
DOG FOULING ON SPORTS PITCHES

Report by Acting Chief Officer Corporate Governance

SCOTTISH BORDERS COUNCIL

29 June 2021

1 PURPOSE AND SUMMARY

- 1.1 The purpose of this report is to update Members on the Scottish Minister's response to Councillor Steel's Motion of 30 March 2023 and to recommend that Council consider seeking further information in the form of a report on the options and costs associated with additional signage and with a communication campaign.**
- 1.2 Scottish Borders Council wrote to Scottish Ministers in April seeking an amendment to the Dog Fouling (Scotland) Act 2003 (Appendix 1). Ministers have responded to that letter declining to implement the change sought.
- 1.3 The reply from the Minister for Victims and Community Safety (Appendix 2) included examples of approaches being adopted in other areas to tackle dog fouling problems. Once such example was improved signage and another was targeted communications on the problem. This report recommends exploring these approaches by calling for a report outlining options and detailing the costs associated with additional signage and a targeted communication plan.

2 RECOMMENDATIONS

- 2.1 **I recommend that the Council:-**
 - (a) considers the letter from Minister for Victims and Community Safety contained in Appendix 2 of this report; and**
 - (b) agrees to receive a further report by October 2023 on dog fouling containing detail on the possible options and associated costs for new signage and a targeted communications plan.**

3 BACKGROUND

- 3.1 At its meeting on 30 March 2023, Scottish Borders Council unanimously agreed the Motion proposed by Councillor Steel and seconded by Councillor Weatherston that:

"Following many complaints over several years from Sports Groups and parents of children, Scottish Borders Council agrees to write to the Scottish Government requesting an addition to the Dog Fouling (Scotland) Act 2003 to create a new offence. It is requested that it be made an offence for a person in charge of a dog to allow it to defecate at any time on a sports pitch or children's play area."

- 3.2 Following that meeting, the Chief Executive wrote to the Minister for Parliamentary Business seeking support for this legislative change. That letter is contained in Appendix 1.
- 3.3 The Minister for Victims and Community Safety responded by letter dated 27 April. That response is contained in Appendix 2. She explained that she was replying as her portfolio includes policy responsibility for tackling dog fouling.

4 THE RESPONSE

- 4.1 The response letter agrees that dog fouling waste is unsightly, unhealthy and potentially harmful to health. It details a variety of legal powers open to Local Authorities and outlines a variety of approaches which have been adopted in other areas to try and deal with this problem.
- 4.2 It also explains that the Land Reform Scotland Act 2004 provides a right of responsible access and that right includes the right to walk dogs. It further explains that the right extends to sports pitches when they are not in use for a match. It suggests, in that regard, that the *"land manager may consider providing a signposted route around the margins of the area covered by the pitches."*
- 4.3 Ultimately the Minister concluded saying:

"I sympathise with the challenges your Council has raised especially as they involve children's play areas and sports playing fields. I believe that the legislation as it stands provides sufficient powers and there are no plans to change it."

5 NEXT STEPS

- 5.1 Within the letter, the Minister detailed some of the approaches that are being taken in other Local Authority areas when they are dealing with dog fouling problems. A variety of approaches were listed, such as education initiatives and increased signage.

- 5.2 It is considered employing increased signage together with a targeted communications plan could possibly bring some benefit and has the potential to reduce the problem of fouling on sports pitches by raising better awareness of the issue.
- 5.3 It is therefore proposed that Council should consider whether to adopt these approaches in the Scottish Borders. It may be that the effectiveness of such an approach would best be assessed by trialling increased signage with targeted communications in one or two areas of the Borders. This would allow their impact to be monitored over a period of time.
- 5.4 Clearly further work will require to be done in order that Members can consider the detail of this proposal. More information is needed on the possible nature, location, and costs of such signage. More information is also needed on the possible nature and cost of any communication plan. This report does not seek to detail these matters, but rather seeks agreement in principle in order that time can be spent working out that detail. It is therefore also proposed that a report be brought back to Members by October 2023 with that further detail and seeking a final decision on whether the proposal should be pursued.

6 IMPLICATIONS

6.1 Financial

There are no costs attached to any of the recommendations contained in this report. These will be detailed in the follow up report in September.

6.2 Risk and Mitigations

There is a risk that the proposed signage will be too expensive or ineffective. These risks are mitigated by the fact that a further report is to be prepared and that will include full costings. The effectiveness of the approach will be monitored through the trial process.

6.3 Integrated Impact Assessment

A Part 1 IIA screening (Appendix 3) has been undertaken and has not identified any negative impacts for any protected group.

6.4 Sustainable Development Goals

The proposal contained in the report has the potential to support UN Sustainable Development Goals 3 (Ensure Health lives and promote wellbeing or all ages) and 11 (Make cities and human settlements inclusive, safe resilient and sustainable) as, if the proposal is successful it will make our sports pitches more attractive and safer green spaces to use.

6.5 Climate Change

The proposal has the opportunity to positively contribute as regards climate change impact 3 by potentially improving sports pitches which are a local amenity.

6.6 Rural Proofing

This section is not applicable as this is not a new or amended policy or strategy.

6.7 **Data Protection Impact Statement**

There are no personal data implications arising from the proposals contained in this report.

6.8 **Changes to Scheme of Administration or Scheme of Delegation**

No changes are required to either the Scheme of Administration or the Scheme of Delegation as a result of the proposals in this report.

7 CONSULTATION

7.1 The Acting Chief Officer Finance and Procurement, the Chief Officer Audit and Risk, the Director (People Performance & Change), the Clerk to the Council and Corporate Communications have been consulted and any comments received have been incorporated into the final report.

Approved by

Nuala McKinlay
Acting Chief Officer Corporate Governance

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Background Papers:

Previous Minute Reference: Scottish Borders Council, 30 March 2023

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