

 Executive – October 2013		Agenda Item No. 7
Title	Dog Control Orders	
For further information about this report please contact	Lesley Dury, Committee Services Officer	
Wards of the District directly affected	All	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006	No	
Date and meeting when issue was last considered and relevant minute number	Overview and Scrutiny 9 July 2013	
Background Papers	Working papers of the Task and Finish Group	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	
Key Decision?	Yes
Included within the Forward Plan? (If yes include reference number)	Yes
Equality & Sustainability Impact Assessment Undertaken	No
The report is to review the effectiveness of policies that have already been implemented.	

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	17.09.13	Andrew Jones
Head of Service	04.09.13	Richard Hall
CMT		
Section 151 Officer		Mike Snow
Monitoring officer		
Finance	11.09.13	Jenny Clayton
Legal	03.09.13	John Gregory
Portfolio Holder(s)	24.09.13	Michael Coker
Consultation Undertaken		
This is outlined in the Task and Finish Group's Report.		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

1. SUMMARY

- 1.1 The report (Appendix 2) sets out the findings of the Overview and Scrutiny Committees Task and Finish Groups investigation to review the impact of the four dog control orders that were 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.

2. RECOMMENDATION

- 2.1 The Executive to consider the recommendations of the Overview and Scrutiny Committee following their meeting on 9 July 2013 as set out below and make any decisions it believes necessary:

- (1) that the Executive of Warwick District Council agrees in principle to recommendation 20 of the Task & Finish Group report,

“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) that the costs of implementing recommendation 20 be considered as part of the 2014/15 Service Planning and Budget Processes against other priorities of the Council and the need for the Council to make further savings currently estimated at £2m by 2018/19;
- (3) where other recommendations incur cost as set out in Appendix 6 of the Task and Finish Group report, these too be considered as part of the 2014/15 Service Planning and Budget Processes against other priorities of the Council; and
- (4) that all other recommendations, with the exception of those in recommendations 1 to 3 above, in the Task and Finish Group report be agreed.

3. REASONS FOR THE RECOMMENDATION

- 3.1 The Dog Control Orders Task & Finish Group was established in November 2012. The scope of their review is set out as an appendix to the Group’s report.
- 3.2 The Overview & Scrutiny Committee considered the Final report of the Task & Finish Group in July and accepted its findings and endorsed its recommendations for consideration by the Executive.

4. POLICY FRAMEWORK

- 4.1 The work carried out by the Committee helps the Councils to improve in line with its priority to offer value for money to users of our services and to be community focused by putting the needs of our local communities to the fore.

5. BUDGETARY FRAMEWORK

- 5.1 The recommendations which have financial implications are outlined in the Task & Finish Group's Report as Appendix 6. These need to be considered as part of the 2014/15 Service Planning and Budget Processes against other priorities of the Council and the need for the Council to make further savings.
- 5.2 The Financial Projections considered by the Executive in August showed how further substantial savings of £2m by 2018/19 need to be made from budgets. Significant savings have been made in recent years so as to ensure that the Council is able to maintain key services whilst the Council's income has been reduced, most notably by way of reduced Government grants. Further savings initiatives have been factored into budgets, but more savings are needed to be found so as to ensure the Council can maintain existing service levels whilst setting a balanced budget. On this basis, no commitment should be given to increasing the Council's revenue expenditure at this stage. All resource requests should be prioritised as part of the 2014/15 Service Planning and Budget processes, being considered alongside the need for further savings to be found.
- 5.3 Whilst it would be appropriate for the Executive to acknowledge the current funding is insufficient to deliver Dog Control Orders effectively, the financial implications of resourcing the service at the desired level must be considered in the overall context of the Council's financial position.

The latest Financial Strategy indicates there will be a £2 million deficit over the next five years, with Government support diminishing.

This demand must be considered alongside the Council's other priorities, many of which are committed but as yet not funded, the Asset Management Plan with its unfunded maintenance liabilities to be reported to the Executive in November and other pressures identified as part of the 2014-15 Budget Setting Process.

6. ALTERNATIVE OPTION CONSIDERED

- 6.1 The Executive can decide to agree some of the recommendations now, and to reconsider other recommendations in the future.
- 6.2 The Executive can refer the report back to the Overview and Scrutiny Committee asking for further information to be received.

7. BACKGROUND

- 7.1 The Head of Service and CMT have asked that the Executive should be mindful that the Health and Community Protection service area has gone through a lengthy and difficult restructure which has achieved considerable savings and impacted adversely on some staff. The desirability of providing additional Dog Control staff is recognised and customer surveys in the past have indicated that it would find favour with the public. However, the decision needs to be made by

Executive whether this is going to be a priority when spending on other service areas has been reduced and there is a need for further savings.

- 7.2 The Portfolio Holder for Environment and Community Protection has reviewed the Task and Finish Group's report and has made some comments (Appendix 1).

Overview & Scrutiny Review of Dog Control Orders Response from Portfolio Holder

Firstly, I would like to thank the Task & Finish Panel for its thorough review of the Dog Control Orders and note the cross-section of the community who were prepared to give evidence to the Group.

I will comment on each of the recommendations in turn -

Recommendation 1

Whilst welcoming Overview & Scrutiny's support for maintaining the Dog Control Orders, Members should be aware that any significant amendments have to be subject to the formal 28-day public consultation process which was originally undertaken at the outset, prompting an overwhelming response.

Recommendation 2

Whilst I am happy to support this amendment, it would be subject to public consultation before it could be considered for adoption.

Recommendation 3

This is standard wording used by many local authorities and I am not convinced that the farming community would support its removal. The Order already carries an exemption where the dog owner has the landowners consent not to pick up. Again this amendment would have to be subject to public consultation.

Recommendation 4

This has significant financial implications and will need to be discussed with relevant officers with a view to reporting back to the Executive in due course.

Recommendation 5

This also has financial implications and will need to be discussed with officers with a view to reporting back to the Executive in due course.

Recommendation 6

I agree this would be a sensible campaign and should be supported.

Recommendation 7

The proposed amendments to the Dogs Exclusion Order can be taken forward without consultation as the existing wording allows for any "clearly demarcated" children's play areas to be included. However whilst supporting all this recommendation, amendments to the Dogs on Leads Order would be subject to formal public consultation.

Recommendation 8

This has significant financial implications and will need to be discussed with relevant officers with a view to reporting back to the Executive in due course.

Recommendation 9

Enforcement signs by definition are mandatory instructions so I cannot understand this recommendation.

Recommendation 10

I believe that "Dog Warden" is understood by the public and I would be concerned that the use of "Dog Welfare Officer" could wrongly raise expectations that we are able to do the work of other agencies such as the RSPCA, police, etc.

Recommendation 11

I am happy to ask officers to investigate the benefits of this further and report back.

Recommendation 12

Richard Hall and I met with the Golf Club management before we introduced the Orders and they expressed the wish to carry out their own controls. However I am happy to review this arrangement with them.

Recommendation 13

I will ask the Safer Communities Manager to pursue this.

Recommendation 14

I am aware that Grahame Helm has previously met some Neighbourhood Watch groups to canvass their support and I am happy that we should pursue this further.

Recommendation 15

The Council funds the existing Agenda 21 initiative so any extension would have financial implications for WDC. This will need to be discussed with relevant officers with a view to reporting back to the Executive in due course.

Recommendation 16

Paragraph 4.2(b) of the Dogs on Leads by Direction Order is worded so that an authorised officer may only give a direction "if such restraint is reasonably necessary". The test of reasonableness has always been if a dog is regularly out of control (ie there have been several repeat complaints). I will ask the officers to ensure that this is emphasised in their operational protocols.

Recommendation 17

This is a sensible suggestion but again will require public consultation on the amendments.

Recommendation 18

Agreed.

Recommendation 19

Officers have been in negotiation with the Warwick racecourse management to encourage their staff to report incidents to us. We have also carried out several early morning patrols of this area.

Recommendation 20

The Committee is right to recognise the current revenue position and therefore I could not support this recommendation whilst the Council is driving forward its Fit for the Future agenda. However I do accept we need to consider smarter working to ensure the service can be delivered as efficiently as possible.

In summary, the first question for the Council is whether it wishes to embark on a fresh public consultation exercise which in itself has cost implications or whether at the current time we should accept the Orders as existing.

We must also be mindful as recognised by the Committee that some of the recommendations also have significant financial implications which will need further consideration. Given the budget-setting timetable this may not be achievable for 2014/15.

Therefore I would like to propose an amendment to the recommendation in paragraph 2.1 having regard to the alternative option considered in paragraph 6.1 in that –

- (1) The Executive agrees to recommendations 6, 7 (as it refers to the Dogs Exclusion Order), 11, 12, 13, 14, and 18; and
- (2) The Executive notes the other recommendations for further consideration.