

**From:** [Foi Enquiries](#)  
**To:** [REDACTED]  
**Subject:** EIR-17-0148 - Dog Concerns  
**Date:** 03 February 2017 14:49:03  
**Attachments:** [Further Information - Right to Review & Appeal.pdf](#)

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Dear [REDACTED]

Thank you for your information request of 24 January 2017. Aberdeen City Council (ACC) has completed the necessary search for the information requested.

**The signs on Aberdeen beach refer to Aberdeen City Council (Dogs on Aberdeen Beach) Byelaws 2001. (I note that the response to [https://www.whatdotheyknow.com/request/foreshore\\_ownership\\_rights](https://www.whatdotheyknow.com/request/foreshore_ownership_rights) which you earlier provided referred to the bylaw being 2002 not 2001).**

**Whatever the year (2001 or 2002) can you provide details of**

**1) How many fines / penalty charges have been raised in each of the intervening years to 2016 under the bylaw.**

Nil. The by-law does not allow the option to issue Fixed Penalties, the person not adhering to the Byelaw would be reported to the Procurator Fiscal.

**2) How many of those were paid or appealed**

Not applicable, please see our response to Q1.

**3) What the annual revenue has been in each year.**

Not applicable, please see our response to Q1.

**4) How many environmental patrols there are currently daily or weekly in pursuance of the bylaw.**

Environmental Health are unable to provide the number of patrols which are made in the area of the beach as there are no formal records of these. Environmental Health Dog Wardens will patrol an area when in the vicinity or when a specific issue is brought to their attention. Since the introduction of the Bye law further dog legislation is now available to the Dog Wardens e.g. the Dog Fouling (Scotland) Act 2003 and the Control of Dogs (Scotland) Act 2010. This legislation allows the dog wardens to take more effective and proportionate action which the Byelaw does not provide.

ACC is unable to provide you with information on **How many environmental patrols there are currently daily or weekly in pursuance of the bylaw** as it is not held by the Council. In order to comply with its obligations under the terms of Regulation 10(4)(a) - Information Not Held - of the EIRs, ACC hereby gives notice that this information is not held by it. ACC is required by Regulation 10(1)(b) of the EIRs to inform you as to why in all the circumstances of the case, the public interest in maintaining this exception outweighs the public interest in disclosing this information to you. ACC is satisfied that it does not hold this information and considers that, as there is no information held, the public interest lies with the exception.

**5) Can you also explain why there are no byelaws published on the city council website?**

**Many councils including Scottish ones publish them. In the interests of transparency these should be publicly available**

There is no recorded information held by ACC to explain why there are no byelaws on the city council website. ACC are currently reviewing all published content on their website so I will advise the team responsible of your comments.

ACC is unable to provide you with information on **why there are no byelaws published on the city council website** as it is not held by the Council. In order to comply with its obligations under the terms of Regulation 10(4)(a) - Information Not Held - of the EIRs, ACC hereby gives notice that this information is not held by it. ACC is required by Regulation 10(1)(b) of the EIRs to inform you as to why in all the circumstances of the case, the public interest in maintaining this exception outweighs the public interest in disclosing this information to you. ACC is satisfied that it does not hold this information and considers that, as there is no information held, the public interest lies with the exception.

We hope this helps with your request.

Yours sincerely,

Grant Webster  
Information Compliance Officer

**INFORMATION ABOUT THE HANDLING OF YOUR REQUEST**

As the information which you requested is environmental information, as defined under Regulation 2(1) of the Environmental Information (Scotland) Regulations 2004 (the EIRs), ACC considered that it was exempt from release through FOISA, and must therefore give you notice that we are refusing your request under Section 39(2) of FOISA (Freedom of Information (Scotland) Act 2002). However, you have a separate right to access the information which you have requested under Regulation 5 of the EIRs, under which ACC has handled your request. Please refer to the attached PDF for more information about your rights under the EIRs.

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