

CITY SERVICES - ENFORCEMENT DIVISION

Operational Policy Subject: **Dog Fouling**
Approved By: Director of City Services
Date: 12th February 2007
Version No: 2

1 **Scope**

- 1.1 This policy relates to the prevention of dog fouling in public places. It does not cover the cleaning of affected areas nor the provision of bins or signs.
- 1.2 This policy provides information on how the Department will respond to complaints regarding dog fouling.

2 **Objective**

- 2.1 To seek an improvement in the visual street environment by reducing the amount of dog faeces left on the ground. Dog faeces contribute to the defacement of the environment, are unsightly, and pose a health risk to members of the public.

3 **Link to council plan**

- 3.1 Looking after the environment is one of the five key aims in the plan. Improving the physical appearance and condition of the streets and immediate surroundings to improve quality of life helps support this aim.

4 **Application of the Enforcement Policy**

- 4.1 "Paragraph 5.2 - Fixed Penalty Notices" allows for the use of fixed penalty notices where the legislation allows. This will be used in respect of dog fouling.

"Paragraph 5.3 - Prosecution" and "paragraph 5.3.1 - Community Benefit" apply to the problem of dog fouling. Formal or legal action will therefore be taken on the first occasion an offence is committed due to the extreme probability that that person may not be witnessed committing the offence again.

5 **Legislation**

- 5.1 Leeds City Council has made an order under the Section 55 of the Clean Neighbourhoods and Environment Act 2005. This Act provides local authorities to make offences relating to the control of dogs in respect of any land in its area, namely fouling of land by dogs and the removal of dog faeces. This applies to any land which is open to the air and to which the public are entitled or permitted to have access (with or without payment). In addition, any land which is covered is to be treated as land which is "open to the air" if it is open to the air on at least one side. This legislation has superseded The Dogs (Fouling of Land) Act 1996.

5.2 The Clean Neighbourhoods and Environment Act 2005

Section 55 (3) (a) – Relates to fouling of land by dogs and the removal of dog faeces;

Section 59 - states that where a person is given a fixed penalty notice.... no proceedings shall be instituted.... before the expiration of fourteen days. An authority may make provision for treating a fixed penalty in pursuance of a notice under section 59 as having been paid if a lesser amount is paid before the end of a period specified by the authority.

5.3 Section 61 (2a) of the Clean Neighbourhoods and Environment Act 2005 states if an authorised officer proposes to give a person a notice under section 59, the officer may require the person to give him his name and address. A person commits an offence, not exceed Level 3 on the standard scale, if they fail to give their name and address when required to do so or gives false or inaccurate name or address.

6 Policy

6.1 The Department will respond to all complaints regarding dog fouling in public places within 5 working days of receipt of the complaint. In general all complaints should be responded to as quickly as possible.

6.2 The Investigating Officer (IO) will contact all complainants as part of an ongoing investigation and to advise of the outcome.

6.3 Anonymous complaints will not normally be investigated unless public interest factors are in favour.

6.4 Whilst patrolling areas, officers should attempt to speak to dog walkers where possible and offer advice, fouling bags, and leaflets.

6.5 If a complainant is willing and able to provide a credible and accurate witness statement which evidences an offence, legal action will be considered.

6.6 An officer who observes a dog fouling offence (if a dog defecates and a person who in charge of the dog at the time fails to remove the faeces forthwith), will have the presumption to prosecute that person after the facts have been obtained. However, the person will be offered the opportunity to discharge the offence by having a fixed penalty notice issued to them, and paying that notice within 14 days. The penalty notice is to the value of £75, or £50 if paid within 7 days.

6.7 Payment of FPNs by instalments will not normally be accepted. Instalments will only be allowed where demonstrable hardship can be proven and prosecution is likely to result in a conditional/absolute discharge.