

## EAST AYRSHIRE COUNCIL

### KILMARNOCK CENTRAL LOCAL COMMITTEE - 11 MAY 2004

#### UPDATE REPORT ON DOG WARDEN PATROLS AND FIXED PENALTY NOTICES

##### Report by 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 held on 2<sup>nd</sup> September 2003, it was agreed that a report be submitted setting out the results of patrols carried out by Pest Control/Dog Warden staff to enforce the Dog Fouling (Scotland) Act 2003.
- 2.2 The Dog Fouling (Scotland) Act 2003 which was introduced in October 2003 specifically makes it an offence for a person in charge of a dog to fail to remove and dispose appropriately of any excrement after the dog has fouled in any public place.
- 2.3 In addition the Dog Fouling (Scotland) Act 2003 introduced the concept of the issue of the 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 and have undertaken patrols in the Local Committee area specifically to address the Dog Fouling (Scotland) Act 2003.
- 2.5 Patrols were carried out in April 2004 and details are set out in Appendix 1 to this report.

### 3. DISCUSSION

- 3.1 Although no situations arose which warranted the issue of a Fixed Penalty Notice, the public awareness of uplifting dog fouling and disposing of the same in a proper manner was evident.
- 3.2 In previous patrols made jointly by Council staff and the Police, all dog owners tended to clear up after their pets.
- 3.3 A list of dog waste bins in the Local Committee Area is attached as Appendix 2 to this report. The Committee will also be aware that dog waste properly wrapped, can be placed in any litter bin in East Ayrshire.

3.4 Examples of 'poop scoops' or similar can be obtained from Local Council Officers.

**4. FINANCIAL IMPLICATIONS - Nil.**

**5. POLICY IMPLICATIONS - Nil.**

**6. LEGAL AUTHORITY**

6.1 The Dog Fouling (Scotland) Act 2003 introduces the concept of a Fixed Penalty Notice for failing to clear up after a dog has fouled a public place.

6.2 The specific Fixed Penalty 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.

Although staff involved are authorised to issue fixed penalty notices for dog fouling offences, most members of the public encountered appeared to be aware of their responsibilities as dog owners and no circumstances were found to warrant the issue of a Fixed Penalty Notice.

**8. RECOMMENDATIONS**

8.1 The Committee are recommended to:-

- (i) note that further patrols by Pest Control/Dog wardens relative to the Dog Fouling (Scotland) Act 2003 will be made subject 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/CAM

23<sup>rd</sup> April 2004

#### **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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## **APPENDIX 1**

Specific patrols were undertaken on 14<sup>th</sup> and 15<sup>th</sup> April 2004 with the details as outlined: -

### **Wednesday 14 April 2004**

#### **1.00pm: Piersland Park, Kilmarnock**

Bins here being well used. Spoke to two dog owners out walking their dogs; middle aged lady with two small dogs was aware of legislation and was already carrying Council-issue dog tidy bags. Man with yorkshire terrier also said he used bins but usually carried his own carrier bags. Gave him some dog tidy bags.

#### **2.00pm: Howard Park, Kilmarnock**

Walked around park. Number of bins installed, all appear to be being used. Spoke to three different dog owners who all said they were aware of new legislation, although two of them had no bags with them; gave them a number of dog tidy bags. Third owner was carrying a supply of bags.

#### **3.00 pm: Annanhill, Kilmarnock**

Walked round grassed areas. Bins being used. Witnessed two different people lifting dog dirt. Spoke to one lady who also had carrier bag with her. No evidence of significant fouling on grass at time of patrol.

### **Thursday 15 April 2004**

#### **1.00 pm: Kay Park, Kilmarnock**

Walked around park. Bins being used. Spoke to one man with three dogs who had council-issue tidy bags and uses bins. Very little evidence of fouling in park area checked.

#### **2.00 pm: Grassyards Road Area, Kilmarnock**

Bins in this area all being used. In locality for approximately one hour, during which no dog owners seen (heavy rain). Walked both sides of Grassyards Road; evidence of fouling on both sides, although not a great deal.

#### **3.00 pm: Grange Estate, Kilmarnock**

Bins being use. Spoke to two different owners re new legislation. Both claimed they always lifted dog mess, although neither appeared to have any bags. Issued bags to both owners. Walked grass area in Cedar Road; some slight evidence only of dog dirt.

LOCATION OF DOG WASTE BINS IN KILMARNOCK CENTRAL

COMMUNITY CENTRE, GATEHEAD  
GLEN ORRIN AVENUE, KILMARNOCK  
HOLMES ROAD, KILMARNOCK  
TAY ESTATE NEXT TO A71  
SPRINGHILL PLACE/PATH STH HAMILTON COURT, KILMARNOCK  
IRVINE ROAD NEAR GOLF CLUB HOUSE  
LABURNUM ROAD/MOUNT ESTATE KILMARNOCK  
CEDAR ROAD/CHERRY ROAD  
SPRINGHILL PLACE, KILMARNOCK