

# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO HEALTH & HOUSING COMMITTEE

Agenda Item No. 10

meeting date: THURSDAY, 16 JANUARY 2020  
title: DOG WARDEN SERVICE  
submitted by: CHIEF EXECUTIVE  
principal author: HEATHER BARTON – HEAD OF ENVIRONMENTAL HEALTH SERVICES

## 1 PURPOSE

1.1 To update Members on the current dog warden service provision.

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives – To promote stronger, more confident and more active communities throughout the borough.
- Corporate Priorities – To provide a high quality environment, keeping land clear of litter and refuse and reducing incidents of dog fouling.
- Other Considerations – None.

## 2 BACKGROUND

2.1 The key drive is for a clear remit for elected Members and feedback to residents regarding what has been undertaken in the service.

2.2 The dog warden service has always been a high priority and well talked about issue within the Ribble Valley. It is seen that there are significant and social behaviour problems in the borough during public meetings and by elected Members and residents. The demand for enforcement has escalated in recent years.

## 3 ISSUES

3.1 The dog warden service previously employed two part time members of staff to make a full time post. These members of staff previously focused on welfare, education and enforcement. Since October 2019 an additional part time member of staff (mornings) has been employed to assist the current dog wardens. There has been a clear remit to the dog wardens that they have to provide a visible and high profile enforcement campaign.

3.2 In previous years there has been a decline in the amount of welfare and educational responsibilities due to the lack of resources within this department. The service dedicates itself to its statutory duties of dealing with dangerous and stray dogs and also enforcement activity. With the employment of the additional part time dog warden, the service will now run both an educational welfare aspect as well as enforcement until April 2020.

3.3 The overall aims of the service are to collect stray dogs, deal with dog-related nuisance, and promote responsible dog ownership through education, enforcement and practical means. We do this by:

- Responding to requests for service and investigating complaints regarding stray dogs, fouling, dogs off leads, dogs in prohibited areas, dog on dog attacks and barking dogs (please note that the police deal with dog attacks on humans).
- Enforcing appropriate legislation, by targeting problem areas.
- Promoting good dog ownership by developing local initiatives and taking opportunities to involve schools and attend suitable events, when resources are available.

The dog warden service cannot help with requests for stray cats or other animals.

- 3.4 Under the Environmental Protection Act 1990, we have a duty to collect and impound dogs that are found straying in a public place (or a private place where the dog is not allowed) and not accompanied by their owner or any other person in charge.
- 3.5 Dogs which are not accompanied may cause traffic problems or road accidents, may worry farm livestock, and occasionally may attack people, livestock, wildlife or pets. They could damage property, scavenge for food, leave fouling, and may even be injured, killed or stolen.
- 3.6 Under the Dangerous Dogs Act 1991 it is against the law to own certain types of dog. These are the:
- Pit Bull Terrier
  - Japanese Tosa
  - Dogo Argentino
  - Fila Brasileiro

It is also against the law to:

- sell a banned dog
  - abandon a banned dog
  - give away a banned dog
  - breed from a banned dog
- 3.7 Whether the dog is a banned type depends on what it looks like, rather than its breed or name. Also under the Dangerous Dogs Act 1991 it is an offence to let a dog, of any breed or type, be dangerously out of control anywhere. If the dog injures any person or an assistance dog, an aggravated offence is committed by the owner or other person in charge of the dog at the time. The offence is no longer restricted to dog attacks in a public place or private place where the dog should not be.
- A dog is considered dangerously out of control if it:
- injures someone, or
  - makes someone reasonably fear that it might injure them
- 3.8 If a member of the public has concerns about a dog being dangerous they should contact the police. The police will liaise with the dog warden if this is necessary. The police and the Crown Prosecution Service will decide whether to take legal action.

- 3.9 The police dog legislation officers will be able to identify dogs that are alleged to be of a prohibited type and investigate alleged offences under dangerous dog legislation.
- 3.10 A person in charge of a dog which attacks or chases livestock, such as cattle or sheep, on agricultural land commits an offence under section 1 of the Dogs (Protection of Livestock) Act 1953. Under this Act, a farmer is allowed to kill a dog if it's chasing livestock. This legislation is also enforced by the police.
- 3.11 It is an offence under section 1 of the Guard Dogs Act 1975 for a person to use, or permit the use of, a guard dog to protect any premises unless a handler capable of controlling the dog is also present and the dog is under his control, or unless the dog is secured so that it is not at liberty to go freely about the premises.
- 3.12 A court may make an order under the Dogs Act 1871 that a dog be kept under proper control, whether or not the dog is shown to have injured any person and may specify the measures to be taken for keeping the dog under proper control (such as muzzling, keeping on a lead or excluding it from specified places). Proceedings under this Act can be started by any person, but can only be brought against the owner of the dog. For details on making a complaint under the Dogs Act 1871, contact your local magistrates' court.

#### **Control of Dogs Order 1992**

- 3.13 Under the Control of Dogs Order of 1992 every dog, while in a highway or public place, must wear a collar with a name and address of its owner inscribed on it or on a plate or badge attached to it. If a collar is not worn when required, the dog may be seized by the police and treated by them as a stray.

#### **Microchipping of Dogs (England) Regulations 2015**

- 3.14 Under the Microchipping of Dogs (England) Regulations 2015 it is compulsory for all dogs over the age of 8 weeks to be fitted with a microchip. Dogs must be microchipped and registered on one of the databases approved by the Government.
- 3.15 A pet microchip is a tiny computer chip that's about the size of a grain of rice. It contains a unique code that matches up the pet's details. Microchipping a dog is a quick and simple procedure but must be carried out by a trained professional such as a vet.
- 3.16 The only exemption from the requirement to microchip a dog is where a vet has certified in writing that a dog is unfit to be microchipped.
- 3.17 Dog breeders must ensure that puppies are microchipped and registered by the time they are 8 weeks old and before they are sold. Always check a puppy you are buying is microchipped before taking it home. The breeder, rather than the puppy buyer, must be first recorded keeper on the database.
- 3.18 When a dog is transferred or sold, the new owner must add their details to the relevant database.
- 3.19 Dog owners are responsible for keeping their dog's microchip information up to date, for example if moving house or changing their telephone number. Dog owners should make contact with the database company their dog is registered with to make any changes that are necessary. Failure to comply with the legislation on microchipping can lead to a fine of £500.

- 3.20 Under the boroughs' Public Spaces Protection Order, a police constable, police community support officer, or an authorised officer from the Council may request a person in charge of a dog in a public place, to put and keep that dog on a lead. This means where a dog is causing a nuisance, such as running into traffic or chasing people or other pets in a park, a direction may be given that the dog be put on a lead and kept on the lead.
- 3.21 It is an offence not to comply with such a direction. The maximum fine is £1,000, but a fixed penalty notice of £100 may be issued. The public spaces protection order also requires the owner of a dog, or any other person walking it, to clean up after it has fouled. It is an offence not clean up after the dog. The maximum fine is £1,000 and the fixed penalty is £100.
- 3.22 The requirements to comply with a direction from an authorised officer or to clean up after a dog apply to any land, which is open to the air and to which the public are entitled or permitted to have access (with or without payment) if a dog is subject to a court order to be on a lead or on a lead and muzzled and it is not, then this should be reported to the police.
3. Attached is a copy of the Ribble Valley Dog Warden Policy for implementation that was agreed in January 2017. There is a request that Members reconfirm the continued priorities of the dog warden service through environmental health service provision.

#### 4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications

- Resources – None.
- Technical, Environmental and Legal – None.
- Political – None.
- Reputation – None.
- Equality & Diversity – None.

#### 5 **RECOMMENDED THAT COMMITTEE**

5.1 Reaffirm the dog warden policy.

5.2 Acknowledge the additional resources given to tackle irresponsible dog ownership.

HEATHER BARTON  
HEAD OF ENVIRONMENTAL HEALTH SERVICES

MARSHAL SCOTT  
CHIEF EXECUTIVE

For further information please ask for Heather Barton, extension 4466.



Ribble Valley  
Borough Council

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[www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk)

# **DOG WARDEN POLICY**

## **Introduction**

The Council's Dog Warden Service exists to promote responsible dog ownership, including raising standards of dog welfare amongst the Borough's dog owners, securing high standards of dog welfare within premises licensed to sell and board dogs, ensuring that dogs are not allowed to roam unattended and decreasing the level of dog fouling in the Borough's streets and parks.

## **Education**

The Dog Welfare Service will use a variety of educative approaches to encourage responsible dog ownership. Approaches will include:

- Publishing and distributing advisory information;
- Utilising the Council's website as a source of information;
- Educational talks to schools and community groups;
- Participating in both dog specific and broader community promotional events;
- Direct one-to-one educational approaches to individual dog owners.

## **Stray Dogs**

The Dog Warden Service will use a mix of approaches to minimise the number of dogs roaming unattended within the Borough. Enforcement action will be the principal approach to controlling stray dogs. Approaches will include:

- Patrols of the Borough's streets, parks and public open spaces to pick up unattended dogs;
- Response to individual requests from the public to pick up stray dogs;
- Collection of stray dogs received by the Police;
- Educational work to inform dog owners of the problems caused by allowing dogs to roam and of the risks this poses to the welfare of their dogs;
- Encouragement of owners to microchip their dogs including the provision of a microchipping service at no charge.

On seizing a stray dog, the Dog Wardens will normally attempt to return the dog to its owner, provided that the dog has not previously been seized in the preceding 12 months. Dogs that are not returned to their owners will be impounded with the Council's kennel contractor. Owners may then claim their dog on payment of the current release fee. Dogs not claimed after the presented statutory period will pass into the ownership of the Council whereon the Council will then transfer ownership to the RSPCA.

## **Dog Fouling**

The Dog Warden Service will use a mix of approaches to decrease the level of dog fouling on the Borough's streets and parks. Enforcement action will be the principal approach to reducing dog fouling. Approaches will include:

- Issue of fixed penalty notices for owners failing to clean up after their dog;
- Creation of 10 Dog Watch Areas to prioritise patrolling, enforcement and education

work in areas which have the greatest problem with dog fouling;

- Patrols of the Borough's streets, parks and public open spaces to target enforcement action;
- Educational work to inform dog owners of the need to prevent dog fouling;
- Work in partnership with other Council departments and external bodies to enforce and educate on dog fouling.

### **Dog Waste Bins**

The dog waste bin collection service is delivered as part of the Environmental health service and covers public land across the whole of the Council area.

There is currently no charge for the dog waste bin collection service. The service aim is to empty all dog waste bins across the borough area at least once a week with some higher use bins being emptied more frequently. Replacement dog waste bins will be installed as and when necessary providing the parish council meet the cost of replacement. No new additional dog waste bins will be installed, but less well used bins can be moved to higher demand areas. In adverse weather conditions, (i.e. snow and ice) every effort will be made to collect all dog waste bins but only those that can be reached with a vehicle.

### **Dog Welfare Licensing**

The Environmental Health Service will use all appropriate licensing legislation to secure high standards of dog welfare in those premises licensed to sell, breed and board dogs.