

Environmental Health

Accumulation of animal faeces



Many people from time to time are troubled by unpleasant smells, especially when living in close proximity to neighbouring properties. Animals kept in such a manner where large quantities of dog faeces/animal droppings are allowed to accumulate in a garden or yard, for example, could attract flies, rodents and cause offensive odour.

If accumulations are considered to be a health risk or a nuisance, this Authority is able to take enforcement action. This can result in a Notice being served on the owner/occupier of the premise where the accumulations occur and/or the owner of the animal to clear the area of all animal waste and maintain it in a reasonable state. Small amounts of animal waste can easily be disposed of with your household rubbish (grey bin), as long as it is sealed in a plastic bag.

Failure to comply with a notice is an offence and any evidence gathered may be used to prosecute. This could result in a fine; under the Environmental Protection Act 1990 up to £5000 and a further £50 for each day the offence continues and £2500 under The Anti Social Behaviour, Crime and Policing Act 2014.

What is nuisance?

There has to be an unreasonable element to the activity causing the problem, not just an annoyance.

A nuisance can be defined as an unreasonable interference with the use and enjoyment of someone else's premises. This takes account of frequency, duration and intensity of the Nuisance amongst other factors.

What you can do



Regularly clean up animal waste and disinfect the area
(at least daily)

It happens...
Clean it up



What if I am affected by accumulations of animal faeces?

The friendly approach

In most cases we advise that the informal approach is the best course of action in the first instance. This gives the person responsible time to take steps to address the issue. They may not be aware that a problem exists or to what extent it affects those nearby. By staying calm and taking on board both points of view, the problem can hopefully be informally resolved straight away.

How do I complain?

To investigate a complaint, we need the following information:

- The address responsible for the accumulation
- The complainant's name and address (details are not disclosed in the initial stages of the complaint)
- When and how the accumulation affects the complainant
- Any other relevant information would be useful

What to do if still suffering a nuisance?

If the problem cannot be resolved informally an official complaint can be made. The Council has a duty to investigate complaints of this nature and we have a standard procedure for investigation to ensure that each complaint is treated fairly and with no bias. An investigation may last over 6 months while sufficient evidence is gathered, however, if a complaint is open for longer than this, we will keep all relevant parties informed.

Once an official complaint has been made the following procedure is followed:

1. Making contact

Contact is made with the person(s) allegedly responsible for the accumulation, making them aware that we have received a complaint and advising them accordingly. A letter is sent to the complainant asking them to complete and return a diary sheet detailing when and how the accumulation affects them.

The problem is often resolved once the issue has been raised with the person responsible for the accumulation. However, if the problem persists we then ask the complainant to return a completed diary sheet.

We do NOT disclose details of the complainant during the initial stages of the complaint. However, during the investigation we may have to identify who is affected in order to resolve the situation. In some cases the complainant's address may be included on an enforcement notice. The complainant may need to appear in court to give evidence, though this is very rarely necessary.

2. Assessment of completed diary sheet

The returned diary sheet is evidence and essential for the investigation to demonstrate how the complainant is affected (the frequency and severity of the problem) and also to justify any out of hours resource that may be required.

2a. Witnessing the accumulation

Whilst keeping the diary sheet, if the complainant is affected during office hours, they are advised to call the office immediately and if available, officers will attend and try to witness the problem in the complainant's own home. If the problem cannot be witnessed during office hours then arrangements can be made to visit out of hours.

It should be stressed that the person being affected by the bonfires must understand that they continue to play an active role throughout the investigation.

3. Establishing a nuisance and taking formal action

If we witness an accumulation that is having a detrimental impact on neighbouring properties we will use the most appropriate legislation to take enforcement action. In the first instance, this would be an Abatement Notice under the Environmental Protection Act 1990 or where appropriate, a Community Protection Notice under The Anti Social Behaviour, Crime and Policing Act 2014.

Before a notice is served we may take a witness statement from the complainant(s). The statement is used to show how the accumulation affects them, how long it has been happening and details other important facts. *A statement is a legal document and could be used as evidence in court, if needed.*

4. Breach of notice

If the person responsible does not comply with the notice, then further evidence will be gathered. Once sufficient evidence has been collected, the case would then be referred to our Legal Team with a view to prosecution. *The complainant may be required to appear in court to give evidence.*

Q. Do we always take formal action?

In some cases after careful consideration further action cannot be taken. The reasons for this may be due to lack of evidence, sensitivity, the fact that the problem only occurs occasionally and is hard to witness or because there is no unreasonable element to the complaint.

Advice for complainant's - taking your own action

As an alternative, the complainant may decide to take their own action under Section 82 of the Environmental Protection Act 1990, by complaining directly to the Magistrates Court. For further information on this please contact us directly or alternatively visit the Council's website (our contact details can be found at the end of this booklet).

**Complaints Procedure – Accumulation of Animal Faeces
Environmental Protection Act 1990 (Statutory Nuisance)
The Anti Social Behaviour, Crime and Policing Act 2014**

The flow diagram shows the general procedure which this Department follows when investigating a complaint.

Complaint received



Contact made with complaint address and initial letter sent to person making complaint
(within 3 working days of receipt of the complaint)



Person complaining asked to keep diary sheet and is allocated office hours call out for any further problems
If no diary is returned/or not called out to witness then no further action is possible and complaint will be closed



approx. 2 weeks

Diary returned and assessed by Complaints Officer, who then contacts complainant to discuss further

If diary shows limited intrusion no further action possible



Officer witness's nuisance



Witness statement(s) taken from complainant(s)

Witness statement(s) and completed diary sheets are part of the evidence trail and may be used in court



Notice served on person(s) responsible requiring abatement of nuisance
Failure to comply could result in a fine



If nuisance persists (breach of notice)



Further evidence collected with a view to referring for prosecution

Contact Us

You can contact us:

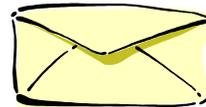
By telephone: 01283 508524 or 01283 508578



By email: ehsupport@eaststaffsbc.gov.uk



By post: Environmental Health
East Staffordshire Borough Council
Burton Town Hall
King Edward Place
Burton upon Trent
Staffordshire
DE14 1LS



By calling in at ESBC Customer Service Centre, Market Place, Burton upon Trent

Visit our website at: www.eaststaffsbc.gov.uk

Environmental Health Pages: <http://www.eaststaffsbc.gov.uk/environmental-health>