



DEBATE PACK

Number CDP2017/0081, 10 March 2017

Dog Fouling

This House of Commons Library Debate Pack has been produced ahead of the debate on dog fouling. The debate will be held in Westminster Hall on Tuesday 14 March 2017, from 4.30-5.30pm.

The Member in charge of the debate is Mrs Anne Main MP.

There is a [House of Commons Library Briefing Paper on Litter](#).

The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

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1. Summary

Dog fouling: What is the problem?

According to [Keep Britain Tidy](#) dog fouling is “a major concern to members of the public”.¹ In 2014-15, the [BBC found](#) that local authorities in England and Wales received some 73,824 complaints about dog fouling.² A particular complaint in many areas is that dog waste is bagged up, but then left behind; Keep Britain Tidy report that this is an increasing problem.³ Speaking to the [BBC Countryfile magazine](#) about this issue in April 2015, Caroline Kisko, the Kennel Club Secretary, said:

“Dog owners should always clean up after their dogs and dispose of the waste appropriately and the vast majority do, however a small minority who do not can give all dog owners a bad name. A lack of bins in an area, particularly public footpaths through the countryside and woodland areas can be frustrating, but is not an excuse to hang dog waste bags in trees or leave them on the ground as some people seem to do. Owners should keep their dog waste bags with them until they can find a dog waste bin or regular litter bin, or should take it home with them to dispose of it properly.”⁴

The Dogs Trust also advise that if there are no specific dog waste bins available, it is possible to put bagged dog mess in a public litter bin.⁵

This is a devolved issue; separate legislation applies to England and Wales (together) and Scotland. This brief covers the England and Wales approach first, and details the legislation and guidance for Scotland separately below.

Who is responsible for keeping land clear of dog waste?

It is illegal for dog owners to not clean up their dog’s waste in a public area. There is an exemption for some kinds of public land in England and Wales, including: Land used for agriculture or woodlands; rural common land; land that is predominantly marshland, moor or heath; and highways with a speed limit of 50mph or more.⁶

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.

¹ [Dog Poo Fairy](#), *Keep Britain Tidy*, [accessed: 8 March 2017]

² [Dog poo fines 'down by almost 20% in England and Wales'](#), *BBC*, 10 June 2015, [accessed: 9 March 2017]

³ [Dog Poo Fairy](#), *Keep Britain Tidy*, [accessed: 8 March 2017]

⁴ As quoted in: [Dog poo bags a blemish on the countryside](#), *BBC Countryfile*, 22 April 2015, [accessed: 8 March 2017]

⁵ [Bag & Bin It!](#), *Dogs Trust*, [accessed: 8 March 2017]

⁶ As set out in [The Litter \(Animal Droppings\) Order 1991](#)

Most local authorities have webpages giving advice about litter, and many also have dedicated helplines on which to report litter.

All organisations with a duty to collect litter are required to have regard to the [Statutory Code of Practice on Litter and Refuse](#) for England.⁷ In addition, DEFRA has produced [guidance](#) for how councils on how they should deal with litter (including dog waste) and the penalties they can give.⁸

If a member of the public feels that a litter authority is not fulfilling its duties to keep public land clear of litter, he or she may apply to a Magistrates' Court for a litter abatement order (section 91 of the [Environmental Protection Act 1990](#)). If the court is satisfied that the litter authority is in dereliction of its duty under section 89 of the Act, it may issue a litter abatement order requiring the body to clear the area of litter.

What powers do local authorities have?

In England and Wales, local authorities can issue on-the-spot fines for dog fouling, known as [Fixed Penalty Notices](#). The amount will vary depending on the council. It is often £50 and can be as much as £80; most local authorities have set it at the default level of £75. If someone refuses to pay the fine, they can be taken to court and fined up to £1,000.⁹

[DEFRA](#) discontinued collecting figures on the number of fixed penalty notices issued by local authorities in 2010, as this was deemed to be an unnecessary data burden on local authorities.¹⁰ This means the most recent official figures for the number of fixed penalty notices issued is 2008-09 when 2,082 fixed penalty notices were issued. In 2015, a [BBC article](#) stated that the number of people fined for failing to clean up after their dog fell by almost 20% in 2014-15 (2,868 fixed penalty notices were issued in England and Wales compared to 3,521 in 2013-14). The BBC obtained figures from 302 of the 348 local authorities in England and Wales. Of those, 103 did not issue any fixed penalty notices in 2014-15, and 48 had not issued any in the last five years.

Following the implementation of the [Anti-social Behaviour, Crime and Policing Act 2014](#), local authorities in England and Wales can no longer make Dog Control Orders. Instead they can use new powers under the new Act to control dog fouling by issuing [Public Space Protection Orders](#) (PSPOs) to require owners to clean up after their dogs in specified public areas. Existing Dog Control Orders will stay in effect until 20 October 2017, unless they are replaced by PSPOs before then.

In accordance with the DEFRA guidance, local authorities can use PSPOs in a similar way to dog control orders, to stop anti-social behaviour such as dog fouling in a public place. PSPOs can make it an offence if dog owners do any of the following:

⁷ DEFRA, [Code of practice on litter and refuse](#), 1 April 2013

⁸ [Litter and refuse: council responsibilities to keep land clear](#), DEFRA, [accessed: 8 March 2017]

⁹ [Controlling your dog in public](#), *Gov.uk*, [accessed: 8 March 2017]

¹⁰ [HC Deb 8 Jan 2013 v556 c206W](#)

- don't clean up after their dogs;
- allow their dogs to enter particular places that have a PSPO, like playgrounds or parks.

If a PSPO is not complied with, the person in breach of it can be fined up to £100 on the spot or up to £1000 if it goes to court.

Registered blind dog owners cannot be fined.

For further information, the [Library Briefing Paper on litter](#) sets out information on general litter offences (including more detail on fixed penalty notices).

A Novel approach to dealing with dog fouling

In 2012, [West Dunbartonshire council](#) started to arm its local cleanup workers with cans of bright spray paint to tag abandoned dog waste in a highly visible colour scheme.¹¹ This alerts passers-by to the mess, and aims to shame irresponsible owners into picking up after their dogs in the future.¹²

Dealing with dog fouling in Scotland

In Scotland, [The Dog Fouling \(Scotland\) Act 2003](#) makes it an offence for a person to fail to clear up their dog's waste in certain public places, such as footpaths and pavements.

The maximum fine for the offence is currently £500. Local authorities must authorise at least one person to issue fixed penalty notices for the offence. Fixed penalty notices can be issued by such persons and by the police. [The Dog Fouling \(Fixed Penalty\) \(Scotland\) Order 2016](#) increased the fixed penalty for dog fouling from £40 to £80, bringing it in to line with the fine for littering.¹³

Working dogs—tending or driving of sheep or cattle, working with the armed forces, customs and excise or the police force—are exempted from the Act while they are working. So too are registered blind dog owners.

Public Health risks: Toxocarosis

The main risk to health from dog faeces is an infection called [Toxocarosis](#). This is a rare infection caused by roundworm parasites. The parasites are usually found in cats and dogs, and are more likely to affect young children as they are most likely to come into contact with soil contaminated with the roundworm larvae from dog/cat faeces.¹⁴

In most people, the infection does not cause any symptoms and the parasites die within a few months. Some people experience mild symptoms, such as a cough, fever, headaches. In rare cases the larvae can infect organs such as the liver, eyes, brain or lung and cause more

¹¹ [Dog mess to be spray-painted pink by West Dunbartonshire Council](#), *BBC*, 27 June 2012, [accessed: 8 March 2017]

¹² [Dealing With Dog Mess - Some Novel Approaches](#), *Pets4Homes*, [accessed: 8 March 2017]

¹³ [Dog fouling fine doubles](#), *Scottish Government*, 13 January 2016, [accessed: 8 March 2017]

¹⁴ [Toxocarosis](#), *NHS Choices*, [accessed: 8 March 2017]

severe symptoms. These can include, fatigue, seizures, loss of vision, and breathing difficulties.¹⁵

¹⁵ [Toxocariasis](#), *NHS Choices*, [accessed: 8 March 2017]

2. Parliamentary material

2.1 Parliamentary questions

Dogs: Litter

Asked by: Andrew Rosindell

To ask the Secretary of State for Environment, Food and Rural Affairs how many fines have been issued to dog owners who failed to clear up their dog's faeces in England and Wales in the last 10 years.

Answered by: Mr Blunt | Department for the Environment, Food and Rural Affairs

There have been no reports of proceedings for offences under the Clean Neighbourhoods and Environment Act 2005 in Havering magistrates court for the years 2009 to 2011.

The Department for Environment, Food and Rural Affairs advise that the number of fixed penalty notices issued by local authorities in the last three years for dog fouling and littering are not held centrally.

08 Jan 2013 | Written questions | House of Commons | 135346 | 556 c206W

Dogs: Litter

Andrew Rosindell: To ask the Secretary of State for Environment, Food and Rural Affairs how many fines have been issued to dog owners who failed to clear up their dog's faeces in England and Wales in the last 10 years. [135346]

Richard Benyon: Until 2008-09, DEFRA requested figures on the number of fixed penalty notices issued by local authorities. The collection of these figures was then discontinued following the decision by the coalition Government, which deemed this as an unnecessary data burden on local authorities.

The following table reflects the number of fixed penalty notices issued for dog fouling for the period 2002-09.

	<i>Fixed penalty notices</i>
2002-03	2,063
2003-04	2,742
2004-05	2,515
2005-06	3,782
2006-07	3,675

2007-08	1,938
2008-09	2,082

08 Jan 2013 | Written questions | Answered | House of Commons |
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3. News items

[Bid to tackle dog fouling problem with poo bag dispensers in Aberdeen community](#)

Aberdeen Evening Express

8 March 2017

[Should dog owners be fined £100 if they fail to carry poo bags?](#)

Stoke Sentinel

7 March 2017

[Liverpool mayor plans council tax rewards to tackle dog fouling](#)

Guardian

17 February 2017

[Residents kick up stink over piles of dog poo in busy street](#)

St Albans & Harpenden Review

8 February 2017

[Madrid dog owners who let pets foul in public may have to work as street cleaners](#)

Independent

26 April 2016

[Dog poo bags a blemish on the countryside](#)

Countryfile

22nd April 2015

[Eight radical solutions to the problem of dog mess](#)

BBC News Magazine

14 June 2013

4. Press releases and statements

4.1 Keep Britain Tidy

Statement on dog fouling

<http://www.keepbritaintidy.org/dogfouling/573>

Dog mess is the most unacceptable and offensive type of litter on our streets. Our research tells us that dog fouling is the issue the public are most concerned about. In fact in 2010, 37% of you told us it was the item that most bothered you.

Dog fouling is not only deeply unpleasant, it is 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.

It's no wonder dog fouling is such a problem – there are estimated to more than 8 million dogs producing more than 1,000 tonnes of mess every day in the UK alone.

While many dog owners are caring, responsible individuals, there are still some people who do not clean up after their pets. While there has been a reduction in dog fouling in recent years, a recent survey of over 10,000 sites found dog foul left in 7% of places.

Anyone who fails to clear up after their dog can be issued with a Fixed Penalty Notice. If the case goes to court this could set the owner or person in charge of the animal back up to £1,000.

The law even states that being unaware a dog has fouled or not having a suitable bag is not a reasonable excuse.

If someone does fail to clean up after their pet, it falls to the council to get rid of it. More than 90% of councils have dog wardens.

Keep Britain Tidy has campaigned very successfully on the issue of dog fouling. In 2010, our high-profile 'There's no such thing as the dog poo fairy' led to massive reductions in dog fouling in participating council areas. Some communities saw a decrease of up to 90%, while on average a reduction of 43% was recorded across the 94 participating local authorities.

Through our campaigns, we have also highlighted to dog owners that any bin will do for their pet's mess. While some councils do provide dedicated dog-fouling bins, any public bin can take the waste. There is no excuse to leave it.

Find out more about our [Dog Poo Fairy campaign](#) or why not get involved with [The Big Scoop](#).

If you feel strongly about this issue, why not sign up to become a [Keep Britain Tidy supporter](#) and show you are committed to tackling this problem. We will keep you updated on all the work we are doing to put an end to it. We can also give you free posters and stickers to put up in your area.

If you have information about someone who is failing to clean up after their pet you can report it to the police, your local council or dog warden.

4.2 Kennel Club – Statement on dog fouling

<http://www.thekennelclub.org.uk/our-resources/media-centre/issue-statements/dog-fouling/>

Responsible dog ownership means always picking up after your dog.

The Kennel Club believes that dog owners should always pick up after their dogs wherever they are, including fields and woods in the wider countryside. The only exception to this should be if there is an indication from the landowner to the contrary - for example the Forestry Commission 'Flick it off the path' posters and in some Hampshire County Council sites. Not picking up after your dog can cause problems for farmers and livestock just the same as for people in towns.

Since the introduction of Dog Control Orders under the Clean Neighbourhoods and Environment Act (2005), owners may be prosecuted if they allow their dog to foul and do not clear it up in designated areas. Cleaning up after your dog is one of the key responsibilities of dog ownership, especially when in public places. Simply keep a poo/plastic bag in your pocket when out walking. Placing dog mess in normal litter bins is generally accepted by most local councils unless there are signs to the contrary. However, a lack of a nearby bin is no excuse. To bag it and leave it is also completely unacceptable as this is extremely bad for the environment. Don't cause an environmental hazard and leave poo bags in trees, on fences or on the ground.

The Anti-social Behaviour, Crime and Policing Bill currently being discussed in Parliament proposes to replace Dog Control Orders with new measures named Public Spaces Protection Orders (PSPOs). PSPOs would have a far more wide-ranging remit that would not be restricted to only tackling dog related incidents in public spaces. The Kennel Club is currently working with Defra, the Home Office and other animal welfare organisations on the Bill and to ensure that the Bill's dog specific elements effectively target problem behaviour and do not compromise animal welfare.

Ultimately, owners who do not meet their responsibilities only contribute to growing anti-dog sentiment and give dog owners a bad reputation within their local communities.

4.3 Dogs Trust – Big Scoop campaign

<https://www.dogtrust.org.uk/news-events/issues-campaigns/dog-fouling/>

Whether you own a dog or not, dog poo affects everyone. It's unpleasant to see it in parks, on the pavement, and especially on your shoe!

Dog fouling is seen as one of the biggest nuisances blighting public places in the UK – more than littering, pollution, traffic and smoking*. Not only is it an unpleasant sight and smell, it's unhygienic, spreads disease and also becomes a very costly problem for local authorities to tackle.

The Big Scoop aims to see dog owners take responsibility by picking up after their dogs and reducing the amount of dog mess being left in public spaces. With your support, we can help create cleaner and more enjoyable green spaces across the country.

Although public spaces across the country have designated dog poo bins, we want to stress that any litter bin will do. There's no need to worry if you can't see a designated dog poo bin in sight, you can chuck your bag in the nearest litter bin you see.

It's simple to remember: just bag it and bin it! It's against the law to not clear up after your dog, and you could face a fine of up to £1,000.

5. Further reading and useful links

[Dog Fouling GOV.UK](#)

[DEFRA Guidance - Dog Control Orders](#)

[DEFRA Code of Practice on Litter and Refuse for England](#)

[Library Briefing Paper on litter](#)

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