
UPDATE REPORT – THE RESPONSIBLE DOG OWNERSHIP STRATEGY & MEASURES TO CONTROL DOG FOULING

Service Director Assets and Infrastructure

SCOTTISH BORDERS COUNCIL

31 May 2018

1. PURPOSE AND SUMMARY

- 1.1 This report provides an update on both the Responsible Dog Ownership Strategy and the pilot approach undertaken to enforcement in relation to dog fouling.**
- 1.2 Scottish Borders Council agreed to pilot a new approach to dog fouling enforcement, as part of a wider Responsible Dog Ownership Strategy, in February 2016. The Strategy encompasses three aims – Reduce dog fouling; Reduce incidents relating to noise caused by dogs; Respond to report of stray dogs and injury caused by dog attacks.
- 1.3 The report summarises the outcomes and lessons learned from the pilot and other work undertaken as part of the Responsible Dog Ownership Strategy around dog fouling detailing activities undertaken across six delivery action areas (refer Section 3.3).
- 1.4 The pilot has created significant opportunities for lessons learned and these are contained in the following report and appendices, however the most significant and consistent message is that in order to have an effective Responsible Dog Ownership Strategy, it requires to be integrated as part of a wider strategy to educate dog owners which needs to be resourced over a sustained period of time in order to measure its effectiveness and demonstrate its success within the community.

2. RECOMMENDATIONS

- 2.1 **I recommend that the Council:-**
- (a) Notes the findings of the report on the Responsible dog Ownership Strategy and associated enforcement pilot;**
 - (b) Agrees to an updated Responsible Dog Ownership Strategy 2018-2022, as a publication, to be prepared based on outcomes and findings of the Pilot and reflective of the new Corporate Plan and that this will be available within six months;**

- (c) Instructs the Service Director Assets and Infrastructure to enter into negotiations for a contract for the future provision of dog bags from a third party, which has no costs to the Council in their provision or maintenance;**
- (d) Agrees to the delivery of enforcement activity via the Police Community Action Team under the agreed Terms of Reference as part of a responsive, intelligence-led and prioritised service integral to the Local Policing Plan.**

3. THE STRATEGY

- 3.1 In February 2016 the Council agreed to the adoption of the Responsible Dog Ownership Strategy encompassing three aims – Reducing dog fouling; Reducing incidents relating to noise caused by dogs; Respond to report of stray dogs and injury caused by dog attacks.
- 3.2 The Responsible Dog Ownership Strategy set out key objectives;
1. To educate dog owners in the principles of responsible dog ownership.
 2. To raise awareness of the legal responsibilities associated with dog ownership.
 3. To reduce the number of dog fouling instances through education, partnership working and enforcement.
 4. To improve the use of information and intelligence and share this with key partners.
 5. To clarify and raise awareness of the roles and responsibilities of Scottish Borders Council and those of our key partners including Police Scotland.
 6. To improve and simplify the way in which members of the public can report instances of dog fouling.
 7. To work more closely with communities on developing local solutions.
 8. To ensure that robust enforcement action is taken, where appropriate.
- 3.3 The Strategy contains six delivery action areas aimed at achieving those objectives, including the Enforcement pilot trialling a new approach to enforcement action. The six delivery action areas were as follows;
- 1 Education and Awareness
 - 2 Promotion and Events
 - 3 Community Empowerment
 - 4 Information and Intelligence
 - 5 Enforcement
 - 6 Partnerships
- 3.4 Since the adoption of the Strategy in 2016 the project team have undertaken a range of activities and have been monitoring and reviewing outcomes across these six action areas, as detailed in section 4.0. The outcomes of the work to date, including challenges, opportunities and next steps are detailed in section 5.0.
- 3.5 In agreeing the strategy, Members also agreed to the undertaking of a pilot focussed on enforcement. This centred on a new approach to enforcement action, with enforcement being undertaken by a third-party organisation on behalf of the Council. The pilot commenced in June 2016.

4. DELIVERY ACTION AREAS

4.1 Education and Awareness

- 4.1.1 The strategy set out a range of activities to be undertaken aimed at raising awareness through outreach work, communication streams such as social media, and improved signage provision. Significant progress has been made in areas such as dedicated web pages for reporting dog fouling (as well as general information and FAQs), regular media releases and social media posts have been managed by our dedicated Communications Officer. Pavement stencilling in known problem areas and signage have also been deployed.
- 4.1.2 A group of officers, including the Dog Control Officer and Countryside Rangers, have attended a range of events across schools and communities. New bins have been provided in strategic sites, carrying A3 Anti Dog Fouling Posters, as well as signage across general street bins conveying they are 'dual use'. Laminated posters have been distributed across problem areas – this was initially proposed to be metal signage, however the Councils' funding bid to the Tesco 'Bags for Life' Scheme was unsuccessful but permanent signage will continue to be considered as part of any future strategy.
- 4.1.3 Pupils of Hawick High School were also commissioned to produce an anti-dog fouling film. A team of pupils produced a two-minute news report video discussing the health risks of dog fouling and included interviews with local dog walkers. The team also coined the slogan – 'Bag the poo – any litter bin will do'. This video is linked to the Council's social media channels;
(<https://www.youtube.com/watch?v=njz7z4KPRMk>)
- 4.1.4 Officers are also working with a number of local primary schools including Gordon Primary School, Lauder and St Peters in Galashiels.

4.2 Promotion and Events

- 4.2.1 The strategy set out a raft of actions seeking to promote the key messages of responsible dog ownership. Actions included attendance at events, participation in local and national campaigns, working in partnership with other groups such as Keep Scotland Beautiful and participating in the national Dog Fouling Strategy Forum.
- 4.2.2 The Green Dog Walkers Scheme is a UK-wide initiative that originated in Falkirk and seeks to promote the message of responsible dog ownership through community empowerment (see 4.3). Throughout the region, promotion has been undertaken at a range of local and regional events such as the Border Union Show (see Appendix 1 for full list). These events

provided a great platform for promotion as well as intelligence gathering – questionnaires were issued to attendees and feedback from the community sought (see 4.4). Community councils and relevant local businesses were also contacted to promote the Strategy and the Green Dog Walkers initiative.

- 4.2.3 Since the adoption of the Responsible Dog Ownership Strategy, there has been no further progress with the National Dog Fouling Forum led by Keep Scotland Beautiful (KSB); however officers continue to work with Keep Scotland Beautiful and Zero Waste Scotland as part of the roll-out of the National Litter Strategy. A component of this is the creation of litter action plans. At this time, Scottish Borders is not included in the first phase of this roll-out with partners, however when the initiative reaches the Scottish Borders, officers will engage and include dog fouling as an important part of the Litter Action Plan.
- 4.2.4 In support of Keep Scotland Beautiful (KSB) activities around dog fouling, officers liaise with KSB and provide information on litter picks, attended the 2017 KSB Community Workshop in Lauder and supported their initiatives through provision of litter picking equipment to local community groups.
- 4.2.5 The Council have played a positive role since the introduction of compulsory dog microchipping by the Scottish Government in April 2016, supporting events run by groups such as the PDSA and Borders Pet Rescue for free micro chipping. This has had a positive impact on responsible dog ownership across the region.
- 4.2.6 As outlined in 4.1, targeted media coverage has been sustained throughout the Strategy, led by our Communications Officer - see Appendix two for some examples.

4.3 **Community Empowerment**

- 4.3.1 The Responsible Dog Ownership Strategy set out to work with communities on developing local solutions. A key activity within this was to develop an 'anti-dog fouling toolkit' which can be used by local communities, as well as targeted initiatives such as The Green Dog Walkers and the Waste Off Our Footways (WOOFs) campaign, which has been in operation in Berwickshire for several years .
- 4.3.2 The Green Dog Walkers (GDW) scheme was patented by Falkirk Council and has been running since 2008. Through this, community members pledge, and seek pledges from others, to observe and promote responsible dog ownership, creating a network of locally active community members. The project team have established Scottish Borders Council as a licence holder. Each GDW Licence holder is provided with a "Green Dog Walkers Tool Kit" which can be used by community groups and volunteer organisations which become an official GDW group, thus

supporting community led activities and seeking to change public attitudes.

- 4.3.3 Since April 2016, Officers have successfully established three Green Dog Walker initiatives in Newtown St Boswells (see Appendix three), Lauder and St Abbs. Individuals can 'pledge' to become Green Dog Walkers, thereby actively promoting a behavioural change from the heart of the community. Since the launch of the Strategy a total of 243 dog owners have 'pledged' across the region (see Appendix four for details).
- 4.3.4 Extending the potential reach of the Strategy, officers met with Registered Social Landlord's (RSLs) to promote the scheme and as a result both SBHA and Waverley Housing have agreed to promotional GDW literature being issued to all new tenants with dogs and existing tenants seeking permission to have a dog.
- 4.3.5 The GDW provides communities with an 'anti-fouling' toolkit. Alongside this, communities have access to a 'toolkit' of resources from the Council;
- pavement stencilling kits for localised, targeted temporary signage to highlight problem areas.
 - dog legislation leaflets for local promotion of the legal responsibilities of dog owners.
 - Litter Pick Kits, available for loan for local litter picking events.

4.4 **Information and Intelligence**

- 4.4.1 The Strategy set out how the Council will gather intelligence on instances of dog fouling and work closely with POLICE Scotland, SSPCA, RSLs and community groups for sharing intelligence, thus enabling targeted enforcement. Public support of the Strategy and reporting of incidents is key.
- 4.4.2 Information and intelligence gathering has been through a number of channels;
- Local events - attendance at local events such as the 2016 and 2017 Borders Union Show provided a forum for capturing anecdotal feedback. A survey was also undertaken to gauge public opinion on SBC's Strategy, visitors to SBCs stand were also able to report issues and problems in their area.
 - Online reporting - reporting via the website is now simple and direct, with a dedicated online form.
 - Telephone - members of the public can now use the 0300 number.
 - Contact Centres - face to face (Customer Service staff received updated scripts to ensure accurate data capture.)
- 4.4.3 All forms of reporting can be anonymous. Prior to the commencement of the enforcement pilot the public were invited,

via media campaigns and local events, to come forward and identify known problem areas (and, where possible, known offenders). A total of 507 reports were received and the data gathered was analysed to inform the locations targeted by the enforcement Pilot.

4.4.4 The sharing of this intelligence with key partners is essential to the targeted and effective deployment of resources. All data provided is logged and analysed to ensure up to date records effective deployment of resources in priority areas. Throughout the pilot, weekly reports on dog fouling enquiries were provided to the Enforcement Officers. It is notable that 13 of 19 Fixed Penalty Notices issued for dog fouling FPNs were based directly on intelligence provided by public (see section 4.5.3).

4.5 Enforcement

- 4.5.1 The Strategy sought to review enforcement activities and ensure a targeted, effective and fair enforcement service is delivered. As part of this a review of key internal stakeholders and Authorised officers was proposed, as well as a review of relevant external agencies. A pilot programme, utilising an experienced 3rd party to deliver a targeted approach was agreed.
- 4.5.2 The enforcement activity was outsourced to a third party, 3GS, who have prior experience of tackling dog fouling. 3GS have worked on similar initiatives in England and Wales and have experience of the challenges faced. The contract for enforcement activities ran for the pilot period from June 2016 to May 2017, with services continuing on a monthly basis, providing cover until April 2018. The project was the first of its kind in Scotland. The initiative around enforcement has brought with it numerous lessons learned which will support future decision making around enforcement (see section 5.0). As part of the pilot the enforcement powers extended to include littering.
- 4.5.3 During the pilot there have been 19 FPN's served for dog fouling, and 185 FPN's for litter/fly-tipping, by the Enforcement Officer/s employed by the private contractor. A further five FPN's for dog fouling offences were issued by POLICE Scotland.
- 4.5.4 The payment rate for 3GS issued FPNs for dog fouling is 47% (9); this rises to 58% (11) when we factor in those that received Fiscal Fines (2). The remaining went unpaid due to a number of varying factors including the incorrect serving of notices, offenders providing false personal information or 3rd parties failing to provide information to meet prescribed timeframes. A record of all dog fouling and littering FPNs issued is now available to view online. The information includes date of issue, location of offence and payment status, and can be viewed at https://www.scotborders.gov.uk/info/20052/environmental_problems/583/dog_fouling/2

4.6 Partnerships

4.6.1 The strategy highlighted the need for effective partnerships in delivering the strategic objectives. Through the work of the project team various strands of partnership working have been developed and/or enhanced;

- **Enhanced Community Partnerships** - in areas such as Newtown St Boswells (see Appendix one); communities have become actively engaged and supported via the Green Dog Walkers Initiative.
- **Police Scotland/SSPCA/PDSA** – the Dog Control Officer has established a strong working relationship, and the project team worked closely with the SSPCA/PDSA on dog welfare at events such as that held at Wilton Lodge Park in 2017. Community Safety officers continue to work closely with Police Scotland, including measures around community empowerment and local stewardship
- **Procurator Fiscal** – Officers met with the local Procurator Fiscal to discuss the issue of dog fouling in the Scottish Borders and to gauge his willingness to bring such matters to the court. The meeting was very positive. The Fiscal intimated that he certainly would be willing to raise such proceedings, and provided advice on matters such as the quality of evidence which would be needed to secure conviction and the timescales and processes within which such offences would need to be reported. A key action during 2016/17 was to progress appropriate cases to the Procurator Fiscal to further support the strong message that failure to deal with dog-fouling will not be tolerated. Challenges remain however as noted in 5.6.6.
- **RSLs** – meetings with RSL's have established a working relationship that has broadened the reach of awareness raising measures to include RSL's tenants and their grounds.

4.6.2 Internal partnership working with officers in Environmental Health, Waste Services, Countryside Access and Protective Services continues to be developed.

5 OUTCOMES AND NEXT STEPS

5.1. Across all delivery action areas, there has been significant progress and lessons learned throughout the pilot period. As with any pilot, there have been challenges faced, and opportunities identified that can inform a revised Strategy. The following summarises the outcomes, and makes recommendations for next steps, across each delivery action area.

5.2. Education and Awareness

5.2.1 The work done to date has raised awareness across communities, and based on the responsible dog ownership survey questionnaires, 98% of respondents agreed with the strategy of

education, community involvement and enforcement actions. While the majority of respondents were aware of the appointment of enforcement officers, awareness of some other aspects of the Strategy (such as the toolkit) were low. Feedback also highlighted the emphasis placed on dog bin provision by the public, with quantity and distribution of bins a priority. Awareness of enforcement measures was highlighted as an aspect that the public felt had scope for improvement.

- 5.2.2 The work done to date with Hawick High School and a number of primary schools has proved successful, raising awareness amongst young people and working towards a culture shift.
- 5.2.3 During the pilot, it was recorded that one of the reasons for failure to pick up dog fouling often cited is a lack of a suitable bag being available at the time. In order to overcome this problem consideration is required to explore and if possible introduce stations to distribute free bags.
- 5.2.4 Officers have identified a third party organisation ('Tikspac') who provide bags free to local authorities for dispensing at fixed sites at which advertising is sold by the organisation to local businesses. The business model promotes corporate social responsibility by enabling the public to clean up after their dogs without additional costs to the public or to the Council (see Appendix 4).
- 5.2.5 It has been established that several Councils in Scotland have either trialled the initiative or contracted Tikspac for the provision of dispensing units in their areas. Feedback from those Authorities is that the initiative has led to a positive public response and improvements to levels of dog fouling incidents within their areas. If agreed, there is an option to negotiate and enter into a contract within the Scottish Borders to install dispensing stations providing free bags at known problems sites, and at no cost to the Council, subject to any appropriate permissions being granted.
- 5.2.6 In order to continue the good work done to date, officers recommend the following next steps;

- Develop a training programme for use in primary/secondary school pupils, community groups etc.
- Support schools in running Eco/Community Projects
- Develop a new media campaign raising awareness of the Legislation / Reporting mechanisms (via Local Radio, Schools, Members Update, Community Groups)
- Negotiate the introduction of the Tikspac Dog Poo Bag Dispensers (as summarised above)
- Review type/distribution and servicing of all litter bins. e.g. Big Belly Bins and the Gumball/Gumdrop Initiative

5.3 Promotion and Events

- 5.3.1 Sustained promotion both demonstrates to the public how seriously the Council take the issues of dog fouling and raises awareness of the problem amongst possible offenders.
- 5.3.2 The attendance at events such as the Borders Union Show provided a good showcase for the key messages of the strategy. A dedicated suite of promotional equipment would help raise the profile further, with display stands, marquee/trailer, and appropriate equipment.
- 5.3.3 The success of the promotional events carried out to date suggest the following as next steps;

- Identify more opportunities to attend events where the Responsible dog ownership strategy can be promoted (dog orientated shows/community-based events).
- Provision of a budget to purchase dedicated equipment – marquee, display tables and equipment etc.
- Attendance at Stakeholder events – KSB, The Dogs Trust

5.4 Community Empowerment

- 5.4.1 The community empowerment work done to date has seen several communities become actively engaged and empowered to champion responsible dog ownership in their locality. Newtown St. Boswells was the first to take the Green Dog Walkers Pledge, under the auspices of 'Dog Friendly Newtown'. Representatives presented their community initiative at the 2016 Keep Scotland Beautiful 'It's your Neighbourhood – Environment & Community' Seminar, and Council officers meet monthly with them to ensure continued support. Lauder Community Council has also engaged with the Green Dog Walkers Scheme, launching their own 'Good Dog Citizen' scheme with a dedicated volunteer based in the community. St Abbs Community Council have utilised GDW posters advertising the pledge within their community, starting to build interest.
- 5.4.2 The excellent work at Newtown St. Boswells of the Green Dog Walkers initiative continues to develop locally, and is being recognised nationally. The initiative is integral to the Responsible dog ownership strategy and sets a precedent for a network of initiatives across the Scottish Borders.
- 5.4.3 To build on the work done to date the next steps recommended are;

- Continued promotion of the Green Dog Walkers Scheme
- Engagement with resilient community groups within each Locality (based on the Dog Friendly Newtown model)

5.5 Information and Intelligence

- 5.5.1 During the Pilot, promotion of community reporting led to an increase in levels of reporting and intelligence gathering (see Appendix one). Monitoring and intelligence gathering proved critical in informing the work of the Enforcement Officers. Benchmarking of incidence rates in key problem areas was noted as an opportunity, to improve performance monitoring.
- 5.5.2 Following the launch of the strategy, levels of intelligence gathered helped inform our targeted approach to enforcement. Going forward, we would seek to develop that intelligence by encouraging people to report patterns of behaviour, routes. Thereafter we would employ appropriate techniques to undertake targeted enforcement at those locations.

- Performance monitoring – spot checks in problem areas to inspect levels of fouling and ascertain increases and decreases in the prevalence of dog fouling
- Promote the reporting routes and the need for detailed information
- Provision of regular performance data for review

5.6 Enforcement

- 5.6.1 The pilot opted to contract with a third party to explore an emerging market for private enforcement (which is more prevalent in England and Wales) and also due to the flexibility this allowed given the temporary nature of the pilot.
- 5.6.2 The pilot enabled the Project Team to quickly and effectively trial a new and innovative approach to enforcement. However the (relatively) short timescale limited the ability to have a significant impact on what is a long standing issue. As demonstrated elsewhere, a long-term sustained campaign of education and enforcement is key to building momentum and effecting real changes in attitude (see section 6.0).
- 5.6.3 The strengths of the enforcement pilot lay in the development of up-to-date local intelligence and increased engagement between communities and the Council. The utilisation of a body camera has helped support the process of enforcement and protects individuals from wrongfully being served FPNs, potentially leading to a criminal conviction. Body cameras are also being piloted and trialled by other teams within Assets & Infrastructure and it is intended that lessons learned by their application can be integrated elsewhere within the other services.
- 5.6.4 Some of the challenges encountered related to mobilisation and effectiveness of the external enforcement officers, who took time to become effectively engaged. Initiation and start-up took twice as long as programmed, which caused delays to enforcement

actions and reporting. There have also been significant challenges in creating an effective business support function with the contractor and this has led to several missed opportunities to improve on the number of FPNs served, thus resulting in non-payment or prosecution cases not being heard.

- 5.6.5 The report of February 2016 assumed; (1) FPN's would be issued as the method of enforcement and (2) The income generated from the payment of FPNs would offset some of the costs of service provision. Although it was recognised in agreeing the pilot that the legal systems relating to enforcement and recovery of fines differed in England to Scotland, it became clear very early on the significant impact this would have on the pilot compared to operations in England where the precedent to the pilot originated. In issuing FPN's in Scotland, where these remain unpaid the Council can only pursue recovery via civil measures. In England, however any unpaid FPN's can be escalated directly to the Courts for criminal prosecution and the costs of that court action would then be payable by the offender. Moreover, such court cases can in England be prosecuted directly by the Local Authority, whereas in contrast in Scotland only the Procurator Fiscal can raise prosecutions. These fundamental difference mean the likelihood of successful recovery is in fact lower. As a result the income generated from payment of fines was significantly lower than had been assumed.
- 5.6.6 A significant learning point also emerged during the pilot surrounding the processes required when cases did require to be escalated to the Procurator Fiscal (PF). All cases are first required to be considered by the Crown Office, whereby cases are vetted and scored to ascertain whether it merits escalation to the Procurator Fiscal. It became apparent that this involved a significant amount of officer work, with no guarantee of escalation. The assumption therefore that a prosecution case could readily be escalated to the PF didn't recognise this critical stage. Future partnership working will need to consider the most effective way of handling those cases which require to be escalated to the Fiscal.
- 5.6.7 Alternative opportunities for enforcement have been researched - one possible opportunity is to broaden the range of punitive measures to include a restorative justice approach, such as that taken in Glasgow where offenders are given the choice between 'Fine or Time' - either pay the FPN or complete a 2 hour community litter pick.
- 5.6.8 The Dog Fouling (Scotland) Act 2003 does not include an exemption for people under the age of 18. During the pilot no FPNs were served on under 18s. Appendix one outlines the scale of offenders who were observed to break the law as per the act. Anecdotal evidence indicates that under 18s are served FPNs in other Scottish authorities, as well as other forms of follow up

including sending correspondence to the offenders, their parents or guardians and schools.

- 5.6.9 Members of the public (over the age of 18) found committing an offence under the Environmental Protection (Scotland) Act 1990, section 87(1) of littering have been served FPNs during the pilot. No further action was taken to recover unpaid fines during the pilot.
- 5.6.10 The Enforcement pilot has enabled lessons to be learned on a short term basis, meeting the objectives of the Responsible Dog Ownership Strategy as set out in 2016. Lessons learned have informed future strategy planning and in the context of the lower than anticipated income, logistical and operational challenges outlined above, and the challenges around escalation of unpaid fines (outlined above), the 3rd party contract has been terminated.
- 5.6.11 Based on the Enforcement pilot, the project team have identified opportunities for future enforcement actions;

- Partnership working between the Council and Police Scotland's newly established Police Community Action Team
- Continue to work with the Procurator Fiscal in bringing successful prosecutions (for dog fouling and littering offences)
- Continue to work with partners and the Scottish Government to improve the effectiveness of enforcement arrangements
- Through partnership working review and reconsider the approach to under 18s and for littering and dog fouling offences seeking to retain integrity around future enforcement activities and the payment rates of FPNs
- Utilise intelligence supplied from the public to inform targeted and appropriate enforcement in future
- Explore restorative justice as an alternative to FPNs.

5.7 Community Policing

- 5.7.1 The Council will combine our existing resources with the work undertaken by the Police Community Action Team in delivering the Local Police Plan. The CAT will undertake local enforcement activities for all antisocial behaviour in responsive, intelligence-led and prioritised service.
- 5.7.2 In accordance with the Dog fouling Scotland act 2003, the Dog Control Officer (within Environmental Health) will also be the authorised person to issue FPNs on behalf of the Council.

5.8 Partnerships

- 5.8.1 As summarised in 4.6, through the work of the Project Team collaboration and outreach work has effectively established/enhanced partnership working with community groups

and stakeholders. It is clear from the pilot that communication, education and enforcement work hand in hand in tackling the issues around responsible dog ownership. To this end, the project team feel there is a need, through a revised Responsible Dog Ownership Strategy, to formally recognise the breadth of stakeholder involvement. The following actions are therefore recommended;

- Establish a Borders Responsible Dog Ownership Taskforce, ensuring clear and effective collaboration and intelligence sharing. This would include a range of partners;
 - POLICE Scotland
 - SBC Legal and Licensing
 - Procurator Fiscal
 - Registered Social Landlords
 - Debt Recovery Team
 - SBC Protective Services / Environmental Health
 - Portfolio Holder
 - Neighbourhood Services
 - Keep Scotland Beautiful/SSPCA/PDSA
 - The Dog's Trust
 - Area Forum Representatives
 - Corporate Communications
 - Safer Communities
- Hold regular Taskforce meetings to review effectiveness of the Strategy and share intelligence exploiting opportunities for promotion and awareness raising at a Scottish Borders level.

6. CONCLUSIONS

- 6.1 It is recognised from anecdotal evidence that while almost every Council in Scotland discharge their duties/powers through the use of enforcement, many integrate enforcement activities into a longer term, sustained and strategic approach to responsible dog ownership, encompassing education and community empowerment initiatives. It is therefore proposed that Scottish Borders Council adopt a similarly longer-term approach, allowing time to build in behavioural change and a growing body of education and awareness, within which a sustained campaign of enforcement can be integrated.
- 6.2 A review of the Responsible dog ownership strategy would build on the significant body of work done to date and enable the development of the 'next steps' outlined above. This should take in a 5-year period of 2018 – 2022, to enable cumulative and sustained impact. This would further develop the strands of education, empowerment and enforcement established throughout the pilot period. Performance indicators for the strategy need to be developed, as a measure of long term success – for example, rates of FPN's served, levels of FPN's paid versus unpaid, levels of fouling in problem areas, or customer satisfaction surveys can all help ascertain where to deploy future resources effectively and monitor success over time.

- 6.3 It is intended that the cost of the ongoing Education and Awareness, Promotion and Events, Community Empowerment and Partnerships activities will be met from the existing budget within the Neighbourhoods team.

7. IMPLICATIONS

7.1 Financial

- (a) During the first 6 months of the pilot the running costs (including income) were split equally between 3GS and Scottish Borders Council. The 12 month cost of the pilot to SBC was as follows:

Gross Cost	£49,879
Income	£ 3,800
Net Cost	£46,079

The following 7 months to Dec 2017 have been paid in full by Scottish Borders Council and are as follows:

Gross Cost	£25,030
Income	£ 560
Net Cost	£24,470

- (b) A budget to provide the promotional equipment detailed in section 5.3 would need to be identified from within existing resources. See 6.3. It is proposed that £25k per annum from the Neighbourhoods budget, which was being utilised to fund the pilot enforcement project, be allocated over the longer term to support ongoing Education and Awareness, Promotion or Events.

7.2 Risk and Mitigations

- (a) On the issue of the pilot there were reputational risks identified in the report of 25th February 2016 which would be mitigated by working in partnership with a third-party contractor. A total of five complaints were received during the pilot, of those four were in relation to the conduct of the enforcement officers. Following investigation by the contractor all were considered unjustified.
- (b) There is a risk arising as a result of choosing not to pursue any unpaid FPNs issued for littering offences. The public may choose to not pay the fines with no risk of further action being taken, resulting in increased levels of littering and ineffective enforcement. If FPNs for littering offences are to be issued consideration should be given to pursuing them with the aim of retaining the integrity of enforcement activities
- (c) There is a financial risk in pursuing unpaid FPN's for both dog fouling and littering, as the costs associated with pursuing payment may be significantly higher than the level of monies recovered by the Council. The mitigation of this is contained within the legislation which

increases the level of fine to £100 if the FPNs remain unpaid after 28 days.

- (d) There are known health risks associated with coming into contact with dog fouling. The pilot and any future enforcement measures which may arise from this report are control measures aimed at reducing/eliminating dog fouling through more responsible dog ownership.
- (e) Improved access for the public reporting instances of dog fouling was recognised as a risk in the previous report. The evidence shows an increase in the level of reports. Information from reports was analysed and used to deploy the enforcement officers to hot spots. All of the dogs fouling FPNs were issued in those hot spots.
- (f) Depending on the decisions which are taken regarding the future of the Responsible dog ownership strategy and the subject of environmental enforcement the most significant risk remaining is one of a reputational risk arising from the continuing perceived increase of dog fouling.

7.3 Equalities

The Responsible dog ownership strategy and Action plan does not unfairly discriminate any of the protected characteristics. The dog fouling (Scotland) Act 2003 includes exemptions which extend to; -

Blind people in charge of a dog;
A person in charge of a working dog;
A dog on official duties by a member of HM Armed Forces;
Customs and Excise or a Police constable;
A dog being used in emergency rescue work;
A disabled person with a physical impairment effecting manual dexterity.

7.4 Acting Sustainably

The social impact of dog fouling is understood to affect the quality of life for the people of the Borders. The Responsible dog ownership strategy aims to mitigate the effects of dog fouling and improve the quality of life for everyone in the Borders. Enforcement activities reassure and encourage the public to support the strategy and its implementation

7.5 Carbon Management

There are no effects of carbon emissions.

7.6 Rural Proofing

The Responsible dog ownership strategy does not unfairly discriminate against rural communities.

7.7 Changes to Scheme of Administration or Scheme of Delegation

There are no changes to the scheme of administration.

8 CONSULTATION

8.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Service Director HR and the Clerk to the Council are being consulted and any comments received will be incorporated into the final report.

Approved by

Martin Joyce

Service Director Assets & Infrastructure Signature

Author(s)

Name	Designation and Contact Number
Jason Hedley	Neighbourhood Operations Manager
Jacqueline Whitelaw	Business Development and Support Officer

Background Papers: Scottish Borders Council 25th February 2016, item 7. New measures to control Dog Fouling

Previous Minute Reference: [Minutes](#)

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jacqueline Whitelaw can also give information on other language translations as well as providing additional copies.

Contact - Jacqueline Whitelaw, Council Headquarters, Newtown St Boswells, TD6 0SA, 01835-824000, ext. 5431

Appendix one - Statistics

Responsible dog ownership strategy - 12 month review (1st June 2016 – 31st May 2017)

Excerpt from the Strategy -

The overarching objective of the Responsible dog ownership strategy is the promotion and encouragement of responsible dog ownership and the specific objectives of this strategy can be summarised as follows:

- To educate dog owners in the principles of responsible dog ownership.
- To raise awareness of the legal responsibilities associated with dog ownership.
- To reduce the number of dog fouling instances through education, partnership working and enforcement.
- To improve the use of information and intelligence and share this with key partners.
- To clarify and raise awareness of the roles and responsibilities of Scottish Borders Council and those of our key partners including Police Scotland.
- To improve and simplify the way in which members of the public can report instances of dog fouling.
- To work more closely with communities on developing local solutions.
- To ensure that robust enforcement action is taken, where appropriate.

Enforcement

- Two officers covering the Scottish Borders
- 40 hour/over 7 days
- Provision of weekly 'Confirm Enquiry Reports' for both dog fouling and littering
- Support from Neighbourhood Services Area Manager, Business Services Officer and a Regulatory Services Officer.

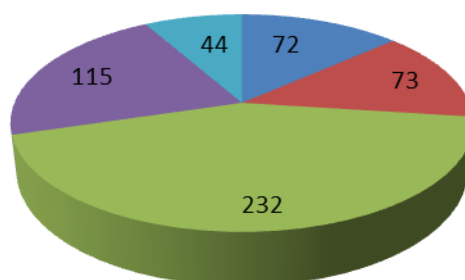
Confirm Enquiries

A total of 536 Dog Fouling enquiries were received during the pilot which is an 11% rise on the previous year. However, this may be attributed to a more robust reporting mechanism which included a new dedicated Webpage and online dog fouling/littering reporting form, the 0300 telephone number and face-to-face contact with the Contact Centre Advisors, who were also supplied a new script to aid customer handling..

Media releases have also encouraged residents affected by dog fouling and littering issues to formally report them. However, the quality of the information has been poor and often too generic. The provision of detailed information (i.e. location, times offences are being committed, name of offender, description of the dog) has helped target resources more effectively and resulted in offenders being caught and issued with fines.

Confirm Enquiries - by area

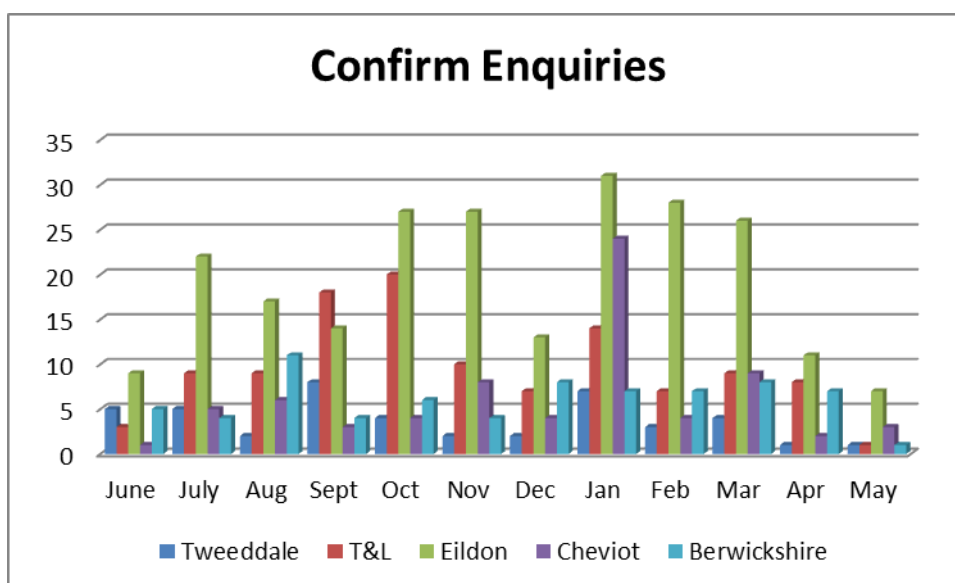
■ Berwickshire ■ Cheviot ■ Eildon ■ T&L ■ Twd



Enquiries by town (highest) include:

- **Berwickshire** - Eyemouth (15), Duns (11)
- **Cheviot** – Kelso (37), Jedburgh (21)
- **Eildon** – Galashiels (132), Selkirk (53), Tweedbank (13), Newtown St. Boswells (12)
- **Teviot & Liddesdale** – Hawick (108)
- **Tweeddale** – Peebles (19), Innerleithen (11)

Confirm Enquiries (Monthly)



	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Total
Tweeddale	5	5	2	8	4	2	2	7	3	4	1	1	44
T&L	3	9	9	18	20	10	7	14	7	9	8	1	115
Eildon	9	22	17	14	27	27	13	31	28	26	11	7	232
Cheviot	1	5	6	3	4	8	4	24	4	9	2	3	73
Berwickshire	5	4	11	4	6	4	8	7	7	8	7	1	72
Total	23	45	45	47	61	51	34	83	49	56	29	13	536

Historical confirm enquires;

Dog Fouling	Ber	Chev	Eil	T+L	Twd	Total
2013/14	43	56	104	131	39	373
2014/15	69	38	170	106	63	446
2015/16	66	51	156	82	58	413
2016/17	77	81	244	121	55	578
2017 -	21	17	47	25	16	126
Total	276	243	721	465	231	1936

Enforcement Powers

Recipients of a fixed penalty notice have the option to contest the fine and request a Hearing with the Procurator Fiscal (PF). However, instead of a fixed penalty notice, the Local Authority can choose to notify the matter to the PF for prosecution through the criminal courts. It is then a matter for the discretion of the Procurator Fiscal as to whether criminal proceedings should be raised. Prosecution can only be brought within six months of the offence having been committed.

Prosecution Cases

Two members of Business Services are now certified to submit Prosecution Files into the Crown Office portal for Dog Fouling and Littering offences.

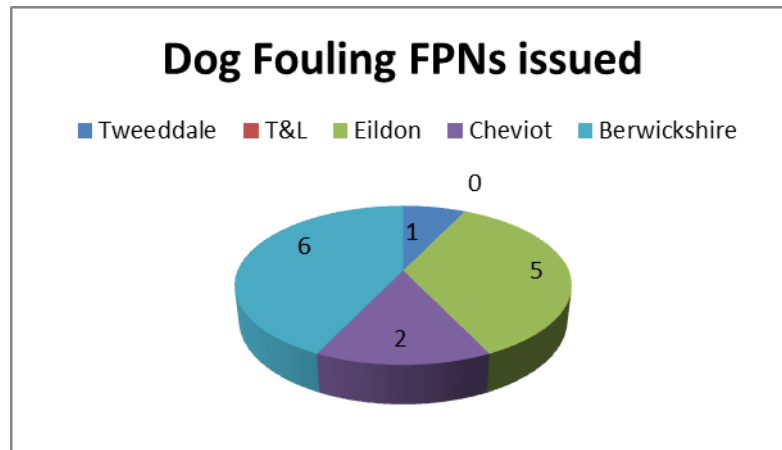
On issuing a FPN the Enforcement Officer is required to prepare a witness statement and the prosecution file. Using this information a SBC Officer prepares the submission for the Crown Office, which must be approved by our Chief Legal Officer. The case is then loaded onto the dedicated Crown Office portal for marking by a panel who decide if the case should be passed to the PF.

Fixed Penalty Notices (FPNs) – Dog Fouling

A total of 14 FPNs were issued during the pilot, six fines were paid within the 28 day timescale.

Three fines were contested and requested hearings; the Council prepared and submitted two for Prosecution, the third was void due to 3GS's preparing the relevant documentation out with the timescale determined by the Legislation. Three fines remained unpaid after 28 days and were passed for civil recovery; two were void as the offenders had provided false personal details and could not be traced; the third due 3GS issuing the FPN out with the timescale

determined by the Legislation. One FPN was issued on private ground in error and a further FPN made void due to the conduct of the Enforcement Officer.

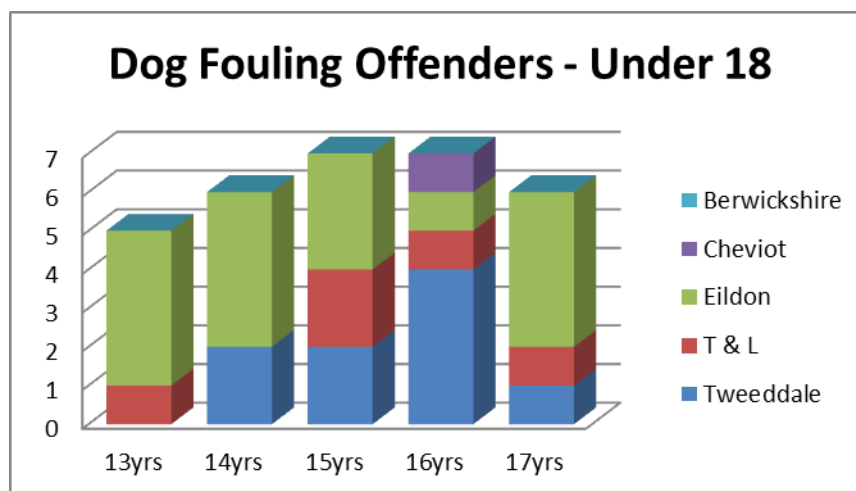


POLICE Scotland – FPNs (Dog Fouling)

Three FPNs were issued by the Police during this time period; one was paid, another voided due to a Police administration error and the third FPN was contested, SBC prepared and submitted the case for consideration by the Crown Office.

Dog Fouling (under 18s)

A total of 32 offenders 'under 18's, were observed and challenged for failing to immediately pick up dog faeces. Following advice from the Information Commissioner, no follow up action was taken to contact the parent or guardian. The age groups are broken down as follows –



The Eildon area accounted for 17 (53%) followed by Tweeddale 9 (28%), Teviot & Liddesdale 5 (16%), Cheviot 1 (3%), no under 18's were observed committing offences in Berwickshire.

Green Dog Walkers Scheme

GDW is a non-confrontational, friendly way to change attitudes about dog fouling in the Scottish Borders. The secret to the success of GDW is the volunteer groups and dog owners. Local community groups are being encouraged to set up and run a campaign within their area to sign up 'pledgers.'

'Dog Friendly Newtown (DFN)' was the first community to launch the scheme on the 1st April '16. Undertaking a dedicated campaign to keep their village clear of dog mess, and continue to encourage new members to pledge. They have also introduced a monthly 'kids club' whose aim is to promote responsible dog ownership and become ambassadors for their school. Representatives from DFN presented their initiative at the 2016 Keep Scotland Beautiful 'It's Your Neighbourhood – Environment & Community' Seminar. Monthly meeting with SBC enable the sharing of information and the opportunity to provide continuing support.

Number of GDW pledgers –

During the period of the pilot, a total of 197 dog owners have pledged, the key towns are - Newtown St. Boswells (72), Peebles and Selkirk (18), Kelso (15), Galashiels (11), a number of other town have a few pledgers.

Community Engagement –

To raise awareness of the Responsible dog ownership strategy and the GDW Scheme, a letter was sent to the 64 Community Councils and dog orientated businesses within the Scottish Borders which included – licensed dog breeders, boarding kennels, dog grooming parlours, vet's surgeries and dog walking businesses. Presentations were undertaken with members of each of the Area Forum.

Community Participation

A number of opportunities have enabled promotion of the Responsible dog ownership strategy, and to obtain feedback on the work being undertaken by the Council in response to the dog fouling and littering issue.

- Dog Friendly Newtown (launch) – April 2016
- Borders Union Agricultural Show (BUAS) – July '16.

- Earlston Civic Week 2016 (Pet Show) – July `16
- Floral Gateway – Sept `16
- Galashiels Rotary Club – March 2017
- Dog Friendly Newtown – Kids Club Enrolment Day (March `17) / Annual Family Fun Day (April `17)
- Schools – Kids Countryside Day – May `17 (invitations were extended to all 63 Primary Schools to work with them on an eco-project)
- Lauder in Bloom – May `17
- SBCs Family & Dog Day (Hawick) – July `17
- Borders Union Agricultural Show – July `17

Social Registered Landlords (SRLs)/Community Councils –

Two of the Region's SRLs are now promoting the GDW scheme to new and existing tenants;

- Scottish Borders Housing Association
- Waverly Housing Association

SBC provides posters and pledge forms for inclusion in tenancy packs and when existing tenants apply for permission to have a dog.

Gordon Primary School

SBC is currently working on a project with pupils at Gordon Primary School, plans include;

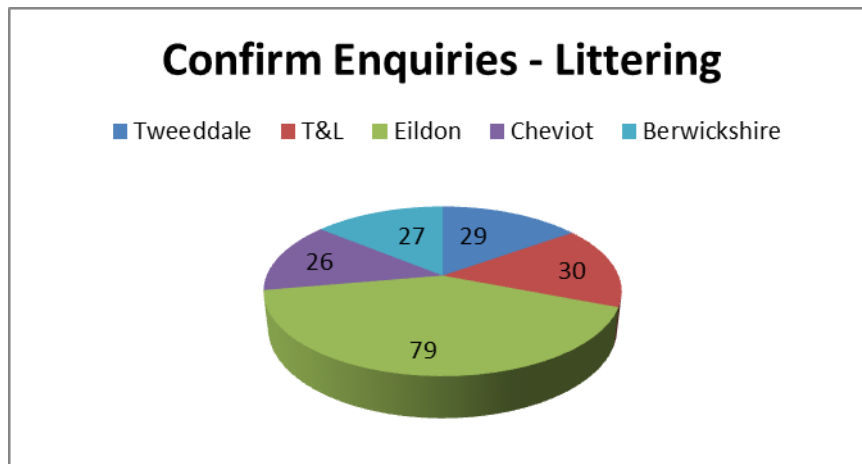
- Presentation on the Green Dog Walkers Scheme and helping support the school/community to roll this out in Gordon
- Supporting the children to undertake a 'poo' survey over a given period of time and then analyse the data (before and after). This could include us providing the school with chalk based spray paint to circle every 'poo' followed by our roads team clearing every 'poo' from the streets to enable good data to be collected.
- Footway 'anti-dog fouling stencilling' – sprayed in the streets en-route to the school
- Creation of a video – children planning and taking the footage and our communications team helping to edit/format and load it onto You Tube
- Provision of 'anti-dog' fouling posters which the children and teachers could place in and around the village
- Our Communications team would also undertake a new release to promote the school's campaign to rid the village of the problem.

Footway Stencils/Anti-Dog Fouling Signage

Footway stencils and signage – a dedicated programme of work is ongoing with stencilling and anti-dog fouling signage being placed in areas badly affected by dog fouling. Members of the public and community groups can also request problem areas to be stencilled and new signs to be erected.

Confirm Enquiries – Littering

A total of 191 Littering enquiries were received and logged in Confirm.



	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Total
Tweeddale	7	1	2	0	4	0	2	3	1	3	2	4	29
T&L	5	1	4	3	2	0	2	2	5	4	1	1	30
Eildon	6	2	3	7	7	3	4	8	9	13	10	7	79
Cheviot	1	2	2	4	2	4	1	1	1	4	3	1	26
Berwickshire	6	0	3	0	2	0	3	1	2	6	0	4	27
Total	25	6	14	14	17	7	12	15	18	30	16	17	191

Enquiries by town (highest) include –

- Berwickshire – Eyemouth (11)
- Cheviot – Kelso (13)
- Eildon – Galashiels (47)
- Teviot & Liddesdale – Hawick (22)
- Tweeddale – Peebles (23)

Number of Litter FPNs issued

A total of 133 Littering fines were issued, of those 64 were paid. No action has been taken to recover the non-paid fines.

	Litter - Cigarette	Litter - Litter	Litter - Spitting	Litter - Chewing Gum	Litter - Food Waste	Total
Tweeddale	3	3	0	0	0	6
T&L	10	1	1	0	0	12
Eildon	61	6	4	1	1	73
Cheviot	26	0	1	0	1	28
Berwickshire	13	1	0	0	0	14
Total	113	11	6	1	2	133

Litter – (under 18s)

No information was collated for the time period of the trial.

3GS - Schools Littering Report

A detailed report prepared by the 3GS, Senior Enforcement Officer outlines the issues of littering around the regions High Schools between 12pm – 2pm. The schools were rated worst to best for littering/anti-social behaviour;

1. Galashiels Academy	6. Kelso High School
2. Hawick High School	7. Earlston High School
3. Selkirk High School	8. Jedburgh Grammar School
4. Berwickshire High School	9. Peebles High School
5. Eyemouth High school	

Galashiels Academy – identified as the worst school for students littering and engaging in anti-social behaviour; students from Hawick High for throwing away spent chewing gum. The main problem at Selkirk High was students throwing away cigarette ends and spitting. Students at Peebles High caused the least problems in terms of anti-social behaviour and littering

Litter Picking Kits – (Community Events)

The equipment hire launched on the 1st June during that time three community events have been held. SBC have a dedicated Webpage page and an online booking form. The equipment is delivered to the event organiser and collected after the event along with the bagged rubbish.

- Jedburgh Grammar School (June) – 9 black bags
- Kelso in Bloom (June) - 17 Black bags
- Kelso in Bloom (July) - 14 Black Bags

Complaints

Complaints are managed by SBC in line with SPSO guidelines and logged onto Lagan. A total of four complaints were made against 3GS.

- May 2016 – (Other) Complaint regarding the outsourcing of Enforcement for Dog Fouling/Littering. **Outcome - Invalid**
- September 2016 – (Employee Behaviour) Aggressive behaviour towards a member of the public being issued with a fine. **Outcome - Unjustified**
- September 2016 – (Bias & Discrimination) Victimised for throwing litter. **Outcome - Unjustified**
- October 2016 – (Other) Complaint regarding the location of the officer in relation to the offender at the time offence committed. **Outcome - Unjustified**

Appendix two – Media coverage montage

HOLYROOD
SCOTLAND'S AWARD-WINNING CURRENT AFFAIRS MAGAZINE

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Scottish Borders Council brings in stencilled messages to combat dog poo

Written by Jenni Davidson on 25 July 2016 in News

Scottish Borders Council is to spray paint 'clean it up' messages in dog fouling blackspots





SCOTTISH BORDERS COUNCIL

A football team in the Borders has urged members of the public to help it

Inaugural dogs' day out is a walk in park



Logan Darling with Harley the Saint Bernard.

'Bag the poo!' urge Hawick pupils



Hawick High News members Natasha Burns and Daniel Frankland with Cllr David Paterson

f t + 0 comments

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HAWICK High School pupils have created a video to highlight the issue of dog fouling.

The video was made by the news team students to support Scottish Borders

Dog owners' initiative



SBBN Dog Owners initiative

Published: 09:41 Tuesday 05 April 2016



Borderers are being asked to pledge to become a Green Dog Walker.

Scottish Borders Council (SBC) is the latest local authority to sign up to the initiative, which aims to change the attitudes of owners to dog fouling in a non-

