

WYRE FOREST DISTRICT COUNCIL

CABINET
29th September 2005

OUT-OF-HOURS DOG WARDEN SERVICE

OPEN	
COMMUNITY STRATEGY THEME	A Better Environment
CORPORATE PLAN THEME:	Enabling Community Wellbeing
KEY PRIORITY:	Dog Warden Service
CABINET MEMBER:	Councillor Marcus Hart
RESPONSIBLE OFFICER:	Head of Cultural, Leisure & Commercial Services
CONTACT OFFICER:	Keith Burgess Operational Services Manager 01562 732956 keith.burgess@wyreforestdc.gov.uk
APPENDICES	None

1. PURPOSE OF REPORT

- 1.1 To advise the Cabinet on the implications of the Clean Neighbourhood & Environment Act 2005 relating to the Dog Warden Service.
- 1.2 To seek additional funding (2006/07) to implement an out-of-hours service as required by the changes to the Environmental Protection Act 1990 and the requirements of the Clean Neighbourhood & Environment Act 2005.

2 RECOMMENDATION

2.1 The Cabinet is asked to DECIDE that:-

- (i) **To note the new requirements under the Clean Neighbourhood & Environment Act 2005 to provide an out-of-hours Dog Warden Service from 7th April 2006.**
- (ii) **The Head of Cultural Leisure & Commercial Services, in consultation with the Head of Financial Services, the Head of Human Resources and the Cabinet member for Commercial Services, prepare a service delivery plan and budget to provide an out-of-hours service.**

3. BACKGROUND

- 3.1 Local Councils are legally responsible for collecting and detaining stray dogs under Section 149 of the Environmental Protection Act 1990. They must also provide suitable kennelling for any dogs seized by the Council or brought in by anyone else.
- 3.2 During normal office hours, the Council collect any stray dogs and transport them to a privately operated kennels in Kidderminster.
- 3.3 Members of the public can present stray dogs either to the Council or to their local police station. Currently, the police are obliged to accept any stray dogs brought to a police station under Section 150(1) of the Environmental Protection Act 1990.
- 3.4 Outside office hours, the local police currently provide kennelling facilities at Stourport –on-Severn Police Station.
- 3.5 Dogs kennelled by the police outside of the Council's normal working hours, i.e. evenings, weekends and bank holidays, are collected by the Council's Dog Warden and transported to the Kennels. This is during normal office hours on the next working day or on the Monday following the weekend.
- 3.6 Approx. 250 dogs are collected by the Council per year and it is estimated that as approximately 50% of these are presented outside of our normal working hours, the role of the police kennels has been significant in dealing this liability.
- 3.7 It is anticipated that the transfer of responsibility from the Police to the Council will not create any additional reports of stray dogs, the problems will purely be operational in that the Council will have to operate the total service, 24 hours per day, 365 per year.
- 3.8 The Council benefits from a good working arrangement with the police, kennel owners and local charities. Stray dogs not returned to owners are re-homed with the support of a local charitable organisation. From discussions with neighbouring Council's the arrangements that exist in Wyre Forest are good.

4. KEY CHANGES

- 4.1 New legislation under the Clean Neighbourhood & Environment Act 2005 outlines the transferring of full responsibility from the Police to Local Authorities.
- 4.2 These new measures, effective from 7th April 2006, mean that, in short, the Police will have no responsibility to accept and seize stray dogs. The Police have been providing an important service in the evenings, weekends and on bank holidays.
- 4.3 The duty to collect and detain stray dogs in the Wyre Forest, would therefore then rest fully with this Council from 7th April 2006.
- 4.4 While the impact will be minimal during our normal working hours, the impact on the service during evenings, weekend and bank holidays will be significant as the Council does not provide a service and no resources have been made available within the existing budget.

- 4.5 This 2005 Act will not alter the existing powers that the Police have to deal with 'dangerous dogs' under the Dangerous Dogs Act of 1991. Further, the police will still have powers to seize stray dogs, should circumstances require.

5. REVISED SERVICE

- 5.1 Whilst the Council will continue to operate as before during office opening hours, the key impact will be dealing with stray dogs outside normal office hours. This will include Monday to Friday evenings and all day Saturday and Sunday, plus Bank Holidays.

Proposals include: -

- a) To have in place, formal arrangements with the 'out-of-hours' call centre (WFCH), to handle the reporting of stray dogs for collection.
 - b) The 'out-of-hours' team can then forward the collection request to one of a small team of officers who will operate an 'out-of-hours' dog collection service.
 - c) Dogs that cannot be immediately transferred to the Kidderminster Kennels will be retained in a purpose built holding pen at Green Street depot for transportation as before.
- 5.2 The impact to the Council's budget is estimated to be £14,300, which includes out-of-hours payments to staff and transport costs. The cost of providing the holding pen has been met from existing budgets.

6. STAFFING

- 6.1 The Council currently undertakes its duties relating to dogs under Environmental Protection Act 1990 and its broader responsibilities for Control of Pest within the Pest Control Services Section. The section consists of two full time officers, one of which dedicates approximately half his time to Dog Warden activities

- Pest Control Officer - General Pest Control duties
- Pest Control Operative -50% General Pest Control and 50% Dog Warden duties
- The Environmental Protection Officer covers annual leave and absence.

- 6.2 No additional staff are required to meet the requirements of the out-of-hour's service.

- 6.3 The existing team of three officers will be required to provide the service on a call-out/standby arrangement with only one officer required per session. Preliminary discussions with the staff concerned have been positive.

- 6.4 Given the working time directive and for operational purposes, it may be necessary to increase the team of employees providing the out-of-hours cover from three to six in the future, this will be at no additional cost. The additions to the team will be recruited from the existing workforce i.e. Streetscene.

7. FINANCIAL IMPLICATIONS

- 7.1 The cost associated with the provision of a dog holding pen at Green Street can be met within existing budgets.
- 7.2 The budget for the control of dogs for 2006/07 is £50,940. Additional resource to provide the new service as outlined in the main body of this report is £14,300 with the revised cost of the service being £65,240.

8. LEGAL AND POLICY IMPLICATIONS

- 8.1 New legislation under the Clean Neighbourhood & Environment Act 2005, outlines the transferring of full responsibility from the Police to Local Authorities.
- 8.2 These new measures are to be effective from 7th April 2006.
- 8.3 The Police will have no responsibility to accept and seize stray dogs.
- 8.4 The duty to collect and detain stray dogs in the Wyre Forest would rest fully with this Council from 7th April 2006.
- 8.5 While the impact will be minimal during our normal working hours, the impact on the service during evenings, weekends and bank holidays will be significant as the Council does not provide a service and no resources have been made available within the existing budget.
- 8.6 This Act will not however, alter the existing powers that the police have, to deal with 'dangerous dogs' under the Dangerous Dogs Act of 1991.

9. RISK MANAGEMENT

- 9.1 There are no significant risks to the Council, providing the Council continues to consult with the Police, has in place robust operating procedures and adequate resources are provided.
- 9.2 The success of the current service is linked to the good working relationships with existing stakeholders and, providing these are continued, no major risk is identified.

10. CONSULTEES

CMT
Cabinet Member for Commercial Services

11. BACKGROUND PAPERS

Dangerous Dogs Act of 1991
Clean Neighbourhood & Environment Act 2005
Environmental Protection Act 1990
Budget 2005-2008

12. APPENDICES

None.