

# Legislation for urban animal management: experience with formulation and implementation of Scoop Law

*Confound the men who have made our remarks before us*  
Aelius Donatus, 4th century: St Jerome commenting on *Ecclesiastes*. Ch I.

## RL Leather

### ABSTRACT

This paper provides brief information on the problems of dog faeces in different countries including USA, Japan, France and Australia as a comparison of cultural responses. It chiefly explains the English Home Office Trial Byelaw Scheme of 1985/6 dealing with the Removal of Canine Faeces Byelaw and provides comment on the practical consideration when introducing the scheme to the public. The scheme worked well and found public approval.

### INTRODUCTION

There are over fifty pieces of legislation dealing with dogs in the UK covering a wide range of applications: ownership and theft, sales, strict liability and negligence, diseases, dogs on roads, trespassing, nuisances, byelaws and hygiene regulations, dangerous and ferocious dogs, strays, collars, killing and injuring dogs, licensing requirements (boarding, breeding and pet shops), guard dogs, cruelty, performing, game, import and export. Surely that legislation must offer enough effective control in the interests of keeper, non-keeper and animal alike? NOT ON YOUR LIFE! Dog fouling remains top of the public agenda for improvement of the living environment. Why is it, after hundreds of years of living with dogs that this issue is still such a hot potato?

### OTHER COUNTRIES

#### USA

In 1978 New York State introduced byelaws in New York and Buffalo requiring dog faeces to be removed by owners. The best part of the Crocodile Dundee movie was seeing the Poop Scoop signs on the lamp-posts of New York 's sidewalks. ...for me, anyway! The New York byelaws provide for an on-the-spot fine, and require persons walking the dog to carry with them the means for clearing up any mess.

#### Japan

Standards for the keeping and custody of dogs and cats, Notification No 28, July 16th 1975 of the Prime Minister's Office, Part IV Conservation of the Living Environment, lays down that the owner/possessor of a dog or cat must ensure that no park, roadway or other public place, or land belonging to another person, is fouled by faeces. Dr Mikio Inaba tells me that people are required to pick up dog dirt. Japan is very hygienic and the moral condition of the nation favours compliance, rather than requiring enforcement.

#### France

Different towns have different rules. The French are not enamoured of byelaw controls, they prefer to 'persuade' people to comply. The Association Francaise D'Information et de Recherche sur L'Animal De Compagnie (AFIRAC) was set up in 1977 and is headed by Professor Hubert Montagner, an ethologist and psycho-physiologist. It is a non-profit association aiming to extend knowledge of the human animal bond and to circulate information widely (AFIRAC 1992). The Association has formed the 'Club des Villes' and publishes a quarterly LETTRE DES VILLES, a newsletter reporting on news and progress in this field. The authorities from major cities in France also meet periodically to discuss progress. AFIRAC makes 7 key recommendations, no.4 of which is:

## PUBLIC AREAS WITH DIFFERENT RULES

Urban public areas must be 'ranked' to offer townspeople the choice of entering a public place where their pets will be welcomed or, on the contrary, where they will be sure, should they so desire, of not encountering other people's pets. Everywhere else, the rule must be to keep the animal on the leash.

AFIRAC has a concept of urban area ranking based on the idea that all city dwellers, pet owners or not, should have freedom of choice according to three different status levels: dogs forbidden; dogs kept on a leash; and dogs free to roam (AFIRAC 1993a).

This ranking means that fullscale sanitary amenities can be differentiated from dog run amenities, hence physically distinguishing the different status of each space. Sanitary amenities are designed to protect public areas from dog excrement by offering owners an appropriately equipped site where their animals can relieve themselves under sanitary conditions.

They also play a 'clean point' role by centralising waste matter and optimising collection. If you have seen French people taking their dogs into the town square five minutes before the cleaning vehicle is due to arrive so their dogs can defaecate, you will appreciate the benefits to state employees that this model would bring to them!

AFIRAC recommend 'vespachien' and the 'canisite' as extremely effective and simple sanitary amenities.

Their message is that harmonious integration of companion animals is benefited by protecting spaces from which dogs are banned (for example, PAS CANADIEN) and enhancing areas where they are allowed (for example, exercise areas, agility dogs, drinking troughs, leash rings and waiting facilities).

This is an interesting approach to encourage new user behaviour, and may perhaps be seen as a counterbalance to the misguided view that all controls are negative.

The AFIRAC (1993a) conditions for success in the provision of urban amenities includes:

- establishing a network;
- integration into the environment;
- simplicity of design;
- cost-effective installation and maintenance;
- well managed public information available around the amenities.

City or town authorities should be identified as the driving force behind such amenities, because it also encourages some interest and enthusiasm from them regarding companion animals.

### **Definitions of AFIRAC terms**

**LE PAS CANADIEN:** is a grating or cattle grid about 1m x 1.5m composed of 40mm square meshes.

**LE CANISITE:** is a small area about 10-15 square metres built into a pavement and filled with sand, placed near something of human interest (map, phone, seat, etc). Approximate cost of canisite FRF 5,500 (not including VAT). Upkeep approximately FRF 9,000 (1992 prices).

**LE VESP ACHIEN :** is a small area of a few square metres surrounded by vertical log fencing with a sand base set in park areas.

**AGILITY DOG:** standardised obstacles for dog and owner to display natural physical agility; obstacles designed so any size of dog may use. Obstacles may be see-saw, ramp, tyre hanging on frame, hurdle, etc.

Regarding communication AFIRAC (1993b) consider that believing people's behaviour is immutable puts an effective brake on any potential change: that 'holier than thou' or repressive stances are counter productive; that pet owners divide into three groups (i) aware (ii) don't care (iii) don't want to know.

Before launching a message, AFIRAC believes it is necessary to identify the target group and try to make sure that local politicians and municipal staff all the way up the ladder endorse the aims of your campaign. Avoid three pitfalls:

- making people feel guilty;
- dramatising the issue;
- side-stepping the issue.

**Use posters:** Scooping the Poop: 'Today's dogs never go out without their bag'.

**Use municipal media:** newsletter, electronic signs, Minitel, produce a video, hold exhibitions.

Try a scheme somewhere and use this as a model.

Sample schemes from Grenoble, Clermont-Ferrand and Niort are mentioned. The last two were concerned particularly with dog excrement and persuading owners to clean up after their animals.

In an evaluation of the policy, 82 percent of respondents said they thought it was effective and 92 percent thought the strategy should be pursued.

## **Australia**

A variety of state legislation examined includes the Australian Capital Territory Dog Control Act 1975: Section 22 covering removal of faeces. This is primary legislation applying to certain specified areas.

One good reason for visiting Australia is to see how this section works. Having read it and read it and read it, and having enforced the law for many years, there are one or two areas of doubt in my mind.

- Where DOES the keeper place his dog dirt?
- What does occupied mean?
- What about grass verges alongside the road - are they designed for pedestrian use?
- What about dog dirt in parks and playgrounds, can your dog defaecate on playing fields before the game starts?
- Does it work, that's the main thing?
- Have there been court cases and what were the outcomes?

We can definitely learn from 22(1) in Britain, where we seem to think that because the waste is not deposited by the keeper, he is not committing an offence!

Having browsed fervidly through other tomes of legislation and legislative encouragement (Murray and Penridge 1992; Murray (ed.) 1992; Paxton (ed.) 1993) I soon found favour with the impassioned pleas and some excellent journalism from Messrs Murray, Jowsey and Jennens.

Ten goals for a management strategy include better compliance with restraint byelaws - less fouling of public areas.

The Beck quote at the 1919 Chicago Conference remains one of my favourites (refer 'The Role of Research and Behaviour in Legislation and Community Attitudes' Jennens 1992). Why is it, 85 years later we are still talking about the same things? Why haven't we resolved the issues?

The great advantages shining forth from my view of Australian experiences is that the *cri de coeur* is at last being heeded. We try something, we review it, we analyse it, we improve it, we involve everybody, we try it again.

Over many years these efforts have been fragmented. You are now using legislation, using education, holding workshops and circulating newsletters. You have formed advisory committees and you are reaching the ear of local government. The will to succeed is evident. With proceedings sponsored by Brisbane, Logan, Queensland, Blacktown, Local Government and the Shires Association of NSW, Canberra, and national interests like Pet Week and Pet Pep developing primary school curriculum interests, your progress seems soundly based.

## England

I urge you to consider the quotation at the beginning of this paper! Dogs represent a worldwide subject of discussion. They cross all boundaries and perhaps naturally enough represent similar concerns and solutions in different stages of progress in different parts of the world.

In England we have also shared the agonised discussions of the control process. Largely we have been led by the local government response to the problems experienced by ratepayers, and have debated with owners about the reasonableness of action within the context of society as a whole, and of doing nothing to control dogs.

Doing nothing is in fact a costly option (Leather n.d.) and one which nobody can afford to do. Society itself will clearly indicate the unsatisfactory nature of this situation by choosing its own solutions.

There is at present a 'Let's halt illegal poisoning now -save our wildlife campaign' (Department of Environment 1994a). Although aimed at wildlife, there are reports of pet poisoning occasionally where one can only assume that the inadequacy of appropriate legislation and proper enforcement will encourage frustrated people to such acts of barbarism. William Pitt (1708-1778) said '*Where laws end, tyranny begins*' (Jan 9 1770) and it is therefore of the utmost importance to ensure that rules are firm but fair .

There has been a continuing argument put forward by many under the name 'dog lover' that any action to control dogs is 'anti-dog'. In my view, this parsimonious tripe has done more to set back the interests of animal welfare over the years than any other single action.

We have found that because controls emanate from Government, they are based within existing statutory frameworks and regarded in the only way enforcement officers are able to regard - as being statutory nuisances. Those afraid of the bureaucratic approach of legislative control hit back with counter accusations to the bureaucrats of being 'anti-dog'. In order to progress, it is necessary to discuss and compromise, for without this approach controls will inevitably become more draconian and extreme views will polarise.

Because of enforcement difficulties and because of lack of co-operation from dog keepers to acknowledge their responsibilities, dog bans are now spreading throughout the country (PAC 1993) (82 percent of local authorities operate a dog ban on beaches ).

It was interesting to note that when asked THEIR environmental top priority 43 percent of people said human effluent and 20 percent nominated dog fouling. When asked the public's priority, they replied 74 percent dog fouling and 20 percent human effluent.

Dog bans were well received by 82 percent of non-dog owners and 54 percent of dog owners. Ten percent didn't know or were not interested. An interesting observation is that 87 percent of people wanted more information (about dogs)!

As long as 'dog lovers' remain vociferously unaware of their contribution to unrest, their worsening world will continue apace. They will cut their own throats. With such a background in the early 1980s there was a clear indication from the public that they were highly dissatisfied with the status quo.

It is amazing how out of touch local government can become with the concerns of their ratepayers. Our council in Hampshire circulated a questionnaire to people within a housing improvement area, where house repairs and street furniture enhancement had just been completed, to query satisfaction with the scheme. To our surprise a massive query was raised regarding dogs being a nuisance in the environment. We were aware of a level of nuisance, but not of the degree of everyday concern. Subsequently many questionnaires (PAC 1993; Joint CIEH/JACOPIS 1991; Morton n.d; National Consumer Council 1991 ; Department of Environment 1989) have continued to indicate that public concern on the environment rarely considers dioxins, ozone layers or greenhouse gas effects, it stays at home with DOG DIRT and LITTER as the top concerns.

## ORIGINS OF BYELAW PROJECT

In 1982 a number of local authorities found that existing Good Rule and Government Byelaws dating back to the 1920s and 30s which simply made fouling on footpaths a criminal offence, were not working. Authorities approached the Home Office to see if the experience in New York could be followed so that byelaws might be introduced to require persons in charge of dogs to remove any faeces deposited on footpaths and in recreation grounds. Despite the initial scepticism of Ministers, the civil servants were supportive. This was a particularly enlightened view, in the circumstances.

The English compromise was an agreement to run a pilot project to test effectiveness. Five local authorities were invited to participate (in 1984) and four agreed to take part. Barking & Dagenham, Gosport, North West Leicestershire and Rochester-upon-Medway submitted details to the Home Office which demonstrated their commitment to a project which also reflected their reasonableness and open-minded approach to finding a solution to the dog dirt problem.

The Home Office convened a symposium in March 1985 and a Steering Group was established to adopt uniform policies and draft out the model byelaw which would apply to the four council areas from 2nd September 1985 onwards.

**The problem:** it was estimated at this time that a 6 million dog population produced 1 million gallons of urine and 1,000 tons of faeces per day.

Ocular toxocariasis had been reported in two people in Gosport in one year, and each had suffered loss of sight in one eye: a young lady of 21 years and a curly headed young baby of 3½ years. Concurrently Hansard was reporting no cases had been reported in the country. Hansard is not renowned for its scientific accuracy, but even to me these discrepancies didn't add up.

Our council agreed to sample soil from parks, dog faeces and human blood in an effort to determine positive toxocara findings, if any, from within our borough. We undertook a program with anybody who was prepared to work with us for no charge. Even in those days councils had no money, but this is not necessarily a reason to do nothing.

We had the pleasure of working with Professor Woodruff at the London School of Hygiene and Tropical Medicine, and Ms Elizabeth Pegg, his assistant at the time.

We also worked with Sheffield, Edinburgh and Southampton Universities and used the Public Health Laboratory Service, the National Health Service and Royal Navy Hospital Haslar pathology laboratory for analysis of samples.

A percentage of all samples were positive. A later study (Gilespie et al. 1993) indicated a 2:1 ratio of male/female positive patients with a mean age of 15.9 years.

This particular health concern urged us forward to press for byelaw control of dogs. Retrospectively we soon found that any mention of health risks proved almost disadvantageous. The issue rapidly degenerated into whether *Toxocara canis* existed; did it come from the cat or the fox; that the risk was slight and therefore mention of the problem was simply scare mongering; it was an anti-dog ploy to whip up hysteria.

Conversely, those who felt controls on dogs were overdue, leapt on the information: shoot all dogs (always a good solution to a wide band of social issues); can't sell my house because I've had dogs in the garden; ban dogs from parks; ban dog training clubs from council buildings.

Overall the negative vibes were such that we rapidly decided to be aware of the problem, but to concentrate on the aesthetic angle as a nationally accepted, strongly supported and freely debated issue. Most people, dog owners and non-dog owners alike, will accept that dog dirt should not be left around indiscriminately.

Ocular toxocariasis has a long way to run. It is 'an important, preventable cause of severe unilateral visual loss. However, our survey shows that a milder disease is more common than reviews of the literature might suggest. ..In many cases the course is benign or discovered as an incidental finding on routine medical examination. ..and may therefore be more common than is recognised' (Giles et al. 1993).

There are hundreds of references on *Toxocara canis* (Muldoon 1994 cites 71) so I will not quote them except to say that papers throughout this century have indicated its presence. By now we should be unconcerned whether it is 2.3 percent or 78 percent (Snow et al. 1987). We should be applying reasonable solutions (Hansard 1994). 'We need to convert anxiety into effective preventative action' .

We also need to remember that the Red Fox is an important carrier of the disease (Muldoon 1994).

## THE BYELAWS

Byelaws require primary legislation for enablement. Once you let the lawyers in, the fun starts! The Home Office provided guidance notes (Home Office 1985/86) which when considering byelaw making powers for pleasure grounds, public walks and open spaces, stated ' ..additionally, some general points should be noted:

1. The chart only applies to open land which is to be used as a pleasure ground and has no more than 5 percent of its area covered by buildings. It does not apply to land held under the Commons Act 1899, the National Parks and Access to the Countryside Act 1949, The Countryside Act 1968, the Housing Acts, or any Act of Parliament which contains a byelaw making provision except the Public Health Act 1875 and the Open Spaces Act 1906'.

There are 5 more paragraphs thereafter! Is there any wonder it is difficult to find the laws we need to do the job we recognise, in a manner which is simple?

PRIMARY LAW: In view of the above, the statutory provisions used included:

ACT	Where applied
The Public Health Act 1875 Open Spaces Act 1906	)Walks and parks )
Local Government Act 1972 Public Health amendment Act 1907	Good rule and nuisances Seashores

## PRINCIPLES

Byelaws must adhere to certain principles; they must satisfy judicial criteria; be within the power of the enabling legislation; must not be repugnant to the general law ...nor uncertain or unreasonable; there should be substantial evidence of need. It is important never to contemplate making a byelaw unless you are prepared to enforce it.

## AVAILABLE BYELAWS:

1. The Removal of Canine Faeces (Poop Scoop) byelaws;
2. No Fouling -footways, grass verges;
3. Dog Bans -parks, pleasure grounds;
4. Dog Bans -beaches;
5. Dogs on Leads.

## PROCEDURAL GUIDANCE

### Introduction

Effective planning and consultation are key words for byelaw introduction. Dog keepers are much more likely to comply with byelaws where they have been involved in discussion of a strategy to promote responsible pet ownership. Inter-departmental discussion at council level is vital. A working group should be formed to discuss the planning and implementation of a program. There is an advantage in involving outside agencies in this group, such as parish councils, police, animal welfare groups, dog training clubs, etc.

### Pre-scheme inception stage:

#### 1. NEED:

- Is the scheme needed?
- Where is it needed?
- Analyse number and type of complaint.
- Survey parks, footpaths and grass verges (we found an 11 acre park where it was impossible to walk more than 10m without reaching a dog's faecal deposit).
- Consider areas where dogs can be exercised without need for byelaw compliance. Consider provision of agility dog facilities and disposal facilities (toilets, bins, collection vehicles) (AFIRAC 1993a, 1993b).

#### 2. SUPPORT:

- Carry out public opinion surveys;
- Seek views of interested bodies (RSPCA, A V A, training clubs, Kennel Club, pet shops, etc) .

*NB. Beware that seeking opinion does NOT mean you should follow it.*

Michel de Montaigne ( 1533-1592) says: *'There is, in public affairs, no state so bad, provided it has age and stability on its side, that is not preferable to CHANGE and disturbance '.*

People hate change. They will fight and argue for the status quo, so you must expect, on occasion, to apply discretion in going against that which may be perceived to be the popular opinion.

#### 3. COST: Prepare estimates of likely cost. Include:

- i. Equipment (signs, bins, canisites, etc);
- ii. Waste disposal (sacks, collection frequency, where to be disposed [tip/incinerator];
- iii. Enforcement: proportion of dog warden' s time. U se of enforcement officers/rangers;
- iv. Publicity before and during scheme.

## **PLANNING STAGE**

### **1. Byelaw preparation**

Prepare draft byelaws and submit to ruling authority. The 'Law's delay' should be taken into account if you are scheduling a launch. Our government departments have been known to take two years, in rare cases, to approve byelaws, and you may also need to go through local government committees, etc.

### **2. Publicity**

Develop a theme. Use slogan.

Arrange supplies of posters, hand bills, free scoops (for limited period), sign posts, byelaw notices.

Media: advertise in local papers, go on radio and TV .Issue news releases. Advertise your byelaw areas for between 4-8 weeks BEFORE the scheme starts. Tell people where byelaws will apply; when they start; why you are doing it and what the advantages are.

Launch: Press conference, involve mayor, invite press to glass of ..orange (?). Invite celebrities and major organisations etc, particularly those involved in Steering Group.

### **3. Waste disposal**

Order supplies of bins, mountings, plastic bin liners.

Decide bin siting positions. Be prepared to move some of these; try not to permanently fix for first 7-10 days. Someone always wants a bin moved!

Consider Health & Safety Code of Practice. Remember, those who cut the grass now will be delighted to support you in staff discussions regarding health risks of handling waste.

### **4. Education**

Discuss with canine societies etc., re possibility of additional training courses on toilet training of dogs.

Involve schools through community projects. Prepare information packs and teaching aids. Discuss these with major pet food manufacturers.

### **5. Enforcement**

Decide policy at beginning. We allowed a 'honeymoon' period to continue spreading advice and guidance and then specifically advised press/media that we would seek prosecutions for non-compliance on a certain date.

Prior to this date we handed out leaflets to dog walkers explaining our strategy

Train staff on how to deal with offenders.

### **6. Monitoring**

Devise assessment protocol. Photographs do not work. Waste not visible.

## **OPERATIONAL STAGE**

### **1. Disposal Monitor success**

Respond to complaints (bins too full, not emptied, need re-siting) ; Don't re-site bins too readily;

Consider health risks. Are bins being emptied at correct frequency?

Are they being cleaned and maintained properly?

Do you have spare bins to replace vandalised units, or those requiring repair or repainting?



## **2. Publicity**

Consider how to keep scheme before the eyes of the public. New press releases, comments on successes (local football team's letter of praise for clean pitches). Enter the local fete with a Poop Scoop float - issue balloons, stickers, etc. to children.

## **3. Enforcement**

React quickly to complaints to demonstrate you are serious in your intentions to make this work.

Vary enforcement activity to certain needy areas. Some people will walk their dogs at dawn and dusk to avoid the regular hours of council staff -so don't work regular hours - turn out in the early morning, late evening and weekends. Uncertainty of surveillance is what makes compliance work.

Keep the public informed on what is happening, and involve them in the working process. Tell the media about your intention to prosecute and when you do prosecute. One headline is worth about three enforcement staff!

Don't worry if the fines are small. It is the message which is important. Prepare your cases well. It is important to win the first few cases.

Prepare a joint brief between enforcement officers and solicitors as to what details you will seek to ensure your case wins. Review this list after each case so that you improve your effectiveness.

### **TIPS AND FIGURES FROM THE HOME OFFICE TRIAL PUBLICITY**

The benefits of publicity cannot be overestimated. With local authority budgets always tight we approached the Local Authority Environmental Service Program (sponsored by Pedigree Petfoods) for assistance. They provided:

- 10 special waste disposal bins;
- 100,000 Mess Mates (Poop Scoops);
- 10 long handled scoops;
- 250 posters;
- 50,000 hand bills (+ distribution via local free newspapers);
- 2 weeks advertising in main local newspaper;
- Supplies of pet care leaflets.

Value of above, approximately £15,000 (1985 prices).

The public questionnaire results indicate the importance of informing people to improve compliance. TV, radio and newspapers covered proposals and attended launch.

Each licensed dog owner (this was before England went crazy and abolished the licence in 1988!) was sent a letter and three scoops were enclosed.

We also organised a schools quiz held in the council chamber. The mayor gave out prizes.

We entered a float in two carnivals, and swear to this day that our third prize in one of them was for ability and nothing to do with cheap in-house publicity! Badges and T-shirts were produced advertising the scheme and worn by our float staff. Badges were dispensed along the route.

## Scheme details:

	Barking and Dagenham	Gosport	NW Leics	Rochester
Population	149,400	78,500	79,100	146,000
Area (hectares)	3,419	2,820	28,032	16,000
Est.dog popln	149,000	8,000	8,000	8,500
No of licensed dogs	4,865	6,500	5,461	7,000
Byelaws				
No of parks and open spaces	25	17	3	46
Area	315	146	33	300
Footways	-	7	-	860
No of Wardens	1	2	1	1
Bin provisions (increased to)	110	47 (100)	10	35 (50)

**Bins** - distinctive, visible, red bins marked with EEC dog symbol; lined with plastic bags. Siting should adjoin main park entrances. Beware underground cables/pipes when installing.

**Waste** - collection and disposal varied with each council. We operated daily collection and employed a part-time operative with transit van. All waste was disposed of at the council waste disposal tip. Other councils have varied collections according to perceived need and budgets. For example, three times a week in the summer, twice in the winter. The waste can smell during hot weather. Deodoriser blocks can be fitted in the bin lid. The bins must not be too offensive to use. One council weighed all the waste collected (see Appendix 1), and this indicates seasonal variations of park use.

**Start of project** - Immediate massive improvement in deposited dog waste in parks -bins overflowed, ground cleaner.

**During project** - Besides the 10 percent of the world who know nothing about anything, there are always those to whom the law doesn't apply. In the first 13 months, there were 10 prosecutions, 7 fined £25, 1 x £20, 1 x £50 and 1 discharged.

The Home Office Research and Planning Unit helped us to formulate a questionnaire (see Appendix 2) and a sampling method. We involved students from Portsmouth Polytechnic to carry out the survey.

It can be seen from Appendix 2 that of the 1731 persons interviewed, 568 (33 percent) had a dog in the household and 9 out of 10 walked their dogs more than once a week. Byelaw awareness was high: 90 percent of the 1365 people aware of the byelaws thought they should be extended to all parks, pavements and grass verges. Eighty four percent of dog owners were in favour and 93 percent of non-dog owners. This represents clear and overwhelming public support for Poop Scoop byelaws. If you want popularity, or you want to be elected as a local government councillor - introduce Poop Scoop byelaws to your town!

## INFORMATION

Enquiries poured in from all directions. We produced an information pack and sold somewhere around 250 of these at £5.00 each. Overseas enquiries came from the governments of Greece and Gibraltar and municipal authorities of Athens. ...and somewhere called Melbourne (1 hope they're leading the way in Australia?).

## CRITICISMS

1. Some people have walked dogs outside byelaw areas merely to avoid picking up the waste. Adjoining areas have become dirtier. Footpaths alongside schools suffer most. Mothers walk children and dogs in the morning - this is not a good mix.

*Solution: Apply the law nationally to all areas to which the public have access. The Department of Environment are favouring consultation following a Working Party Report (J994b). Objections include concerns that 'wide open spaces may be unnecessarily included when contaminated by the waste of other animals'.*

2. The problems of producing evidence involving staff time and taking cases to Magistrates Court, sometimes for minimal fines, have been regarded as cumbersome.

*Solution: Provide on the spot fines (Department of Environment 1994).*

3. The costs of these schemes (Leather n.d; London School of Economics and Political Science 1989) may be high. Local authority funding is reducing. Available expenditure is less. Incentive to comply may be limited.

*Solution: Allow the proceeds of fines to stay with the local authority. Those who enforce properly are better able to pay for improved schemes. Those who do nothing obtain no reward.*

4. Other legislative changes would help. If dogs are allowed to stray and are walked off the lead, fouling will continue.

*Solution: Introduce an offence of straying. Require dogs to be walked on leads adjoining highways.*

Above all, introduce a national requirement for REGISTRATION. When keepers are able to be linked with their companion animal, 'responsible pet ownership' will increase.

### 5. Population

See tables below for dog and cat populations respectively.

POPULATION COMPARISONS 1973-93			
DOGS	1973 <sup>1</sup>	1993 <sup>2</sup>	% Increase
France	7.48m	7.8m(9) <sup>3</sup>	4.3 (20.3)
UK	5.83m	6.9m	18.4
Italy	3.89m	5.0m	28.5
Germany	2.42m <sup>4</sup>	4.8m	99.30
Belgium	1.02m	1.6m	56.9
Netherlands	0.91m	1.5m	64.8

<sup>1</sup> Figs from Carding 1974, <sup>2</sup> Figs from Pedigree Petfoods: Pers comm, <sup>3</sup> J Pedigree Petfoods' figure 7.8. AFIRAC figure 9.0. 15m projected year 2000 (AFIRAC 1993 b, IV -6:20), <sup>4</sup> W Germany only. Comparison inaccurate.

POPULATION COMPARISONS 1973-93			
CATS	1973 <sup>1</sup>	1993 <sup>2</sup>	% increase
France	7.5m	8.2m	9.3
UK	4.45m	7.1m	59.5
Italy	4.39m	6.0m	36.7
Germany	2.3m <sup>3</sup>	6.2m	169.6
Belgium	1.05m	1.7m	61.9
Netherlands	0.76	2.2m	189.5

<sup>1</sup> Figs from Carding 1974, <sup>2</sup> Figs from Pedigree Petfoods: Pers comm, <sup>3</sup> Germany only. Comparison inaccurate. Given these figures are never spot on for accuracy, there is nevertheless a clear indication of trend.

Edward Young (1683-1765) said: *A God all mercy is a God unjust*

The time for doing nothing is long past, and if some people feel aggrieved by positive action, that's too bad. Being all merciful is counter productive in that 'market forces' will introduce their own, less considered actions, if the reality of the present public opinion is not reflected.

Young also said: *Be wise today, 'tis madness to defer*

## **CONCLUSION**

Dog 'problems' are the same the world over. There is a range of nuisances identified including, fouling, straying, barking, leash control, breeding, damage to livestock, cruelty, accidents, castration, worming and biting.

These problems are faced in different ways by different cultures. America started with on-the-spot fines. Japan relies on the culture of morality for compliance. Britain has compromised over its actions. France offers encouragement with law. Australia is trying different approaches in different states and seems to be cohesively drawing together opinion and research to progress improvements.

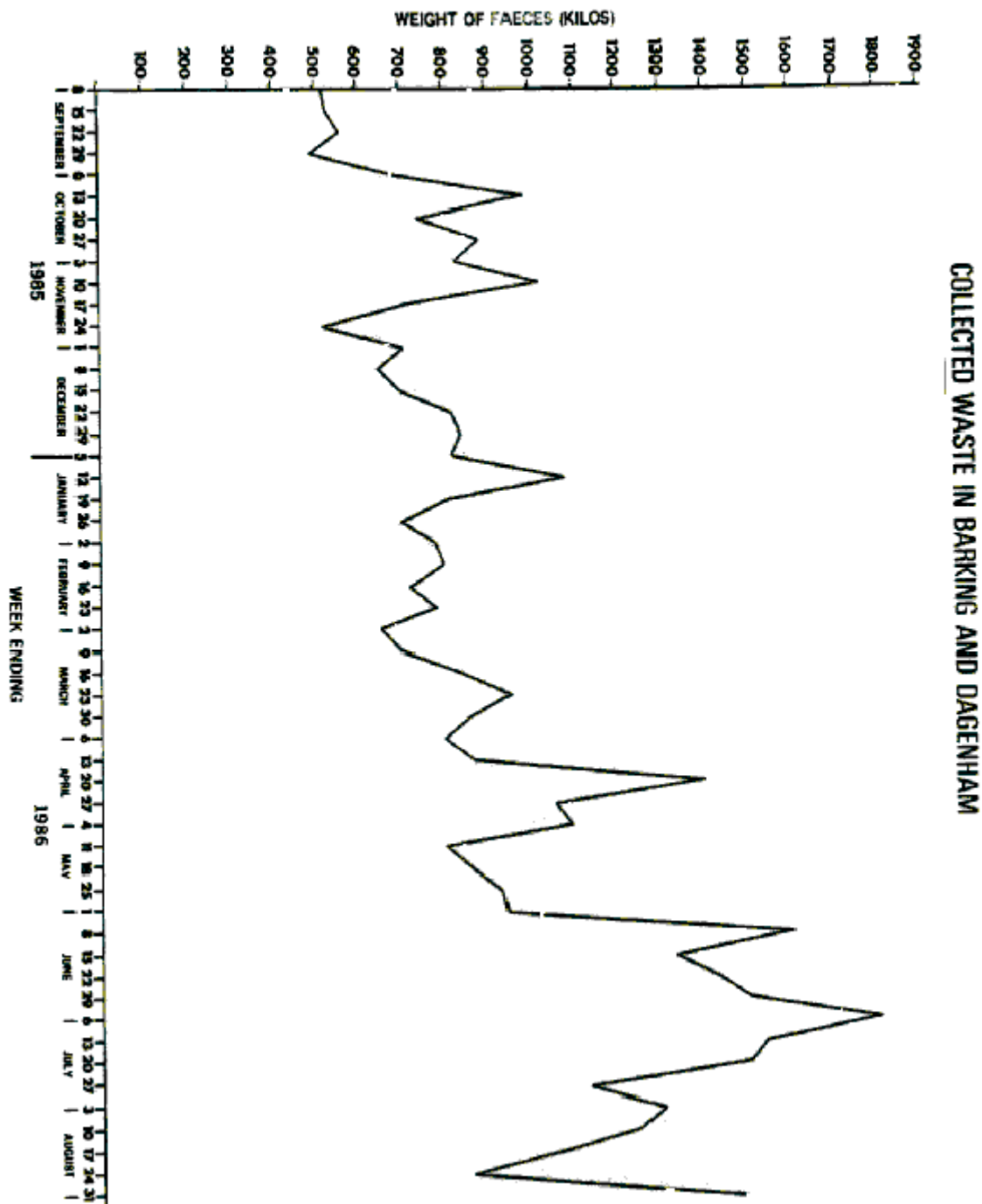
Dog fouling is regarded as aesthetically displeasing and the vast majority of people are keen to see it eradicated. The byelaw system does work and has public approval. No doubt other systems will work as well.

The French approach to offer positive encouragement to dog owners rather than pure punitive action might yet be a step to improve working relationships between keepers and enforcers.

Doing nothing is costly, unjustifiable and frankly a disgrace.

Solutions should be actioned worldwide to improve our living environment.

# Appendix 1



# Appendix 2

Analysis of Public Opinion survey (figures in brackets are percentages, to the nearest whole number)

- KEY: B&D = London Borough of Barking and Dagenham**
- Gos = Borough of Gosport**
- NWL = North-West Leicestershire District Council**
- RuM = Rochester-upon-Medway City Council**

1. Is there a dog in your household?

	Yes	No
B&D	146	230
Gos	113	327
NWL	175	325
RuM	134	281
TOTAL	568 (33)	1163 (67)

2a) How often do you walk your dog locally?

	Every day	More than once a week	Several times a month	A few times a year
B&D	94	38	11	3
Gos	88	15	6	4
NWL	122	29	9	15
RuM	102	21	2	9
TOTAL	406(72)	103(18))	38(5)	31(5)

2b) Do you clear up after your dog?

	Yes	No
B&D	74	72
Gos	79	34
NWL	128	47
RuM	124	14
TOTAL	405(71)	167(29)

2c) What do you use?

	Manufactured disposal scoop	Man. non disposal scoop	Other method
B&D	29	13	32
Gos	30	13	36
NWL	48	17	63
RuM	23	11	86
TOTAL	130(2)	54(14)	217(54)

3. How often do you visit parks and open spaces?

	E/day	More than once/day	More than once/month	Several times/year	Never	Every day	More than once/week	More than once/month	Several times/year	Never
B&D	58	28	32	15	13	23	38	67	54	48
Gos	54	22	11	14	12	25	80	62	110	50
NWL	48	38	23	17	49	20	61	46	116	82
RuM	55	30	11	18	20	13	59	60	103	46
TOTAL	215	118	77	64	94	81	238	235	308	226

4. Are there any byelaws to say dog owners must clear up after their pets in force in the borough/district/city?

	Yes	No	Yes	No
B&D	104	42	114	116
Gos	96	17	279	48
NWL	163	12	266	59
RuM	115	19	228	53
TOTAL	478(84)	90(16)	887(76)	276(24)

5. Do you think the byelaws have been successful in reducing the amount of dog fouling in the areas covered by the byelaws?

	Yes	No	Yes	No
B&D	46	52	55	59
Gos	73	23	189	90
NWL	122	44	182	84
RuM	65	62	140	119
TOTAL	306(63)	178(37)	566(62)	352(38)

6. Do you ever walk you dog in a different area so as to avoid the byelaw

	Yes	No
B&D	15	89
Gos	19	77
NWL	34	129
RuM	8	116
Total	76(16)	411(84)

7. Do you think the byelaws should be extended to all parks, payments and grass verges?

	Yes	No	Yes	No
B&D	65	31	88	15
Gos	87	9	259	20
NWL	138	25	251	15
RuM	113	13	253	11
TOTAL	403 (84)	78(16)	851(93)	61(7)

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## ABOUT THE AUTHOR

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Lou Leather is a Fellow of the Institution of Environmental Health Officers, UK and is their spokesman on animal welfare and pet issues. He currently works for Wood Green Animal Shelters, a company that runs a government contract under the Dangerous Dogs Act 1991. Lou sits on several UK government and parliamentary working committees dealing with pet and animal welfare issues.

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