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**TACKLING DOG FOULING**

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**1.0 EXECUTIVE SUMMARY**

- 1.1 At the Mid Argyll Kintyre and the Isles (MAKI) Area Committee held on 5 August 2015, Members considered a report which provided them with an update on the work being undertaken to tackle dog fouling in the MAKI area. At the meeting Members were made aware of initiatives which are being undertaken by other councils in relation to the dog fouling issue. The MAKI Area Committee agreed that a recommendation be put forward to the next meeting of Council asking that work is undertaken to explore the possibility of a programme of naming and shaming individuals who are fined for dog fouling.
- 1.2 The Council agreed to explore the possibility of a programme of naming and shaming individuals who are fined for dog fouling, and agreed to instruct the Executive Director of Development and Infrastructure to investigate the matter and report back.
- 1.3 The legal advice we have received confirms that we cannot name and shame individuals when fixed penalty notices are issued. It would only be possible to name individuals in situations where they failed to pay the fixed penalty charge and the person was subsequently convicted of an offence with their personal detail released via media.
- 1.4 Council officers are in discussion with Keep Scotland Beautiful with a view to running a council wide Dog Fouling Campaign in spring 2017.
- 1.5 It is recommended that Members note:
- The legal advice in relation to naming and shaming, and
  - The ongoing work to help reduce dog fouling

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**2.0 INTRODUCTION**

- 2.1 This report provides an update following a report to Council in September 2015 where the Council agreed to explore the possibility of a programme of naming and shaming individuals who are fined for dog fouling.
- 2.2 This followed consideration of the issue at the Mid Argyll Kintyre and the Isles Area Committee where the committee was made aware of naming and shaming initiatives being undertaken by other councils for litter, including Glasgow City Council, however this does not extend to dog fouling.

**3.0 RECOMMENDATIONS**

- 3.1 It is recommended that Members note:
- The legal advice in relation to naming and shaming, and
  - The ongoing work to help reduce dog fouling

**4.0 DETAIL**

- 4.1 Argyll and Bute Council Environmental Wardens currently enforce legislation that allows officers to issue £80 fixed charge notices to people who fail to lift their dog's faeces. The monetary penalty was increased from £40 to £80 in April 2016 by Scottish Parliament.
- 4.2 The legal advice we have received confirms that we cannot name and shame individuals when fixed penalty notices are issued. It would only be possible to name an individual if the fixed penalty charge is not paid within the allotted time, the council send a report to the Procurator Fiscal and the case is then heard with the person being convicted of an offence. The council do look to pursue non-payments through the procurator fiscal where this situation arises but these incidences are few and far between. These cases are likely to be reported in the local media negating the need for a specific policy of naming and shaming offenders. The council does not currently have a policy of naming and shaming those convicted of other offences it enforces and introducing it only for this offence may raise questions as to why this issue is being dealt with differently.

**This is what we are doing regarding Dog Fouling.**

- 4.3 Enforcement activity is carried out by multifunctional wardens who are also involved in

commercial waste, fly tipping, parking and pest control. Our warden's presence in dog walking areas usually results in owners picking up after their dogs and very few penalty notices being issued. Limited information is received from members of the public regarding offending individuals. Where information is received and where individuals are prepared to give evidence we are able to pursue the individual responsible for allowing their dog to mess by issuing a fixed penalty providing a written statement is provided by the witness and where the council have reason to believe an offence has been committed. Unfortunately few individuals are prepared to provide written evidence.

- 4.4 Council officers are in discussion with Keep Scotland Beautiful with a view to running a council wide Dog Fouling Campaign in spring 2017. This is to be developed after consultation with KSB as part of a wider forum and a survey of the general public on how best to tackle the issue around dog fouling.

## **5.0 CONCLUSION**

- 5.1 This report provides an update following a report to Council in September 2015 where the Council agreed to explore the possibility of a programme of naming and shaming individuals who are fined for dog fouling.
- 5.2 The legal advice we have received confirms that we cannot name and shame individuals when fixed penalty notices are issued. Following research officers have not been able to find details of any other Scottish Authority who name and shame individuals for dog fouling. It would only be possible to name individuals in situations where they failed to pay the fixed penalty charge and the person was subsequently convicted of an offence with their personal detail released via media.

## **6.0 IMPLICATIONS**

6.1	Policy	None Known
6.2	Financial	None
6.3	Legal	Supported via national legislation
6.4	HR	None known
6.5	Equalities	None known
6.6	Risk	None Known
6.7	Customer Services	None known

**Executive Director of Development and Infrastructure: Pippa Milne**  
**Policy Lead: Councillor Ellen Morton**  
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