

## REPORT TO GARIOCH AREA COMMITTEE – 28 AUGUST 2018

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

#### 1 Recommendations

**The Committee is recommended to consider the options regarding the presence of dogs in specified locations, as described in this report, and select the preferred approach that the Committee would wish to recommend to the Infrastructure Services Committee.**

#### 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 council owned/managed premises ie school playgrounds, school playing fields and enclosed/defined playparks where play equipment is located. The concerns centre around lack of responsible dog ownership, giving rise to issues with dog fouling and lack of control of dogs.
- 2.3 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. The ISC asked that the policy also cover council cemeteries. The ISC report and MPI are contained within Appendix 1.
- 2.4 There is currently no consistent policy covering the presence of dogs on council premises.
- 2.5 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).
- 2.6 Enforcement powers are available under the Dog Fouling (Scotland) Act 2003, and Control of Dogs (Scotland) Act 2010. Council Officers can issue Fixed Penalty Notices when a breach of dog fouling legislation is identified and following investigation of reports of dogs being out of control.

### 3 Options and Discussion

- 3.1 Members are asked to consider and comment on the options as described in the following paragraphs, and to select the preferred approach (which could include a combination of aspects of the specified options) to recommend to the Infrastructure Services Committee.
- 3.2 **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.
- 3.3 **Option 2:** Install signage, as per Appendix 1, at all locations ie 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.
- 3.4 **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.
- 3.5 **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.
- 3.6 **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.
- 3.7 **Option 6:** Continue with current arrangements, ie ad hoc erection of signs where problems are identified.
- 3.8 Each of the above options would be augmented by an appropriate communications/publicity campaign. In addition, council staff would work closely with community councils to further promote the Green Dog Walking Scheme which encourages responsible dog ownership.
- 3.9 Whilst officers are of the view that options 1 to 4 are realistic and achievable - budget and staffing issues permitting - there are significant concerns about the enforceability and practicalities of option 5.
- 3.10 Option 6 reflects current working arrangements and is bringing positive results in locations where advisory signs have been posted; feedback from frontline maintenance and technical teams indicates a recent trial of the advisory signs (Appendix 1) has shown positive results.
- 3.11 Option 5 is likely to meet some resistance from the public or be seen as inappropriate action for the following reasons:
- Unfair on responsible owners that may visit play parks.

- It would be extremely difficult to manage, implement and enforce.
  - Given current workload on existing staff resources, it would require additional budget and resources.
- 3.12 If option 5 were to be adopted, the current “open access” policy that applies to school grounds would require to be considered by the Education and Children Services Committee. Also a number of our schools are part of public thoroughfares and attempting to make them totally secure would be unrealistic. Targeting problem areas with various initiatives may be a more appropriate solution, working with the school and the community.
- 3.13 Some local authorities operate dog exclusion zones on selected areas of beaches; this can be a requirement for some beach awards. Aberdeenshire has 9 Keep Scotland Beautiful Rural Beach Awards; dog exclusion is not part of the award criteria for these.
- 3.14 There are dog agility/exercise areas at three of the four Country Parks in Aberdeenshire. Consideration could be given to creation of similar areas in town parks or other suitable open spaces.
- 3.15 Budget and staffing implications arising from implementation of each option are referred to in section 5 below and would require to be given further and detailed consideration in developing a policy.
- 3.16 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 Garioch Area Manager has also been consulted and comments incorporated in the report. 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 report is submitted for committee consideration in accordance with the Scheme of Governance Part 2A – List of Committee Powers, B 1.1 and B 1.2.

#### **5 Implications and Risk**

- 5.1 An equality impact assessment will require to be completed prior to reporting to the Infrastructure Services Committee.

- 5.2 There are staffing implications arising from this report:

Option 1: Additional work can be accommodated within existing staff workloads, although additional materials/work may be required.

Option 2: Significant additional staff workload requiring materials/work to be carried out over an agreed period of time.

Option 3: Significant additional staff workload requiring materials/work to be carried out over an agreed period of time.

Option 4: Significant additional staff workload requiring materials/work to be carried out over an agreed period of time.

Option 5: Significant additional workload on an ongoing basis and not achievable within current staffing levels.

Option 6: Minor increase in workload but achievable within current resources.

5.3 In terms of financial implications, it is not possible to provide accurate costings as sites would need to be surveyed. There is no budget currently available for additional expenditure for this matter. Therefore, if the preferred option will incur additional expenditure consideration will need to be given as to how this would be funded; this would entail viring within the Infrastructure Services budget. This would have a detrimental impact on the service from which the budget would have to be relinquished.

5.4 Indicative price for each point of signage is £100 (including sign, fixings, pole and installation) with any fencing required costing a minimum of approximately £15 per linear metre depending on the type of fencing selected. Some sites will require more than one sign. There may be cheaper alternatives available for posting notices on existing infrastructure at some sites.

5.5 The following are estimates based on assumptions which may or may not be valid:

Option 1: Costs of signs plus any fencing and additional works required. As an example, 10 sites with one pole etc and sign at each, plus fencing (at say 100 linear metre) would cost £16K.

Option 2: Based on the provision of poles and signs, as for Option 1, at all sites, total cost would be £95K for posts and signs. The costs are likely to be less than this as poles won't be required at all sites; however, some sites will require multiple poles.

Option 3: Costs would include the aforementioned £95K and a further £336K on the assumption that fencing would be required at say 50% of playpark sites. The costs are likely to be less than this as poles won't be required at all sites, and fencing may be required at less than the 50% mentioned; however some sites will require several poles and signs, and some may require additional works.

Option 4: As per Option 2.

Option 5: As per Option 3, plus any costs associated with establishing byelaws and recruitment of additional staff, say a further £100K.

Option 6: Although costs will be incurred this would be undertaken within existing budgets and be less than Option 1.

5.6 There are no implications arising from this report on town centres and therefore a Town Centre Assessment has not been carried out.

- 5.7 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 13 June 2018

**Appendix 1**

**REPORT TO INFRASTRUCTURE SERVICES COMMITTEE –**

**10 MAY 2018**

**DOGS IN SCHOOL GROUNDS AND COUNCIL PLAYPARKS**

**REPORT TO INFRASTRUCTURE SERVICES COMMITTEE – 10 MAY 2018**

**DOGS IN SCHOOL GROUNDS AND COUNCIL PLAYPARKS**

**MEMBER PROMOTED ISSUE**

**1 Recommendations**

The Committee is recommended to:

**1.1 Consider the Member Promoted Issue at Appendix 1.**

**2 Background / Discussion**

- 2.1 In accordance with the Scheme of Governance, a Member Promoted Issue (MPI) has been raised in relation to the presence of dogs in school grounds and council playparks as detailed in Appendix 1.
- 2.2 The MPI asks that a policy be developed which would see dogs banned from specific council owned/managed premises i.e. school playgrounds, school playing fields and enclosed/defined playparks where play equipment is located. The concerns centre on lack of responsible dog ownership giving rise to issues with dog fouling and lack of control of dogs.
- 2.3 The Council's Anti Dog-Fouling Strategy was approved by the Infrastructure Services Committee on 20 June 2013:  
<http://committees.aberdeenshire.gov.uk/Committees.aspx?commid=7&meetid=11338> with emphasis on promoting responsible dog ownership. A number of Services have an involvement in this issue.
- 2.4 **Environmental Health Service**
- 2.4.1 The Environmental Health Service launched its Green Dog Walkers scheme towards the end of 2014. This scheme, which is the centre piece of the Council's Anti Dog Fouling Policy, allows the Council to engage with local Community Councils in particular, to promote responsible dog ownership with the aim of reducing the incidence of dog fouling in publicly accessible areas.
- 2.4.2 To date a total of 59 Community Councils and voluntary groups have signed up to the scheme and are actively promoting responsible dog ownership in their area. These organisations cover most of the Aberdeenshire area.
- 2.4.3 Appropriate signage and bins have been located in prominent places throughout Aberdeenshire where historically dog fouling has been a recognised problem.
- 2.4.4 Enforcement powers are available under the Dog Fouling (Scotland) Act 2003, and Control of Dogs (Scotland) Act 2010, Council Officers, including the Service's Dog Wardens, can issue Fixed Penalty Notices when a breach of dog fouling legislation is identified. Notices can also be served following investigation of reports of dogs being out of control.

2.4.5 Records show that 5 complaints have been received since 2015 which directly link dog fouling and playgrounds.

## 2.5 Landscape Services

2.5.1 Landscape Services is the responsible Service in respect of Council playparks. They do not have a policy banning dogs from parks, open spaces and play parks. Due to the nature of the frontline services provided, Landscape teams often come across the results of irresponsible dog owners and dog fouling. An internal review was undertaken in 2014 to see how best to protect staff and members of the public from this nuisance. Restricting dogs in these areas was considered but on reflection it was felt that banning dogs was not necessarily the best or most appropriate action for the following reasons, which are still applicable today:

- Unfair on responsible owners that may visit play parks with children/grandchildren.
- Only a limited number of play parks have perimeter fencing, this can add significant cost to the maintenance and management of a play park
- It would be extremely difficult to manage, implement and enforce.
- Given current workload on existing staff resources, it is likely to require additional budget and resources

2.5.2 Following the aforementioned internal review it was decided that the preferred and more manageable option in conjunction with the Anti Dog-Fouling Strategy was to try and educate dog owners to act responsibly by erecting additional signage.

2.5.3 Signage was developed and installed in 2015 at a number of play parks in the Formartine Area as a trial. See Appendix 2.

2.5.4 Feedback from frontline and technical teams indicates this trial has shown positive results and it would be the intention to roll these signs out to all play parks across Aberdeenshire.

2.5.5 Current Landscape Services' procedure is that where dog fouling or dog control is an issue, the Dog Wardens in the Environmental Health Service are contacted, and they will then target these problem areas and take appropriate actions.

## 2.6 Education and Children's Services (ECS)

2.6.1 ECS do not have a specific policy on the banning of dogs from school campuses. There may be some campuses with 'no dog fouling' signs, but this is ad hoc and there is no policy direction on this.

2.6.2 ECS has a policy on 'Animals on Council Premises Management and Control'. This policy relates to having animals in the workplace for a specific purpose; e.g. for educational purposes and not related to dog fouling.

- 2.6.3 The Service has a policy of 'open-access' to its campuses, and it would be extremely difficult to enforce any policy on banning dogs from certain areas of the campus.
- 2.6.4 ECS could adopt a corporate approach on signage, (similar to that displayed in Appendix 2), and use Parent Councils, the wider parent body, Community Councils etc. to promote responsible behaviour by dog owners in relation to dog fouling and dog control. However, the implementation and discharge of a policy would be extremely difficult to enforce, and would largely rely on the cooperation of dog owners.
- 2.7 Should the Committee deem it appropriate to develop a policy, consultation with local communities would be required. Budget and staffing implications associated with implementation of the policy would require to be identified.
- 2.8 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.

### **3 Scheme of Governance**

- 3.1 The report is submitted for committee consideration in accordance with the Scheme of Governance Part 2A – List of Committee Powers, F.1.1.d and in terms of Standing Orders, Appendix A – Member Promoted Issues, section 3. The Committee has power to undertake a formal scrutiny process in terms of Part 2A – List of Committee Powers, F.7.1.1.

### **4 Implications and Risk**

- 4.1 An equality impact assessment is not required because the content of this report does not have a differential impact on any of the protected characteristics. However, if committee are minded to seek a policy on banning dogs an EIA would be required.
- 4.2 There are no direct staffing implications arising from this report, although a policy banning dogs may lead to amended working practices and increased workload.
- 4.3 There are likely to be significant financial implications if a Policy to ban dogs from school grounds, playgrounds and play parks is implemented. Further work to assess these costs would need to be carried out.
- 4.4 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. (Corporate Risk Register)

**Stephen Archer**  
**Director of Infrastructure Services**

Report prepared by David Cooper, Environmental Health Manager, 23 March 2018

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Appendix 1

**MEMBER PROMOTED ISSUE FORM**

SUBMITTED BY MEMBER Isobel Davidson, WARD 9.

FULL DESCRIPTION OF THE ISSUE TO BE PROMOTED:

I am proposing that Aberdeenshire Council develops a policy concerning dogs in school grounds and enclosed children's play areas with a view to banning all dogs from these areas for health and safety reasons. A number of school playgrounds do have 'No Dogs' signs but there appears to be no policy on this matter.

IS THIS ISSUE CONNECTED OR RELATED TO ANY OTHER PROJECT CURRENTLY BEING PROGRESSED, PLEASE OUTLINE:

Not that I am aware of

HAS THIS ISSUE ARISEN AS THE RESULT OF ANY REPRESENTATION BY CONSTITUENTS OR OTHER PARTIES, PLEASE IDENTIFY ANY INTERESTED PARTIES:

Foveran Community Council support this proposal.

HAS THIS ISSUE BEEN CONSIDERED IN THE PAST AND IF SO, WHEN AND BY WHOM (OFFICER OR COMMITTEE):

Not that I am aware of

SIGNED: Isobel Davidson

DATED: 7<sup>th</sup> March 2018

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Appendix 2

Landscape Services Signage

