

Environment and Transportation Department,
Block 2, Floor 6,
Dublin 8.

01st May 2019.

To Each Member of the
Environment Strategic Policy Committee

The motion below was tabled at the February meeting of the Environment Strategic Policy Committee meeting and it was agreed that a report would issue which is set out below.

Motion in the name of Councillor Patrick Costello and Councillor Claire Byrne

That this SPC agrees to take serious action in relation to dog fouling, and agrees to undertake the following measures

- to amend the bye laws to make it an offense to be in control of a dog without having the means to deal with dog waste while in a public park*
- to write to the minister for the environment requesting a significant increase in the fines related to dog fouling*
- to introduce a pilot scheme of DNA testing dog fouling, as has been successfully done in other countries, to overcome challenges in finding the owners responsible for not picking up waste.*
- to provide free dog waste bags available to collect through local parks and waste depots, as well as through the local area offices as at present*
- to provide increased numbers of dog waste only bins in problems areas.*
- to agree to spend the complete allocation under the anti-litter grant scheme on dog fouling for one year.*
- free dog waste bags when you renew your dog license*

Order: Agreed, comprehensive report to issue on issues raised in the Motion

Report:

Bye Laws

The portion of the motion that refers to amending of bye laws to place additional responsibilities on persons in control of a dog in public parks should be referred to the Arts, Culture and Recreation Strategic Policy Committee as the matter may be pursued under amendments to bye - laws relating to public parks.

There is no scope within waste management legislation either the Waste Management Act or the Litter Pollution Act to make bye laws that relate to the issue of dog fouling.

The matter of dog fouling is specifically dealt with under section 22 of the primary legislation, The Litter Pollution Acts 1997 – 2009, and this legislation does not provide for the making of bye laws in relation to the matter as it is considered that the act refers to activities in any public place.

The suggestion set out in the motion to require persons to carry the means to dispose of dog foul has been made previously in respect of amending the primary legislation and there has been pertinent observations made that it may be unenforceable in law or that it is 'bad law' as it requires the person controlling the dog to have at all times the means to remove dog foul when they may indeed have had such means and utilised them prior to encountering an enforcement officer.

There was a proposal under the previous minister for the environment to increase the level of fines applicable under the primary legislation for littering of all types. It is not clear whether this matter is still being pursued by the Department of Communications, Climate Action and Environment. Increased fines may act as part of a range of actions to deter offences being committed under the Litter Pollution Act and it is considered that it would be appropriate for the committee to seek an update from the department in respect of the future of this proposal.

DNA Testing

The introduction of a pilot DNA testing regime for dogs and consequently enforcement in respect of dog fouling offences would require a number of actions to be implemented in order to be successful including the mandatory testing of all dogs and the provision of access to such records for the purpose of enforcement.

Given that such a scheme is not currently mandatory nor could it be made a requirement under existing legislation without further regulation being imposed it is considered that even if such a scheme were available on a voluntary basis there would be a distinct possibility of 'preaching to the converted' as those most likely to avail of the testing are those that are already very responsible dog owners and consequently those least likely to allow their dog to foul and not remove the foul thereafter.

It must also be considered that there is a significant cost involved in both the initial testing of the dog and the consequent testing of any dog foul.

If the DNA testing were for example to be a requirement for the applicant to obtain a dog licence this may have the unintended consequences of reducing the number of licensed dogs due to the cost increasing factors to the licence holder.

Ultimately such a scheme would be required to be considered under the provisions of Control of Dogs legislation. It is not a matter that can be dealt with through existing Waste or Litter legislation.

Dog Waste Bags

Free dog waste bags are available through Dublin City Council local area offices and libraries currently. There is no reason why this availability can be further rolled out to other public locations such as recycling centres and bring centres and this will be pursued. The waste management department will discuss with the Parks and Landscape Services division what options are available for making such bags available in public parks also.

Dog waste only bins are the least favoured option in respect of providing additional bins as there limited capacity means that in high use locations as they can be come quickly full and in need of servicing. The Waste Management Department will seek to install standard litter bins in areas of need and in doing so will assess the current stock of litter bins in the proximity of any suggested location. The standard litter bin has the benefit of accepting all litter and the additional capacity to cater for higher demand areas. There are no plans to increase the supply of dog waste only bins in the city.

Given the low cost of dog bags, the relatively widespread availability of free bags from City Council facilities and the commitment outlined above to increase this availability it is not considered necessary to provide free dog bags to dog licence renewals. There would also be a cost increasing factor as these would be required to be posted to licence holders.

Anti-Litter / Anti-Graffiti Grant

Expenditure on dog fouling patrols, provision of free dog waste bags, the green dog walker's scheme and other local initiatives regularly exceeds the total anti-litter, anti-graffiti grant allocation to Dublin City Council in a given year.

The Waste Management Department will commit to advertising a responsible dog ownership campaign to encourage people to dispose of dog waste appropriately that will reinforce the message that any bin can be used to dispose dog waste and the negative effects of encountering dog waste in public places.

Simon Brock
Administrative Officer