

## **THE IMPACT OF DOG CONTROL ORDERS**

An Overview and Scrutiny Committee

Task and Finish Group Report

## **Members of the Task and Finish Group**

Councillor Mrs Ann Blacklock (Chairman)

Councillor Mrs Linda Bromley

Councillor Mrs Judith Falp

Councillor Jerry Weber

Councillor Glenn Williams

## **Acknowledgements**

The Task and Finish Group would like to thank the following for providing information and evidence to the Group either in person or by written response.

- Councillor Dave Shilton – Portfolio Holder for Neighbourhood Services, Warwick District Council
- Councillor Michael Coker – Portfolio Holder for Environment & Community Protection, Warwick District Council
- Grahame Helm – Divisional Environmental Health Officer, Warwick District Council
- Vicky Timms – Dog Warden, Warwick District Council
- Pamela Chilvers – Bereavement Services Manager, Warwick District Council
- Kate Pittel – Local Resident and Dog Owner
- Simon Richardson – Greenspace Development Officer, Warwick District Council
- Huw Williams – Warwick Racecourse Site Manager
- Burton Green Residents Association
- Laura Smith – Community Ranger, Jephson Gardens (Action 21)
- Friends of Acre Close
- The Leamington Society

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## **1.0 Executive Summary**

- 1.1 This report brings forward the findings of the Task and Finish Group set up in November 2012 to review the impact of the four dog control orders implemented in November 2011.
- 1.2 The Overview and Scrutiny Committee requested that a review be undertaken to investigate how dog control orders have worked since their adoption at the Council in November 2011, and to make appropriate recommendations for greater effectiveness.

### **The Review**

- 1.3 On 15 November 2011, the Overview and Scrutiny Committee agreed to establish a Task and Finish Group to review the effectiveness of the orders in 12 months' time.
- 1.4 On 9 October 2012, a scoping document was agreed by the Overview and Scrutiny Committee. A copy of the Group's full scoping document is shown at Appendix 1.
- 1.5 On 13 November 2012, the membership of the Task and Finish Group was agreed as Councillors Mrs Blacklock, Mrs Bromley, Mrs Falp, Weber and Williams. The Group would be provided with support by an officer from Civic and Committee Services. The Group elected Councillor Mrs Blacklock as its Chairman. The membership of the Group ensured that the four towns within the District were covered and the councillors were aware of how the Dog Control Orders operated in their towns. Two of the councillors were dog owners.
- 1.6 Detailed information about the effectiveness of the Dog Enforcement Orders was gathered from interviews with expert witnesses (whose assistance is gratefully acknowledged above) and examination of relevant documents. The Group also visited four play areas and a Council run cemetery selected by the Divisional Environmental Health Officer to show a wide spectrum of the issues with enforcement of dog enforcement orders.
- 1.7 On 9 July 2013, the Overview and Scrutiny Committee approved the report and requested that it be presented to the Executive subject to some additional budget information being added (Appendix 6).

## Priority Areas

- 1.8 In the light of the information received, the Group's key recommendations relate to:
- 1.9 **Staffing.** Currently one Dog Warden covers the whole of the District. The Group considers that the issue of staffing needs attention if the Council is to achieve the level of control it wanted when the dog control orders were implemented. It was clear that the Dog Warden's role did not focus purely on enforcement and the other aspects encouraged better co-operation and understanding.
- 1.10 **Amendments to the Orders.** During the course of the investigations, it became evident that some minor adjustment to the orders would improve their effectiveness. In particular, it was felt that specifying the length of leads would ensure dogs were kept under control in areas where it could easily cause offence.
- 1.11 **Communications.** Local residents were not aware of the changes on where dog waste could be disposed and notices relating to enforcement were in the form of commands. The Group felt that more information should be circulated and notices should be in the form of requests rather than demands, to engage with the community.
- 1.12 **Bins and Fencing.** The Group felt that more bins should be provided and some were unsuitably located. It wanted the on-going bin audit results to be examined and then bins suitably located or re-located. In addition, some children's play areas had not been demarcated by fencing and the Group felt that the Play Working Party should review this.

## **Recommendations**

The Group recommends that:

### **Recommendation 1**

The existing four dog control orders implemented in November 2011 remain in force, subject to some amendments made in the recommendations of this report.

### **Recommendation 2**

The Council considers amending The Dogs on Leads (Warwick District Council) Order 2011 and adding enforcement of dogs on leads on highways / pavements.

### **Recommendation 3**

The wording on the Fouling of Land by Dogs Order 2011 is reviewed as the inclusion of farmland, especially where livestock graze, and similar within this order is unreasonable and unenforceable

### **Recommendation 4**

It is urgent that far more refuse bins should be located around the District and some of the existing ones need to be moved to a more appropriate place, subject to the bin audit. The refuse bin emptying rota should be reviewed, especially for areas of high use.

### **Recommendation 5**

The type of "open basket bin" used at cemeteries is inappropriate for dog waste and bins that are more appropriate should be provided.

### **Recommendation 6**

The Council should undertake on-going publicity to inform the public that ordinary refuse bins can be used for dog waste.

### **Recommendation 7**

Warwick District Council should continue to review where dog control orders are implemented, for example:

- a request from Warwick Town Council for the Dogs on Leads Order to apply to Pageant Gardens;
- a Request for the Dogs On Leads order to be implemented has been made by a resident who uses Canalside at Woodloes; and
- requests for a Dogs Exclusion Zone Order have been made by Whitnash Town Council for Acre Close Playing Fields Children's Play Area and residents for The Dell, Leamington and Highcroft Crescent Play Area – Milverton.

**Recommendation 8**

Money should be set aside to provide fencing around children's play areas. The Play Working Party could undertake a review of where fencing is appropriate.

**Recommendation 9**

Enforcement signs should be in the form of a request, rather than an instruction.

**Recommendation 10**

The Dog Warden's job title should be changed to better reflect the role. For example, the job title "Dog Welfare Officer" encompasses the advisory and educational part of the role, as well as the enforcement aspect.

**Recommendation 11**

The Council should consider whether it wishes to introduce dog behaviour contracts in line with the "Eastleigh model", as operated by Eastleigh Borough Council. Please see Appendix 4.

**Recommendation 12**

The Council should hold talks with the Golf Club management at Newbold Comyn to facilitate a better relationship between golfers and dog walkers, for example, the possibility to adopt the "Fairway Code" which has been suggested to members of the Task and Finish Group.

**Recommendation 13**

The Council should liaise with local Police to clarify the role of PCSOs and how they work with the Council's own dog warden as dog control forms part of their duties.

**Recommendation 14**

The Council should liaise with local Neighbourhood Watch groups to involve them in gathering information about persistent fouling in residential areas.

**Recommendation 15**

The Council should consider extending the successful Action 21 initiative, currently operating in Jephson Gardens, to the other destination parks (St Nicholas, Abbey Fields and Victoria Park).

**Recommendation 16**

The wording of The Dogs on Leads by Direction order should be reviewed so that it is only used when there is evidence that a dog is likely to cause a serious annoyance. In particular, the wording of paragraph 4.2 (b) is too vague.

**Recommendation 17**

To review the concession regarding dogs in cemeteries in light of experience and if we continue to allow dogs in cemeteries, they should be on short leads at all

times in cemeteries. It is recommended that closed churchyards be added to the list of cemeteries where it applies.

**Recommendation 18**

The Council should review whether it is appropriate that other council officers should have a role in dog control given that special training and aptitude is undoubtedly required for this.

**Recommendation 19**

In respect of Warwick Racecourse and St Mary's Lands, more resources are required to tackle the specific problems there.

**Recommendation 20**

Whilst recognising the current revenue position and economic climate, in order to make all these and other recommendations achievable, a new post for a second dog welfare officer should be created to the staffing complement at an estimated maximum cost of £25,400 which would cover salary and running costs such as vehicle costs, clothing, equipment, and public liability insurance. The District is too wide an area for one officer and the additional member of staff is required if the Council wishes to achieve the level of control it wanted when the dog control orders were introduced.



## **2.0 Dog Enforcement Orders at Warwick District Council**

- 2.1 On 21 November 2011, this Council implemented four dog control orders. These four orders were:

### The Fouling of Land by Dogs (Warwick District Council) Order 2011

To oblige dog owners to remove faeces deposited by their dog from any land to which the public have access in the Warwick District and which is open to the air (including land which is covered but open to the air on at least one side).

### The Dogs on Leads (Warwick District Council) Order 2011

To keep a dog on a lead at all times in

- Jephson Gardens
- Leamington Cemetery
- Milverton Cemetery
- Kenilworth Cemetery
- Warwick Cemetery
- The length of the public footpath as it crosses Newbold Comyn Golf Course
- All other sports grounds, fields and pitches not subject to the Dogs Exclusion Order when in use for authorised sporting facilities

### The Dogs on Leads by Direction (Warwick District Council) Order 2011

To keep a dog on a lead when told to do so by an authorised officer on any land to which the public have access in the Warwick District and which is open to the air (including land which is covered but open to the air on at least one side).

### The Dogs Exclusion (Warwick District Council) Order 2011

To prohibit anyone from taking dogs into

- Any clearly demarcated children's play area, paddling pool, bowling green, multi-use game area, tennis court, or putting green signed as a "dog exclusion zone"
- The main racetrack surface at Warwick Racecourse except when directly crossing the track at the designated access points
- Mid-Warwickshire (Oakley Wood) Crematorium excluding the car park areas when used to directly access Oakley Wood.

## 3.0 Methodology

- 3.1 The Group paid particular attention to the Dog Warden and her role. The Dog Warden accompanied the Group when it undertook site visits to various play areas and Leamington Cemetery and the Group was able to question her about her role and problems she faced. This was later followed up by a more formal interview towards the tail-end of the information gathering process conducted by the Group.
- 3.2 The members of the Group made site visits on 31 October 2012 to the following:
- Leamington Cemetery
  - Eagle Recreation Ground
  - Highcroft Crescent, Milverton
  - Canalside, Woodloes
  - Pattens Road

The date for the site visits had been deliberately chosen to coincide with the schools' half term holiday so that the councillors would be able to see the sites being used by children and dog walkers. Unfortunately, it poured with rain on the day and there was barely a soul present at any of the locations except for the councillors. However, it was possible to see many of the issues and the Dog Warden, who accompanied the councillors to all sites, and the Bereavement Services Manager at Leamington Cemetery was able to explain issues.

The locations of the site visits had been deliberately selected to represent the range of sites that the Council managed by the Divisional Environmental Health Officer. The Group particularly focussed on "hotspots" both regarding fouling and areas that the public had raised where dogs should not be fouling, bearing in mind that there had been requests that had come into the council over the last 12 months to add certain play areas to the list of demarcated play areas. The Group also focussed on cemeteries because of the amendment agreed to Dog Control Orders when the Council had felt it appropriate to be sympathetic to dog owners visiting graves which was contrary to the original intention. The Group wanted to see if this decision had been correct.

A Dog Exclusion Order was in force at Eagle Recreation Ground in Royal Leamington Spa and was deemed to be a good example of a fenced play area. It was also reported to be a site subject to regular abuse and vandalism of the signs. Highcroft Crescent is a relatively new site which had not been included in the Dog Exclusion Order, but was deemed to be a good example of the practical problems faced in demarcating play areas. Pattens Road Play Area had been included in the Dog Exclusion Order

because it was fenced around the perimeter, although the fence was missing in many places. Canalside is a large site without any demarcation and that was the reason why it had not been included in the Dog Exclusion Order. Leamington Cemetery was assessed as being the Council-run cemetery with the most dog incidents.

### 3.3 Warwick Racecourse

The Group paid a visit to Warwick Racecourse on Saturday 2 February 2013 and met with the racecourse manager, Mr Huw Williams and the Golf Course manager, Mr Philip Sharp. The Group were also able to speak to two dog owners walking their dogs.

### 3.4 As well as the site visits to play areas, the cemetery and the race course, when the Group met with the Dog Warden, the Bereavement Services Manager and the Race Course Manager, the Group also gathered evidence by conducting interviews as follows:

20 November 2012 – Divisional Environmental Health Officer

11 December 2012 – Councillor Coker, Portfolio Holder for Environment and Community Protection

11 December 2012 – Councillor Shilton, Portfolio Holder for Neighbourhood Services

17 December 2012 – Green Space Development Officer

8 January 2013 – Divisional Environmental Health Officer

21 January 2013 – A member of the public who had voiced concerns on the implementation of the Dog Control Orders

22 January 2013 – The Dog Warden

### 3.5 A questionnaire was sent to nine amenity organisations on 4 December 2012 to request their views on the effectiveness of the Dog Control Orders (see Appendix 2 for a copy of the questionnaire). Questionnaires were sent to:

The Greenway Trust

Action 21 Sustainability Centre

Friends of Abbey Fields

Warwickshire Association of Local Councils (WALC)

Friends of Acre Close

Dogs Trust Rehoming Centre

The Leamington Society

Friends of Priory Park

Central Leamington Residents Association (CLARA)

Only Action 21, Burton Green Residents' Association (questionnaire received via the copy sent to WALC), and Friends of Acre Close replied to

the questions. The Leamington Society was unable to respond but the Chairman of this Society could not remember a single instance of dogs and their control being raised by any of the membership of the Society.

- 3.6 Statistics were supplied by officers in response to specific questions from the Group. The Group asked officers about different approaches at other councils and contacted Housing Services for its policy on dog ownership and tenants. (See Appendix 4 for the Eastleigh Borough Council initiative.)
- 3.7 During the investigations, the Group was mindful of perceptions of how Dog Control Orders would work, especially in light of conflicting expectations between dog owners and non-dog owners. The Group did not make a public appeal as felt that the evidence gathered should be by invitation only.

## 4.0 Observations

### Enforcement

- 4.1 The Group discussed at length the role of the Dog Warden, and found her duties to be wide-ranging and sometimes challenging.
- 4.2 From conversations with the Dog Warden, it became apparent that she spends much of her time with a large number of people and dogs and that she sees her role as promoting "happy dogs and happy people". To this end, she also engages on school visits, road shows and education on occasion. When necessary, a considerable amount of time is spent caring for lost or abandoned dogs and locating their owners, and occasionally persuading their owners to relinquish ownership to enable her to re-home the dog with a more suitable person.

#### **Recommendation 10**

**The Dog Warden's job title should be changed to better reflect the role. For example, the job title "Dog Welfare Officer" encompasses the advisory and educational part of the role, as well as the enforcement aspect.**

- 4.3 The Group were satisfied that members of public were able to make contact with the Dog Warden during working hours.
- 4.4 The Dog Warden is well aware of areas in the District where there are higher instances of problems with dog control and it is her practice to periodically blitz these areas with regular visits for a period of time to reduce the issues. When she receives incident reports, she will visit the site affected.
- 4.5 The Dog Warden informed the Task and Finish Group that a particular issue was dog fouling on streets, footpaths and alleyways. She considered that dog fouling was not a serious issue in parks. She also commented that dog fouling on streets was a seasonal issue which increased in winter months when visibility is low.

- 4.6 The Dog Warden felt that enforcement in respect of children's play areas was unsatisfactory simply because not all play areas were demarcated. She is aware that dogs foul in children's play areas and intimidate children, but this will continue to be a problem with unfenced play areas.

**Recommendation 8**

**Money should be set aside to provide fencing around children's play areas. The Play Working Party could undertake a review of where fencing is appropriate.**

- 4.7 The introduction of orders coincided with a second separate decision to phase out purpose specific dog waste bins in the District. The Task and Finish Group were informed that the campaign to promote the use of ordinary refuse bins for dog waste was not very effective. Whilst the phasing out of dog waste bins might be the right decision on economic grounds, the timing when this occurred is in question. At the time, Councillors were assured that there would be an increase in the number of bins provided in all open spaces but this has only partially been achieved and has not yet met the required level to satisfy the need.

The minutes of the Executive Committee meeting held on 14 September 2011 state "money saved on removing dog bins would be spent on a considerable increase in dual use / multi use bins".

The Council is currently undertaking an audit of refuse bins, but this should have been done before the dog control orders were introduced.

**Recommendation 4**

**It is urgent that far more refuse bins should be located around the District and some of the existing ones need to be moved to a more appropriate place, subject to the bin audit. The refuse bin emptying rota should be reviewed, especially for areas of high use.**

**Recommendation 6**

**The Council should undertake on-going publicity to inform the public that ordinary refuse bins can be used for dog waste.**

- 4.8 When they received a breakdown, the Group was surprised about how the £6,300 budget was spent. It had become apparent that a lot of dog owners had not seen the information leaflets published on dog control. The Group was informed that the number of complaints received about dog control issues was likely to fluctuate each year, so it was not possible to see how dog control orders had affected these numbers or if the publicity surrounding the implementation of these orders had led the

public to be more likely to complain. The Group was informed that many “dog on dog” incidents were not reported. (Please see Appendix 3 for statistics provided to the Group.)

- 4.9 When the dog control orders were introduced, the portfolio holder felt confident that PCSOs would help to enforce these orders. Members of the Task and Finish Group have seen documentation stating that enforcing dog control orders is part of the work expected to be handled by a PCSO, but it has become apparent that the reduction in numbers of the PCSO workforce, which occurred at the same time as the orders were introduced, has meant that it is unrealistic to expect these officers to carry out this role regularly. Nevertheless, the public remain broadly unaware that they can call a PCSO if there is a problem with a dog.

**Recommendation 13**

**The Council should liaise with local Police to clarify the role of PCSOs and how they work with the Council’s own dog warden as dog control forms part of their duties.**

- 4.10 Signs used to indicate the dog control orders in force are inconsistent; some are vandalised; and some are in the wrong location or simply too small. The wording used on the signs tends to be in the form of a demand rather than a request. The Task and Finish Group felt that the wording could be revised to engage people’s co-operation as in some cases, what is being asked is to stop behaviour that people have been carrying out quite legally for years before.

**Recommendation 9**

**Enforcement signs should be in the form of a request, rather than an instruction.**

**Cemeteries**

- 4.11 The Group visited the Cemetery in Royal Leamington Spa and was given a tour of the grounds by the District’s Dog Warden and the Cemetery Manager. The Group was able to discuss issues about dog control that specifically affected a burial ground.
- 4.12 A main issue with dog control was that members of the public were not always keeping their dogs under control:
- dogs were not always being kept on a lead; and
  - the use of extending dogs leads did not give sufficient control.

This lack of control led to regular occurrences of dog fouling on grave plots, and some visitors to the cemetery found that dogs being allowed to wander freely over graves was upsetting and disrespectful.

The Council had amended its original order, which would have prevented dogs entering the cemeteries, out of consideration for dog owners visiting graves, but this has not necessarily been respected by some of the visiting public with their dogs. The Task and Finish Group felt that this was an area that needed to be re-examined and suggest that a regulation to keep dogs on a short leash be evaluated.

**Recommendation 17**

**To review the concession regarding dogs in cemeteries in light of experience and if we continue to allow dogs in cemeteries, they should be on short leads at all times in cemeteries. It is recommended that closed churchyards be added to the list of cemeteries where it applies.**

- 4.13 It was remarked that the refuse bins at the cemetery were no more than large open wire baskets. On questioning the Cemetery Manager, it was discovered that these were used for dog waste along with the normal types of refuse associated with cemeteries, such as paper, plastic bags and dead flowers. The method used to empty these baskets was not ideal and involved the basket being tipped on its side and then the contents manually removed. Dog waste was being put in bins that required considerable manual effort to empty and which had no lid or plastic liner. The Task and Finish Group felt that if dogs were going to be allowed to enter cemeteries, then more purpose fit and hygienic bins to handle dog waste as well as other refuse should be installed at entrances to the cemeteries.

**Recommendation 5**

**The type of "open basket bin" used at cemeteries is inappropriate for dog waste and bins that are more appropriate should be provided.**

- 4.14 The question was raised on whether dog control orders should be extended to closed churchyards. The Task and Finish Group was informed that complaints had been received in respect of dogs being allowed to walk over graves and consequently felt that closed church yards should be considered for inclusion in any future order for short dog leads.

**Children's Play Areas**

- 4.15 The Task and Finish Group were left in no doubt that the public was dissatisfied with the current position whereby dogs are excluded from some play areas and not others. During the consultations, it became clear



that excluding dogs from children's play areas was not a controversial order and one which the public supported. The Group heard repeatedly that only a minority of play areas had been demarcated to make it clear that dogs were excluded. When the Task and Finish Group carried out its site visits, it was obvious that it would be easier to fence off and so demarcate some play areas compared to some of the others. The Task and Finish Group noted that gates to the play areas could be left open or were broken. The Group realise that there are a lot of practical problems inherent with ensuring that play areas are fenced and that costs of this are high; but this is an area that requires attention and one which should have been properly investigated before dog control orders were implemented.

**Recommendation 8**

**Money should be set aside to provide fencing around children's play areas. The Play Working Party could undertake a review of where fencing is appropriate.**

**Dog Control Orders**

- 4.16 The Fouling of Land by Dogs (Warwick District Council) Order 2011  
The Task and Finish Group believe that this is not a controversial order and is widely supported by the public and generally well observed in parks and children's play areas, except for a few stubborn people. There appears to be a particular local problem at Warwick Racecourse (see below). But it was reported that there was an issue of dog fouling on certain streets and footpaths and as yet this enforcement order has had no impact in respect of this.

The Task and Finish Group felt that it did not make sense to include farmland and areas where livestock grazed within this order and that this was unenforceable anyway.

**Recommendation 3**

**The wording on the Fouling of Land by Dogs Order 2011 is reviewed as the inclusion of farmland, especially where livestock graze, and similar within this order is unreasonable and unenforceable**

**Recommendation 14**

**The Council should liaise with local Neighbourhood Watch groups to involve them in gathering information about persistent fouling in residential areas.**

- 4.17 The Dogs on Leads by Direction (Warwick District Council) Order 2011  
This order was more controversial and less well understood. Enforcement of this order relies on the Dog Warden being notified of issues and if she does manage to catch up with the dog owner, it is very time consuming to deal with the person.

We heard of no instance at all of any other “authorised officer” of the Council making an approach to a dog owner and requesting them to put their dog on the lead – contrary to the assurances given out when the dog control orders were introduced. Very rarely, when the Dog Warden was on holiday, another member of the Environmental Health team has tried to intervene when they saw dog fouling or a dog in a demarcated playground, but it is clear that the Dogs on Leads by Direction has been entirely left to the Dog Warden to manage.

**Recommendation 16**

**The wording of The Dogs on Leads by Direction order should be reviewed so that it is only used when there is evidence that a dog is likely to cause a serious annoyance. In particular, the wording of paragraph 4.2 (b) is too vague.**

**Recommendation 18**

**The Council should review whether it is appropriate that other council officers should have a role in dog control given that special training and aptitude is undoubtedly required for this.**

- 4.18 The Dogs Exclusion (Warwick District Council) Order 2011  
This order was understood and accepted but not always well observed. It is also difficult to enforce unless there is either very good evidence or a dog warden is present when the order is breached.
- 4.19 The Dogs on Leads (Warwick District Council) Order 2011  
This order had been controversial when it was introduced but enforcement had been sympathetically handled and the order had not been imposed over-zealously in areas where it made no sense. The Action 21 Community Ranger, who operates at Jephson Gardens reported that overall, the number of dog owners ignoring the dogs on leads rule was falling and was now generally low. There was a slight spike in numbers of people failing to observe the order at weekends, which the Community Ranger felt may be due to the fact that people might think there was less likely to be any enforcement at weekends. She also reported that in Customer Satisfaction Surveys, keeping dogs on leads had been mentioned as an improvement on a number of occasions, whereas allowing dogs off the lead had not been mentioned ever. This order had caused a few issues at the start with owners who felt that their dogs were

well behaved and did not need to be kept on a lead, but over time, because the Community Ranger had applied the enforcement order equally to all dog owners, it is now appreciated that in these ornamental gardens, dogs should be kept on a lead.

The Task and Finish Group has recommended that this order is extended to dogs on highways / pavements, to give greater control, as some owners do not notice that their dog has fouled when they are not close to their dog.

**Recommendation 2**

**The Council considers amending the Dogs on Leads (Warwick District Council) Order 2011 and adding enforcement of dogs on leads on highways / pavements.**

**Recommendation 15**

**The Council should consider extending the successful Action 21 initiative, currently operating in Jephson Gardens, to the other destination parks (St Nicholas, Abbey Fields and Victoria Park).**

## **Warwick Racecourse**

### **4.20 Warwick Racecourse**

The Group found the situation at the racecourse to be of a different order from the rest of the District and the problems with compliance and enforcement at the racecourse appear to be more serious than elsewhere; the Task and Finish Group formed the opinion that this was part and parcel of the breakdown of trust between the public, the racecourse and the Council. Even dog walkers suggested that to deal with deliberate and consistent flouting of the regulations, there should be one or two high-profile prosecutions. The Council as landlord has a responsibility to work with other parties to improve the situation as part of the long-term strategy for the site which is currently the subject of another focus group.

The main issues centred upon the fact that a small but noticeable minority of dog owners were not adhering to the terms of the dog fouling and exclusion zone dog control orders. This was true for the whole site, including the caravan club area, the golf course and other open spaces. Requests made by staff to engage these dog owners to comply with the regulations have been met with verbal abuse and this has made staff unwilling to tackle the public. Peak times when the problem tends to manifest are between 6.00 am and 8.30 am, then early evening. Darkness makes it difficult for dog owners to pick up after their dogs.

When the dog control orders were first introduced, signs were put up, which unknown people swiftly removed. Eventually this led to metal signs being put up, but these too were removed, and now the only signs that remain are close to the race course entrance. A leaflet campaign led to verbal abuse of staff when they tried to hand out leaflets to dog walkers.

Both managers felt that the problem was too big for the Dog Warden to handle by herself. The Dog Warden did try to "blitz" the site with visits but the Task and Finish Group received conflicting reports on how well this worked.

**Recommendation 19**

**In respect of Warwick Racecourse and St Mary's Lands, more resources are required to tackle the specific problems there.**

## **Appendix 1**

### **Overview & Scrutiny Committee**

<b>Review Topic</b>	The Impact of Dog Control Orders in Warwick District.
<b>Working Group Members</b>	One member from each political group and any others. There will be a maximum of six members on the working group, one of whom must be a member of the Finance & Audit Scrutiny Committee.
<b>Key Officer Contact</b>	Grahame Helm, Divisional Environmental Health Officer
<b>Scrutiny Officer Support</b>	Lesley Dury, Committee Services Officer
<b>Rationale</b>	The Overview and Scrutiny Committee requested that a review be undertaken once a year had passed since the Dog Control Orders had been implemented. The Dog Control Orders were a source of great public concern at the time they were introduced and this continues. It has also been identified that in respect to enforcement, there may be a staffing resource shortfall.
<b>Purpose/Objective of Review</b>	The review is to investigate how Dog Control Orders have worked from 1 November 2011 to 1 November 2012 and make any appropriate recommendations for greater effectiveness.
<b>Scope of the Topic</b>	<p>The review will include:</p> <ul style="list-style-type: none"> <li>• The workload of the dog warden – has it changed since the Orders were introduced?</li> <li>• All four Orders will be included in the review, but the Task &amp; Finish Group may decide to concentrate on specific Orders.</li> <li>• Playgrounds will receive particular focus.</li> </ul> <p>The review will not include:</p> <ul style="list-style-type: none"> <li>• Re-examination of the original reasons why the Orders were introduced.</li> </ul>
<b>Indicators of Success</b>	<p>(1) A constructive report has been produced.</p> <p>(2) A balanced view has been achieved.</p> <p>(3) Since the Orders were introduced, a picture has been built up of the</p>

		impact on staff in terms of time and role, and this will lead to: (4) Clarification on whether resources were and are now sufficient.	
<b>Specify Evidence Sources</b>		(1) The four Dog Control Orders (2) Amendments & additions to these Orders (3) Minutes of meetings (4) What other councils have done (5) Communications received from members of the public since November 2011	
<b>Specify Witnesses/Experts</b>		<ul style="list-style-type: none"> <li>• WDC's Dog Warden</li> <li>• Environmental Services officers</li> <li>• Action 21 for Jeffersons</li> <li>• Cemetery Management (possibly Pam Chilvers?)</li> <li>• Parks Development officers (Dave Anderson or Simon Richardson)</li> <li>• A local resident who came to speak at a meeting (Kate Pittel)</li> <li>• The Dogs' Trust</li> <li>• Councillor Shilton, Portfolio Holder for Neighbourhood Services</li> <li>• Councillor Coker, Portfolio Holder for Environment and Community Protection</li> <li>• The previous Portfolio Holder, Councillor Coker</li> <li>• Local residents</li> </ul>	
<b>Specify Site Visits</b>		<ul style="list-style-type: none"> <li>• Fenced and unfenced Playgrounds during Half Term in October 2012, when they are likely to be heavily in use.</li> <li>• A cemetery on a day and time advised by cemetery management when dog walkers are likely to be present.</li> </ul>	
<b>Consultation with Stakeholders</b>		<ul style="list-style-type: none"> <li>• Friends of Abbey Fields</li> <li>• Friends of Acre Close</li> <li>• Friends of The Greenway</li> <li>• Friends of St Nicholas</li> <li>• WALC (Vaughan Owen)</li> <li>• Representatives from either the Leamington Residents Association or the Leamington Society</li> </ul>	
<b>Level of Publicity</b>		None at this stage. Stakeholders may engage in their own publicity to get the views of their members.	
<b>Barriers/dangers/risks</b>		<ul style="list-style-type: none"> <li>• The controversy when the Orders were introduced could be reignited.</li> <li>• There may be an expectation that there will be a change to the Orders.</li> </ul>	
<b>Projected Start Date</b>	9/10/12	<b>Draft Report Deadline</b>	January/February 2013
<b>Meeting Frequency</b>	TBA	<b>Projected Completion Date</b>	March 2013
<b>Date to evaluate impact</b>	O & S Committee will decide a date to be set in its Work Programme.		

<b>Methods of tracking / Evaluating</b>	O & S Committee will decide this.
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## **Appendix 2**

### **Questionnaire** **The Impact of Dog Control Orders**

#### **Background:**

In 2011, Warwick District Council introduced four Dog Control Orders:

- The Fouling of Land by Dogs
- The Dogs on Leads
- The Dogs on Leads by Direction
- The Dogs Exclusion Order

The Overview and Scrutiny Committee was asked to set up a team of councillors (known as a Task and Finish (T & F) Group), to review the impact of these four orders once one year had passed. The year deadline fell in November 2012 and five councillors volunteered to undertake the review, these were:

Councillors: Mrs Blacklock (Chairman of the T & F Group), Mrs Bromley, Mrs Falp, Weber and Williams.

As part of the review, they are undertaking a series of face to face interviews with key Council officers and witnesses, and in other instances, writing to other witnesses for their opinions on the impact these four dog control orders have made, what regular issues these orders have failed to address, what could be done to tighten control if this is required, and where it may be appropriate to widen the area covered by the orders.

Please would you take the time to answer the attached questionnaire and if you have an anecdotal evidence that you could supply to us, this would be very helpful. A stamped and addressed envelope has been included to return your answers, which we would be grateful to receive by the end of December.

The T & F Group is aiming to complete its findings by the end of March.

Thank you for your co-operation.

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## Questionnaire - The Impact of Dog Control Orders

**\* Please delete the incorrect response(s)**

<b>SECTION 1</b>		<b>YOUR ORGANISATION</b>
1	What is your name, telephone number and email address?	Name:  Phone No:  Email:
2	What is the name of the organisation you represent?	
3	How many of your members have you consulted to answer this questionnaire?	
<b>SECTION 2</b>		<b>THE FOULING OF LAND BY DOGS</b>
4	Is dog fouling a big problem on the land you care for?	*Yes / No
5	Has the "Fouling of Land by Dogs" Enforcement Order helped reduce the problem?	*Yes / No
5a	If the Order has not worked or not worked enough, why do you think this is and what more might be done?	

6	Are there sufficient and visible signs informing the public not to let their dogs foul?	*Yes / No
6a	If there are insufficient signs, where might additional signs help?	
7	Do you think the public is aware that ordinary refuse bins can be used to dispose of dog waste at parks?	*Yes / No
8	Are there sufficient bins provided?	*Yes / No
8a	If there are insufficient bins, where might additional bins help?	
9	Are there sufficient signs advising the public to use these bins?	*Yes / No
10	Are the bins emptied regularly enough?	*Yes / No
11	Are the bins provided suitable to hold bags of dog waste?	*Yes / No
12	Are there specific times of day and/or days of the week when the problem is worse?	
Any additional information you wish to provide by way of explanation:		

SECTION 3		THE DOGS ON LEADS
13	Is there an issue with dogs not being under control?	*Yes / No
14	Has the Order been applied too widely or too narrowly?	*Too widely / too narrowly / No
14a	If "too widely" or "too narrowly", please state where and why?	
15	Is there anywhere else that might benefit from an Order?	
16	Should the Order be amended to stipulate that dogs should be kept on short leashes?	*Yes / No
17	Are there sufficient signs informing people to keep their dogs on leads?	*Yes / No
Any additional information you wish to provide by way of explanation:		

SECTION 4		THE DOGS EXCLUSION ORDER
18	Do people regularly ignore Dogs Exclusion Orders?	*Yes / No
19	If yes, what are the specific problems and what days and what time of day?	
20	Are there sufficient signs warning people that dogs must not enter exclusion areas?	*Yes / No
21	Is the area closed off by a fence?	*Yes / No
21a	Do the gates to the enclosed area work properly?	*Yes / No
22	Where else do you think an Order should be imposed?	
22a	If it is not fenced off, does it lend itself to some form of demarcation to prevent dogs from entering?	*Yes / No
Any additional information you wish to provide by way of explanation:		

SECTION 5		DOG CONTROL ENFORCEMENT
23	Is more enforcement required?	*Yes / No
24	Do you know how to contact the Dog Enforcement Control Officer?	*Yes / No
25	What are the specific issues where more dog enforcement would help?	
26	Do you know where to obtain information on dog control orders?	*Yes / No
27	Overall, do you think the situation has improved or remained the same since dog control orders were introduced and why?	
Any additional information you wish to provide by way of explanation:		

## **Appendix 3**

### **Reported incidents in the first 12 months since the Orders were implemented**

Dog on dog attack	44
Dog on person attack	16
Dog on cat attack	3
Dog on pony attack	1
Dog on duck attack	1
Dog acting aggressively	29

Most occurred on the highway or public footpaths but they also included –

- 5 in St Nicholas Park, Warwick
- 4 in Abbey Field, Kenilworth
- 3 in Priory Park, Warwick
- 3 in Portobello Fields, Warwick
- 2 on Newbold Comyn/Campion Hills
- 2 on Canal Towpath
- 2 on Kenilworth Common
- 1 in Valley Road Recreation Ground, Lillington
- 1 in St Mary's Churchyard, Warwick
- 1 in Eagle Recreation Ground, Leamington
- 1 in Highfield Crescent Play Area, Milverton
- 1 on Warwick Racecourse

## **Appendix 4**

### **Eastleigh Borough Council - Tackling the fear created by dangerous dogs**

#### **Summary**

Eastleigh Borough Council has worked with Hampshire Constabulary to introduce 'dog behaviour contracts' that can be used in response to residents' concerns about dangerous dogs and their owners. The contracts are used to promote responsible dog ownership and secure long-term improvements in the behaviour of owners. While the contracts are not legally binding, they are used as an alternative to resource intensive court processes and can more rapidly secure the outcomes that local communities are looking for.

#### **Background**

Irresponsible dog ownership has become a daily nuisance for many local residents and can quickly produce a deep sense of fear at the heart of a community. Issues created by irresponsible dog owners are increasing, including noise nuisance, anti-social behaviour, strays and biting incidents.

Councils and police, with essential support from charities, are responsible for responding to complaints about dangerous dogs and encouraging responsible dog ownership. However, it is widely accepted that they do not have the right tools to tackle this growing issue and it is difficult to ensure that communities feel their concerns have been resolved.

Earlier this year, the Government consulted on a range of proposals that could be introduced to tackle the issue of irresponsible dog ownership. This included tools to tackle anti-social behaviour, compulsory micro-chipping for dogs and changes to the law on private property. The LGA welcomes the long-awaited attempts by Government to improve the tools available to address this issue.

In the meantime, councils have been working hard with delivery partners to respond to residents concerns about dangerous dogs. Councils have focused on developing projects that secure long-term improvement in the behaviour of dog owners and can help prevent dog biting incidents from occurring.

#### **The problem in Eastleigh**

Eastleigh Borough Council and Hampshire Constabulary received regular complaints from residents about a range of issues associated with dog behaviour. These included noise nuisance, out of control dogs in public spaces, attacks by dogs on other animals and threatening behaviour. The issues associated with a single dog owner can impact on the daily lives of a whole community.

Unfortunately, even where formal enforcement action through the courts was possible, this was an extremely resource-intensive option for Eastleigh Borough Council and the police. Court action could take months and even then the result would frequently fail to resolve residents concerns.

### **How was it tackled?**

Eastleigh Borough Council developed a simple voluntary agreement that could be offered to owners of dogs causing issues, rather than taking formal enforcement action. The 'dog behaviour contracts' are used to remedy the immediate concerns of local residents and secure longer-term improvements in dog ownership that could prevent issues from reoccurring.

Each contract is tailored, but can include conditions relating to muzzles, fencing, micro-chipping, neutering and training. All contracts include timescales for meeting conditions and a formal end date.

'Dog behaviour contracts' appeal to dog owners because they remove the threat of more formal court action. The contract provides the opportunity to engage with the owner in a less confrontational manner, making them more open to changing their behaviour.

The conditions included in the contract are not only led by the knowledge and experience of officers, but also the concerns of residents. Residents are often reassured by the more informal approach, because it does not involve putting the dog down or prosecution, yet still improves their daily lives.

While the contract has no formal legal standing, the dog owner admits any original offence as part of signing the contract and therefore it can be readily used as evidence in court if necessary.

### **Who was involved?**

Hampshire Constabulary have been involved from the outset, because the issues associated with irresponsible dog owners also create ongoing complaints to the police and ultimately can result in dog biting incidents.

Eastleigh Borough Council has found the partnership with Hampshire Constabulary very useful, not least because contracts are badged and witnessed by the police. This adds credibility to the contract in the eyes of both the offender and community.

### **Outcomes and impact**

Eastleigh Borough Council currently has 15 dog control contracts in place. Conditions outlined in all of the contracts have been met by the dog owner, no more complaints have been received from local communities about these owners and the need formal action has been prevented. This has resulted in direct resource savings. It could also be argued that the conditions laid down to improve the behaviour of the owner will improve the welfare of the dog concerned.



## **Lessons learned**

- At an initial visit only take a blank contract and discuss with the owner what conditions it might include. This helps the owner to share responsibility for the content and understand exactly what is expected.
- Keep the contracts simple.
- Always speak to the dog owner in the first instance as sending a letter or referencing the contract in writing can cause confusion and offence.
- Any requirements relating to microchipping can often be provided free with the support of charities.
- Engage the police from the outset and use branding for the contract.

## **Next steps**

Eastleigh Borough Council is now sharing their lessons more widely, including through national and local networks. A similar approach is being applied in a number of Hampshire local authorities.

## **Appendix 5**

### **Task and Finish Group – Dog Control Orders**

Questions for the Portfolio Holders, Councillors Coker and Shilton on 11 December 2012, 4.30pm at the Town Hall (Council Chamber)

1. How much consultation was there with staff, especially the Dog Warden, at the time of proposing the DCOs and at the time of introducing them when approval was given – to resources, ways of working, changes to workload, etc?
2. How was the scheme expected to work with only one dog warden?
3. Post introduction, eg. After six months, has there been discussion with staff about these matters?
4. What issues do you think have been thrown up post implementation?
5. Have any of these issues been unexpected, and if so, what?
6. Have the “hotspots” identified pre-implementation become less “hot” as a result of the DCOs?
7. Are there any plans to promote good dog care (this may have been mentioned when the Orders were implemented)?

#### **Resources:**

8. How was the £6,300 spent? Please provide a detailed breakdown.
9. How many leaflets about the DCOs were printed?
10. Where were these leaflets placed?
11. Are there plans to advertise that plastic bags are available from libraries?
12. Do you consider there are enough bins? – of any type?
13. Are there plans to put bins in areas causing concern?
14. Wire basket bins like those at Leamington Cemetery – are these best for dog waste?
15. As the dog waste bins are phased out, have you considered installing more general purpose bins? (Bearing in mind that the new multi-recycling bins are perceived as being for recycling – glass, paper, tins by the public, and have a very small compartment for non-recyclable waste.)
16. What happened to the campaign that was promised to publicise the use of general-purpose bins for dog waste?
17. If fencing is recommended in some areas, where would the money come from to implement?
18. What difference would you say the changes to PCSO availability have made to enforcement?
19. Has any thought been given to the fact that PCSOs have more to do so dogs are not a high priority, and Environmental Health is so stretched that

the chance of any officers doing dog control enforcement work is very limited?

Locations:

20. Are you satisfied that a workable solution was found for Newbold Comyn and Warwick Racecourse? If not, why not?
21. Can you comment on whether we have got the right regime for:
  - a. Cemeteries;
  - b. Playgrounds;
  - c. Closed Churchyards.
22. Have you any ideas how to improve the application of DCOs here?

## **Appendix 6**

### **Associated Costs against Recommendations**

#### **Recommendation 4**

*It is urgent that far more refuse bins should be located around the District and some of the existing ones need to be moved to a more appropriate place, subject to the bin audit. The refuse bin emptying rota should be reviewed, especially for areas of high use.*

#### **Information provided by the Contract Services Manager**

At present, we have approximately 1,050 litter bins of various types in the District, the majority of which have information on them to specify that they can be used for dog waste. Area Officers have spare stickers which can be added to any bins where this information has been removed.

The budget for repairing / replacing / moving bins is £14,700 per annum, with new bins costing £270 - £450 depending on design.

The rota for bin emptying can be reviewed to change bin emptying frequencies, although this will increase contract costs. For example, annual litter bin emptying costs per bin are as follows:

- Bin emptied daily £200
- Bin emptied 3 times per week £85
- Bin emptied weekly £30
- Bin emptied monthly £7

#### **Recommendation 5**

*The type of "open basket bin" used at cemeteries is inappropriate for dog waste and bins that are more appropriate should be provided.*

#### **Information provided by the Contract Services Manager**

The wire baskets used in the cemeteries are standard for the purpose of disposing of flowers. Staff working at the cemeteries would like to retain these baskets for this purpose. Therefore additional bins for litter and dog fouling would be required costing £320 each including fitting. Approximately 50 bins would be required, giving a total cost of around £16,000.

**Recommendation 6**

*The Council should undertake on-going publicity to inform the public that ordinary refuse bins can be used for dog waste.*

Information provided by the Contract Services Manager

There have been a number of campaigns to raise the issue of dog fouling, with a joint campaign between Neighbourhood Services and Environmental Services in 2009 to inform residents that all bins can be used for dog waste. This could be revisited to reinforce the message.

**Recommendation 8**

*Money should be set aside to provide fencing around children's play areas. The Play Working Party could undertake a review of where fencing is appropriate.*

Information provided by the Contract Services Manager

There is no money set aside to provide new fencing around children's play areas, which is estimated to cost approximately £200,000 just to fence some sections of play areas.

**Recommendation 20**

*Whilst recognising the current revenue position and economic climate, in order to make all these and other recommendations achievable, a new post for a second dog welfare officer should be created to the staffing complement at an estimated maximum cost of £25,400 which would cover salary and running costs such as vehicle costs, clothing, equipment, and public liability insurance. The District is too wide an area for one officer and the additional member of staff is required if the Council wishes to achieve the level of control it wanted when the dog control orders were introduced.*