

EAST AYRSHIRE COUNCIL

CUMNOCK AREA LOCAL COMMITTEE – 23 MARCH 2005

DOG WARDEN PATROLS AND FIXED PENALTY NOTICES

Report by the Executive Director of Neighbourhood Services

1. PURPOSE OF REPORT

- 1.1 To advise and update the Committee of Pest Control/Dog Warden patrols in the Local Committee area.
- 1.2 To highlight the outcome of patrols relative to dog fouling and Fixed Penalty Notices.

2. BACKGROUND

- 2.1 At the meeting of the Local Committee on 20th May 2004 a report was submitted outlining the results of patrols undertaken by Pest Control/Dog Warden staff subsequent to the introduction of the Dog Fouling (Scotland) Act 2003. The Committee agreed that further reports on this issue would be submitted for information.
- 2.2 The Dog Fouling (Scotland) Act 2003 specifically makes it an offence for a person in charge of a dog to fail to remove and dispose of appropriately any excrement after the dog has fouled in any public place.
- 2.3 The Act also introduced the concept of the issue of a Fixed Penalty Notice for failing to clean up after the dog has fouled.
- 2.4 Pest Control/Dog Warden staff have been designated as authorised officers of the Council for the purpose of this legislation and have undertaken patrols in the Local Committee area in this regard.
- 2.5 A number of patrols have been carried out since the submission of the last report in May 2004, both routinely and as a result of complaints received.
- 2.6 A number of cautionary letters have also been issued to dog owners who have been the subject of complaint.

3. DISCUSSION

- 3.1 No situation arose which warranted the issue of a Fixed Penalty Notice.
- 3.2 In some instances, the Pest Control Officers/Dog Wardens took the opportunity to speak to dog owners encountered during their patrols.

- 3.3 In the majority of cases, those persons spoken to claimed to have some awareness of the legislation.
- 3.4 Although the degree of usage of the dog waste bins can vary from area to area, the majority of bins are being well used with several being so well used that some servicing problems were encountered in the initial installation phase. These now have been resolved. A list of dog waste bin installations in the Local Committee area is summarised in Appendix 1.
- 3.5 The available resources for the installation and services of dog bins has been fully expended and therefore no further development can take place at the present time.
- 3.6 Bagged dog waste may also be disposed of in any litter bin serviced by the Council.

4. FINANCIAL IMPLICATIONS

- 4.1 Nil

5. POLICY IMPLICATIONS

- 5.1 Nil

6. LEGAL AUTHORITY

- 6.1 The Dog Fouling (Scotland) Act 2003 introduced the concept of a Fixed Penalty Notice for failing to clear up after a dog has fouled in a public place.
- 6.2 The Fixed Penalty fine is £40 increasing to £60 if not paid within 28 days from date of issue.

7. POLICY IMPLICATIONS

- 7.1 As indicated in previous reports to the Local Committee, Pest Control/Dog Warden staff have carried out patrols of areas where dog fouling was considered to be a problem and also in some areas which have been the subject of complaint.
- 7.2 Although staff involved are authorised to serve Fixed Penalty Notices for dog fouling offences, no situation arose where this proved necessary.
- 7.3 Subject to staffing availability, patrols will continue to be carried out periodically. As a matter of policy, it is normal practice that any formal patrol work is undertaken jointly by two members of staff.

8. RECOMMENDATIONS

8.1 The Committee are recommended to:-

- (i) note that further patrols by Pest Control Officers/Dog Wardens relative to the Dog Fouling (Scotland) Act 2003 will continue to be made having regard to the ongoing workload of the service; and
- (ii) otherwise note the content of the report.

William Stafford
Executive Director of Neighbourhood Services

WS/JFC/LB

17th January 2005

LIST OF BACKGROUND PAPERS

1. Dog Fouling (Scotland) Act 2003

Any person wishing to inspect the background papers listed above should telephone 01563 554021 and ask for Paul L Todd.

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LOCATION OF DOG WASTE BINS IN CUMNOCK AREA

PATHHEAD, NEW CUMNOCK
PATH TO GAMES HALL, NEW CUMNOCK
THE CASTLE, NEW CUMNOCK
HOLMBURN ROAD, NETHERTHIRD
MENZIES AVENUE, NETHERTHIRD
GLAISNOCK VIEW, CUMNOCK
GEORGE MCTURK COURT, CUMNOCK
GEORGE MCTURK COURT, CUMNOCK
TANYARD, CUMNOCK
BARRHILL, CUMNOCK
KINGS WAY/EDGAR AVENUE, CUMNOCK
SORN ROAD, AUCHINLECK
WELL ROAD, AUCHINLECK
SORN STREET, CATRINE
GORDON STREET, CATRINE
GAMES HALL, CATRINE
THE SQUARE, CATRINE
BALLOCHMYLE STREET, CATRINE
JEAN ARMOUR DRIVE, MAUCHLINE
BEECHWOOD ROAD, MAUCHLINE