



The Scottish Parliament  
Pàrlamaid na h-Alba

## LOCAL GOVERNMENT AND REGENERATION COMMITTEE

### AGENDA

2nd Meeting, 2016 (Session 4)

Wednesday 13 January 2016

The Committee will meet at 10.00 am in the David Livingstone Room (CR6).

1. **Subordinate legislation:** The Committee will take evidence on the Dog Fouling (Fixed Penalty) (Scotland) Order 2016 [draft] from—

Paul Wheelhouse, Minister for Community Safety and Legal Affairs, and Douglas Forrester, Policy Officer, Community Safety Unit, Scottish Government.

2. **Subordinate legislation:** Paul Wheelhouse (Minister for Community Safety and Legal Affairs) to move—S4M-15229—That the Local Government and Regeneration Committee recommends that the Dog Fouling (Fixed Penalty) (Scotland) Order 2016 [draft] be approved.

3. **Burial and Cremation (Scotland) Bill:** The Committee will take evidence on the Bill at Stage 1 from—

Maureen Watt, Minister for Public Health, Dr Simon Cuthbert-Kerr, Burial and Cremation Bill Team Leader, and Graham McGlashan, Principal Legal Officer, Scottish Government.

4. **Burial and Cremation (Scotland) Bill (in private):** The Committee will consider the evidence it has received.

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The papers for this meeting are as follows—

**Agenda items 1 and 2**

Paper by the clerk

LGR/S4/16/2/1

**Agenda item 3**

PRIVATE PAPER

LGR/S4/16/2/2 (P)

**Local Government and Regeneration Committee**

**2<sup>nd</sup> Meeting, 2016 (Session 4), Wednesday, 13 January 2016**

**Subordinate legislation**

**Introduction**

1. This paper seeks to inform members' consideration of [The Dog Fouling \(Fixed Penalty\) \(Scotland\) Order 2016 \[draft\]](#)

**The Dog Fouling (Fixed Penalty) (Scotland) Order 2016 [draft]**

*Background*

2. The instrument was laid on 16 December 2015 and this Committee has been designated the lead committee. The lead committee must report on the instrument by 10 February 2016.

3. The above instrument was made in exercise of the powers conferred by Section 9(2) of the Dog Fouling (Scotland) Act 2003.

4. Members will note this is an affirmative instrument. At the meeting, members will have an opportunity to question the Minister for Community Safety and Legal Affairs and his officials on the instrument. Afterwards the Minister will be invited to speak to the instrument and move a motion recommending that the instrument be approved. The Committee will then be able to debate the motion for up to 90 minutes. At the end of the debate, the Committee will be asked to agree that the motion be agreed to.

*Policy objectives*

5. The policy objective of this instrument is to increase the fixed penalty for dog fouling from its current level of £40 to £80. The increased penalty applies to all fixed penalty notices issued for dog fouling with effect from 1 April 2016. The fixed penalty has been increased to £80 to bring it into line with the fixed penalty for littering which was updated to £80 with effect from 1 April 2014.

6. To comply with the requirements of Section 15(3)(b) of the Dog Fouling (Scotland) Act 2003, the Scottish Government carried out a public consultation on promoting responsible dog ownership. The consultation ran from 27 December 2013 to 31 March 2014 and included questions on tackling dog fouling. The majority of respondents (67%) agreed that more could be done to address this issue.

7. Respondents made a wide range of suggestions about how to more effectively address the problem of dog fouling. The four mentioned most often were to:

- undertake better enforcement;
- increase the level of fixed penalties;

- improve education and public awareness;
- provide more dog bins, and empty them more frequently.

8. Increasing the level of fixed penalties was the one action which the Scottish Government could take directly so it carried out a further consultation with key stakeholders on its proposal to align the dog fouling fixed penalty with that for littering. The majority of stakeholders consulted agreed with the proposal.

*Impact assessments*

9. An equality impact assessment has been completed on the SSI and found that there are no equality impact issues. Hard copies can be provided by the clerks.

*Financial effects*

10. The Minister for Community Safety and Legal Affairs has confirmed that no Business and Regulatory Impact Assessment is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

*Issues the Committee may wish to consider*

11. The Delegated Powers and Law Reform Committee considered these Regulations at its meeting on 5 January 2016 and agreed that it had no comment to make.

**Recommendation**

12. Members are invited—

- to take evidence from the Minister for Community Safety and Legal Affairs on the draft instrument (item 1); and then
- debate and then consider motion S4M-15229 (item 2).

**Steven Iserhoff  
Committee Assistant**