

**REPORT TO: ENVIRONMENT COMMITTEE – 10<sup>th</sup> FEBRUARY 2014**

**REPORT ON: CONTROL OF DOGS IN PARKS, CEMETERIES AND OPEN SPACE**

**REPORT BY: DIRECTOR OF ENVIRONMENT**

**REPORT NO: 69-2014**

## **1.0 PURPOSE OF REPORT**

1.1 To advise Committee of the Council's current activities relating to the control of dogs in parks, cemeteries and open space, to inform Committee of relevant current and forthcoming legislation and to seek approval for the proposed action plan.

## **2.0 RECOMMENDATIONS**

2.1 It is recommended that the contents of this report are noted and that the Director of Environment be remitted to progress the proposed service development work as outlined in the action plan.

## **3.0 FINANCIAL IMPLICATIONS**

3.1 Financial implications resulting from the proposed actions will be met from within existing revenue budgets.

## **4.0 BACKGROUND**

### **4.1 Introduction**

4.1.1 The Council manages a number of parks, cemeteries and open green space areas. Many of these are used by the public as areas within which to exercise dogs. Responsible dog owners are welcomed and encouraged to appropriate parks and open space within the City. The benefits of caring and walking with a dog in terms of contributing to the wellbeing of individuals are acknowledged.

### **4.2 Legislative Measures**

There are a number of legislative measures which provide the basis for the current approach to controlling dogs in open space. These are summarised as follows:

#### **4.2.1 The Dog Fouling (Scotland) Act 2003**

The Dog Fouling (Scotland) Act 2003 came into force on 22<sup>nd</sup> October 2003, and applies to any public open space including footpaths, cycle ways, roads, parks, recreational pitches, common land and any open land to which the public have access. Under the terms of this Act it is an offence for any person who is responsible for a dog not to remove and dispose of appropriately any excrement after the dog has fouled. Any fouling should be picked up and disposed of in a responsible manner by depositing it in the nearest dog waste bin wherever possible or litterbin/domestic waste bin.

Offenders currently receive a Fixed Penalty (FPN) of £40, rising to £60 if not paid within 28 days. Currently Environmental Services Officers and Enforcement Officers within the Environmental Protection Division are authorised to issue FPN's for dog fouling offences.

#### 4.2.2 The Control of Dogs (Scotland) Act 2010

Under the definitions of this Act, Authorised Officers from the Council respond to complaints alleging dogs being 'out of control'. Should a dog be deemed to be "out of control", the council will issue a Dog Control Notice (DCN). The DCN will detail the actions the owner or responsible person must follow. These actions can include compulsory micro-chipping, muzzling, and the use of lead at all times etc. Non-compliance with a DCN requires a detailed report being sent to the Procurator Fiscal for consideration.

#### 4.2.3 Promoting Responsible Dog Ownership Consultation

Consultation on promoting responsible dog ownership in Scotland including microchipping and other measures is on-going. The Scottish Government is currently consulting on this matter. A separate report will be brought to Committee detailing proposed responses to this consultation.

#### 4.2.4 Land Reform (Scotland) Act 2003

##### Access for Dog Walkers

Access rights apply to people walking dogs provided that their dog(s) is\are kept under proper control. Some of the main responsibilities for dog walkers are:

- In recreation areas and other public places avoid causing concern to others by keeping dog(s) on a short lead or under close control; and
- Owners must pick up and remove their dog's faeces if it defecates in a public open place.

##### Definitions

- A short lead is taken to be two metres
- 'Under close control' means that the dog is able to respond to the owner's commands and is kept close at heel.

##### Sports Pitches and Play Parks

Access rights cannot be exercised on any sports pitch, playing field or other area set out for a recreation purpose while it is in use. In addition to this access rights do not apply to sports pitches or playing fields which have an artificial surface whether or not they are in use.

Access rights for dog walkers do not apply to certain other areas including play parks, bowling greens, golf greens and private gardens. Dog walking in these areas is not allowed.

The Scottish Outdoor Access Code established by the Land Reform (Scotland) Act 2003 explains the responsibilities of users including dog walkers and promotes responsible access.

#### 4.2.5 Civic Government (Scotland) Act 1982 Management Rules

This legislation lays out the process for the development of Parks Management Rules and Byelaws. Parks Management Rules in Dundee have been updated in response to the Land Reform Act. People not complying with the management rules can be ejected or banned from a park.

Management Rules are on display in the park they apply to and Dundee City Council Parks Management Rules were revised in 2009.

Owners are advised that dogs should be kept on a lead or under close control in all cemeteries and are prohibited from parts of Broughty Beach from May to September.

#### 4.2.6 Environmental Protection Act 1990

Section 149/151 lays down the statutory responsibilities in respect of the seizure and detention of stray dogs that are found in the local authority area. Environmental Services Officers within the Environmental Protection Division are appointed to uplift stray dogs and the kennelling facilities are provided to hold the dogs that are found.

#### 4.3 Responding to Public Complaints

There are a minority of irresponsible individuals who cause significant and negative impact on the city's parks and open spaces and the enjoyment and safety of other users. This can be as a consequence of owners not picking up dog litter, dogs not being under proper control in respect of the location and in more extreme cases aggressive or dangerous dogs.

All complaints received are followed up through the use of the appropriate statutory instruments available to the Council. Complaints regarding dog fouling are responded to on an operational basis and the information gathered can be used to target future intervention actions.

#### 4.4 Management Arrangements and Activities

The Environment Department has a remit to manage the required outcomes of the legislation whilst encouraging healthy activity in parks and open spaces. Services are designed to promote responsible dog ownership whilst acting to protect the public from those who behave irresponsibly.

Current arrangements and initiatives include:

- Free dog waste bags are made available at Council and other buildings. A list of the distribution points is detailed in Appendix 1;
- Dog waste and litter bins are distributed and serviced throughout the City's parks and green spaces. The distribution of bins is reviewed on an on-going basis to ensure appropriate service provision in all applicable areas;
- Parks Management Rules are displayed at all parks;
- Additional advisory signage has been placed at all operational cemeteries requesting that dogs to be kept on a lead;
- Additional signage has been erected at a number of locations reminding the public of their responsibility and where there are 'hotspots', specific signage has been used backed up with more regular visits by the enforcement officers;
- Response to and investigation of dog fouling complaints;
- Education and promotional activities, for example Countryside Rangers 4-legged Friends events;
- Compliance with Management Rules for Parks, Open space and Cemeteries;
- Animal exclusion area enforced at Broughty Beach May to September; and
- Allowances for Assistance Dogs as provided by the Equality Act 2010.

#### 4.5 Professional Dog Walkers

4.5.1 Professional dog walkers are active within the city's parks, open spaces and golf courses. This activity involves dog owners paying a responsible person to walk their dog(s) while the owners are unable to do so. Professional dog walkers provide a valued service to busy working people, the elderly and infirm.

4.5.2 Registration schemes for professional dog walkers are currently in use in other Local Authorities in Scotland, including a recent scheme launched by Edinburgh City Council in 2013. Professional dog walkers can obtain permission and become 'licensed' to use designated Council parks and areas of open spaces for this activity by consenting to abide by a code of conduct detailed by the Local Authority. Licenses can be revoked should offences be committed by the licence holder.

## **5.0 PROPOSED ACTION PLAN**

- 5.1 As part of the programme to promote responsible use of the parks and open spaces, a number of measures are proposed. These measures will focus on promoting responsible behaviour by dog owners and emphasise the negative impact that dog fouling and lack of control has on other park and open space users as follows.
- 5.1.1 Increase the number of officers authorised to issue Fixed Penalty Notices for dog fouling offences by training and authorising the appropriate Environmental Management operational staff currently engaged in the management of parks and open space, to issue an FPN.
  - 5.1.2 Bring forward proposals for implementing a registration scheme for professional dog walkers to ensure that appropriate controls are in place for this activity and to ensure that designated walking areas are identified. These proposals will be developed in consultation with stakeholders including professional dog walkers
  - 5.1.3 Engage in promotional campaigns encouraging more responsible use and civic pride relating to parks and open spaces and promote dog walking in Dundee positively.
  - 5.1.4 Provision of more visible and user friendly information within Parks and Cemeteries to aid compliance with Management Rules. This information will also be posted on the department's promotional materials and website.
  - 5.1.5 Promotion and publicising of a Code of Conduct for dog owners.
  - 5.1.6 Develop and promote the use of a pilot "dog walking trail" within one of the city's parks, with a view to further trails being established if successful.
  - 5.1.7 Amend Management Rules in cemeteries to ensure all dogs are kept on a lead and under close control.
  - 5.1.8 Consult with the Friends of Riverside Nature Park and other stakeholders, on the introduction of temporary dog walking prohibition at Riverside Nature Park during ground bird nesting seasons from April to July

## **6.0 POLICY IMPLICATIONS**

- 6.1 This Report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management. There are no major issues.

## **7.0 CONSULTATIONS**

- 7.1 The Chief Executive, the Director of Corporate Services and Head of Democratic and Legal Services have been consulted in relation to this report.

## **8.0 BACKGROUND PAPERS**

- 8.1 None.

Ken Laing  
Director of Environment  
21<sup>st</sup> January 2014

## Appendix 1 - Dog Waste Bags – Distribution Points

<b>Library and Community Centres</b>	<b>Address</b>
Ardler Library/Community Centre	Turnberry Avenue
Arthurstone Library	Arthurstone Terrace
Blackness Library	225 Perth Road
Brooksbank Centre	Pitairlie Road
Broughty Library	Queen Street
Central Library	Wellgate
Charleston Library/Community Centre	Craigowan Road
Coldside Library	160 Strathmartine Road
Douglas Library/Community Centre	Balmoral Avenue
Fintry Library	Findcastle Street
Hub Library	Pitkerro Road
Kirkton Library/Community Centre	Derwent Avenue
Menzieshill Library/Community Centre	Orleans Place
Whitfield Library/Community Centre	Whitfield Drive
<b>Sheltered Complex</b>	
Kirkton	Ulverstone Terrace
Fleming Gardens	Hindmarsh Avenue
Alva Square	Alva Square
Glenesk	5 Glenesk Avenue
<b>Housing</b>	
East Office	Pitkerro Road
West Office	Sinclair Street
Abertay Housing	147 Fintry Drive
Angus Housing	Torwood Place
Sanctuary Scotland Housing	185 Turnberry Avenue
<b>Vet</b>	
Blackness Vet	Brook Street
Parkside	Kings Cross Road
Parkside	58 Dalhousie Road
Parkside	12 Lawrence Street
PDSA	Hawkhill
Tay Vet	260 Clepington Road
<b>Parks</b>	
Baxter Park Rangers	Baxter Park
Camperdown Park Starters Box	Camperdown Park
Mill O Mains Pavilion	Mill O Mains Park
<b>Council Buildings</b>	
Environment Department	Clepington Road
Dundee House	North Lindsay Street
Council Reception	18 City Square
<b>Various</b>	
Community Family Support	14 St Boswells Terrace
Bell Street Police Station	Bell Street
Lochee Police Station	Lochee