | |
| Wards | All |

Executive summary

Tackling dog fouling continues to be a high priority in Edinburgh, as identified by citizens in the 2014 Edinburgh People Survey.

This report provides an overview of a refocused approach to tackling dog fouling in the city and reports back on the outcome of consultation with the Scottish Government on measures to tackle this problem.

Links

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|--------------------------|----------------------|
| Coalition pledges | P44 |
| Council outcomes | CO17 |
| Single Outcome Agreement | SOA4 |

Dog Fouling Prevention Initiatives in Edinburgh

Recommendations

It is recommended that Committee:

- 1.1 notes the content of this report; and
- 1.2 discharges the remit from the 28 October 2014 Transport and Environment Committee to report back on the outcome of consultation with Scottish Government.

Background

- 2.1 Dog fouling continues to be a high priority for residents in the city, as evidenced in the 2014 Edinburgh People Survey (EPS) results.
- 2.2 A range of methods have been used to tackle the problem citywide using both routine patrols and targeted initiatives, employing stencilling, the use of special operations and information gathering to target hot spots in local communities. Each Neighbourhood's approach has been tailored to the specific local trends and distribution of dog fouling complaints.
- 2.3 The measures previously reported to Committee have resulted in a recorded drop in dog fouling complaints of over 40% in January 2014 compared to 2013. This reduction is also shown in recorded CIMS scores, with a reduction of 2% in the number of areas recorded containing dog fouling reported over the same period. The most up to date performance information shows a continuation of these trends, and is outlined in more detail within the main report.
- 2.4 The results of the EPS indicate that residents remain dissatisfied with the level of dog fouling in the city. In the light of this a refocused model to tackle the issue has been developed.

Main report

- 3.1 Dog fouling is a priority for every neighbourhood Environmental Warden Team, which actively respond to complaints and patrol areas where dog fouling has been identified as an issue.
- 3.2 A range of approaches have been developed and implemented within neighbourhoods, including examples previously reported to Committee, including the "Dish the Dirt Campaign" and the "Don't Blame the Dog" campaign.

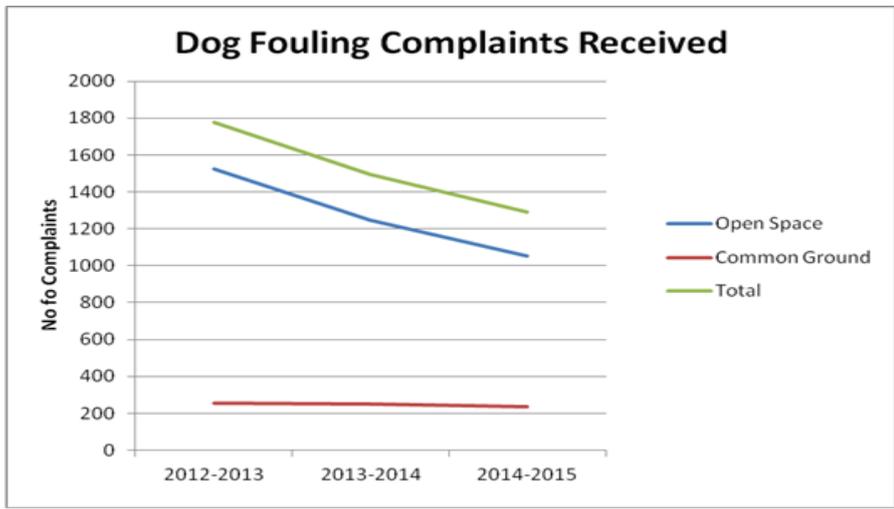
Refocused Campaign

- 3.3 While these campaigns have had success, it is acknowledged that more needs to be done and a refocused citywide dog fouling campaign which will focus on enforcement, has been developed. The approach will consist of a number of elements, including:
- A zero tolerance policy towards dog fouling;
 - Examination of use of plain clothes wardens to catch offenders;
 - Increased priority given to dog fouling by Environmental Wardens and through local Community Improvement Partnerships (CIPs);
 - A high profile communications campaign, including chalk stencils in places where people have been issued with Fixed Penalty Notices;
 - The use of Council and neighbourhood social media to highlight number of FPN's issued on a weekly basis;
 - A education programme, with a schools poster campaign on the dangers of dog fouling;
 - Harnessing community energy around this issue by piloting approaches in common grounds, alongside partner community groups; and
 - Inclusion of dog fouling as a key part of the new Cleansing Strategy being developed by Waste Services.

- 3.4 A framework setting out further detail on this approach is attached at Appendix 1.

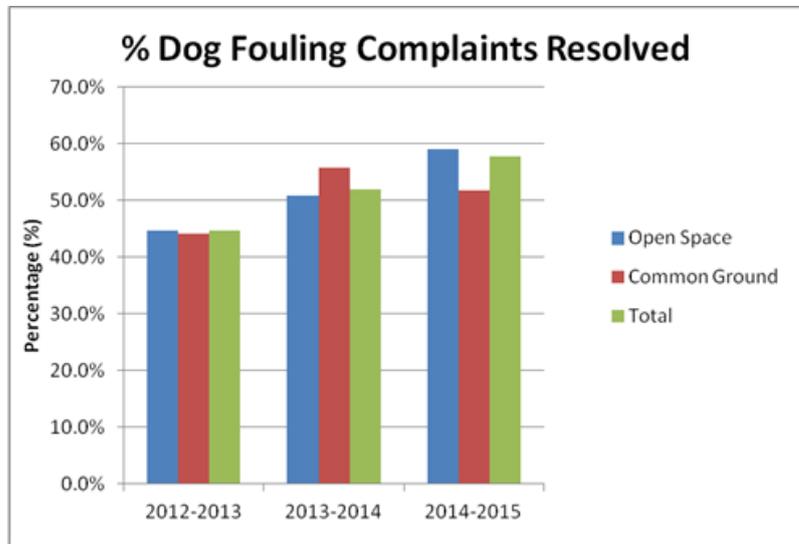
Performance

- 3.5 The table below outlines the number of dog fouling complaints received. It shows a continued decreasing trend in dog fouling complaints for 2014/15, with a drop of 14% compared with 2013/14 and 37% compared with 2012/13. This reduction has been achieved during a period where emphasis has been placed on introducing new ways of reporting dog fouling through the "Report It" forms on the City of Edinburgh corporate website, and campaigns such as "Dish the Dirt" which raised the profile of the issue and actively encouraged residents to report dog fouling.



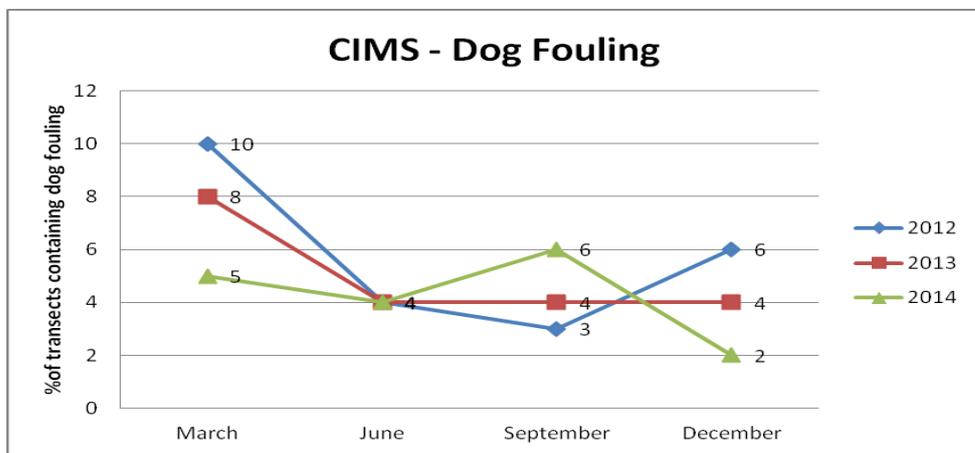
Dog Fouling - Complaints Resolved

3.6 The following graph illustrates the recorded customer satisfaction with dog fouling complaints received.



The graph shows an increasing trend regarding the recorded customer satisfaction over the past three financial years, with an overall increase of over 10% comparing 2014/15 against 2012/13.

CIMS Scores - Dog Fouling



- 3.7 The above CIMS figures record the percentage of areas containing dog fouling inspected as part of the quarterly Cleanliness Index Monitoring System inspection carried out by Keep Scotland Beautiful and, recorded as part of the quarterly CIMS assessments in Edinburgh. The graph shows an overall decreasing trend in Edinburgh, with the December 2014 figure being the lowest recorded over the past three calendar years.
- 3.8 The latest result for March 2015 continues the decreasing trend, with only 4% of the 415 transects assessed containing dog fouling compared to 5% recorded in March 2014. In all cases, transects were recorded as containing a minor presence only. This shows an overall reduction of 6% from the peak figure recorded in March 2012.
- 3.9 Further analysis of the CIMS data recorded has identified hotspot areas within 8 wards in Edinburgh.
- 3.10 While these trends demonstrate progress in relation to dog fouling the recent results of the EPS show that residents remain unhappy with the level of dog fouling in the city and that more must be done to tackle the problem.

Discussion with the Scottish Government's Community Safety Unit

- 3.11 As instructed by Committee, the Community Protection Support Unit approached the Scottish Government Community Safety Unit to discuss the future of Dog Fouling measures in Scotland. The following proposals were discussed:

- An increase to the Dog Fouling Fixed Penalty Notice (FPN) served under the Dog Fouling (Scotland) Act 2003;
- Offence of dog fouling into the Antisocial Behaviour FPN scheme; and
- Dog owner's responsibility for the removal of their dog's fouling under the Control of Dogs (Scotland) Act 2010.

3.12 Increase in penalty amounts

The current Dog Fouling Scotland (Scotland) Act 2003 makes it an offence for an individual to fail to clean up immediately after their dog fouls. This offence carries a maximum fine of £500, and also provides for a FPN of £40 rising to £60 if unpaid after 28 days.

| Offence | Fixed Penalty Notice Amount | Maximum Fine |
|----------------|---|---------------------|
| Dog Fouling | £40 rising to £60 if unpaid after 28 days | £500 |
| Littering | £80 within 14 days | £2,500 |
| Fly tipping | £200 within 14 days | £40,000 |

It was suggested that there should be an increase in both the maximum fine and FPN amount, particularly given the recent increases in FPN amounts for littering and fly tipping which were implemented on 1st April 2014. It was also suggested that the current “discount” for paying the FPN within 28 days should be stopped, to bring the FPN in line with other offences and to prevent rewarding the accused by offering a cheaper payment option.

- 3.13 In England and Wales, the fines for dog fouling are set by the relevant local authorities under the under the Clean Neighbourhoods Act, with typical Fixed Penalty Amounts ranging from £75 to £100, and carrying a maximum fine of £1000. The power of maximum fine is at the discretion of the Magistrate and on a case by case basis. Discretion would take into account related previous offences committed.

Including Dog Fouling into the Antisocial Behaviour FPN scheme

- 3.14 This measure is similar to that put forward in the recent National Litter consultation, which proposed that littering and flytipping offences are included under the Antisocial Behaviour FPN scheme. This would allow FPN's to be quickly and efficiently issued by Police Officers when an offence was witnessed. Police Officers already have the powers to issue a FPN under the Dog Fouling (Scotland) Act 2003, however the current system relies on a Police Officer carrying a FPN book, issuing the paper based FPN and notifying the Council as the relevant local authority. In practice, this is impractical for Police Officers and although dog fouling FPN books have previously been provided to all Police stations in Edinburgh, to date no such FPN's have been issued.

- 3.15 Including Dog Fouling into the Control of Dogs scheme

The Control of Dogs Act (2010) promotes responsible dog ownership by allowing a local authority to take action against a dog owner whose dog is deemed to be out of control via a Dog Control Notice (DCN). The DCN can impose suitable measures to bring the dog back under the control of the owner, safeguarding members of the public from further undesirable behaviour. This proposal is intended to further promote responsible dog ownership, by deeming a dog fouling offence to show a lack of responsible ownership and allow the local authority to impose a DCN which would require the owner to pick up after their dog. This proposal would introduce a corrective measure to tackle the owner's behaviour and attitude after a dog fouling offence to prevent further offences. The resulting DCN could then be monitored and enforced as per a normal DCN, with any further breaches being reported as an additional offence to the Procurator Fiscal.

- 3.16 The Scottish Government Community Safety Unit was already aware of some of the initial approaches to dog fouling being taken in Edinburgh. Following the discussion, the Unit indicated an interest in visiting other Local Authorities across Scotland to discuss the issue and consider other possible views and ideas on these options and any other approaches.

National and International Initiatives

- 3.17 In considering best practice with regard to tackling dog fouling, approaches across Scotland, the UK and internationally are being explored. Some of these approaches have already been taken forward in Edinburgh, including:
- The Green Dog Walker Scheme, which was initially developed by Falkirk City Council. A licence has been purchased to roll the scheme out across Edinburgh;
 - “Bag It, Bin It” was a national campaign to encourage dog owners to bag and bin dog fouling. Edinburgh was involved in this campaign alongside Keep Scotland Beautiful and other Councils;
 - Education, awareness raising and poster campaigns have been prevalent throughout Scotland and have been used extensively in the city; and
 - “Do the Right Thing” which is an approach used by West Dunbartonshire Council, echoes the “Don’t Blame the Dog” campaign already trialled in the south of the city.
- 3.18 Other international approaches identified to date have involved linking dog fouling to individual owners either through “Pet Databases” or DNA testing. These are not currently considered to be feasible options for Edinburgh due to different legal arrangements and the potential high cost of establishing the necessary databases.
- 3.19 Examination of alternative approaches will continue to be investigated and brought forward for committee consideration as appropriate.

Measures of success

- 4.1 To continue to reduce the number of dog fouling complaints in Edinburgh.
- 4.2 To reduce the number of instances of dog fouling recorded during CIMS scoring of Edinburgh.
- 4.3 An increase in satisfaction.

Financial impact

- 5.1 The current ongoing and new approach are delivered within existing budgets, and have no additional financial impact.

Risk, policy, compliance and governance impact

- 6.1 This report is not expected to impact on risk, compliance or governance for the City of Edinburgh Council. However a zero tolerance approach to dog fouling will be the key element of the new campaign.

Equalities impact

- 7.1 There has not been a full impact assessment carried out as this report provides updates to previous reports for which the Equalities impact was fully assessed.

Sustainability impact

- 8.1 The measures outlined in this report aim to help achieve a cleaner Edinburgh with less instances of dog fouling.

Consultation and engagement

- 9.1 The Environmental Wardens are a neighbourhood based service, attending local community meetings and engaging with local communities on a day to day basis around all environmental issues and in particular dog fouling. This includes providing feedback to local representatives from Community groups and Neighbourhood Partnerships around Environmental issues including dog fouling concerns.
- 9.2 The Community Protection Support Unit met with members of the Scottish Governments Community Safety team to discuss the future of Dog Fouling measures in Scotland and the proposals outlined in 3.11

Background reading/external references

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

[Dog Fouling Initiatives in Edinburgh – report to Transport and Environment Committee 28 October 2014](#)

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Links

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|---------------------------------|--|
| Coalition pledges | P44 – Prioritise keeping our streets clean and attractive |
| Council outcomes | CO17 – Clean – Edinburgh’s streets and open spaces are clean and free of litter and graffiti |
| Single Outcome Agreement | SOA4 – Edinburgh’s communities are safer and have improved physical and social fabric |
| Appendices | 1 – Framework for Tackling Dog Fouling |

Proposed Refocused Framework for Tackling Dog Fouling

Objective: The Council operates a zero tolerance approach to dog fouling and will rigorously enforce this stance.

Legislation: Dog Fouling (Scotland) Act 2003 – this Act makes it an offence for any person in charge of a dog not to immediately pick it up and dispose of its fouling in an appropriate manner. This applies to ALL public places.

Strategy: A new Cleansing Strategy is being developed. Dog Fouling will form a major part of this study.

Menu of Tactical Options:

| Tactic | Opportunity | Action |
|------------------------------|---|--|
| Enforcement | Patrol matrix to be redefined to include early morning/evenings and weekends | Community Safety Managers |
| | Patrol matrix to define hot spot areas based on local intelligence and information from Edinburgh Peoples Survey | Community Safety Managers Intelligence provided by analysts |
| | Explore the use of CCTV to monitor identified hot spot areas | Neighbourhood Teams |
| | Examination of low visibility/plain clothes patrols by Environmental Wardens | RIPSA considerations to be re-evaluated |
| | Consideration given to utilising Community Police officers to provide a high visibility deterrent and to evidence Council and partners view this as ASB | Community Improvement Partnership (CIP) role in tasking and co-ordinating officers |
| | Use of witness statements to be established for retrospective issuing of FPNs | Community Protection Support Unit |
| | Work with Council Housing Services and RSL's to tackle persistent offenders through ASB legislation | Community Protection Support Unit |
| | FPN figures to be published weekly | Part of communications campaign |
| | All FPNs to be reported to Procurator Fiscal and figures provided as above | Neighbourhood Teams |
| Community Involvement | Harness energies of community groups such as "Friends of" groups and community councils to provide support to refocused approach, i.e. clean up days, communications campaign | Pilot approach utilising "Friends of Burdiehouse" who have offered support initially |
| Communications | High profile communications campaign to be established including tougher approach to dog fouling whilst educating owners as to how to dispose of fouling correctly | Communications Service |
| | Twitter hashtag to be established to | Communications Service |

Appendix 1

| | | |
|------------------------|--|---|
| | encourage community reporting and publicise results | |
| | Facebook to be utilised centrally and locally to promote campaign | Communications Service Neighbourhoods |
| | Work with Evening News to highlight refocused approach, and listening to our local communities | Communications Service Evening News |
| | Publicity material to be developed for hot spot areas – chalk stencils, warnings of FPN amounts | Communications Service |
| | Website to be updated. “Report it” online function to be highlighted | Community Protection Support Unit |
| | Campaign with school children to develop poster campaign – awareness raising and educational opportunities | Communications Service Children and Families |
| Street Cleaning | Stronger Link with Task Force and wardens to clean dog fouling in hot spot areas | Neighbourhoods |
| | Cost specific dog fouling cleansing machines i.e. “poovers” | Waste Service Support Unit |
| | Consideration to be given to Task Force being utilised to provide witness statements | Neighbourhoods |
| Longer Term | Lobby Scottish Government to increase FPN’s for dog fouling | Community Protection Support Unit |
| | Monitor change through “heat maps” of dog fouling | Council Analysts |
| | Communicate regularly on FPN’s issued, and offenders reported to Procurator Fiscal and outcome. | Community Protection Support Unit |
| | Monitor satisfaction through customer surveys and EPS results | Business Intelligence Team |
| | Monitor dog fouling complaints | Community Protection Support Unit |

Measures of Success:

- Reduced number of complaints about dog fouling
- Reduction in number of instances of dog fouling recorded during CIMS assessments
- Increase in perception of how the Council are tackling dog fouling
- Increase in customer satisfaction with how the Council are tackling dog fouling