

Dog Control

Report by Mary Smith, Director, Education, Communities and Economy

1 Purpose of Report

This report is to provide Members with an update concerning the activities associated with dog control matters in Midlothian.

2 Background

2.1 Dog control matters fall into three broad categories

- i) Out of control dogs as regulated by The Control of Dogs (Scotland) Act 2010
- ii) Dog fouling as regulated by The Dog Fouling (Scotland) Act 2003
- iii) The licensing of dog boarders and dog breeders.

This paper will update members on matters i) and ii) above.

2.2 Out of control dogs, that is dogs which cause alarm or apprehensiveness to a “reasonable person”, are regulated under The Control of Dogs (Scotland) Act 2010. The Act focuses on an approach of tackling irresponsible dog ownership rather than restrictions on specific breeds. Throughout Midlothian the Council promotes more responsible dog ownership to ensure that dogs which may be out of control are brought and kept under control.

The 2010 Act is designed to highlight the dog owner responsibilities and provide measures to change the behaviour of dogs and their owners before a dog becomes dangerous. The Council aims to achieve this initially through constructive engagement in providing support and advice and targeting education opportunities. The Act does provide statutory powers e.g., Dog Control Notices, which are used in appropriate cases.

The Control of Dogs legislation came into force in February 2011. Complaints received by the Council continues to grow in number and complexity and range across dog on dog attack, dog on other animals e.g., horse /livestock and dog on person attack. In terms of the number of complaints received alleging that dogs are out of control the data is shown below.

| Year | Reported cases re Out of Control dogs | Dog Control Notices Served |
|-------------|--|---------------------------------------|
| 2011-12 | 23 | 1 |
| 2012-13 | 34 | 1 |

| | | |
|---------------------------|----|----|
| 2013-14 | 57 | 7 |
| 2014-15 | 78 | 15 |
| 2015-16 up to November 15 | 42 | 4 |

Investigations into allegations concerning a dog being out of control can be complex and time consuming and require hours of research and surveillance to determine the appropriate outcome. Advice and information are always provided to the dog owner or, more formal action, in the form of the service of a Dog Control Notice (DCN), takes place if sufficient evidence can be gathered. A DCN requires the dog owner to bring and keep the dog under control and stipulates exactly which steps must be taken by the dog owner to achieve that; these may include formal training, micro chipping of the animal, neutering etc. It is currently intended that micro-chipping of all canines in Scotland will be required from April 2016.

The service of a DCN places a duty on the Council to enforce the Notice and monitor its effectiveness. Where failure to comply with a DCN is established the matter may be referred to the Procurator Fiscal with a view towards prosecution. A summary conviction for failure to comply can result in a fine up to £1000. On conviction of an offence the court may disqualify a person from owning or keeping a dog for a prescribed period of time, or, if the dog is considered dangerous, may make an order for the destruction of the dog.

Dangerous dog legislation which is enforced by Police Scotland also exists but this legislation triggers Police investigation where the dog is known to be dangerous e.g., where a previous attack or similar has occurred.

The numbers of Dog Control Notices, served on a yearly basis, are also shown in the table above.

The officer time required to deal with reported incidents regards out of control dogs has increased significantly since its introduction in 2011.

2.3 Dog Fouling

The Dog Fouling (Scotland) Act 2003 created an offence for any person responsible for a dog, not to remove immediately and dispose of appropriately any excrement after the dog has fouled.

Dog owners must clean up after the dog has fouled in any public open space. Open space includes pavements, footpaths, roads, parks, recreational pitches, cycle ways, communal land, backstairs, closes and any open land the public has access to, with the exception of agricultural land. Any fouling should be picked up and disposed of in a responsible manner by depositing it in the nearest dog waste bin, or litter bin, or domestic waste bin.

A number of the community consultations conducted to date raise concerns regards dog fouling on paths, footways and grassed areas. The public are concerned for a variety of reasons including the unpleasantness of coming into contact with dog dirt and also the potential health risks associated with it.

3 Dog Control Activities

- 3.1** The Environmental Health Service has two Environmental Wardens whose specific duties include a range of environmental matters; dog control, fly-tipping, littering, pest control etc. In addition the remainder of the Environmental Health staff are authorised to take enforcement action against dog fouling including the service of Fixed Penalty Notices (FPN).

Dog fouling remains a high priority given the views demonstrated by our local community through engagements such as Community Planning, Neighbourhood Planning and Council Housing tenancy surveys etc.

In 2011/12 the service commenced the current zero-tolerance to dog fouling campaign and since that date have used a variety of techniques to make people aware of the legislation, the health effects and the need to be responsible dog owners.

These include:

- Increasing the frequency of out of hours patrols with early morning and evening patrols, including at weekends, both covert and overt patrols.
- Educating dog owners as to their responsibilities.
- Taking enforcement action against offenders.
- Awareness talks to primary school children to commence education at an early age.
- Providing free dog bags from council offices, leisure centres, libraries, including the mobile library service and our more remote communities through a local establishment e.g., "corner shop"
- Dog waste bins are provided at various locations throughout Midlothian and these are maintained and emptied on a regular basis. Where problem areas are identified the bin provision has been reviewed and additional resources provided if appropriate. Where no specific dog waste bin is available dog owners have been re-educated to the fact that bagged dog waste may also dispose of in any public refuse bin or by taking it home and put it in their domestic rubbish bin. Since the start of this campaign the Midlothian Council has provided extra dog fouling bins at a number of "problem" locations.
- Erecting "No Fouling" signs.
- Using pathway stencils on busy walkways, particularly around some primary schools.
- Targeting stray dogs and educating the owners when they reclaim their pet(s).
- Introduction and support of the co-production initiative Green Dog Walkers.

3.2 Green Dog Walkers

In adopting the Green Dog Walkers scheme, an initiative developed by Falkirk Council, we set out to engage with community groups and volunteers, providing support and funding for the Green Dog Walkers armbands, pledge brochures and promotional items. To date we have 23 groups and 346 individuals who have either personally pledged to pick up after their own dogs or who encourage other dog owners in a non-confrontational manner to sign a pledge that they will pick up after their dog, carry extra dog bags and wear a green armband (or green collar on the dog) to signify that others can ask them for dog bags. Such community volunteers include school parent councils, community councils, youth clubs, sports clubs/ junior football clubs etc.

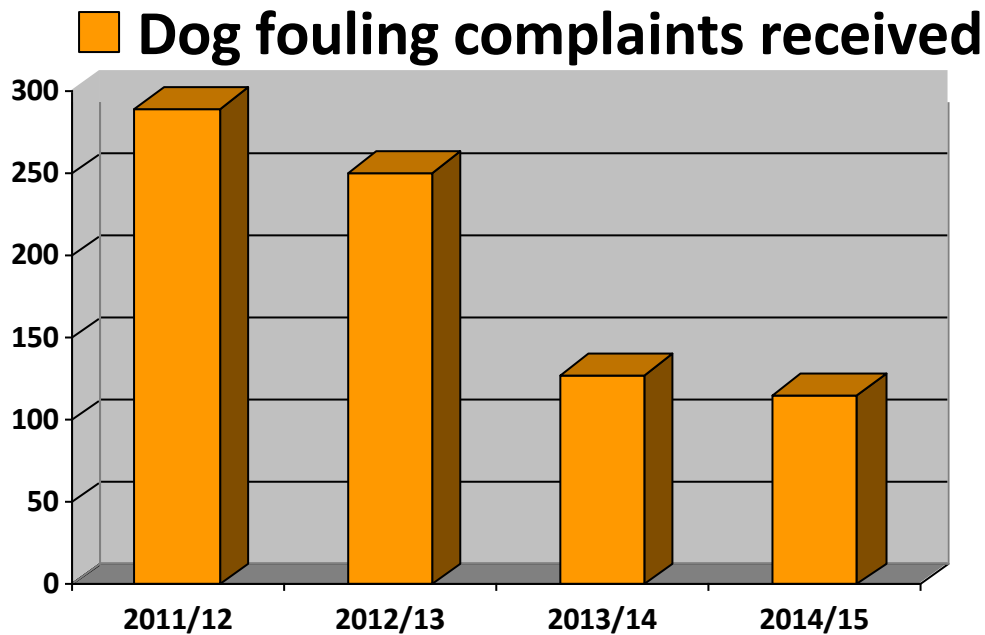
The campaign philosophy is to shift public attitudes so that it becomes socially unacceptable to leave dog fouling lying around. The scheme had been seen to work well when run by community groups (not seen by the public as 'enforcers') along with robust enforcement by local authority officers.

The activities undertaken principally around dedicated patrols, seeking to identify and issue fixed penalty notices to offenders but also seeking to engage with the dog walking community and educate and promote greater responsibility is summarised in the table below.

| Year | No. of FPN served | No. of dedicated dog fouling patrols | Staff hours spent | Dogs seen on patrol | Dogs seen fouling | Owners seen picking up | Complaints received re dog fouling |
|---------|-------------------|--------------------------------------|-------------------|---------------------|-------------------|------------------------|------------------------------------|
| 2011/12 | | | | | | | 290 |
| 2012/13 | 24 | 559 | 555 | 7158 | 1269 | 1265 | 251 |
| 2013/14 | 25 | 576 | 547 | 8116 | 1628 | 1624 | 128 |
| 2014/15 | 15 | 327 | 321 | 5181 | 1120 | 1119 | 115 |

In particular it is worth noting the decline in the number of complaints Environmental Health receives regards dog fouling. As shown, in the table above and bar chart below, during the four year period between 2011/12 and 2014/15 there was a 60% reduction in complaint numbers. In real terms the percentage reduction in the levels of complaint per head of population is even greater if the growth in residential properties that has taken place over the four year period is considered.

Figures for the 2015/16 year indicate that the level of complaints may well be levelling out; a clear indication that further work is required to address the issue.



4. Report Implications

4.1 Resource

At present the dog control activities, including the continued support and promotion of the Green Dog Walkers scheme, is being managed within the current Environmental Health resources. Whilst there is no additional resource implications identified in this paper it is recognised that an increase in the dedicated staff resource to concentrate on dog control would be extremely beneficial in the furtherance of the progress already attained.

4.2 Risk

There are no defined major issues in risk management, although there is a risk that failure to continue with the programme may allow the situation to deteriorate and thereby lead to a Public Health nuisance.

4.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

- X Community safety
- X Adult health, care and housing
- X Getting it right for every Midlothian child

4.4 Key Priorities within the Single Midlothian Plan

The success of the dog control programme plays a significant part in the quality of the environment we live and work in and is a contributory factor in terms of the commitment made by Midlothian Council and its Community Planning Partners regards early years and economic growth.

4.5 Impact on Performance and Outcomes

In 2011 at the commencement of the current campaign against dog fouling the Council set out to change the mindset of dog owners and walkers in Midlothian. UK research indicted that a typical quote from those who allow dog fouling, includes “everyone else is doing it so why not me?” Our aim was to convert that opinion to one of ‘everyone else clears up and so will I’.

Patrol statistics gathered show that approximately 93 percent of dog owners pick up. It is the 7% of irresponsible owners on whom we continue to concentrate our resources.

4.6 Adopting a Preventative Approach

Environmental Health will continue with our schools education programme as we consider that enforcement alone will never fully resolve the dog control issues we face rather early education for future prevention is the key.

4.7 Involving Communities and Other Stakeholders

We seek to engage with all interested parties, particularly local communities. A number of community based groups has provided suggestions and ideas for how the service may be improved and where possible these have been incorporated. Where incorporation of the suggestions has not been possible, for legal or other reasons, we have sought to inform the relevant individuals.

4.8 Ensuring Equalities

This report is only advising of recent and current activity. It is not proposing any changes to strategy or policy and does not therefore need to be assessed for equalities impact.

4.9 Supporting Sustainable Development

The dog control programme is designed to ensure the well-being of our population and visitors and seeks to provide a better quality of life for people in Midlothian through improvement in environmental conditions.

4.10 IT Issues

Our field officers are regularly subjected to significant verbal abuse or other threatening behaviour as a result of investigating dog control matters and other environmental offences. We are currently at the early stages of researching the potential for the provision of personal security cameras, similar to those used by Police Scotland or traffic regulators, with IT colleagues and Data Protection Officer.

5 Recommendations

It is recommended that Cabinet;

- i) notes progress made by the Environmental Health Service in addressing the issues of out of control dogs and dog fouling;
- ii) endorses the approach of seeking to use preventative measures to ensure that all dog owners recognise dog fouling as socially unacceptable; and
- iii) remits this report to the Performance, Review and Scrutiny Committee for information.

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