

Report of the Head of Scrutiny and Member Development

Report to Scrutiny Board (Safer and Stronger Communities)

Date: 14th January 2013

Subject: Recommendation Tracking – Phase 2 Dog Control Orders

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. This report sets out the progress made in responding to the recommendations arising from the previous Scrutiny review of the Phase 2 Dog Control Orders.
2. The Scrutiny recommendation tracking system allows the Scrutiny Board to monitor progress and identify completed recommendations; those progressing to plan; and those where there is either an obstacle or progress is not adequate. The Board will then be able to take further action as appropriate.

Recommendations

3. Members are asked to:
 - Agree those recommendations which no longer require monitoring;
 - Identify any recommendations where progress is unsatisfactory and determine the action the Board wishes to take as a result.

1 Purpose of this report

- 1.1 This report sets out the progress made in responding to the recommendations arising from the previous Scrutiny review of the Phase 2 Dog Control Orders.

2 Background information

- 2.1 It was agreed in June 2011 that the Safer and Stronger Communities Scrutiny Board should play an active part in analysing the proposed options arising from the Phase 2 Dog Control Orders project before approval is sought from the Executive Board in December 2011 to implement further Dog Control Orders.
- 2.2 At its meeting in November 2011, the Scrutiny Board agreed a report summarising its observations, conclusions and recommendations in relation to the proposals arising from the Phase 2 Dog Control Orders project. The Scrutiny Board's report was appended to the report to Executive Board in December 2011.
- 2.3 The Scrutiny recommendation tracking system allows the Board to monitor progress and identify completed recommendations; those progressing to plan; and those where there is either an obstacle or progress is not adequate. The Board will then be able to take further action as appropriate.

3 Main issues

- 3.1 A standard set of criteria has been produced to enable the Board to assess progress. These are presented in the form of a flow chart at Appendix 1. The questions in the flow chart should help to decide whether a recommendation has been completed, and if not whether further action is required.
- 3.2 To assist Members with this task the Principal Scrutiny Adviser, in liaison with the Chair, has given a draft status for each recommendation. The Board is asked to confirm whether these assessments are appropriate and to change them where they are not. Details of progress against each recommendation is set out within the table at Appendix 2.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Where internal or external consultation processes have been undertaken with regard to responding to the Scrutiny Board's recommendations, details of any such consultation will be referenced against the relevant recommendation within the table at Appendix 2.
- 4.1.2 The Executive Board Member for Environmental Services has been consulted on the response to the recommendations.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 Where consideration has been given to the impact on equality areas, as defined in the Council's Equality and Diversity Scheme, this will be referenced against the relevant recommendation within the table at Appendix 2.

4.3 Council Policies and City Priorities

4.3.1 This section is not relevant to this report.

4.4 Resources and Value for Money

4.4.1 Details of any significant resource and financial implications linked to the Scrutiny recommendations will be referenced against the relevant recommendation within the table at Appendix 2.

4.5 Legal Implications, Access to Information and Call In

4.5.1 This report does not contain any exempt or confidential information.

4.6 Risk Management

4.6.1 This section is not relevant to this report.

5 Conclusions

5.1 The Scrutiny recommendation tracking system allows the Board to monitor progress and identify completed recommendations. Progress in responding to those recommendations arising from the Scrutiny review of the Phase 2 Dog Control Orders is detailed within the table at Appendix 2 for Members' consideration.

6 Recommendations

6.1 Members are asked to:

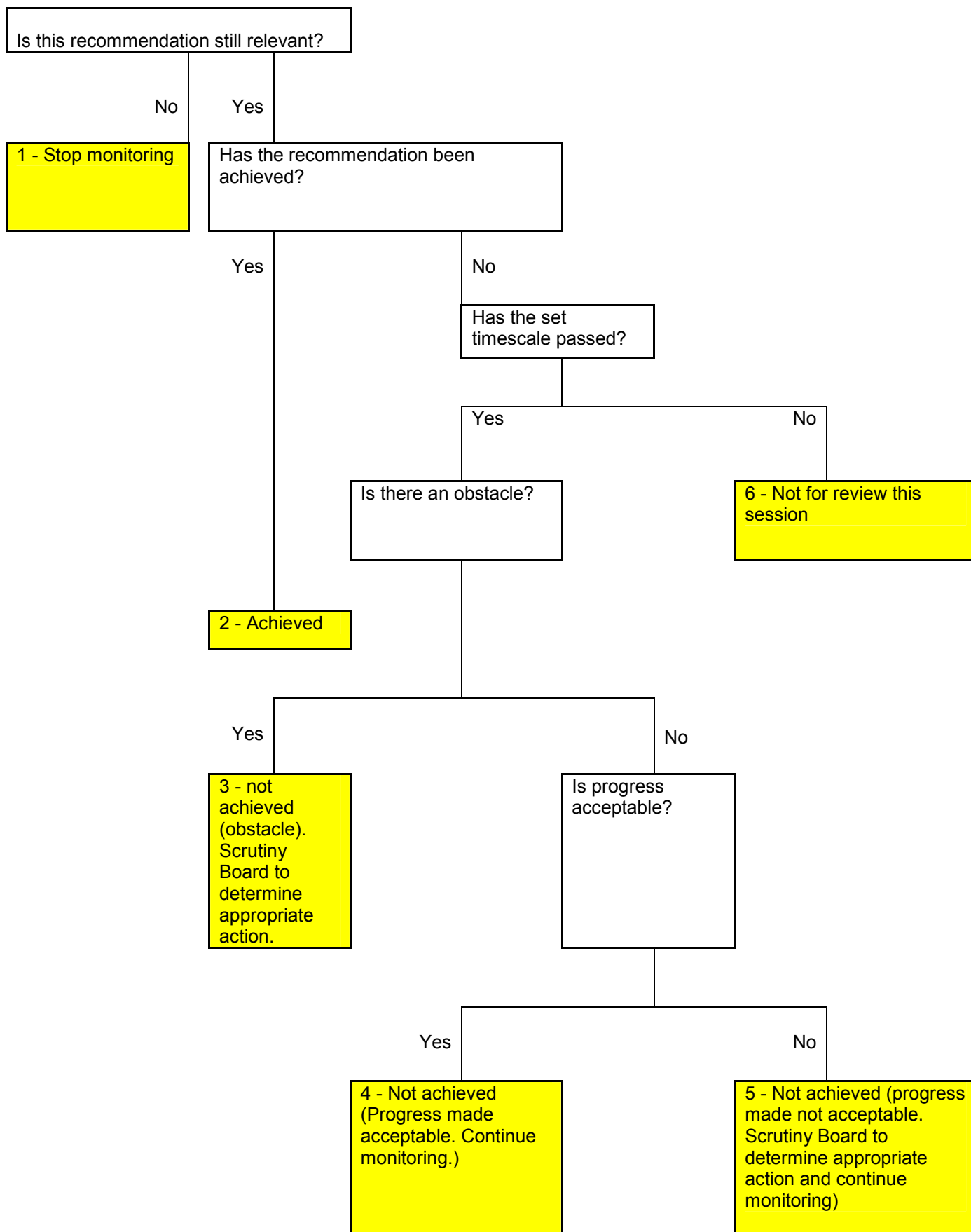
- Agree those recommendations which no longer require monitoring;
- Identify any recommendations where progress is unsatisfactory and determine the action the Board wishes to take as a result.

7 Background documents¹

7.1 None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

Recommendation tracking flowchart and classifications:
Questions to be Considered by Scrutiny Boards



Review of the Phase 2 Dog Control Orders (November 2011)

Categories

- 1 - Stop monitoring
- 2 - Achieved
- 3 - Not achieved (Obstacle)
- 4 - Not achieved (Progress made acceptable. Continue monitoring)
- 5 - Not achieved (Progress made not acceptable. Continue monitoring)
- 6 - Not for review this session

Recommendation for monitoring	Evidence of progress and contextual information	Status (categories 1 – 6) (to be completed by Scrutiny)	Complete
<p>Recommendation 5 That non-payment of Fixed Penalty Notices in relation to Dog Control Orders are actively pursued and further legal action taken where required, particularly in relation to repeat offenders.</p>	<p>Position reported in July 2012:</p> <p>Between January and July 2012, 89 Fixed Penalty Notices (FPNs) have been issued for offences under Dog Control Orders. 73 of the offences were in relation to dogs on the Highway without a lead. 16 were for dog fouling offences.</p> <p>Of the 73 dogs on leads FPNs 30 have to date not been paid. Of the 16 dog fouling FPNs 3 have not been paid. We are pursuing legal action through the courts against these individuals. FPN action appears, by and large, to be having a deterrent effect with no repeat offenders have been observed. Any repeat offenders would be taken directly to court without an FPN being issued.</p> <p>Current position:</p> <p>Between January and November 2012, 117 FPNs have been issued for offences under Dog Control Orders. 89 of the offences were in</p>		

	<p>relation to dogs on the Highway without a lead. 28 were for dog fouling offences. It is noticeable that the number of FPNs for Dogs on Leads next to the Highway has dropped considerably since the initial spike in numbers when the Orders were introduced. This suggests that the message is getting out to the general public (Recommendation 7). The number of FPNs issued for dog fouling offences has increased from the early part of the year, from 2 per month up to end of June to 7 per month in the period from August to November.</p> <p>Of the 89 dogs on leads FPNs 36 have to date not been paid. Of the 28 dog fouling FPNs 8 have not been paid.</p> <p>We are actively pursuing people who do not pay their FPNs through the courts. Successful prosecutions in the last five months are:</p> <ul style="list-style-type: none">• Dogs on Leads non-payment of FPN: £75 fine, plus £415.53 in costs and a £15 victim surcharge,• Dogs on Leads non-payment of FPN: £100 fine, plus £446.53 costs and a £15 victim surcharge.• Dogs on Leads non-payment of FPN: £75 fine and ordered to pay £386.53 in costs and a £15 victim surcharge.• Dogs on Leads non-payment of FPN and persistently allowing dog to stray: £1000 fine, plus £387.43 costs and a £15 victim surcharge• Dog allowed to roam and foul: Fined £150 with £504.51 costs• Dogs allowed to roam and foul: Fined £150 with £243.22 costs. <p>Six other cases are now with our legal team pending prosecution. Encouragingly 3 of these cases have resulted from evidence provided by PCSO's (see Recommendation 6 below). We have produced press releases for all of the above (see Recommendation 7 below).</p>	2 - Achieved	
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<p>Recommendation 6 That further work is undertaken by the Council to significantly expand the level of staff resource available to enforce Fixed Penalty Notices and also act as professional witnesses to any breaches of the Dog Control Orders.</p>	<p>Position reported in July 2012:</p> <p>All enforcement staff are now trained and actively undertaking dog control work on a regular basis. Of the 481 dog fouling related jobs received between January and June this year 218 were dealt with by Locality enforcement staff rather than the dog wardens themselves (45%).</p> <p>We continue to work with the Police to encourage the reporting of dog fouling incidents by PCSOs. PCSOs in the Killingbeck division have now been given training in the legislation and this will also be rolled out to PCSOs in the Holbeck and Rothwell divisions in the next few months. Several reports of dog fouling have now been received from PCSOs and have been actioned by the service.</p> <p>We continue to work with Parks and Countryside and ALMOs for their staff to also gather intelligence or even enforce directly. The potential for enforcement activity / intelligence gathering within the wider Parks & Countryside workforce has been a particular recent focus with both service areas now reporting to the same Director.</p> <p>Current position:</p> <p>We continue to work with partners to expand the range of staff who can undertake Dog Control enforcement work. Good progress has been made in training PCSOs to report offences and we have had several occasions where PCSOs have reported offences and the Locality Team has taken action (see Recommendation 5 above).</p> <p>Work is ongoing with the ALMOs and Parks and Countryside Services to train more staff and to look at whether powers could be delegated to officers in these services.</p>	<p>4 - Not achieved (Progress made acceptable. Continue monitoring.)</p>	
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<p>Recommendation 7 That any new Dog Control Orders are effectively communicated to the public, which includes the use of appropriate signage, and for the Council to reinforce the message that Dog Control Orders will be rigorously enforced.</p>	<p>Position reported in July 2012:</p> <p>We have continued with regular press articles about dog related issues which have been picked up within the local media. Examples include:</p> <ul style="list-style-type: none"> • Yorkshire Evening Post (YEP) – 6th March 2012 – “Leeds dog owners are falling foul of the law on mess” • YEP on 19th March 2012 – “Consumer: Give a dog a home”; • YEP – 9th April 2012 – “Crackdown launched on irresponsible dog walkers in south Leeds town” • YEP – 8th May 2012 – “Warning as dog owner told to pay £2,100 over mess” <p>Over the summer months we are also undertaking free micro-chipping events in different locations where residents will also be given leaflets to advise on the Dog Control Orders.</p> <p>In addition to this we are planning local campaigns in priority areas as identified with Elected Members through the Locality Team’s Service Level Agreement process.</p> <p>All signage is not yet in place but is now progressing well following a delay in production of the signs themselves. The public and complainants in particular will be encouraged to place dog fouling signs in problem areas themselves, following advice given by the service.</p> <p>Current position:</p> <p>Signage is now in place for all sites under Control Orders. All successful prosecutions have had press releases which have been picked up by the press and media. Examples are:</p>	<p>2 - Achieved</p>	
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	<p>14th September – “Owners feel full force of dog control orders. Three dog owners in Leeds are licking their wounds having been prosecuted for flouting dog control orders.”</p> <p>21st November – “Maximum fine for letting dog stray. A Leeds woman was handed the maximum penalty by magistrates for continually flouting dog control orders”</p> <p>5 Micro chipping and education events have been held at the following locations: Farnley Hall Park, East End Park, Crossflatts Park , Armley Town Street, Roundhay Park. A total of 176 dogs have been micro-chipped. Approximately 300 dog owners were given information on responsible dog ownership</p> <p>The consultation for new sites for Dog Control Orders will take place in January and February with press and media work to support this. This will include a further consultation question about parks used by schools which should help to increase the profile of the consultation process (see Recommendation 9 below).</p>		
<p>Recommendation 9 That the Project Board undertakes further work in relation to parks and playing pitches that are used by schools that have no on-site green space. This is to accurately assess the extent of the problems encountered in such areas in relation to dog fouling in particular and explore the best use of the full range of powers available to the Council in promoting responsible dog ownership in such areas. Such work should be undertaken as a</p>	<p>Position reported in July 2012:</p> <p>In consideration of the position reported in March 2012, the Safer and Stronger Communities Scrutiny Board sought clarification of the legal advice provided to the DCO Project Board. The Scrutiny Board maintained that further action was needed as the council had a duty of care towards those school children that used these parks. The Scrutiny Board therefore agreed to continue monitoring this recommendation.</p> <p>In response to the Scrutiny Board’s request, clarification of the legal advice provided to the DCO Project Board was provided at the July meeting. The Legal Adviser to the DCO Project Board also attended this meeting to address any further queries.</p>		

<p>matter of urgency, with an update report brought back to the Scrutiny Board by March 2012.</p>	<p>Current position:</p> <p>A further meeting has taken place between Elected Members, the Locality Team, Legal Services and Parks and Countryside. This has resulted in the following approach being developed to deal with this issue:</p> <p>As part of the consultation about the new list of sites prior to implementing the revised land schedules for Dog Control Orders we will, as well as asking for feedback about the new sites in the Order, ask a supplementary question which would be:</p> <p><i>“The Council has received representation over the last year about Dog Control Orders on ‘Community Parks’ that are used by primary schools when they do not have their own sports facilities. The Council is therefore considering whether, where a school regularly uses one of the listed ‘Community Parks’ because they do not have their own facilities and they request a Dogs on Leads Order to be in place, the Order will be put in place to protect the safety of children in these areas. Please indicate whether you would be supportive of such a proposal (Yes/No/Don’t know).”</i></p> <p>The list of Community Parks is attached to this update report (see appendix 3).</p> <p>If the answer to this consultation question is positive we will then ask schools directly if they regularly use parks in lieu of having their own facilities and if so, whether they want a Dogs on Leads Order to be in place. If they respond that they do and they want the Order, we will then put it in place on the Community Park in question.</p>	<p>2 - Achieved</p>	
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