

FROM: Audit and Risk Manager

TO: Head of Safer Communities,
Leisure and Environment

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Change
Environmental Health and
Licensing Manager
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Portfolio Holder (Cllr Falp)

SUBJECT: Community Services

DATE: 12 December 2022

1 Introduction

- 1.1 In accordance with the Audit Plan for 2022/23, an examination of the above subject area has recently been completed by Jemma Butler, Internal Auditor, and this report presents the findings and conclusions for information and, where appropriate, action.
- 1.2 Wherever possible, findings have been discussed with the staff involved in the procedures examined and their views are incorporated, where appropriate, into the report. My thanks are extended to all concerned for the help and cooperation received during the audit.

2 Background

- 2.1 The audit has previously covered two distinct areas of the service: Pest Control; and the Dog Warden. As pest control it is not a statutory requirement a decision was made to omit this function and focus this audit on the statutory Dog Warden function. Following a service restructure last year the function now sits under a new team leader.
- 2.2 The dog warden function covers dog fouling and lost/stray dogs as well as roadshows and general patrols. Issues such as noise nuisance from dogs are dealt with by other sections within Safer Communities, Leisure and Environment with support from the Animal Warden.

3 Objectives of the Audit and Coverage of Risks

- 3.1 A 'risk-based audit' approach has been adopted whereby key risks have been identified during discussion between the Internal Auditor and key departmental staff and upon review of the Significant Business Risk Register and the relevant Departmental Risk Register.

3.2 The management and financial controls in place have been assessed to provide assurance that the risks are being managed effectively. The findings detailed in the following sections confirm whether the risks are being appropriately controlled or whether there have been issues identified that need to be addressed.

3.3 In terms of scope, the audit covered the following risks:

1. Fees charged are not appropriate.
2. Inability to fund the costs for boarding in line with the kennel contract in place.
3. Legislation not followed when discharging duty of animals.
4. The public register is not maintained.
5. Failure to manage stray dogs and dog fouling within the district.
6. Lone working policy not followed.
7. Aggressive or dangerous dogs might attack staff or members of the public.
8. Resources available to manage the function.

3.4 These risks, if realised, would be detrimental to the Council with regards to meeting the following corporate objectives, as set out in the Fit for the Future Strategy:

- The Animal Warden contributes towards the clean and safe aspects of the external services strand of Fit for the Future Strategy Document.

4 Findings

4.1 Recommendations from Previous Reports

4.1.1 The current position in respect of the recommendations from the audit reported in July 2018 was also reviewed. The current position is as follows:

	Recommendation	Management Response	Current Status
1	The 'policy' documents for the Pest Control and Dog Warden services should be reviewed and updated as appropriate.	Policies will be reviewed at the earliest opportunity.	Very few policy documents available. None of which would allow another officer to carry out the role in the absence of the Animal Warden – for example when they are on leave, off sick or days they don't work.
2	Staff should be reminded when new fees come into force.	New fees are circulated at the beginning of each year. Reminders have been sent following this report.	Incorrect fees are being charged. Animal Warden notified and recommendation carried forward in the action plan in Appendix. A.

	Recommendation	Management Response	Current Status
3	All relevant staff should attend the Conflict Management training, with the Pest Control Officers also attending the Lone Worker training.	Staff have been requested to attend internal courses relating to Lone Working and Courageous Conversations from the WDC 2018/19 training guide following this report.	Review of the training completed by the Animal Warden shows that since the previous audit, completed July 2018, the following relevant courses have been completed: Safeguarding Conflict Management Lone working Awareness Prevent Awareness

4.2 **Financial Risk**

4.2.1 **Risk: Fees charged are not appropriate.**

The Council charges a penalty charge, an admin fee and kennel costs, when appropriate, in respect of dog services. The penalty charge cannot be changed as it is set in legislation. The Environmental Protection (Stray Dogs) Regulations 1992 prescribes the penalty charge for a stray dog as £25.

The administration fee charged is set on an annual basis as part of the fees and charges report issued to and approved by councillors. The administration fee was last approved at Cabinet on 4 November 2021 as part of the annual fees and charges document. The charge since the 3rd of January 2022 is £30.05.

The costs for the kennels are agreed within the contract. A monthly retainer of £100+vat is paid to the kennels. The kennelling rate is £12 per day and £25 for rehoming dogs to their rescue.

The fees are published on the Council's website, the kennelling costs had not been updated since the contract renewal, once highlighted this was quickly rectified by the Licensing Team Leader.

Although there are template letters in the files for the dog warden function it is understood that they are no longer used. If they were to be issued, they would need updating with the correct fees and charges.

4.2.2 **Risk: Inability to fund the costs for boarding in line with the kennel contract in place.**

There is a contract in place with the kennels. The contract runs from 1 April 2021 for three years. The charges and the retainer costs are clearly set out within the contract. The contract has a value of £15,000 and was obtained using the three quotes method. The contract is with PDK Trading Ltd. Signed contracts are held and were available to view electronically.

The Council pays all of the charges for boarding and the retainer on a monthly basis. When a customer collects their dog from the kennels they pay the kennels

the admin fee, penalty charge and kennel fees directly to the kennels. This is then paid back to the Council as a credit note. When a dog is not collected after seven days it is discharged from the Council's care to the rescue facility run by the kennels. In these instances the Council is responsible for the seven days of boarding costs plus a £25 rehoming fee.

The penalty charges do not show up under the penalty cost code on the budget sheets. This is because it is received from the kennels as a credit to cover the other costs and fees so the Accountancy team advised that it should be coded to the expenditure code. It is unusual for other penalties to be issued for fouling or not having a dog chipped so there were no other transactions showing on the penalty code.

There is no written procedure in place for the checking of credit notes received to ensure that the Council is receiving the correct income for fees and charges. The credit notes do not have a breakdown to show what they include; instead, they just show as a total sum. The Animal Warden keeps a log of the dogs taken to the kennels so it can be identified which dog the credit note or invoice is for; however, there are no documents to show these have been paid or received for the individual dogs. No other staff members have the details to check that the invoices or credit notes are correct. This means that when the Animal Warden is absent checks cannot be performed until she returns to work. If the Animal Warden identifies an incorrect invoice or credit note, the kennels are informed so they can amend or reissue as required.

A sample of invoices and credit notes from a six-month period was reviewed. Neither the invoices nor the credit notes provided enough information for the auditor to determine whether the correct fees had been charged. Although there are details saved on Civica (data management system) and in a "strays spreadsheet" there was little to no breakdown of the costs to enable them to be matched to the relevant dogs. Discussions were had with a number of staff including the Licensing Team Leader and the Accountant and neither were able to confirm whether the charges were correct.

Recommendation

There should be a procedure in place that allows other officers to check that income and expenditure in respect of dog services are correct.

A discussion with the Animal Warden confirmed that they were able to identify which dogs the charges had applied for and what the amounts covered. This discussion highlighted that incorrect charges have been applied for both the kennelling costs and the administration costs. Rather than the £30.05 admin charge, customers have been paying £27 and the kennelling costs are being undercharged by £1 per day. The Animal Warden advised that the kennels will be updated with the new costs so that any future charges would be correct.

Recommendation

The costs should be updated and reviewed annually to ensure they are in line with the annual fees and charges schedule agreed at committee.

A report run using the data on Civica showed that since 1 January 2022 there had been 30 dogs reported as stray or lost. The report doesn't provide further details on whether the dogs were put in the kennels or if the owner was found so individual cases had to be reviewed on Civica.

14 of the dogs were identified as stray and had notes on further actions taken. Seven had notes to say that the dog had been put into the kennels and a further three had a note to say the dog had been moved to kennels and the customer had paid the fees for their release. The remaining four had been in kennels for the required seven days before being discharged to the rescue.

Civica does not at present have codes to show the status of the dog but this is going to be reviewed to allow monitoring to be completed by the line manager of the Animal Warden or other others. At present monitoring isn't completed as it is believed it is not required as dogs will only be returned to owners when the charges have been paid. The process followed means charges and fees can only be confirmed as correct by the Animal Warden, relying on them to know the correct fees and to have made the kennels aware of any changes or increases.

With only one officer able to check that charges and fees are correct there is potential for Council to pay for services it hasn't received or not receiving the correct income owed to them. The recommendations earlier in this audit report should reduce this risk.

4.3 **Legal and Regulatory Risks**

4.3.1 **Risk: Legislation not followed when discharging duty of animals.**

The legislation followed is the Environmental Protection Act 1990. That specifies that every local authority shall appoint an officer (under whatever title the authority may determine) for the purpose of discharging the functions imposed or conferred by the act for dealing with stray dogs found in the area of the authority.

The Act doesn't provide further details on whether the appointed officer should be available 7 days a week, just that there must be an officer appointed. The appointed officer is the Head of Safer Communities, Leisure and Environment. Having an Animal Warden supplementary to the duty specified in legislation. The Animal Warden for WDC works three days a week. For the remaining four days the public can report strays by leaving a message on a designated answerphone but there are no provisions in place to collect said animal. The public (if they can catch the stray and have transport) can drop the animal off at the designated kennels or at their local vets. The Council does not have to provide the facility of collection of stray dogs, it only has to provide an acceptance point for people to take strays to, at reasonable times.

There is a number provided on the website to call during office hours to report strays. When called this number goes to a voicemail where the caller can provide brief details. The phone number and address for the Council's nominated Kennels is also provided for members of the public to make contact out of office hours or when the Animal Warden isn't available.

Where any dog seized under the act has been detained for seven clear days after the seizure or, where a notice has been served, and the owner has not claimed the dog and paid the amounts due, the officer may dispose of the dog in any of three ways:

1. by selling it or giving it to a person who will, in his opinion, care properly for the dog
2. by selling it or giving it to an establishment for the reception of stray dogs; or
3. by destroying it in a manner to cause as little pain as possible

Whichever option is applied, it is not permitted for a dog seized under this act to be sold or given for the purposes of vivisection.

A review of dogs which had been kennelled through the Council's dog services found that dogs that were not collected were discharged to the rehoming charity after the specified seven day holding period. Where the Animal Warden was responsible (under the legislation) there were no recent cases identified where dogs had been put to sleep after the seven days holding.

The Kennels (PDK Trading Ltd) stated 'We have an extremely low euthanasia rate, and our policy is that a vet must advise if a dog requires euthanasia due to medical issues and our contracted behaviourist will advise if a dog requires euthanasia due to aggression. Behaviourally, the process is not a quick decision, providing safety is managed, and time is given for all dogs to settle and assessments are ongoing. Our current euthanasia rate remains at 4% for medical issues as deemed by our vet or due to Breed Specific Legislation and advised by Warwickshire Police, and 2% for behaviour issues as deemed by our behaviourists. We use Mike Barnett (ex-DLO and Expert) for behaviour assessments alongside Animal Affinity.'

The contract with the kennels specifies that the kennels will transfer the dogs to their rehoming facilities after the seven-day holding period for a charge of £25 plus the boarding fees for the seven days.

4.3.2 **Risk: The public register is not maintained.**

The legislation states that the responsible officer shall keep a register containing the prescribed particulars of or relating to dogs seized under this act and the register shall be available, at all reasonable times, for inspection by the public free of charge.

A strays list is maintained as required by the legislation. The list contains details of seventeen strays for 2022 so far since 1 January. The register was up-to-date when reviewed as part of the audit and held the details prescribed in the legislation. The details held include: dog type, colour, sex, whether they have a tag and the microchip number.

The public register is not posted on the Council's website due to confidential details being stored on it. Those people wanting to see the list are required to attend an appointment at the Council's offices where they can view a copy.

The register is updated whenever a stray is identified. Where responsibility for a stray has been handed to the police the details are still maintained on the register with a note to show the discharge of responsibility to the police.

4.4 **Reputational Risks**

4.4.1 **Risk: Failure to manage stray dogs and dog fouling within the district.**

Stray dogs and dog fouling can be reported through the Council's website which provides information about strays and fouling, a form for reporting dog concerns and a telephone number. The WDC page also directs users to the WDC dog warden's Facebook page.

The Facebook page is actively managed by the Animal warden providing pictures of found dogs, lost or missing dogs and care information throughout the year.

Fixed penalty notices are rarely given out for dog fouling, dog control and on-lead requirements. The Animal Warden carries a pad which allows them to issue a warning for fouling, dog control and failure to use a lead in protected areas. If the warning is ignored it would be followed up with a formal letter. If the offender continues to ignore the warning, they will receive a court request where they would then receive the penalty notice. It is unusual to get to this stage. No cases could be identified where an FPN had been issued.

There have been 216 cases logged for dog requests since 1 January 2022. The timeliness of management of the cases was reviewed.

The response time for the 216 cases was reviewed. This is the number of days it took for the Animal Warden to contact the customer or review the case from when the report was initially received. 10 cases had data missing so no response time or days to complete/close the case could be reviewed. The case with the longest response time took 19 days to respond to the initial report. More than half of the cases were responded to on the same day or within a day of the service request. 8 cases took more than 7 days.

The number of days taken to resolve, complete or close the case was then reviewed for the same sample after removing the 10 cases without any details. 19 cases had some data missing or had not yet been closed as they were recently logged. The longest closed case took 76 days. More than half of cases were closed within 5 days. 58 cases took more than 7 days to close.

Response times and closure times are generally good with more than 50% of cases receiving a response and being closed within 7 days. Management of the reports of strays, fouling and other dog concerns is completed in a reasonable timeframe.

4.5 **Risk: Health and Safety Risks**

4.5.1 **Risk: Lone working policy is not followed.**

The Animal Warden has attended relevant training since the last audit including lone working awareness and conflict management training.

The Animal Warden carries a SOLAR ID badge (alarmed ID badge), has a body worn camera available and makes use of the staff alert list available on the intranet and has been provided with the Lone Worker Policy. If they have concerns about the reception they are going to receive on a visit they request another officer or a police officer to attend the visit with them. The Animal Warden has also been provided with a WDC-issued mobile phone.

The lone worker policy is used by the licensing team to help reduce the risks when working on their own. The policy requires that all staff that are issued with a WDC work mobile should ensure that the number is listed in their contact information on the staff search function. There is no mobile number recorded for the Animal Warden. It was confirmed, however, that they do have a working WDC mobile phone.

Recommendation

The requirements of the lone worker policy should be reviewed to ensure that the Animal Warden is following the guidance issued.

The Animal Warden has not received training specifically for the handling of poisons. This is because if there are suspected poisons in dog walking areas this is reported directly to the Street Cleaning team to clean up. Depending on the information received about the poison or unknown substance there may be a post issued on the Council's social media page and potentially it may be reported to Warwickshire Police. As the Animal Warden doesn't handle poisons directly there is no need for additional training for the handling of hazardous substances.

4.5.2 Risk: Aggressive or dangerous dogs might attack staff or members of the public.

If there is a report of an aggressive or dangerous dog, the procedure in place is to report it to Warwickshire Police who have legal responsibility to manage them as well as specifically-trained officers. When required, the Animal Warden might assist them when collecting the dog.

There is a simple document saved in the files which sets out the procedure to follow should there be a report or a call about a dangerous or aggressive dog. This was last updated in 2013 so the contact details are unlikely to be correct; otherwise the guidance remains unchanged.

Advisory

Consideration should be given to reviewing the contact details held so officers can follow a procedure in the absence of the Animal Warden.

The procedure for aggressive and dangerous dogs is also set out in the checklist and guidance notes saved in the dog warden folder. It also reinforces the responsibility to alert the police at the end of the guidance sheet, stating: "In the unlikely extreme circumstance of a dangerous or vicious dog, please call the police for assistance on 101. THEY MUST DEAL WITH IT."

Only one case was identified where the dangerous dog procedure had needed to be followed. In this instance the police dog handler had been involved and the dog had been sedated at the scene to allow collection. The Animal Warden had assisted but the police took responsibility for the dog.

4.6 **Other Risks**

4.6.1 **Risk: Resources available to manage the function**

There were no procedure documents found other than the "aggressive dog" procedures. There is a dog warden folder but most of the information, templates and other documents held are out of date.

There is a dog warden checklist and guidance notes which also need updating as it refers to staff no longer working for WDC and provides extension numbers that may no longer be correct.

On discussion with other staff members within the Licensing team they were aware that the Animal Warden works 3 days a week and on the remaining days there is no service provided other than taking messages and requesting people to contact the nominated kennel regarding lost or found/stray dogs. There is no collection facility, only a drop off point in Rugby (approx. 17 miles from the Council's Head Office).

The admin side of the role is managed by a separate team who sit within the environmental health function. They manage invoices and payments and issue letters as required.

In the absence of the Animal Warden there are no documented procedures in place that would allow the function to operate. Should the Animal Warden be absent for an extended period the statutory function would be met, as the Council would be providing a kennelling facility for the dogs. However, there is a risk that stray dogs could be left to roam if a member of the public was unable to transport them to the kennels.

Recommendation

It should be ensured that there are procedures in place so that the function can operate in the absence of the Animal Warden.

5 **Summary and Conclusions**

- 5.1 Section 3.3 sets out the risks that were being reviewed as part of this audit. The review highlighted weaknesses against the following risks:
- Risk 2 - Inability to fund the costs for boarding in line with the kennel contract in place.
 - Risk 6 – Lone working policy not followed.
 - Risk 8 - Resources available to manage the function.

- 5.2 A further 'issue' was also identified where an advisory note has been reported. In this instance, no formal recommendation is thought to be warranted, as there is little to no risk if the action is not taken.
- 5.3 In overall terms, however, we can give a SUBSTANTIAL degree of assurance that the systems and controls in place in respect of Community Services are appropriate and are working effectively to help mitigate and control the identified risks.
- 5.4 The assurance bands are shown below:

Level of Assurance	Definition
Substantial	There is a sound system of control in place and compliance with the key controls.
Moderate	Whilst the system of control is broadly satisfactory, some controls are weak or non-existent and there is non-compliance with several controls.
Limited	The system of control is generally weak and there is non-compliance with controls that do exist.

6 **Management Action**

- 6.1 The recommendation arising above is reproduced in the attached Action Plan (Appendix A) for management attention.

Richard Barr
Audit and Risk Manager

Action Plan

Internal Audit of Community Services – December 2022

Report Ref.	Risk	Recommendation	Rating*	Responsible Officer(s)	Management Response	Target Date
4.1.1	(Risk carried forward from 2018 audit.) The Council may not receive all income that is due.	Staff should be reminded when new fees come into force.	Low	Licensing Team Leader	Email to be sent to Animal Warden and PDK before Xmas shut down listing the new fees. Website will be updated to reflect the changes.	January 2023
4.2.2	Inability to fund the costs for boarding in line with the kennel contract in place.	There should be a procedure in place that allows other officers to check that income and expenditure in respect of dog services are correct.	Low	Licensing Team Leader	'Stray Dog Registration form' to be introduced. Details also to be inputted onto stray dog register. Invoices to WDC will then have unique ref number on them which can be checked against register to ensure correct payment to PDK is made.	February 2023
		The costs should be updated and reviewed annually to ensure they are in line with the annual fees and charges schedule agreed at committee.	Low	EH and Licensing Manager/HOS	A process is being developed to ensure the Animal Warden and PDK are notified when new fees and charges are agreed.	January 2023

Report Ref.	Risk	Recommendation	Rating*	Responsible Officer(s)	Management Response	Target Date
4.5.1	Lone working policy not followed	The requirements of the lone worker policy should be reviewed to ensure that the Animal Warden is following the guidance issued.	Low	Licensing Team Leader	Animal Warden work mobile telephone number now on Intranet.	Completed
4.6.1	Resources available to manage the function	It should be ensured that there are procedures in place so that the function can operate in the absence of the Animal Warden.	Medium	Licensing Team Leader	Animal warden checklist and guidance notes to be updated and copies given to staff that deal with animal warden duties.	March 2023

* The ratings refer to how the recommendation affects the overall risk and are defined as follows:

High: Issue of significant importance requiring urgent attention.
Medium: Issue of moderate importance requiring prompt attention.
Low: Issue of minor importance requiring attention.