

Statement of

Scrutiny Board
(Environment and
Neighbourhoods)

Enforcement of
Dog Fouling

Introduction



1.0 Introduction

- 1.1 The issue of dog fouling was the subject of an earlier Scrutiny inquiry in December 2001 by the former Neighbourhoods and Regeneration Scrutiny Board. However, dog fouling still remains to be one of the highest sources of complaints by the public both locally and nationally. In view of this, we agreed to revisit this issue again and review the Council's current responsibilities and resources for the enforcement of dog fouling in Leeds.
- 1.2 Estimates put the UK dog population between 6.5 and 7.4 million, producing 1,000 tonnes of faeces every day.
- 1.3 We acknowledge that an increasing number of dog owners are responsible and clear up after their dog. However, where dog owners act irresponsibly and leave faeces on the street or on an open area of grass, this can pose a health hazard to the most vulnerable in our society; very young children.
- 1.4 Dog faeces carry harmful infections, the most widely known being Toxocariasis: a parasitic infection that most commonly affects children and can, in some cases, lead to blindness.
- 1.5 In October 2008, we requested a briefing from the Director and Executive Member responsible for Environmental Services on the Council's current arrangements for dog fouling enforcement.
- 1.6 It was highlighted at this stage that dog fouling was just one of a range of dog control and enforcement duties of the Council which we needed to take into consideration as part of our review.
- 1.7 We received data showing the numbers of dog fouling Fixed Penalty Notices issued, prosecutions made, stray dogs impounded and dog service requests dealt with by the Council over the last 3 years on a city-wide basis. In consideration of this, we requested to receive similar service data on a monthly basis and split into Ward areas.
- 1.8 In November 2008, we received a further briefing which included the service data for September 2008. During our discussions, we identified a number of recommendations for service improvement which we felt needed to be brought to the attention of the Director and Executive Board. In the meantime, we will continue to monitor this issue as part of our work programme this year.

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2.0 Enforcement responsibilities of the Council for dog fouling.

- 2.1 Up to April 2006, the legislation governing dog fouling was The Dogs (Fouling of Land) Act 1996 which allowed local authorities to designate most public land as areas where dog fouling was prohibited without having to refer to central government.
- 2.2 Under this legislation failure to clear up on designated land was an offence subject to a maximum fine of £1000. Local authorities could also give offenders the option of paying a fixed penalty fine (currently £75) rather than go to court.
- 2.3 Since April 2006, the Clean Neighbourhoods & Environment Act 2005 now provides local authorities, parish and town councils and the Environment Agency more effective powers to tackle poor environment quality and anti-social behaviour.
- 2.4 In particular, this Act replaces dog byelaws with a new, simplified system which enables local authorities to deal with five dog control matters; fouling dogs; banning dogs from designated areas; requiring dogs to be kept on a lead (in designated areas and by direction); and restricting the number of dogs that can be walked by one person. All of these matters can now be dealt

with through a Dog Control Order.

3.0 Dog Control Orders

- 3.1 Section 55(1) of the Clean Neighbourhoods & Environment Act 2005, states that:-

“A primary or secondary authority may in accordance with this Chapter make an order providing for an offence or offences relating to the control of dogs in respect of any land in its area to which this Chapter applies.”

- 3.2 The term ‘secondary authority’ refers to parish and town councils, which means that they also have powers to create and enforce Dog Control Orders. In view of this, we believe that the Council should be working in close partnership with local parish and town councils to ensure the effective use of Dog Control Orders across the city and maximise on available enforcement resources.

Recommendation 1

That the Council works in close partnership with local parish and town councils to ensure the effective use of Dog Control Orders across the city and maximise available enforcement resources.

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3.3 At present, we learned that Leeds has one Control Order in place and this relates to dog fouling. Where a person is found committing an offence of dog fouling they may be issued with a fixed penalty notice. If they fail to pay the fine, the council will prosecute them for the offence. Such an offence is punishable upon conviction by a maximum fine of up to £1000.

3.4 Details of the other Dog Control Orders that can be created under s.55 of the Act are set out below.

Walking Multiple Dogs

3.5 This type of order will limit the number of dogs one person can walk at any one time. The effect of the Order is to create an offence for a person who walks more than the maximum number of dogs specified by the Order. Such offence is punishable upon conviction by a maximum fine of £1000.

3.6 We questioned what the maximum number of dogs should be for any one person to be physically in charge of at any given time, in particular to ensure that they cleared up after the dogs. Whilst we acknowledged that this can very much be dependent on the behaviour of the dogs, we are particularly keen for this type of order to be implemented across the city and

therefore recommend that the Director of Environment and Neighbourhoods determines a suitable figure for Leeds that will be enforced in relation to the maximum number of dogs that any one person can walk at any one time.

Recommendation 2

That the Director of Environment and Neighbourhoods determines a suitable figure for Leeds that will be enforced in relation to the maximum number of dogs that any one person can walk at any one time.

Dog Exclusion Order

3.7 This order would prohibit dogs from entering certain areas of Leeds, such as cemeteries and children's play areas. Such offence is punishable upon conviction by a maximum fine of £1000. The offence could be discharged through a fixed penalty of £75.

Dogs on Leads Order

3.8 This type of order will require all dogs to be walked on a lead. We noted that such an Order can apply to the whole of Leeds or to specific areas, for example, pavements, highways, play areas, football pitches, etc.

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3.9 The effect of the Order is to create an offence for a person who is in charge of a dog not to keep that dog on a lead on any land affected by the Order. Such offence is punishable upon conviction by a maximum fine of £1000. The offence could be discharged through a fixed penalty of £75

Dogs on Leads (By Direction) Order

3.10 This type of Order will require owners or people in charge of a dog at the time, to put their dog on a lead if asked to do so by an authorised officer (e.g. Dog Warden). The effect of the Order is to create an offence for a person in charge of a dog not to comply with a direction given to him by an authorised officer.

3.11 We noted that a direction to put and keep a dog on a lead can only be given if it is reasonably necessary to prevent a disturbance to any other person on any land to which the order applies, or the worrying or disturbance of any animal or bird. Such offence is punishable on conviction by a maximum fine of £1000.

3.12 The Government guidelines stipulate that before the Council considers implementing any of the Dog Control Orders, extensive consultation must be

undertaken, in particular with dog interest groups, who are likely to have views on the Orders.

3.13 We acknowledge that any Order introduced will have to be backed up by clear evidence of need and the Council's ability to enforce provisions. However, we believe that the introduction of additional Dog Control Orders can only provide real benefits in terms of easier controls of dogs in areas such as pavements, highways, parks, play areas etc.

3.14 We therefore recommend that the Director of Environment and Neighbourhoods carries out a review within the next 4 months of the options available to the Council to extend Dog Control Orders in Leeds and that an action plan is drawn up on how such Orders agreed upon following the review can be progressed. This action plan should be brought back to the Scrutiny Board for consideration by June/July 2009. In particular, we would like to see Area Committees included as one of the key stakeholders within this action plan.

Recommendation 3

That the Director of Environment & Neighbourhoods carries out a review within the next 4 months of the options available to the Council to extend Dog Control Orders in Leeds.

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Recommendation 4

That an action plan is drawn up on how the Dog Control Orders agreed upon following the review can be progressed. This action plan will be brought back to the Scrutiny Board for consideration by June/July 2009.

4.0 Current service provision

- 4.1 As well as providing evidence to support the need for additional Dog Control Orders in Leeds, the Council must also demonstrate its ability to enforce such provisions.
- 4.2 As part of our review, we considered the current service provision of Dog Wardens in Leeds and the challenges facing the service in enforcing existing provisions. Clearly any additional Orders would have a significant impact on resources and if the service is already under pressure then action will need to be taken by the Council to ensure that the service is adequately resourced. However, we discovered during our inquiry that there had been a significant under-spend on the 2008/09 Dog Warden Service budget. Further reference to this matter is made in paragraph 4.14.

The role of Dog Wardens

- 4.3 We learned that Dog Wardens are deployed on a range of dog control and enforcement duties across the City. Duties include investigating complaints of dog fouling and issuing Fixed Penalty Notices/instigating legal proceedings as appropriate; erecting anti-fouling signage and distribution of literature and patrolling for stray dogs and impounding any found.
- 4.4 The Clean Neighbourhoods and Environment Act 2005 had transferred the responsibility for stray dogs from the police to local authorities as from April 2008. However, the police still have responsibility in relation to dangerous dogs.
- 4.5 In terms of tackling dog fouling, the Dog Warden Team will respond to specific complaints about problems or hotspot areas but routine patrols are also undertaken subject to resource and workload demands.

Existing pressures on the Dog Warden Service

- 4.6 We were informed that within Environmental Services, the Council currently employs 6 Dog Wardens (5 full-time equivalents), one of which is a supervisor position.

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- 4.7 However, we noted that one of the Dog Warden posts is a job share position and that the officer working 3 days is absent due to maternity leave, with the post holder not due to return until 2009. As a consequence, it is recognised that the service is currently short staffed.
- 4.8 Since the responsibility for stray dogs was transferred completely to local authorities from the Police in April 2008, we noted that the number of strays that the service was dealing with had increased by approximately 25%.
- 4.9 We also learned that the stray dog kennels are not located within Leeds, due to a lack of interest in the contract from local suppliers, and therefore this has an impact on officer time due to additional travelling.
- 4.10 As the Council has a statutory duty for the seizure of strays, it was acknowledged that this would impact on other work areas of the Dog Wardens, which includes responding to complaints of dog fouling and conducting pro-active patrols in hotspot areas.
- 4.11 Whilst the Dog Warden Team are the main front-line in terms of tackling dog fouling, we noted that other officers within the Environmental Action Teams are also trained and qualified to

issue Fixed Penalty Notices for dog fouling as well as in relation to other environmental crimes such as littering.

- 4.12 In November 2008, we were also advised of a pilot training programme in the North West area for Neighbourhood Wardens and Park Ranger staff to enable them to issue Fixed Penalty Notices for both litter and dog fouling. Whilst we are pleased to note that this pilot is being kept under review, we are keen to see such training rolled out over the next 12 months to other Neighbourhood Wardens and Park Ranger staff and recommend that this involves any other enforcement staff who may be able to carry out such works.

Recommendation 5

That the Director of Environment and Neighbourhoods will roll out the training programme for issuing Fixed Penalty Notices for litter and dog fouling over the next 12 months to all Neighbourhood Wardens and Park Ranger staff and recommend that this involves any other enforcement staff who may be able to carry out such works.

- 4.13 Such additional staff resource will undoubtedly increase the Council's ability to patrol and

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police these serious environmental issues and bring offenders to account for any offences noted. However, we would still question whether five full time Dog Wardens is an adequate number for the size of the authority and note that this issue was also raised during the 2001 Scrutiny inquiry. We therefore recommend that a review of existing staffing resources within the Dog Warden Team is carried out to determine whether this is adequate enough to meet current service demands.

Recommendation 6

That the Director of Environment and Neighbourhoods conducts a review of existing staffing resources within the Dog Warden Team to determine whether it is adequate enough to meet current service demands.

4.14 We were pleased when the service confirmed at the last session of our review that following the change in legislation in April 2008, which gave responsibility for stray dogs to local authorities from the Police, the Dog Warden budget received an additional £50,000 in April 2008 from West Yorkshire Police to help cover the costs involved in kennelling stray dogs, including the out of

hours service costs, boarding fees and vets bills. The Dog Warden Service will continue to receive this additional funding each year.

4.15 However, when we sought clarification on how this funding had been spent this year, we were concerned to learn that there was a projected under-spend on the 2008/09 budget and that the saving from this budget had been used to assist the wider service provision within the Health and Environmental Action Service.

4.16 Where funding is allocated to the Dog Warden Service, we would fully expect this to be used towards alleviating the service pressures that have been highlighted during our review. We therefore recommend that the Director of Environment and Neighbourhoods ensures that the full budget provision for the Dog Warden Service each year, which includes the additional funding from West Yorkshire Police, is spent on improving that service.

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Recommendation 7

That the Director of Environment and Neighbourhoods ensures that the full budget provision for the Dog Warden Service each year, which includes the additional funding from West Yorkshire Police, is spent on improving that service.

4.17 We were informed that to provide a Dog Warden for each Area Committee would involve recruiting an additional five officers, at a cost of approximately £132,000 which consists of £22,456 salary costs and £3500 for van and fuel costs and £500 uniform and equipment costs, per officer. Per capita overheads for support services also exist.

4.18 However, more realistically we noted that one additional officer recruited to the service would at least help to cover the impact of the additional stray dog activity, which would free up other officers' time to assist in the dog fouling issues. This would be at a cost of £26,456 when working to the existing service hours.

4.19 As well as increasing staff numbers, another possible solution considered to help free up more officer time when dealing with stray dogs was around sourcing a transit van to

replace a van in the existing fleet, which would hold more dogs (the current vehicles hold three dogs each). This would mean the van could transport multiple dogs to the kennels thus saving time. However, it was acknowledged that in order to facilitate this, the service may have to provide a small number of holding kennels at a Council office. Both these methods would incur additional costs and we noted that the service was investigating this further.

4.20 In previously acknowledging the lack of interest from local suppliers to take on the contract for providing stray dog kennels, we recommend that the contract specification is reviewed prior to its renewal and that further opportunities are explored to help generate greater interest from local suppliers.

Recommendation 8

That the contract specification for the provision of stray dog kennels is reviewed prior to its renewal and that further opportunities are explored to help generate greater interest from local suppliers.

4.21 During our review we also explored the flexibility of the Dog Warden service. Dog Wardens currently work Monday to Friday,

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excluding bank holidays, and the service is covered from 8.00 am until 5.00 pm. However, we felt that many of the dog fouling offences were happening outside of the normal service working hours and particularly during weekends. Whilst we noted that it would be possible to employ staff outside the normal hours, there are obvious resource implications as this would involve higher shift allowance costs and we were informed that officers would also need to be paired up for health and safety reasons.

4.22 Another option considered to help achieve this flexibility was to allocate an overtime budget to conduct additional patrols on an out of hours basis to deal with re-occurring problems that cannot be investigated during the service's normal operational hours.

4.23 We believe that such flexibility is required within this service in order to deal with dog fouling enforcement effectively. We therefore recommend that the Director of Environment and Neighbourhoods reviews an out of hours flexible working scheme for the Dog Warden Service and explores opportunities to utilise other relevant enforcement staff working out of hours to assist with the enforcement of dog fouling.

Recommendation 9

That the Director of Environment and Neighbourhoods reviews an out of hours flexible working scheme for the Dog Warden Service and explores opportunities to utilise other relevant enforcement staff working out of hours to assist with the enforcement of dog fouling.

Educative role of the service

4.24 We acknowledge that enforcement duties take up the majority of the Dog Wardens' time, which leaves little or no time for the Dog Wardens to undertake educational and publicity activities in the wider community.

4.25 However, we feel it is important for the Dog Warden Team to also concentrate efforts on educational campaigns and the distribution of appropriate signage as the success of decreasing the incidence of dog fouling relies on raising the public's awareness of the law and providing a deterrent through fixed penalty notices.

4.26 We believe that the service would benefit from an additional campaign budget to enhance existing campaigns and in

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particular, develop closer links with schools. We understand that the service has worked closely with ENCAMS previously and would encourage that the value of running more hard hitting campaigns on dog fouling which could specifically target dog owners who persistently allow their dogs to foul is explored.

5.0 Dog Control Strategy for Leeds

5.1 Following our review, we recommend that the Director of Environment and Neighbourhoods produces a Dog Control Strategy for Leeds by September 2009 setting out the duties of the Dog Warden Service; the current and potential role of other officers in enforcing Dog Control Orders (Environmental Action Teams, Neighbourhood Wardens and Park Rangers); strategies for future education campaigns; and the implications of having additional Dog Control Orders for Leeds.

Recommendation 10

That the Director of Environment and Neighbourhoods produces a Dog Control Strategy for Leeds by September 2009 setting out the duties of the Dog Warden Service; the current and potential role of other officers in enforcing Dog Control Orders; strategies for future education campaigns; and the implications of having additional Dog Control Orders for Leeds.