

REPORT TO INFRASTRUCTURE SERVICES COMMITTEE – 29 NOVEMBER 2018

DOGS IN SCHOOL GROUNDS, COUNCIL PLAYPARKS, SPORTS PITCHES, BURIAL GROUNDS, CEMETERIES, AND BEACHES

1 Recommendations

The Committee is recommended to:

- 1.1 **Approve Option 1 as the preferred option together with the proposed procedure outlined in paragraph 3.1 of this report with regard to the presence of dogs in school grounds, council playparks, sports pitches, burial grounds/cemeteries and recognised beaches.**

2 Background / Discussion

- 2.1 In accordance with the Scheme of Governance, a Member Promoted Issue (MPI) was raised by Councillor Davidson in relation to the presence of dogs in school grounds and council playparks.
- 2.2 The MPI seeks a policy to be developed with regard to dogs in certain council owned/managed premises. The concerns centre around responsible dog ownership, giving rise to issues with dog fouling and lack of control of dogs. There is currently no consistent policy covering the presence of dogs on council premises.
- 2.3 Premises that potentially could be included in the policy would be: school grounds (173), council playparks (447), council sports pitches (76), burial grounds and cemeteries (220), and recognised beaches (36).
- 2.4 The MPI was discussed at the Infrastructure Services Committee (ISC) on 10 May 2018. The Committee instructed that an options report be considered by each Area Committee followed by a report back to ISC with a recommended option. Link to [ISC May 2018](#).
- 2.5 Reports were presented to each Area Committee during August and September. Each was asked to consider six options and select their preferred approach. The six options and each Area Committee's decisions are detailed in **Appendix 1**.
- 2.6 The majority of Area Committees favoured continuation of current arrangements (Option 6) ie dealing with problem areas as they arise, but with additional measures taken as appropriate, which is in line with Option 1.

- 2.7 The Garioch Area Committee favoured a policy based on banning dogs (in some but not all premises listed in 2.3 above), but as no other Area Committee favoured this approach this aspect is not included in the proposals.

3 Proposals

- 3.1 It is therefore recommended that the Committee agrees Option 1 as the preferred option and approves the following procedure:
- a) The Service managing the land in question, in conjunction with the Environmental Health Service, will assess the areas giving rise to concerns regarding dog fouling and/or dog control, as identified by the public, Members or Council officers.
 - b) The Services will work in partnership to select the most appropriate measures to deal with identified areas/issues. These measures are likely to include signage as per Appendix 2 and local publicity/education.
 - c) The area will be subject to additional monitoring to enforce dog fouling and dog control legislation.
 - d) Signage can be amended, dependent upon circumstances of the site.
 - e) Services will work with the local community to ensure an appropriate and balanced approach is taken, protecting public safety and public health, and that appropriate education/information messages are highlighted.
- 3.2 Further exploration into the potential for creating additional dog agility areas will be undertaken if it is considered that this would help alleviate issues arising in locations described in 3.1 above.
- 3.3 One Area Committee recommended that in pre planning of schools and other council premises steps be taken to ensure costings for signage and other appropriate measures be taken into account.
- 3.4 Budget and staffing implications arising from implementation of the proposed procedure are outlined in section 5.
- 3.5 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report. Their comments are incorporated within the report and they are satisfied that the report complies with the Scheme of Governance and relevant legislation. The report has been produced in conjunction with colleagues in Education and Children's Services and Landscape Services.

4 Scheme of Governance

- 4.1 The Committee can consider and take a decision on this item under Section F.1.1b of Part 2A – List of Committee Powers as it is a matter which falls within the remit of Economic Development and Protective Services.

5 Implications and Risk

- 5.1 An equality impact assessment has been completed and is contained in Appendix 3. No negative impacts identified. Positive impacts identified.
- 5.2 The proposed procedure can be undertaken within existing staffing resources.
- 5.3 There are financial implications. An indicative price for each point of signage is £100 (including sign, fixings, pole and installation). Some sites will require more than one sign but there may be cheaper alternatives available for posting notices at some sites.
- 5.4 Costs of installing signage, and any other physical works, would fall to the appropriate Service, most likely to be Education and Children's Services, and Infrastructure Services. Extent of works would be dependent upon available budgets. The number of sites that may be subject to these measures is not known.
- 5.5 The following Risks have been identified as relevant to this matter on a Corporate Level:- ACORP001 Budget Pressures – Potential for cost increase due to more labour intensive operation, and ACORP006 (Reputation Management).

Stephen Archer
Director of Infrastructure Services

Report prepared by David Cooper, Environmental Health Manager
Date 5 October 2018

APPENDIX 1

Six Options Considered at all six Area Committees

Option 1: Target problem areas as and when issues arise. This can include erection of signs as per Appendix 1, local publicity campaign, stepping up patrols by the Dog Wardens who would also use enforcement powers if necessary.

Option 2: Install signage, as per Appendix 1, at all locations i.e. council playparks, council sports pitches, burial grounds/cemeteries, school grounds, Recognised Beaches. These works would be carried out over an agreed period of time, estimated to be 18 months.

Option 3: Option 2 plus provision of fencing (and potentially other works) to segregate playparks or other sensitive areas from surrounding land. These works would be carried out over an agreed period, estimated to be 24 months.

Option 4: As per Option 2, but with a change of wording to "Dogs must be kept on a lead in this area at all times". These works would be carried out over an agreed period, estimated to be 18 months.

Option 5: Ban dogs from all sites listed in 2.5 above or selected/specified sites. This would necessitate undertaking works as described in Option 3 and require byelaws to be in place and enforced by council staff. Wording of signs would need to be agreed. These works would be carried out over an agreed period, estimated to be 24 months.

Option 6: Continue with current arrangements, i.e. ad hoc erection of signs where problems are identified.

Extract from Marr Area Committee Minute of 21st August, 2018

10. CONSULTATION ON DOGS IN SCHOOL GROUNDS, COUNCIL PLAYPARKS, SPORTS PITCHES AND CEMETERIES AND BEACHES – MEMBER PROMOTED ISSUE

With reference to the Minute of Meeting of the Infrastructure Services Committee of 10 May, 2018 (Item 9), when a Member Promoted Issue in relation to the presence of dogs in school grounds and council playparks had been considered and it had been agreed that an options paper be produced, there had been circulated a report dated 13 June, 2018, by the Director of Infrastructure Services, which asked the Committee to consider options regarding the presence of dogs in specified locations and to make a recommendation to the Infrastructure Services Committee.

Following a full discussion, the Committee **agreed**:-

(1) to note the options regarding the presence of dogs in specified locations, as described in the report; and

(2) to recommend to the Infrastructure Services Committee that there was no point in taking an approach that was unenforceable and that Option 6 would be the preferred approach but with an additional communications campaign and a variety of signage available for use.

Extract from Banff & Buchan Area Committee Minute of 21st August, 2018

**11. CONSULTATION ON DOGS IN SCHOOL GROUNDS, COUNCIL PLAYPARKS,
SPORTS PITCHES AND CEMETERIES AND BEACHES
MEMBER PROMOTED ISSUE**

A report dated 13 June 2018 from the Director of Infrastructure Services had been circulated to consider various options regarding the presence of dogs in specified locations and select a preferred approach for recommendation to the Infrastructure Services Committee.

Councillor Findlater, seconded by Councillor Topping, **moved** that the Option 6 be recommended to the Infrastructure Services Committee.

As an amendment, Councillor Cox, seconded by Councillor Buchan **moved** that Option 1 be recommended to the Infrastructure Services Committee.

Members of the Committee voted:

For the motion	3	Councillors Findlater, Roy and Topping
For the amendment	6	Councillors Buchan, Cassie, Cox, Kille, Mair, Reynolds

The Chairman **declared the amendment** carried in the following terms:

That Option 1 be recommended to the Infrastructure Services Committee as the Banff and Buchan Area Committee's preferred option.

Extract from Buchan Area Committee Minute of 28th August, 2018

**12. CONSULTATION ON DOGS IN SCHOOL GROUNDS, COUNCIL PLAYPARKS,
SPORTS PITCHES AND CEMETERIES AND BEACHES – MEMBER PROMOTED ISSUE**

A report by the Director of Infrastructure Services had been circulated asking that the Committee consider the options regarding the presence of dogs in specified locations, as described in the report, and select the preferred approach that the Committee would wish to recommend to the Council's Infrastructure Services Committee.

The Committee **agreed** to make the following comments to Infrastructure Services Committee:-

- (1) to recommend Option 6 – Continue with current arrangements, ie ad hoc erection of signs where problems are identified, but that where necessary, for example school grounds, town centres, consideration be given to signage being amended to read 'Dogs must be kept on a lead in this area at all times'; further, that consideration be given to the segregation of sensitive areas where deemed necessary, and
- (2) to recommend that when Officers are at the pre-planning stage of building a new school or something similar, that consideration be given to the costs associated with appropriate signage and fencing etc to deal with such issues

The Committee further **agreed** to request that Officers consider the possibility of introducing a dog agility exercise area within Peterhead.

Extract from Garioch Area Committee Minute of 28th August, 2018

9. CONSULTATION ON DOGS IN SCHOOL GROUNDS, COUNCIL PLAYPARKS, SPORTS PITCHES AND CEMETERIES AND BEACHES – MEMBER PROMOTED ISSUE

A report by the Director of Infrastructure Services was asking the Committee to consider and identify a preferred option to deal with the issue of dogs in Council premises.

Members welcomed the Member Promoted Issue being submitted and highlighted the significance of this problem in all of their communities.

Some Members indicated that they did not want to have an unfair impact on responsible dog owners who kept their dogs restrained and who tidied up behind them, but expressed concerns about the health impacts of dog faeces being brought into schools from the grounds. It was felt that there were plenty of alternative places for dogs to be exercised outwith schools and fenced off playparks.

Other Members felt that banning dogs from these areas went too far, but indicated that they would like to see a focus on problem areas with patrols and publicity increased.

However, there was general agreement that investigations should be undertaken to increase the enforcement opportunities through empowering more officers and to see if there is potential for penalties to be increased.

Councillor Ford, seconded by Councillor Ewenson, moved that the Committee:-

1. support a variation of option 5 that would see a ban on dogs within school grounds and fenced off play areas;
2. request that the Service explore the potential for extending the number of officers empowered to issue fixed notices for dog fouling; and
3. investigate the powers required to increase the level of fines that can be imposed for dog fouling.

As an amendment, Councillor Walker, seconded by Councillor Lonchay, moved that the Committee:-

1. support Option 1 to step up patrols and increase publicity.
2. request that the Service investigate the possibility of other officers assisting dog wardens; and
3. request that the Service cost options for the provision of dog only areas.

The Committee voted:-

For the motion (10) Councillors Hood, Berry, Ewenson, Ford, Harper, McKail, McKelvie, Reid, Smith and Whyte.

For the amendment (3) Councillors Baillie, Lonchay and Walker

Therefore the motion was carried and the Committee **agreed** to:-

1. support a variation of option 5 that would see a ban on dogs within school grounds and fenced off play areas;
2. request that the Service explore the potential for extending the number of officers empowered to issue fixed notices for dog fouling; and

3. investigate the powers required to increase the level of fines that can be imposed for dog fouling.

Extract from Formartine Area Committee Minute of 4th September, 2018

12. CONSULTATION ON DOGS IN SCHOOL GROUNDS, COUNCIL PLAYPARKS, SPORTS PITCHES, CEMETERIES AND BEACHES – MEMBER PROMOTED ISSUE

There had been circulated a report dated 13 June, 2018, by the Director of Infrastructure Services, which asked the Committee to consider options regarding the presence of dogs in specified locations and select a preferred approach for recommendation to the Infrastructure Services Committee.

Following a discussion, the Committee:

- (1) noted the options regarding the presence of dogs in specified locations, as described in the report,
- (2) agreed to recommend to the Infrastructure Services Committee that the preferred approach would be to implement existing policy but with an additional resources and budget requirements.
- (3) agreed to make the following comments:
 - (1) there was currently no consistent policy covering the presence of dogs on council premises and that a policy should be developed, and
 - (2) it would be extremely difficult to manage and implement proposed options due to the current workload of existing staff resources and budget requirements.

Extract from Kincardine & Mearns Area Committee Minute of 4th September, 2018

11. CONSULTATION ON DOGS IN SCHOOL GROUNDS, COUNCIL PLAYPARKS, SPORTS PITCHES, CEMETERIES AND BEACHES – MEMBER PROMOTED ISSUE

A report by the Director of Business Services was circulated requesting Members to consider the options regarding the presence of dogs in specified locations, as described in the report, and select a preferred approach that the Committee would wish to recommend to the Infrastructure Services Committee.

The Principal Officer, Roads, Landscape Services was in attendance to present the report and to answer any queries.

After discussion the Committee **agreed:**

1. That option 6 was the preferred option, and
2. The correction of punctuation, on the 'Be a responsible dog owner' signage.

Having moved an amendment, which was not seconded, seeking to support option 2, (install signage, as per appendix 1 of the report, at all locations i.e. council playparks, council sports

pitches, burial grounds/cemeteries, school grounds, recognised beaches. These works would be carried out over an agreed period of time, estimated to be 18 months), Councillor Mollison requested, as provided for in Standing Order 5.2.4, that the terms of his amendment be recorded in the minute.

APPENDIX 2 Landscape Services Signage



APPENDIX 3
Equalities Impact Assessment



EQUALITY IMPACT ASSESSMENT

Stage 1: Title and aims of the activity (“activity” is an umbrella term covering policies, procedures, guidance and decisions).	
Service	Infrastructure Services
Section	Environmental Health
Title of the activity etc.	Policy on presence of dogs in council playparks, school grounds, cemeteries, burial grounds and beaches.
Aims of the activity	To ensure there is a consistent policy across Aberdeenshire to ensure public safety and health is protected.
Author(s) & Title(s)	David Cooper, Environmental Health Service Manager

Stage 2: List the evidence that has been used in this assessment.	
Internal data (customer satisfaction surveys; equality monitoring data; customer complaints).	Member Promoted Issue raised. Complaints data. Council officers’ reports.
Internal consultation with staff and other services affected.	Consultation through Cmt reports – ISC May 2018, Area Cmts August to September 2018. Consultation with Landscape Service, and Education and Children’s Services.
External consultation (partner organisations, community groups, and councils).	No consultation undertaken. Committee reports are public documents.
External data (census, available statistics).	No

Other (general information as appropriate).	No
Stage 3: Evidence Gaps.	
Are there any gaps in the information you currently hold?	Lack of specific statistics related to council premises.

Stage 4: Measures to fill the evidence gaps.		
What measures will be taken to fill the information gaps before the activity is implemented? These should be included in the action plan at the back of this form.	Measures:	Timescale:
	None. Not considered necessary.	

Stage 5: Are there potential impacts on protected groups? Please complete for each protected group by inserting "yes" in the applicable box/boxes below.				
	Positive	Negative	Neutral	Unknown
Age – Younger	Yes			
Age – Older	Yes			
Disability			Yes	
Race – (includes Gypsy Travellers)			Yes	
Religion or Belief			Yes	
Gender – male/female			Yes	
Pregnancy and maternity			Yes	

Sexual orientation – (includes Lesbian/ Gay/Bisexual)			Yes	
Gender reassignment – (includes Transgender)			Yes	
Marriage and Civil Partnership			Yes	

Stage 6: What are the positive and negative impacts?

Impacts.	Positive (describe the impact for each of the protected characteristics affected)	Negative (describe the impact for each of the protected characteristics affected)
Please detail the potential positive and/or negative impacts on those with protected characteristics you have highlighted above. Detail the impacts and describe those affected.	Young – protecting safety and health.	
	Older – protecting safety and health.	

Stage 7: Have any of the affected groups been consulted?

If yes, please give details of how this was done and what the results were. If no, how have you ensured that you can make an informed decision about mitigating steps?	No
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Stage 8: What mitigating steps will be taken to remove or reduce negative impacts?

These should be included in	Mitigating Steps	Timescale
	N/A	

any action plan at the back of this form.		

Stage 9: What steps can be taken to promote good relations between various groups?	
These should be included in the action plan.	N/A

Stage 10: How does the policy/activity create opportunities for advancing equality of opportunity?
N/A

Stage 11: What equality monitoring arrangements will be put in place? How the EIA will be used to monitor the proposal	
These should be included in any action plan (for example customer satisfaction questionnaires).	None. Complaints and incidents regarding dog fouling and dog control will be logged as per standard procedures, but no specific equalities monitoring will be undertaken.

Stage 12: What is the outcome of the Assessment?		
Please complete the appropriate box/boxes	1	No negative impacts have been identified –please explain.
	The policy does not adversely impact upon anyone using council playparks etc.	

	2	Negative Impacts have been identified, these can be mitigated - please explain. * Please fill in Stage 13 if this option is chosen.
	N/A	
	3	The activity will have negative impacts which cannot be mitigated fully – please explain. * Please fill in Stage 13 if this option is chosen
	N/A	

* Stage 13: Set out the justification that the activity can and should go ahead despite the negative impact.
N/A

Stage 14: Sign off and authorisation.			
Sign off and authorisation.	1) Service and Team	Infrastructure Services	
	2) Title of Policy/Activity	Policy on presence of dogs in council playparks, school grounds, cemeteries, burial grounds and beaches. (if appropriate)	
	3) Authors: I/We have completed the equality impact assessment for this policy/activity.	Name: David Cooper Position: Environmental Health Service Manager Date: 24 October 2018 Signature:	Name: Ian Stephen Position: Project Officer Date: 24 October 2018 Signature:
		Name: Graham Wall Position: Business Development Manager Date: 24 October 2018 Signature:	Name: Position: Date: Signature:
4) Consultation with Service Manager	Name: N/A Date:		

	5) Authorisation by Director or Head of Service	Name: Belinda Miller Position: Head of Economic Development and Protective Services Date: 24 October 2018	Name: Position: Date:
	6) If the EIA relates to a matter that has to go before a Committee, Committee report author sends the Committee Report and this form, and any supporting assessment documents, to the Officers responsible for monitoring and the Committee Officer of the relevant Committee. e.g. Social Work and Housing Committee.		Date:
	7) EIA author sends a copy of the finalised form to: equalities@aberdeenshire.gov.uk		Date:
(Equalities team to complete) Has the completed form been published on the website? YES/NO			Date: