
FINAL REPORT

Introduction

1. To provide Members with the final report of the Review Group on Dogs..

Background Information

2. The Review Group on Dogs, established by the Public Protection and Community Partnerships Scrutiny Committee was set up to investigate the problems associated with dogs, including dog fouling, noise nuisance and the Dog Warden Service generally. This report provides the findings of the group including its recommendations.

Information and Analysis

3. At the meeting of the Public Protection and Community Partnerships Scrutiny Committee meeting held on 4th January, 2005, it was agreed to establish a Review Group to investigate how the Dog Warden Service operates including the associated problems of dog fouling and noise nuisance. Councillors Holmes, D. Jones, Maybrey and Newall were nominated to serve on this Review Group and at the meeting of the Monitoring and Co-ordination meeting held on 17th January, 2005 approval was given to undertake this Review and a budget of £500.00 was approved.
4. A wide number of issues have been considered and discussed at the meetings and are referred to in the notes attached (**Appendix 1**). This report describes the outcomes of the Review Group, it summarises the work undertaken, the findings from the processes and the subsequent recommendations.

Terms of Reference

5. The following terms of reference were established by the Review Group :-
 - (a) To examine the range of legislation and information in relation to Dogs and how easy it is to access this information.
 - (b) Revisit the Best Value Mini Review on Dog Control undertaken in December 2000 and examine whether any of the recommendations have been actioned.
 - (c) Act as a Mystery Shopper to investigate how the service responds, undertake visits and give feedback.
 - (d) Examine the range of services/duties of the Dog Wardens, staffing levels, operating schedules and priorities for staff in relation to stray dogs, dog fouling and littering.
 - (e) Investigate the number of complaints made and response action taken i.e. visits, dogs caught, issuing of Fixed Penalty Notices, clean up.
 - (f) Investigate the number of dog bins and their location.
 - (g) Out of hours service.
 - (h) Investigate the role of the Police and dogs as an anti-social behaviour.

- (i) How do other Councils operate the service – e.g. contract out privately.
- (j) Investigate what the customers think – examine surveys and citizens panel responses.

Acknowledgements

- 6. Keith Atkinson, Assistant Director Public Protection (from commencement of the Review until August 2005);
Allison Carling, Democratic Support Officer;
Wendy Lilico, Principal Environmental Health Officer;
Shane Shrimpton, Environmental Services Operational Manager;
Ian Thompson, Assistant Director Environmental Services;
Andy Wood, Dog Warden;
Bill Westland, Environment and Sustainability Manager (Assistant Director of Public Protection from September 2005);
Paul Dunne, Managing Director, Animal Wardens:
Craig Thelwell, Hartlepool Borough Council; and
Shaun Little, Richmondshire District Council.

Methods of Investigation

- 7. The Review Group have met formally six times between January and June 2005 and a detailed record of topics discussed at those meetings are contained in the notes produced following each meeting attached for information (**Appendix 1**). The Review Group have also undertaken site visits to neighbouring authorities to examine their Dog Warden Service, the Council's kennels and also received a presentation from a private Dog Warden Service provider.

Conclusions

Customer Focus and Promotion

- 8. Mystery calling had been undertaken by the Group regarding dog fouling and Members had been pleased with the response received.
- 9. There is sufficient information regarding the Dog Warden Service on the Council's website.
- 10. It was established by the Group that there is a direct contact number for the Dog Wardens Tel. 388799. A minority of calls are initially directed via the Waste Management Helpline number 388777 and the Group felt that the direct contact number required better publicity.
- 11. The Group felt that although the Dog Warden Service is well publicised on the Council's website and contains adequate information regarding the service and the legal implications, the Dog Warden Service itself is not well publicised. To up the profile of the Dog Wardens a suggestion was made to undertake a 'naming and shaming' exercise in relation to dog fouling, similar to the campaign undertaken in relation to litter. However, the role of enforcement needs urgent review by officers to re-establish it as a priority, not necessarily by the Dog Wardens.

Work Priorities

12. The Dog Wardens current focus is towards catching stray dogs and they spend 99 per cent of their time on this function; they have no priority on issuing fixed penalty notices and prosecutions.
13. The Group felt that the Dog Wardens tend to be reactive rather than proactive although attention is given to “hot spots” as time permits. The enforcement role (dog fouling via fixed penalty notices) appears not to be a priority for either the Dog Wardens or the Uniformed Wardens. The Group found that there is a lack of communication between the Dog Wardens and the Uniformed Wardens.
14. With regard to signage, which is the responsibility of the Dog Wardens, it was felt by the Review Group that this was lacking and can be greatly improved.

Kennelling Arrangements

15. When the kennelling facility is removed from the Police Station the Dog Wardens will require a local holding facility for stray dogs.
16. The kennelling arrangement at the Police Station was easily accessible but not ideal as the kennels were in poor condition and there was an obvious lack of maintenance and also there was no designated area near the kennels for the Dog Wardens van. When considering the location for a new holding kennel this would need to be taken into consideration.
17. Following the site visit to Deerness Kennels the Group were very satisfied with the quality of service and the condition of the kennels.
18. The Group established that the kennelling arrangements were more than adequate at Deerness Kennels and this Review Group can see no reason to change the kennelling arrangements. It was noted, however, that the location of the kennels result in enforced “down time” for the Dog Wardens.
19. With regard to the proposal for the establishment of an Environmental Enforcement Crime Team to deal with the new powers under the Clean Neighbourhoods and Environment Act, it was felt by the Group that there would be advantages in the Dog Wardens being part of this team for improved communication, to provide a less disjointed service and also to give the Dog Wardens better administrative support.

Enforcement of Fixed Penalty Notices

20. The Group were not satisfied with the lack of fixed penalty notices being issued, only one last year, and the fact that the Uniformed Wardens will not take any responsibility for issuing fixed penalty notices even though they are in a position of patrolling parks and other places used by dog walkers. A high profile enforcement campaign is desperately needed.
21. Compared with other authorities our issuing of fixed penalty notices is very poor. During 2004/05 Hartlepool Borough Council issued between 80-90 fixed penalty notices, Richmondshire District Council have a performance indicator to issue 2 fixed penalties per month which is achieved.

22. One of the Improvement Actions as a result of the Best Value Review of Regulatory Services is to extend the principle of naming and shaming of offenders (RS17). There is a naming and shaming campaign carried out in the Town Crier in relation to litter fines but not in respect of dog fouling. Currently the Dog Wardens and the Uniformed Wardens have powers to issue fixed penalties in relation to dog fouling, however no naming and shaming is undertaken and no fixed penalties issued.

Options for Service Delivery

23. The Group discussed with officers a proposal to establish an Environmental Enforcement Crime Team to deal with the new powers under the Clean Neighbourhoods and Environment Act in relation to fly tipping, litter, abandoned vehicles and dog fouling. It is envisaged that this would be a team of four officers and it may be feasible to bring the Dog Wardens under this umbrella which would assist with improving communication between the two Services. It was emphasised however that the Dog Wardens would retain their present role, which is focussed on catching strays.
24. Options also exist to externalise the service. The proprietors of Deerness Kennels established that they could offer a Dog Warden Service to the Council but to make it worth their while, would need to also secure contracts from other authorities and they would not be prepared to provide a dog fouling service.
25. Following the presentation by Paul Dunne, Managing Director of Animal Wardens, the Review Group concluded that this was a private company that could provide a tailored Dog Warden Service for this Council and it would be beneficial for Officers to continue their discussion with Paul Dunne and also to pursue other private Dog Warden Companies for comparison.
26. There appears to be a potential saving of approximately £20,000 by utilising the services of Animal Wardens, however it must be remembered that this is using their basic Dog Warden Service with one van and one Dog Warden. If this Council was to offer a similar service with one van and one Dog Warden (i.e. for salaries and dog van hire only), this could be provided at an approximate cost of £22,000. The Review Group do acknowledge however, that this would mean a reduction in the current service also. It was also noted that the Warden may be used to stand in for other authorities which may leave us with no service.

Recommendations

27. That officers continue to develop issues identified including promotion, having particular regard to the contact number and naming and shaming following issue of fixed penalty notices.
28. That the Street Scene Review Team examine the proposal to develop an Environmental Enforcement Crime Team to include the Dog Wardens and to provide a much increased focus on dog fouling enforcement.

29. That regardless of whether the Environmental Enforcement Crime Team is set up, officers secure enhanced priority for enforcement of dog fouling legislation.
30. That officers pursue the issue of local kennelling in preparation for the loss of the police facility.
31. That a local indicator be developed to demonstrate and measure the level of attention to fouling enforcement.

Review Group on Dogs

ISSUES CONSIDERED BY THE REVIEW GROUP

The Council's Dog Warden Service

1. The Council has a statutory function under Section 149 Environmental Protection Act 1990 to deal with the seizure of stray dogs.
2. The Dog Warden Service is staffed by two full time officers operating a shift pattern to provide a presence six days a week. However, the service was until recently operating with only one full-time Dog Warden as the second was on long-term sick leave. He has since returned to full employment. During 2003/04, the Dog Warden Service dealt with 686 dogs of which 313 strays were removed to kennels and 239 claimed at the police station.
3. The Council has 2 leased transit vans which lease expires in February, 2007.
4. With regard to complaints about dogs barking, 158 complaints were received during 2004/05. These are not dealt with by the Dog Wardens, but by Technical Officers and Environmental Health Officers. The Council has an established procedure for investigating noise complaints.
5. The Dog Wardens offer a free microchipping service and also vaccinate dogs being transferred from Deerness Kennel to the re-homing centre at the Dogs Trust, Sadberge.

Kennelling Arrangements

6. Stray dogs collected by the Dog Wardens are checked to see if the owner can be identified i.e. if they have been microchipped or by the dogs collar and tag. If the owner can be identified a notice in writing is served stating where the dog is being kept and that if it is not claimed it will be disposed of within 7 days. The statutory fee for recovering the dog is £25.00 which has to be paid by the owner before the dog is handed back to them. In addition, daily kennelling charges are also applied.
7. These dogs are moved to the Deerness Boarding Kennels and Cattery, Langley Moor, Durham . If the dog is unclaimed after 7 days it may be sold, given away or destroyed but generally the dogs are taken to the Dogs Trust, Sadberge for re-homing.
8. The Review Group undertook a visit to Deerness Kennels during our site visit and were very satisfied with the condition and management of the kennels.

The Dogs (Fouling of Land) Act 1996

9. Under the Dogs (Fouling of Land) Act 1996 a person who is in charge of a dog must clean up after it when it fouls any footpath, highway, verge or other open space to which the public have access. The law does not apply to guide dogs or to land used for agriculture or woodlands; land which is mainly marshland, moor or heath; rural common land; or land comprises of or running alongside a road with a speed limit over 40 miles per hour. The Council's Uniformed Wardens and Dog Wardens, who regularly patrol parks and other places used by dog walkers can issued fixed penalty notices of £50 to anyone found

committing an offence. The responsibility for issuing Fixed Penalty Notices rests principally with the Uniformed Wardens.

Environmental Protection Act 1990

10. The Council has a duty under this Act to catch dogs which appear to be strays. Police officers may also catch strays, but do not have a duty to do so, although they must accept any stray dogs brought into the police station.

The Clean Neighbourhood and Environment Act

11. The Clean Neighbourhoods and Environment Act 2005 received Royal Assent on 7th April, 2005 and most of the measures in the Act are based on proposals contained in the consultation paper Living Places – Powers, Rights, Responsibilities launched at the Urban Summit on 31st October, 2002.
12. Part 6 which is not yet in force, relates to Dogs and Chapter 1 allows local authorities and parish and community councils to create offences relating to the control of dogs. This power is intended as a more convenient alternative to existing powers to create byelaws. In particular, the new offences do not need to be approved by the Secretary of State. The new system replaces the Dogs (Fouling of Land) Act 1996. Chapter 2 (which is also not yet in force) relieves the police of most of their statutory responsibilities for stray dogs.

Role of the Uniformed Warden Service

13. The main role of the Uniformed Wardens is to deal with keeping the back lanes free from litter and the issuing of litter fines and not to deal with Fixed Penalty Notices for dog fouling. 550 fixed penalty notices have been issued for litter by the Uniformed Wardens but none for dog fouling although they do have those powers also.
14. The Review Group were advised that there is currently a review being undertaken on the feasibility of establishing an Environmental Enforcement Crime Team to deal with the new powers under the Clean Neighbourhoods and Environment Act in relation to fly tipping, litter, abandoned vehicles and dog fouling. It is envisaged that this would be a team of four officers and it may be feasible to bring the Dog Wardens under this umbrella which would assist with improving communication between the two Services. It was emphasised however that the Dog Wardens would retain their present role, which is focussed on catching strays.

Role of the Police

15. The Police presently accept responsibility for strays brought to the police by the public but this will see changes under the Clean Neighbourhoods and Environment Act (see para 20 above) and under this new Act it is very likely that the kennelling arrangements at the Police Station will cease and it will become the responsibility of the Council to deal with all strays, including out-of-hours. When the dogs are collected from the Police Station the owners do not pay a fee, however the Police do not want to cater for repeat offenders and these dogs are moved to Durham so that the owner incurs the £25 return fee.

Best Value Mini Review – Dog Control

16. At the meeting of the Public Protection and Community Partnerships Scrutiny Committee held on 20th September, 2000, Members agreed to carry out Mini Best Value Reviews on the services of Dog Control, Pest Control and Trading Standards.
17. At the Scrutiny Committee meeting held on 13th December, 2005, a report was submitted and a presentation made on dog control and enforcement and highlighting the conclusions/recommendations of the Mini Best Value Review.
18. It was concluded that the Council provided an excellent service within existing resources, however, the Committee felt that there were some areas for service improvement and these were identified as being; dog fouling was at unacceptable levels and enforcement may be perceived as insufficient or under-resourced, the lack of consultation with stakeholders, the lack of out-of-hours operation of the service and the fact that the service did not cover welfare for other animals than dogs. Strengths included micro-chipping, partnership working and the exceptional response time to logged complaints.
19. It was agreed at that meeting that the issues outlined by the Group be the subject of priority examination in the full Best Value Review of Public Protection Services which was due to be undertaken the following year (i.e. 2001).
20. The Best Value Review of Regulatory Services carried out during 2004 established that Animal Health and Welfare was rated good with room for improvement and procurement options were examined. It was established that the existing service was flexible and provided 7.30 a.m. to 6.00 p.m. Monday to Friday and 7.30 a.m. to 3.30 p.m. on Saturday, with the Police also having a legal responsibility to provide a service outside these hours. Alternative providers did not provide a full range of services e.g. welfare, re-homing, advice, microchipping so this would need to be provided also at a greater cost due to on-costs etc.

Site Visits – Richmondshire District Council, Hartlepool Borough Council, Deerness Kennels

21. On the 10th May, 2005 the Review Group undertook a site visit to Richmondshire District Council and Hartlepool Borough Council as authorities who contract out their Dog Warden Service and also undertook a visit to Deerness Kennels where the Council's stray dogs are kennelled.
22. At **Richmondshire District Council** we met with Shaun Little, who is responsible for the Dog Warden Contract with Paul Dunn, Managing Director, Animal Wardens of Manchester. Mr. Little was more than happy to answer questions on the Service he receives from Animal Wardens.
23. Animal Wardens handle approximately 100 stray dogs for Richmondshire District Council and operate a target of at least 2 fixed penalty notices per month. Richmondshire District Council's Contract Services also issued 15 fixed penalty notices last year.
24. It was established that Richmondshire District Council were very satisfied with the contact they have with Animal Wardens but acknowledge that staff quality can be an issue and this will be addressed in their next contract. They have no problems with the overall service and have held the present contract now for 3 years.

25. At **Hartlepool Borough Council** we met with Craig Thelwell, Environmental Action Manager who also have a contract with Animal Wardens. The Council were presently out to tender for a permanent contract for 3 years with a 2 year option.
26. The Dog Warden Service at Hartlepool sits with the Environmental Action Section following a recent re-organisation and between 2004/05 issued between 80-90 fixed penalty notices. 350 stray dogs collected per year. The Community Wardens (25 in total) are soon to transfer to the Environmental Action Team and will have the powers to issue fixed penalty notices also.
27. Hartlepool Borough Council previously spent approximately £100k on the in-house Dog Warden Service compared with the current contract costs of £24K for one Dog Warden working a five-day week including a van.
28. Although with both the authorities above the Dog Wardens only operate a 9.00 a.m. to 5.00 p.m. service five days a week, there is scope with the contracts with Animal Wardens to have supplementary enforcement sessions at weekends and on ad-hoc basis.
29. It was established that Hartlepool Borough Council were also very satisfied with the service received from Animal Wardens and their only concern was that Animal Wardens have some problems with recruitment and familiarisation issues with the Town.
30. At **Deerness Kennels**, Langley Moor, Durham the Group with met with the proprietors, Kevin and Linda Forsythe who were more than willing to answer our questions and to show the Group around the kennels where Darlington's stray dogs are kennelled for seven days prior to being transferred to the Dogs Trust, Sadberge for re-homing if they are not collected by their owners.
31. Deerness Kennels are used by a number of local authorities including Chester-le-Street, Wear Valley, Barnard Castle, Sedgefield and Derwentside and have 95 kennels. On the day of our visit 41 kennels were being occupied by the various authorities. Deerness Kennels also have a Veterinary Service on site.

Animal Wardens

32. On 27th June, 2005, Mr. Paul Dunne, Managing Director of Animal Wardens Limited gave the Review Group Members and Officers a presentation on his business and outlined his work with local authorities, and services he could provide to local authorities, explained about contract details, staffing arrangements, how Animal Wardens operate, enforcement and education and an estimated cost of a service he could provide to this Council. Mr. Dunne was very helpful and answered Members and Officers questions.

Out of Hours Service

33. There is currently no provision for an out-of-hours service from the Dog Wardens, although there is 'extended hours' operated including 6 days a week. Those stray dogs taken to the Police Station (usually during out-of-hours) are currently kept overnight in the kennels at the Police Station and dealt with by the Dog Wardens the following morning. The Police Station kennels are also used by the Service as a holding kennel before moving the dogs to Deerness Kennels.

Financial Implications

Cost of current service 'in-house' for year 2004/05 amounted to £77,879.15 for two Dog Wardens and the lease of two vehicles, broken down as follows :-

Salaries = £40,533.17 (which included agency fees and other associated costs for the Dog Warden who was on long term sick, realistically this figure should be reduced by approximately £10,000).

Employees Costs (Superannuation, National insurance etc) = £8022.48

Lease of Vehicles = £3,642.02

Kennelling costs = £5,964.11

Supplies and Services = £2,618.04 (inc. vet fees of £1,702.55)

Transport related expenditure = £3,532.84

Central Recharges = £15,969.97

Generated income = + £2,403.48 (includes £1,895.21 returned dog fees)

34. Cost of Contract with Animal Wardens for a basic Dog Warden Service with one Dog Warden/one vehicle would amount to approx. £25,000 - £30,000 per year (excluding kennelling and other on-costs).

35. If this Council was to provide a Dog Warden Service with one Dog Warden and one vehicle, this could be provided 'In-House' for approx. £22,000.