

<b>NAME OF COMMITTEE</b>	<b>Community Services</b>
<b>DATE</b>	<b>11<sup>th</sup> March 2014</b>
<b>REPORT TITLE</b>	<b>Dog Warden service in West Devon</b>
<b>Report of</b>	<b>Street Scene Manager</b>
<b>WARDS AFFECTED</b>	<b>All</b>

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**Summary of report:**

This report looks to implementing Dog Control Orders in West Devon, under the Clean Neighbourhood and Environment Act 2005, and the role of the Dog Warden in supporting those orders.

**Financial implications:**

A cost of approximately £1,500 in order to place legal notices in the local press at the appropriate times during the process.

The cost of the Dog Warden working an additional day per week is £4,800 per annum.

It is anticipated that there will be additional income from the issue of Fixed Penalty Notices (FPNs) by an increased number of officers, but this is impossible for forecast, and it not the focus for this work.

**RECOMMENDATIONS:**

It is recommended that officers continue with the necessary work in order to implement appropriate Dog Control Orders across the Borough and that Members consider the current role of the Dog Warden in supporting those orders.

**Officer contact:**

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**1. BACKGROUND**

- 1.1 West Devon Borough Council employs one part-time Dog Warden who undertakes enforcement under the Dog Fouling of Land Act 1996. His efforts are concentrated entirely in the areas where Town/ Parish Councils make a financial contribution towards his time, and currently these are:

- Bere Ferrers
- Chagford
- Lifton
- Lydford
- Mary Tavy
- North Tawton
- Northlew
- South Tawton
- Tavistock

1.2 Following a previous report to this Committee, in June 2013, informal consultation has commenced with Town and Parish Councils in respect of implementing Dog Control Orders across the Borough.

1.3 Town and Parish Councils have been requested to respond by the end of February, at which point we will be in a position to proceed to drafting the Orders and undertaking a formal public consultation process.

## **2. DOG CONTROL ORDERS**

2.1 The Clean Neighbourhood and Environment Act 2005 includes four dog control offences that it is possible to control by Dog Control Orders, and they are:

- Fouling of land by dogs and removal of dog faeces
- The keeping of dogs on leads
- Not putting a dog on a lead when directed by an authorised officer
- The exclusion of dogs from land

2.2 Section 55 of the Act enables Local Authorities or Town and Parish Councils to make orders that apply to offences aimed at the control of dogs to specified land in their area.

2.3 Section 57 of the Act provides that Orders may apply to all public land which is open to the air and to which the public are permitted or entitled to have access. There are exemptions to this definition which have been made by the Secretary of State.

2.4 Section 59 of the Act allows authorised officers of Local Authority, Town and Parish Councils, and any other authorised person, the right to issue a Fixed Penalty Notice (FPN). In effect, this would allow Town and Parish Councils to authorise their own officers to issue FPNs and, in addition, the Borough Council would be able to authorise officers other than the Dog Warden to issue notices, such as Monitoring Officers and Civil Enforcement Officers.

2.5 Section 60 of the Act enables a Local Authority, Town and Parish Councils to specify the amount of fixed penalty in relation to their own Dog Control Orders.

## **3. DOG WARDEN SERVICE**

- 3.1 Clearly the implementation of Dog Control Orders will have an effect on the current Dog Warden's role, and Members are requested to consider this aspect.
- 3.2 The Dog Warden currently works 22.5 hours, at a cost of £13,614 per annum. This is partly funded by the participating Parish and Town Councils, whose total contribution is currently £6,808 per annum. However, his working hours haven't been increased to accommodate additional towns which have joined the scheme in the last two years, which makes enforcement sparse.
- 3.3 In addition, the Dog Warden assists with collecting stray dogs when other officers are unavailable, which impacts upon the general Dog Warden service.
- 3.4 The overall impact of this has been an increase in the number of complaints about dog fouling.

#### **4. FUTURE SERVICE**

- 4.1 It is proposed that the working hours of the Dog Warden are increased on a temporary basis, pending the implementation of T18. It is anticipated that an additional day per week would be sufficient to continue to provide an acceptable level of service until that time.
- 4.2 The cost of this additional day would be £4,800 which may be met by the Dog Fouling budget, together with an increase in the number of Fixed Penalty Notices (FPNs) issued in respect of Dog Control Order contraventions.
- 4.3 It is not anticipated that fine income will generate a significant amount however the impact of targeted enforcement in specific problem areas can have an extremely positive result. This coupled with increased educational and promotional work will increase the impact of the service.

#### **5. LEGAL IMPLICATIONS**

- 5.1 The introduction of Dog Control Orders will allow for a consistent approach to dog control throughout the Borough and will replace existing byelaws.

#### **6. FINANCIAL IMPLICATIONS**

- 6.1 A cost of approximately £1,500 in order to place legal notices in the local press at the appropriate times during the process.
- 6.2 The cost of the Dog Warden working an additional day per week is £4,800.
- 6.3 It is anticipated that there will be additional income from the issue of FPNs by an increased number of officers, but this is impossible to forecast, and is not the focus for this work.

#### **7. RISK MANAGEMENT**

- 7.1 The Risk Management implications are shown at the end of this report in the Strategic Risks Template.

#### **6. OTHER CONSIDERATIONS**

<b>Corporate priorities engaged:</b>	Community well being; access to services; towards excellence; customer first
<b>Statutory powers:</b>	Clean Neighbourhood and Environment Act 2005
<b>Considerations of equality and human rights:</b>	Not applicable
<b>Biodiversity considerations:</b>	Not applicable
<b>Sustainability considerations:</b>	Not applicable
<b>Crime and disorder implications:</b>	Not applicable
<b>Background papers:</b>	None
<b>Appendices attached:</b>	None

## STRATEGIC RISKS TEMPLATE

No	Risk Title	Risk/Opportunity Description	Inherent risk status				Mitigating & Management actions	Ownership
			Impact of negative outcome	Chance of negative outcome	Risk score and direction of travel			
1.	Residents' reaction	Possible negative reaction to the proposal from residents	3	2	6	↓	Full informal and formal public consultation to be undertaken to allay concerns	C Aubertin
2.	Budget	Income from FPNs may not increase sufficiently to cover the cost of addition Dog Warden hours	3	2	6	↓	Hours to be increase temporarily only, pending T18, and to be monitored closely	C Aubertin

Direction of travel symbols ↓ ↑ ↔