

## ANGUS COUNCIL

## ENVIRONMENTAL AND LEISURE SERVICES COMMITTEE 16 OCTOBER, 2003

## THE DOG FOULING (SCOTLAND) ACT 2003 AND THE APPOINTMENT OF AUTHORISED OFFICERS

## JOINT REPORT BY DIRECTOR OF ENVIRONMENTAL AND CONSUMER PROTECTION AND DIRECTOR OF LEISURE SERVICES

**ABSTRACT**

This report seeks Council authorisation for certain of its officers to undertake enforcement provisions in legislation for the issuing of Fixed Penalties for dog fouling.

**1. RECOMMENDATION**

It is recommended that Angus Council with effect from the 22 October 2003,

- 1) authorise the Waste Services Manager, Waste Management Officer, Dog Wardens, Waste Management Inspectors, Environmental Health Assistants and Environmental Health Officers, employed within the Environmental and Consumer Protection Service, to issue fixed penalty notices with regard to provisions provided for in Section 5 of The Dog Fouling (Scotland) Act 2003.
- 2) authorise the Grounds Maintenance Managers, Ground Maintenance Officers and Grounds Maintenance Inspectors employed within the Leisure Services Department to issue fixed penalty notices with regard to provisions provided for in section 5 of the Dog Fouling (Scotland) Act 2003.

**2. BACKGROUND**

The Dog Fouling (Scotland) Act 2003 comes into force on 22 October 2003. It replaces the existing dog fouling provisions contained at Section 48 of the Civic Government (Scotland) Act, 1982. The 2003 Act changes the emphasis of the offence from allowing a dog to foul to one of failing to clear up after it. The Act also introduces new enforcement provisions which will allow Local Authorities and the Police the option of issuing fixed penalty notices to those persons they believe have committed an offence.

Specifically the Act:-

- 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.
- applies the provisions to all public places, including common passages, closes, courts, stairs, back greens and other similar areas.
- removes the need for corroborative evidence in any subsequent proceedings.
- requires Local Authorities to authorise persons to issued fixed penalty notices in respect of the offence.
- specifies a fixed penalty of £40, increasing to £60 if not paid within 28 days after the fixed penalty is issued.
- makes it an offence, if a person suspected of having committed an offence under the Act, fails to give their name and address to an authorised officer of the Local Authority.

**3. FINANCIAL IMPLICATIONS**

There are no financial implications in respect of these authorisations. Enforcement procedures are already duties of the Environmental and Consumer Protection Department. The authorisations serve to assist in this regard. The authorisations are now extended to Leisure Service officers without budget implications.

**4. HUMAN RIGHTS**

There are no Human Rights issues arising from this report.

## **5. CONSULTATION**

The Chief Executive, Director of Finance, Director of Law and Administration have been consulted on the content of this report.

**S R Heggie**  
**Director of Environmental and Consumer Protection**

**J R Zimny**  
**Director of Leisure Services**

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing this report.

IW/PE  
29.09.03