

Report of the Chief Executive**DOG FOULING**Purpose of report

To update Committee on aspects of dog fouling in the Borough.

Detail

Various sources, including Keep Britain Tidy, estimate there to be more than 8 million dogs producing more than 1,000 tonnes of mess every day in the UK. The majority of dog owners are very responsible and clear up after their dogs. However, there is a small minority who do not. It is these who create the problem.

Dog mess is an emotive issue and one of the most unacceptable and offensive type of litter on our streets. Research undertaken by Keep Britain Tidy (House of Commons Library Number CDP2017/0081, 10 March 2017 “Dog Fouling”) shows dog fouling is the issue with respect to litter that the public are most concerned about. Also, in the Association of Public Service Excellence (APSE) Parks and Green Spaces State of the Market Survey 2016, 73.0% said ‘dog fouling’ in answer to the question ‘what environmental issues are a priority for your parks and green space service?’

Dog fouling is not only deeply unpleasant; it can be dangerous. Whilst rare, contact with dog excrement can cause toxocariasis – a nasty infection that can lead to dizziness, nausea, asthma and even blindness and seizures.

Broxtowe Borough Council undertakes a number of activities which directly and indirectly contribute to reducing the problem of dog faeces on our streets, parks and open spaces. These are contained in the Council’s Dog Control Policy and Enforcement Policy. A summary is given in the appendix along with data relating to the issue in Broxtowe.

Recommendation

Committee is asked to NOTE the report.

Background papers

Nil

APPENDIXEnforcement**Dog fouling on public land**

Although the Dogs (Fouling of Land) Act 1996 has been repealed, the Order made by Broxtowe Borough Council on 5th June 1998 (The Borough of Broxtowe Prohibition of Dog Fouling Order 1998) which came into force on the 6th July 1998, still applies on all relevant land apart from Basil Russell Playing Fields (see below).

The Borough of Broxtowe Prohibition of Dog Fouling Order 1998 designates land in the borough where the provisions of the legislation apply, that is if a dog defecates at any time on designated land and a person who is in charge of the dog at that time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless—

- (a) he has a reasonable excuse for failing to do so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

The land designated in the Order is as follows:

- All parks, recreation grounds, open spaces and other areas for informal recreation.
- All housing amenity areas
- All twitchells, footways. Footpaths and bridleways including adjoining grass areas.
- All public rights of way.
- All shopping precincts and privately owned, publicly accessible land adjacent to shops.
- All cemeteries and churchyards
- All carriageways with speed limits of 40 miles per hour or less, and adjoining footpaths and verges.

The Neighbourhood Wardens are authorised to issue Fixed Penalty Notices requiring payment of fifty pounds where an individual refuses to pick up their dog's faeces.

The Litter (Animal Droppings) Order 1991 was made under section 86 (14) of the Environmental Protection Act 1990. It means that the provisions of Part IV of the 1990 Act which apply to refuse shall apply to dog faeces on land of the following descriptions which is not heath or woodland or used for the grazing of animals:

- Any public walk or pleasure ground;
- Any land laid out as a garden or used for the purpose of recreation;
- Any part of the seashore which is frequently used by large numbers of people, and managed by the person having direct control of it as a tourist resort or recreational facility;
- Any esplanade or promenade which is above the place where the tide flows;
- Any land not forming part of a highway, which is open to the air, which the public are permitted to use on foot only, and which provides access to retail premises;

- A trunk road picnic area;
- Picnic sites provided under the s.10 (2) of the Countryside Act 1968;
- Car parks provided in accordance with s.32 of the Road Traffic Regulation Act 1984.

Dog fouling on private property

The relevant legislation is the Environmental Protection Act 1990.

Complaints of nuisance from dog faeces on neighbouring properties will be investigated by officers of the Environmental Health team. In the case of dog fouling at dwellings owned by Broxtowe Borough Council, investigations and enforcement action will be taken by officers of the Housing Division.

Public Spaces Protection Orders (PSPOs) in relation to dog control

The relevant legislation is the Anti-social Behaviour Crime and Policing Act 2014

The Council has one PSPO in relation to dog control in place within the district at Basil Russell Playing Fields at Nuthall. This PSPO covers the following:

- dog fouling
- dogs on leads
- exclusion of dogs from certain areas.

This PSPO was implemented following a public consultation process and aims to address the main issues affecting the public regarding irresponsible dog ownership.

The Order is in place for a three year period after which it is subject to review to ensure it remains appropriate.

This PSPO is enforced by officers of Nuthall Parish Council who have been authorised by Broxtowe Borough Council to issue Fixed Penalty Notices. Any subsequent legal proceedings will have to be undertaken by the Council.

Any future use of PSPOs for dog control will be considered on an individual area basis.

<u>Dog fouling data</u>				
YEAR	Complaints received	Warnings issued	Fixed Penalty Notices issued	Prosecutions
2016-17	201	6 CPW	2	0
2017-18	199	4 CPW	2	0
2018-19	158	3 CPW	1	0

CPW = Community Protection Warning

Other actions to deal with dog fouling

Litter authorities have a statutory duty under section 89 of the Environmental Protection Act 1990 (as amended) to ensure that, so far as reasonably practicable, their land is kept clear of litter (including dog waste), and refuse. Litter authorities generally refers to local authorities, but also includes educational institutions and the Crown (in each case in respect of its own land) and the Secretary of State.