

P-06-1418: Legislation to protect sports pitches from dog fouling

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Petition Number: P-06-1418

Petition title: New legislation should be introduced to protect sports pitches from dog fouling

Text of petition:

Dog poo on sports pitches creates serious health risks for players of all ages. Current legislation such as Public Spaces Protection Orders have proved insufficient to prevent this problem, meaning sports club volunteers are having to inspect and clear pitches of dog mess every time pitches are used for training or fixtures.

New legislation is required as the current legislation has proved useless because of lack of enforcement by local authorities.

The following news article highlights the serious injuries that can result from dog mess on sports pitches:

<https://nation.cymru/news/ms-urges-welsh-govt-to-ban-dogs-from-sports-fields/>

New legislation is required to protect sports players as the current law has proved to be toothless.

Where recreational grounds provide mixed use of general leisure and sports facilities, local authorities should be advised to put in place strong measures to mitigate the risk of players coming into contact with dog mess. These



measures could include greater levels of enforcement, fencing off sports pitches, not allowing dogs to be walked off leads etc.

Sports clubs should also be able to seek compensation if club volunteers are compelled to clear dog mess from pitches before they can be used.

We do not seek to make dog walking more difficult, we simply seek to protect players.

1. Background

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.

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.

In England and Wales, local authorities can issue on-the-spot fines, known as Fixed Penalty Notices (FPNs), for dog fouling. The amount may vary by local authority, but can be up to £150. If someone refuses to pay the fine, they can be taken to court and fined up to £1,000.

Local authorities in England and Wales have powers to tackle dog fouling by issuing Public Space Protection Orders (PSPOs) (previously called Dog Control Orders).

Local authorities can use PSPOs to stop anti-social behaviour such as dog fouling in a public place. PSPOs can make it an offence if dog owners:

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

FPNs can be issued if the conditions set under the PSPO are breached.

Registered blind dog owners cannot be fined.

2. Welsh Government action

The Cabinet Secretary's letter states that dog fouling is an issue that the Welsh Government takes very seriously, and that whilst enforcement can play a role in addressing the problem, its aim has been to focus on responsible dog ownership. This has included supporting local authorities and working with Keep Wales Tidy to raise awareness through communication campaigns and education programmes.

The letter outlines that Welsh Government officials monitor the use of FPNs via the annual enforcement data survey of local authorities, and liaise with enforcement officers to help understand the action being taken across Wales. For 2022/23, 66 FPNs were issued for dog fouling offences across Wales, an increase from 25 in 2021/22.

The letter also refers to survey work with local authorities which indicated that whilst there are some operational issues associated with PSPOs, for example the requirement to review and consult on their use every three years, there were other mitigating factors in the relatively low numbers of FPNs being issued. This included budgetary constraints, loss of staff resources due to retirement or redeployment and that some local authorities no longer employed private enforcement companies. Local authority officers also noted that even with the availability of enforcement tools it can be difficult to catch irresponsible dog owners. This is because the offence usually needs to be witnessed by an enforcement officer and many incidents typically occur outside of the hours worked by enforcement officers.

The Cabinet Secretary states at present there is no plan to introduce any new legislation in this area. He said that as statutory bodies, local authorities have a legal responsibility to keep their land clear of refuse and litter (including dog waste) and "it is ultimately for them to decide on how best to deploy the various tools and resources available to them".

3. Welsh Parliament action

The issue of dog fouling and sports pitches has not been considered in the Senedd.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.