

SCRUTINY REVIEW – ANIMAL WELFARE IN HARINGEY

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SCRUTINY REVIEW – ANIMAL WELFARE IN HARINGEY

Executive summary and Recommendations

- 1.0 Britain is a nation of animal lovers, and the amount of legislation around animal welfare would seem to back this up. However, deliberate cruelty towards both wildlife and companion animals are still rife. Animal welfare can be compromised as a result of ignorance and deliberate cruelty.
- 1.1 As part of its submission, the Committee took account of the Council's Safer Haringey Strategy 2008-2011 agreed with the Safer Communities Partnership. The welfare of animals is a high profile and emotive issue and the Panel selected this topic as an area for investigation.
- 1.2 Approximately three and a half million London households own a pet. Animal welfare in London not only concerns the capital's companion animals, but also the welfare aspects surrounding London's diverse and precious wildlife.
- 1.3 The Animal Welfare Act**
- 1.4 The Animal Welfare Act 2006, which came into force in England in April 2007, is the most significant piece of animal welfare legislation for nearly a century.
- 1.5 The Act aims to improve animal welfare generally by imposing a duty of care on those responsible for looking after animals to do all that is reasonable to ensure their welfare, ensuring that the welfare needs of their animals are met. The vast majority of pet owners take proper care of their animals but there are some, whilst not being deliberately cruel to their animals, nevertheless, fail to meet their animals' basic welfare needs..
- 1.6 The report covers the four elements of the Community Animal Welfare Footprints [CAWF] promoted by the RSPCA. A gap analysis was produced by the Department for the review; this examined the Council's position in relation to each of the RSPCA Community Animal Welfare Footprints. This full gap analysis is contained in appendix B.
- 1.7 RSPCA and local authorities working together**
- 1.8 At a local level, the RSPCA inspectors and regional staff are encouraged to develop good working relationships with animal welfare officers and dog wardens. Local government officers within the organisation works with national organisations and local authorities to ensure animal welfare is a priority.

1.9 Increasingly, people want and expect their local authority to have a responsible attitude towards the care of animals.

1.10 Many authorities are discovering the benefits of using animal welfare as a way of engaging with their local communities. Joint schemes with residents groups and animal welfare charities and animal friendly policies can improve and benefit local neighbourhoods.

1.11 Community Animal Welfare Footprints [CAWF]

1.12 Community Animal Welfare Footprints is a voluntary scheme developed by the RSPCA to celebrate local authorities that have tried a different approach to improving animal welfare. Additional written and oral responses were received from officers of the Council, local partner agencies and other local authorities.

1.13 Current position in Haringey

1.14 Haringey Enforcement Service provides a stray dog collection and detention service. The Council is currently recruiting a dedicated officer to discharge its statutory duties for the management of stray dogs.

1.15 Dog related incidents are the highest profile of any animal associated issue that local authorities generally deal with. Whether it is problems with anti-social behaviour, barking, fighting, or stray dogs, all the issues are linked in some way.

1.16 Under the Environmental Protection Act 1990, Local Authorities are required to appoint an officer to seize stray dogs in public places and on private land subject to the occupiers consent. The Local Authority then becomes responsible for the dogs welfare until claimed or for a total of seven days, after which the dog becomes the property of the Council and is then rehomed.

1.17 Dog Warden

1.18 The post of Dog Warden is necessary to curb the behaviour, particularly of those dog owners who allow their dogs to stray, foul public places, be the cause of traffic accidents; worry livestock, damage property and, at the worst extreme, attack people.

1.19 The Dog Warden post in Haringey is currently vacant and the Panel recommends that the post should be filled as a matter of urgency.

1.20 Links between cruelty to animals & child abuse

1.21 Recent statistics are showing that links between animal abuse and domestic violence exist.

1.22 The Panel discussed the issue of cruelty to animals and child abuse with the representative of Homes for Haringey and learned that there were no mechanisms or procedures in place for reporting or linking animal welfare issues with Social Services nor Children and Young People Services.

1.23 Animal welfare professionals can be a valuable source of information regarding families and vital information should be shared.

1.24 A Corporate Animal Welfare Strategy for Haringey

1.25 The Panel found that whilst there are various animal related initiatives across the borough, there is a lack of co-ordination and acknowledged that there is a need to pull all these together to develop a corporate approach to ensure an effective Animal Welfare Service. The Review Panel recommends that a Corporate Animal Welfare Strategy should be developed.

1.26 A Corporate Animal Welfare Strategy would pull together all current activities ensuring agreed priorities and objectives and effective integration of work in this area. Resources would need to be allocated in a more systematic way and evaluation of initiatives would assist these to be more effective. It would also be easier to co-ordinate the efforts of the various organisations, including the third sector and form part of the Council's response to this key issue.

1.27 The Panel believes that a strategy for animal welfare is essential as an overarching strategic framework cutting across a range of departments and the statutory and voluntary sector in Haringey.

1.28 CONCLUSION

1.29 The continued efficiency of the Service is dependent on the recruitment of a Dog Warden in order to provide not only specialist skills and knowledge but also some core services.

1.30 There was also a concern expressed to the Panel in some of the discussions, that there are many animal welfare initiatives in the Haringey, that not all the services are carried out in a single Department. However a Corporate Animal Welfare Strategy should pull together all the various strands and joint schemes with the RSPCA and other local charities such as the Wood Green Animal Shelter would achieve better value for money in the Council's drive towards efficiency savings. This will help to promote sustainable change and avoid duplication of work.

2.0 RECOMMENDATIONS

Stray Dogs Footprints - Recommendations

1. The Panel recommend that the Council adopt the Community Animal Welfare Footprints scheme to measure its performance in animal welfare and sets the Bronze award as a minimum local target for 2009/2010. Once achieved, the Service should carry out an assessment into the feasibility of achieving Gold Standard.
2. The panel recommends that the appointment of a Dog Warden should be a priority for the Service and that other strategic roles around animal are carried out as part of the duties of other posts.
3. The Panel recommends that the Urban Environment Directorate explore the idea of encouraging voluntary micro chipping or tattoo for all cats and dogs.
4. The Panel recommends the Urban Environment Directorate should look into whether or not there are any illegal dog breeding activities in the Borough and to take appropriate action against any individuals found to be breaking the law.

Housing Footprints - Recommendations

5. The Panel recommends that the Urban Environment Directorate carry out an assessment with Community and Strategic Housing for a commitment from Homes for Haringey for developing a Service Level Agreement with Community and Strategic Housing Services; and Registered Social Landlords to ensure an effective animal welfare service across the borough.
6. The Panel recommends that the Urban Environment Directorate encourage Homes for Haringey to participate in educational initiatives to ensure that tenants and leaseholders are aware of issues relating to animal welfare and responsible pet ownership.

Contingency Planning - Recommendations

7. The Panel recommends that the Emergency Planning Officer work with Homes for Haringey and Registered Social Landlords to agree emergency contingency procedures to ensure a managed response for the evacuation of pets in the event of a local emergency.

Animal Welfare Principles Footprint – Promoting Education & Awareness – Recommendations

8. The Panel recommends the Urban Environment Directorate, as part of the Corporate Animal Welfare Strategy, ensure that the Animal Welfare Education Program pull together existing resources and support from local organisations such as Wood Green Animal Shelter and the RSPCA to ensure a proactive, co-ordinated education approach.

The Link between Domestic Violence, Child Abuse and Animal Welfare

- 9 The Urban Environment Directorate consult with Homes for Haringey, Registered Social Landlords, Children and Young People Services and Adult Social Services; the RSPCA; Battersea Cats and Dogs Home and Wood Green Animal Shelter to devise appropriate procedures to enable the sharing of information when animal welfare issues, child abuse or domestic violence are brought to their attention. These bodies should be alert to animal abuse as a possible indicator for domestic violence and child abuse.

A Corporate Animal Welfare Strategy

- 10 The Panel recommends that the Urban Environment Services produce an Animal Welfare Charter/Policy for Haringey that this should include animals on allotments.

Zippos Circus

- 11 The Panel recommends that consideration be given to amending the current policy prohibiting the use of performing animals at organised events on Council land in order to allow animal circuses using domestic animals to be held on the Council's open spaces.
12. The Panel recommends that procedures be put in place for the registration and inspection of any circuses under the relevant legislation as part of the event application process.

SCRUTINY REVIEW ANIMAL WELFARE IN HARINGEY

1.0 Introduction and Background

- 1.1 Britain is a nation of animal lovers; the legislation around animal welfare would seem to back this up. England was one of the first countries in the world to introduce animal welfare legislation, way back in 1822. Two years later, the Society for the Prevention of Cruelty to Animals was established to enforce the new legislation. It was subsequently upgraded to a Royal Society (the RSPCA) in 1840.
- 1.2 There have been dozens of pieces of animal welfare legislation in the 170 years since then. One of the most recent and wide-ranging was the Animal Welfare Act 2006, which came into effect in April 2007.
- 1.3 But behind the well meaning legislation hides a more uncertain reality. Deliberate cruelty towards both wildlife and companion animals is still rife. Animal welfare can be compromised as a result of ignorance and deliberate cruelty. The RSPCA received 1.2 million cruelty complaints in 2006, of which 122,000 resulted in full investigations – up 16% from 105,000 in 2003.
- 1.4 Many of London's pets have not been microchipped or neutered. This can result in unwanted animals being dumped on the streets and unmarked pets not being returned to owners.
- 1.5 Approximately three and a half million London households own a pet; however animal welfare in London not only concerns the capital's companion animals, but also the welfare aspects surrounding London's diverse and precious wildlife.

1.6 The Mayor's Animal Welfare Framework

- 1.7 In 2004 the Mayor of London provided the first ever regional framework for animal welfare in England. The framework is about duties and obligations towards the welfare of animals in London and beyond. It shows how the Greater London Authority will play a significant role in responding to the changing nature of animal welfare.

1.8 The Animal Welfare Act

- 1.9 The Animal Welfare Act 2006, which came into force in England in April 2007. The aim of this legislation is to reduce animal suffering by enabling preventative action to be taken before suffering occurs, rather than the previous system which only enabled action to be taken after the event. Local authorities are required to have regard to the Act.

1.10 The Act aims to improve animal welfare generally by imposing a duty of care on those responsible for looking after animals to do all that is reasonable to ensure their welfare.

1.11 What is the Duty of Care?

1.12 The Act places a duty on people who are responsible for animals to ensure that the welfare needs of their animals are met. The vast majority of pet owners take proper care of their animals but there are some, whilst not being deliberately cruel to their animals, nevertheless, fail to meet their animals' basic welfare needs. This duty of care does not mean that it will be an offence to fail to take the dog for a walk one day, but if it is kept in a cage in a house and never taken for a walk, that would be failing to meet the welfare needs of the dog. The duty of care also means that people will need to ensure that their animals are given an adequate and appropriate diet.

1.13 People responsible for the care of an animal must provide for its basic needs. These needs include:

- To provide a suitable environment (where it lives)
- To provide a suitable diet (what it eats and drinks)
- To ensure the animal is able to behave normally
- To house it either with or apart from other animals, (whatever is best for that particular animal)
- To protect it from pain, suffering, injury and disease. (It is the first time that such requirements have been introduced for non farmed animals).

1.14 The Act has also raised the age limit at which you can buy a pet, from 12 years old to 16 years, and you can only win a pet as a prize if you are at least 16 years old.

1.15 Penalties

1.16 The Act has updated and clarified the definition of offences such as causing unnecessary suffering to an animal, or organising an animal fight. It has introduced considerably stronger penalties for persistent offenders and has eliminated most of the loopholes of the previous system. Offenders can be banned from owning animals; fined up to £20,000; and sent to prison for a maximum of 51 weeks.

1.17 Whilst there are new powers available to local authorities inspectors in the Act in relation to animal welfare, it is at the discretion of a local authority to decide whether to use these powers and resource a non statutory function for animal welfare.

1.18 RSPCA and local authorities working together

- 1.19 There is enormous scope for the RSPCA and local authorities to work more closely together. At a local level, the RSPCA inspectors and regional staff are encouraged to develop good working relationships with Dog Wardens. Local government officers within the organisation works with national organisations and local authorities to ensure animal welfare is a priority.
- 1.20 Increasingly, people want and expect their local authority to have a responsible attitude towards the care of animals.
- 1.21 Many authorities are discovering the benefits of using animal welfare as a way of engaging with their local communities. Joint schemes with residents groups and animal welfare charities and animal friendly policies can improve and benefit local neighbourhoods.

1.22 Community Animal Welfare Footprints [CAWF]

- 1.23 Community Animal Welfare Footprints is a voluntary scheme [see 2.10] developed by the RSPCA to celebrate local authorities that have tried a different approach to improving animal welfare. This may be related to the services covered by the footprints or could be in a different area.
- 1.24 There are three awards for different sections of local government. Local Authorities that meet the requirements of an individual footprint will receive a certificate commemorating their achievements.
- 1.25 The four elements of the footprints could provide the Department with the framework for developing an Animal Welfare Policy for Haringey. The Scrutiny Review focused on these areas to establish a level of good practice.

2.0 THE SCRUTINY REVIEW & METHOD OF INVESTIGATION

- 2.1 The Overview and Scrutiny Committee agreed its work programme based upon submissions made to it for consideration.
- 2.2 As part of its submission, the Committee took account of the Council's Safer Haringey Strategy 2008-2011 agreed with the Safer Communities Partnership. The welfare of animals is a high profile and emotive issue and the Panel selected this topic as an area for investigation.
- 2.3 A panel of cross-party Councillors was formed to carry out the investigation. The Panel received and discussed papers from officers detailing the background to the subject and relevant legislation, policies and implementation. The Panel also received presentations and evidence from a range of agencies who were also questioned by the panel. Additional written and oral responses were received from officers of the Council, local partner agencies and other local authorities.
- 2.4 The report will cover the four elements of the Community Animal Welfare Footprints (see 2.10). A gap analysis was produced by the Department for the review; this examined the Council's position in relation to each of the RSPCA Community Animal Welfare Footprints. This gap analysis is contained in Appendix B.
- 2.5 Evidence was collected by meeting with officers within the Council, stakeholder organisations including Wood Green Animal Shelter and the RSPCA.
- 2.6 The membership of the Panel and those individuals and organisations presenting information for the Review are shown at Appendix A.

2.7 Aim of the Review

- 2.8 The aim of the scrutiny is to carry out an evaluation of the Council's policy and delivery of animal welfare and controlled legislation. The Review focused on the four elements of the Community Animal Welfare Footprints [CAWF].
- 2.9 Meetings were organised with interested parties to share thoughts and ideas and to seek their views especially regarding the importance of animal welfare and in particular responsible pet ownership. We began by inviting the Head of Enforcement to outline the current position in Haringey.

2.10 The terms of reference and aims of the review were:

- To carry out a complete review of the Council's policy and delivery of animal welfare and controlled legislation.
- To consider the four elements of the Community Animal Welfare Footprints [CAWF] as follows:

Stray Dogs Footprints

Covers policies that ensure stray dog welfare during the collection and kennelling processes, proactive work to educate owners, and preventative measures to reduce straying and long-term strays.

Housing Footprints

Includes the provision of a positive and clear policy on pet ownership and proactive work to educate the public about animal welfare related issues.

Contingency Planning Footprint

Covers policies, procedures and exercises within contingency plans that deal with companion animals, both domestic and commercially owned, as well as advice for preparedness.

Animal Welfare Principles Footprint:

This is concerned with policies that improve and promote animal welfare through a clear animal welfare charter and the use of tools, i.e. the council website to promote issues and educate.

2.11 Value for money

2.12 Scrutiny can collate a breadth of data which can aid a more informed decision-making process for the Cabinet and senior officers in the development of a Council wide policy on Animal Welfare. Additionally, the panel felt that there was scope for the Service to share resources by exploring the potential for working with neighbouring authorities e.g. Enfield and Hackney to share resources such as the use of local vets and kennelling facilities for Stray Dog Service.

2.13 Dog Related Issues

2.14 Dog related issues are the most important topic in animal welfare discussions and debate as dog attacks are a serious public health problem that inflicts considerable physical and emotional damage on victims. Attacks can be tolerated as a job-related hazard for utility or postal workers, but for many communities the problem may be more far reaching. Following a severe attack, there is usually an outcry to do something. That something should not be a knee-jerk reaction but a well planned proactive community approach which can make a substantial difference.

2.15 Current position in Haringey

- 2.16 Haringey Enforcement Service provides a stray dog collection and detention service. The Council is currently recruiting a dedicated officer to discharge its statutory duties for the management of stray dogs. The contact number for officers are publicised on the council website and at local police stations. The council currently operates a collection service during office hours and an acceptance point out of hours (at night and during the weekends).
- 2.17 Stray dogs are housed in kennels at Ashley Road, Tottenham for a period of up to 7 days before being transferred to Battersea Dogs Home (this may be earlier if the dog is distressed). The panel found that in Haringey dogs are not usually kept in kennels for very long and every effort is made to ensure they are properly cared for.
- 2.18 Local authorities play a major role in safeguarding the welfare of animals. Not only are they responsible for enforcing major pieces of animal welfare legislation but they also have wide-ranging discretionary powers.

2.19 Animal-related Licences

- 2.20 There are four types of animal-related licences which the Enforcement Service administers:
1. Pet shop
 2. Animal boarding establishments
 3. Dog breeding
 4. Exotic, dangerous or wild animals
- 2.21 Licences may also be required for the movement of animals which are obtained from the Department for Environment Farms and Rural Affairs [DEFRA].
- 2.22 There are currently five licensed pet shops in the borough. There are no licensees of the other types of licences.
- 2.23 All of the conditions for these licences need to be reviewed in light of the Animal Welfare Act, 2006.

2.24 Pet shop licences:

- 2.25 The keeping and running of a pet shop is controlled by the Pet Animals Act 1951. No person may keep a pet shop unless they have first obtained a licence from the council. There are fees attached to pet shop licences.
- 2.26 Licensees must adhere to a set of conditions and the council will inspect shops to ensure this.

2.27 Animal boarding establishments:

2.28 The keeping and running of animal boarding establishments (catteries and kennels) is controlled by the Animal Boarding Establishments Act 1963. No person may keep a boarding establishment for animals without first obtaining a licence from the council. There are fees attached to animal boarding licences.

2.29 Licensees must adhere to a set of conditions and the council will inspect the establishment to ensure this.

2.30 Other pets- Exotic, dangerous or wild animals:

2.31 The keeping of certain species of wild animals is controlled by the *Dangerous Wild Animals Act 1976*. No person may keep any dangerous wild animal without first obtaining a licence from the council. The animals for which a licence is required before they may be kept are listed in the *Dangerous Wild Animals Act 1976 (Modification) Order 1984*. There are fees attached to this licence.



2.32 The council must ensure that the applicant meets certain conditions before granting a licence and they may carry out inspections of properties to ensure these conditions will be met. The applicant must not have been convicted under the *Dangerous Wild Animals Act 1976*.

2.33 Importing endangered species

2.34 Many pet-keepers in the UK assume that any animal on sale is captive-bred and that all wild animals are protected by international regulations to limit their capture and sale. Both of these assumptions are untrue.

- 2.35 A diverse range of species continues to be on sale to hobbyists and the pet-keeping public through many avenues including pet shops, commercial breeders and the internet. Reptiles cause a particular problem. Despite improvements in experienced keepers' knowledge of the needs of many species now in captivity in the UK, and the ability of commercial breeders to supply some species from captive-bred animals, 100,000 "protected" wild reptiles were removed from the wild last year – and who knows how many "unprotected" species – to supply the demands of the pet trade in the EU, including the UK.
- 2.36 The picture is not so bleak for birds. Since the introduction of EU legislation in October 2005 that stopped the importation of live birds taken from the wild into all EU member states – following the avian flu outbreak – the trade into the UK has stopped, says Ros Clubb, a scientist in the wildlife department of the RSPCA. "But we do need to keep an eye out for what is happening underground," she says. "We have heard, for instance, that wild birds are still being sold because people are being told they are captive-bred when they are not." The downside of the decrease in bird trade is that it may account for the increase in the reptile trade, which almost doubled from 2005 to 2006.

2.37 Dog breeding licences

- 2.38 A breeding establishment means any premises where more than two bitches are kept for the purposes of breeding for sale. These establishments are controlled by the *Breeding of Dogs Act 1973*. No person may keep a breeding establishment without first obtaining a licence from the council. There are fees attached to dog breeding licences.
- 2.39 Licensees must adhere to a set of conditions and the council will inspect the establishment to ensure this.

3.0 STRAY DOGS FOOTPRINTS

This element of the CAWF covers policies that ensure stray dog welfare during the collection and kennelling processes, proactive work to educate owners, and preventative measures to reduce straying and long-term strays.

“We will continue to improve the cleanliness of the borough and deliver a programme of work addressing environmental crime” – Safer Haringey – Safer for All Strategy 2008/2011.

3.1 The Gap analysis

3.2 The gap analysis below highlights areas where the Service could make improvements to achieve a Bronze Award. The ‘no’ answers reveal the gaps that exist between the RSPCA Community Animal Welfare Footprint standards and the Council’s performance. The ‘no’ responses indicate the areas/standards which fail to meet a CAWF requirement; that these areas need to be developed, modified or improved. This tool will also assist the department in formulating remedial actions for ensuring that the Council achieve the minimum [bronze] standards for Haringey stray dogs service.

RSPCA Stray Dogs Footprint Analysis - The position and gaps in Haringey as at March 2008

| BRONZE | |
|---|--|
| Requirement | Where we are now |
| Do you have a procedure in place to treat injured and sick stray dogs efficiently and humanely, including those found by the public? | Yes- We do not have contracted vets but use Goddard's Veterinary Practice regularly. However, we do not have a written protocol with them. |
| Is there a written procedural policy to scan (and check for other identification) all stray dogs collected or received by the local authority? | Yes. |
| Do you scan and check dead dogs for microchips and other forms of identification? | Yes. We need to liaise with waste management to ensure this takes place. |
| Do you, or your contractor's, stray-dog kennels and out-of-hours reception centre have facilities, protocols and procedures that ensure the five animal welfare needs defined under section 9 of the Animal Welfare Act 2006 are met? | Yes |

| | |
|--|--|
| Does your out-of-hours kennels/reception centre have staff on the premises at all times? | No |
| Is information provided to owners reclaiming strays on how to prevent the animal straying again? | No |
| Are records kept, and regularly updated, of all strays received and how they were disposed of, including those reclaimed, rehomed, euthanased on health and medical grounds, or euthanased after the seven day period? | Yes |
| SILVER | |
| Requirement | Where we are now |
| Is there active promotion through the council's website and leaflets of micro chipping and/or other methods of permanent identification, as well as neutering and the duty of care under section 9 of the Animal Welfare Act 2006? | No- we have provided information about micro chipping at dog events and on our website but do not provide information about neutering. |
| GOLD | |
| Requirement | Where we are now |
| Are all stray dogs micro chipped or otherwise permanently identified as part of the process of being returned to their owners or rehomed? | No- although this is an option for the future. |
| Is there regular proactive work to encourage responsible pet ownership, other than those activities mentioned above? | No- although we have attended two recent dog events encouraging responsible dog ownership. |

- 3.3 Dog related incidents are the highest profile of any animal associated issue that local authorities generally deal with. Whether it is problems with anti-social behaviour, barking, fighting, or stray dogs, all the issues are linked in some way.
- 3.4 Under the Environmental Protection Act 1990, Local Authorities are required to appoint an officer to seize stray dogs in public places and on private land subject to the occupiers consent. The Local Authority then becomes responsible for the dogs welfare until claimed or for a total of seven days, after which the dog becomes the property of the Council and is then rehomed.
- 3.5 Local Authorities need to ensure that there are appropriate arrangements for receiving and dealing with stray dogs found or reported out of usual hours. These arrangements had been facilitated by working with the police. Under current legislation whilst the police continue to have responsibility for dealing with dangerous dogs, there could be considerable issues with dogs roaming wild at weekends and evenings, creating potential hazards to the public.
- 3.6 There will be crime and disorder implications should the council fail to deal with stray dogs effectively as dogs quite often create a nuisance to the public through noise and their general presence. Members of the public regularly complain about stray dogs and in particular the fear that they cause to children, the elderly and disabled individuals when they are roaming loose unattended by their owners.

- 3.7 The Panel considered Haringey's stray dog collection service and learned that it was a statutory responsibility and is provided by the council's Enforcement Crime Service. A Dog fouling service is provided by Environmental Crime Service and whilst on its own does not represent a welfare service; it is part of the council's promotion/enforcement of responsible pet ownership programme.
- 3.8 From April 2008 Local Authorities became fully responsible for stray dogs, including the provision of an out of hours reception point. This was previously shared with the Metropolitan Police Service.
- 3.9 Section 149 of the Environmental Protection Act gives authorised council officers the power to seize and detain any dog it believes to be a stray. If the dog is not collected by the owner within seven days, ownership transfers to the local authority, which may then re-home, sell, or humanly destroy it. The owner is liable to pay for all expenses incurred during the dog's detention.

3.10 The RSPCA

- 3.11 The Panel invited The RSPCA for a discussion about the role it plays in Local Authorities Animal Welfare initiatives. The RSPCA is the world's oldest animal welfare organisation. The Society currently has 267 inspectors and 148 animal collection officers (ACOs). These officers respond to approximately 1.1m calls to the Society each year (figure from 2007). The RSPCA inspectorate is divided up into five regions -
- Wales and West England
 - South and South West
 - South East (of which London is included)
 - East
 - North
- 3.12 These five regions have a regional superintendent who oversees the operations. In the South East there are 7 Chief Inspectors who between them manage 7 teams comprising of 40 Inspectors and 40 Aces) in total. London has 4 Chief Inspectors covering South East, South West, North East and North West London.
- 3.13 This means that Haringey's 'local' chief is also the local chief for approximately nine/ ten other local authorities and approximately 6 inspectors and 6 Aces covering a similar area. It is estimated that an inspector is likely to cover one and half boroughs. As well as the NCC there is also an enquiries line, open Monday to Friday, 9am to 5pm.

3.14 Dog Warden

- 3.15 At the time of writing this report, the Council did not have a Dog Warden in post and recruitment is in progress for this appointment. Interim arrangements are currently in place on a rota basis between volunteers to cover their duties. A Dog Warden is necessary to help

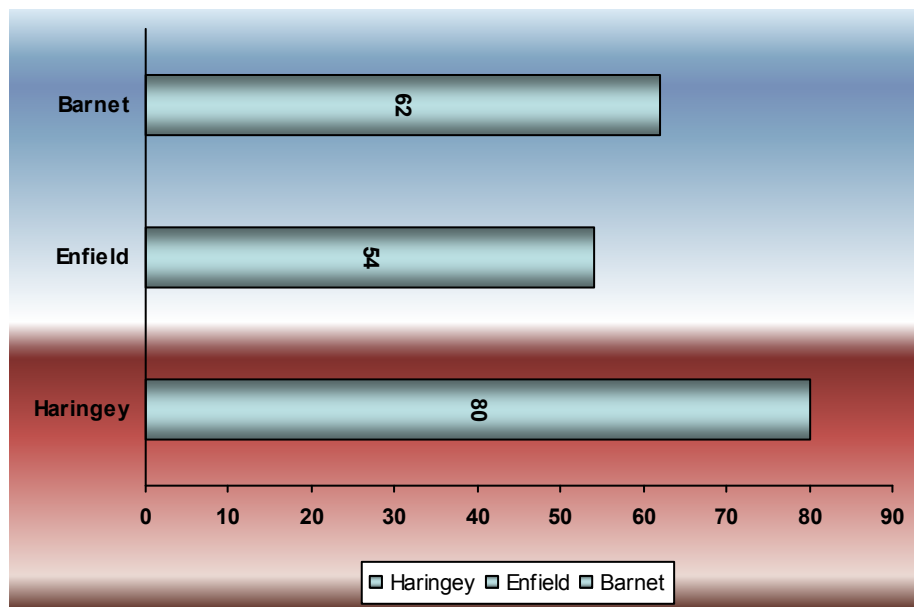
curb the behaviour, particularly of those dog owners who allow their dogs to stray, foul public places, be the cause of traffic accidents; worry livestock, damage property and, at the worst extreme, attack people.

3.16 However, current policy is not solely aimed at collecting and housing stray or unwanted dogs. It is also aimed at educating the public. It is important that the officer is able to work with non-dog owners as well as dog owners.

3.17 Stray Dogs in Haringey

According to the RSPCA, Haringey generally has a slightly higher than average stray dog problem. In 2007 Battersea Dogs and Cats Home received 174 stray dogs and the police received a further 32 that they were able to re-home using Battersea's lost Cats and Dogs Line. The total number of strays received from Haringey in 2007 was 206, the ninth highest in London.

3.18 Since January 2008, Battersea have indicated that they have received 80 stray dogs from the Haringey area, which in their opinion is average for London. However it should be noted that in the neighbouring boroughs of Enfield and Barnet fewer strays were recorded; 54 and 62 respectively.



Stray dogs received by Battersea from Barnet, Enfield and Haringey.

3.19 Final figures for Haringey in 2008/09 show that 160 dogs were received as strays and a 25% reduction on figures quoted previously.

During the discussion with the RSPCA, they commented that it was important to ensure that vehicles used to transport dogs are specially adapted together with specialist equipment necessary to safely handle and contain dogs and easy to clean.

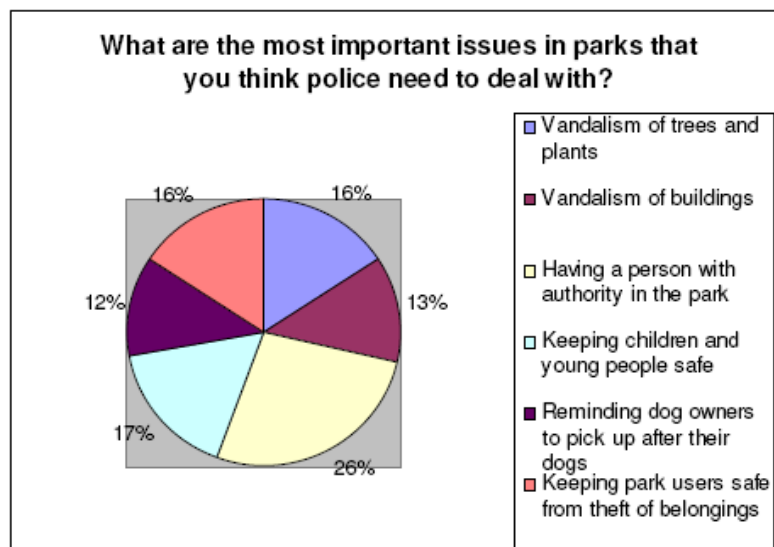
3.20 The volunteers covering the duties in the absence of a Dog Warden have been trained although they were initially periods where the service was provided by volunteers after the Animal Warden left the service. This could have potentially presented health and safety issues for both the animal and officers concerned.

3.21 **Haringey Parkforce.**

3.22 The Panel is aware of the Council's proposals to restructure the Parks Service in order to develop a partnership approach by creating a Haringey Parkforce model across the borough [formerly Haringey Parks Constabulary]. The rationale is to enable resources to be combined and an increase in open space supervision.

3.23 The Council envisage the Parkforce 'Model' to align with the Haringey Strategic Partnership under the Community Safety Partnership theme.

3.24 A ¹Parkforce Consultation was carried out from August to late September 2008, using a short questionnaire. The chart below indicates that 12% of users cited dog related issues as an area of concern.



¹ Haringey's Parkforce – Open Supervision Report to The Cabinet 18 November 2008

3.25 Any dog in the borough that is reported as straying can be collected in normal working hours by the Dog Warden or out of hours, redirected to a reception facility at Ashley Road.

3.26 Stray Dog Footprint requirements: meeting the bronze footprint.

- **Basic dog handling and behaviour:** Both the RSPCA and Battersea are happy to offer training in basic dog handling and behaviour for a competitive price. The courses usually run over two days and has a significant amount of practical as well as classroom based activities.
- **Procedure in place to deal with sick or injured strays:** It is essential in order to prevent suffering that this is addressed within a written policy. Haringey has contracted a veterinary practice to deal with and decide on treatment for sick and injured strays there should also be mechanisms to deal with members of the public who find an injured stray.
- **Scanning procedure:** This is a very straight forward procedure. It is essential that waste management team should be involved as an un-scanned dead cat can create heartache for owner and bad press for the Council.
- **Kennels and Animal Welfare Act:** It is a legal requirement that anyone responsible for an animal or animals, such as a kennel, meets the welfare needs defined in s.9 of Animal Welfare Act 2006, failure to do so could potentially lead to prosecution.
- **Information:** This is either verbal or written and can easily be provided by any of the recognised animal welfare organisations.
- **Records kept (and regularly updated) of disposals of strays:** This is a requirement under the Environmental Protection Act 1990 (s.149)

3.27 Status Dogs.

3.28 When the Council recruits a Dog Warden, it will have someone who can proactively work in schools, with safer neighbourhood teams, and organisations like the RSPCA to address the growing problem of anti-social behaviour with dogs.

3.29 Dangerous Dogs [DDA] 1991

3.30 It is an offence to keep specific breeds of dogs. These include:



Pit bull type



Japanese Tosa



Dogo Argento



Fila Brasileiro type

3.31 Owners of these breeds must comply with certain legal requirements, including having their dogs registered, neutered, microchipped and tattooed. It is an offence to sell, breed, or exchange any of those breeds or allow them to be out of control. One of the main problems with this law is that the pit bull terrier is not a recognised breed in the UK. As a result, many owners of cross breeds which resemble a pit bull terrier type have been charged under the Act. Section three of the Act is of more relevance to dog owners. This applies to all dogs and makes it a criminal offence to allow a dog to be dangerously out of control in a public place. This includes instances where there is fear that an injury might occur. Owners found guilty under either section of the Act face up to six months in prison, destruction of the dog and/or a fine of up to £5,000.

3.32 Dog fighting

3.33 Like stray dog numbers, Haringey is slightly higher than the average when it comes to reported cases to the RSPCA of dog fighting or suspected dog fighting. The RSPCA reported:

- eight cases in 2006
- six cases in 2007
- seven cases in 2008

3.34 These numbers are relatively small; nevertheless it is important that the Council look at what can be done to curb the problem of both accidental and irresponsible dog ownership which can cause a number of anti-social problems. This is where housing policy as well as education programmes come in.

3.35 The Wood Green Animal Shelter also reported a number of dogs being brought into the Shelter for treatment as a result of suspected dog fighting. The Panel felt that accurate record keeping was essential if the Council is to assess the type of work needed within the community to tackle the issue.

3.36 How the Council deals with animal related Anti Social Behaviour

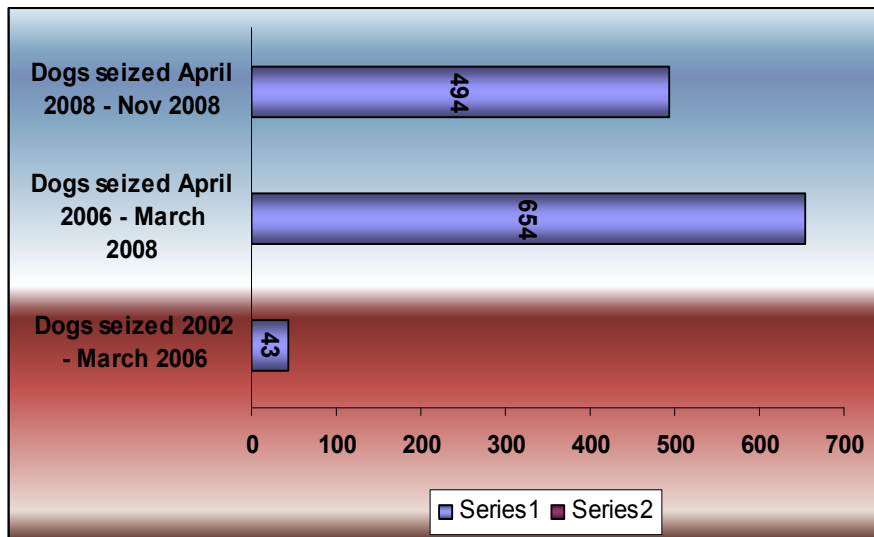
“We will tackle anti-social behaviour with all our housing partners” Safer Haringey – Safer for All Strategy 2008-2011

3.37 Under the Dogs Act 1871, if a court has received a complaint it may decide that a dog is dangerous and not kept under control and will then order the owner to resolve the situation or have is destroyed. There are times however, when the early use of this Act will prevent serious injury to humans. The Panel spoke to members to the Anti Social Behaviour Action Team [ASBAT] regarding Anti Social Behaviour legislation to protect residents against Dangerous Dogs.

3.38 The Dangerous Dogs Act 1991 [amended in 1997] relates to Police powers where they may prosecute owners who keep banned dogs as determined under the legislation and make application to the courts to have these animals removed and/or destroyed. Additionally, the Police can take action against anyone whose dogs are deemed to be out of control.

3.39 The number of dangerous dogs seized by the police has increased considerably over the last few years.² The chart below shows the increase in the number of dangerous dogs seized by the Metropolitan Police between March 2002 and November 2008. At the time of writing there 270 dogs in police kennels subject to court proceedings.

Number of dogs seized in the Metropolitan Police area between March 2002 and November 2008:



3.40 The courts may decide that the dog is required to be muzzled or kept on a lead at all times or that the dog needs to be moved and or destroyed.

² Metropolitan Police Authority Strategic And Operational Policing Committee Report Jan 09

3.41 The legislation that the ASBAT use is in relation to dealing with Anti Social Behaviour [ASB] and is used to protect the community for various ASB incidents. This includes taking action against those who allow a dog to act in a threatening manner or where the dog may have attacked another person.

3.42 The team gave the Panel a number of case studies where members of the public in Haringey have been victims of attack by dogs and the action taken in each case. If there is a dog out of control or dangerous and the Police are unable to take immediate action or there are other associated ASB activity connected with the owner, the ASBAT will investigate the matter. More details are contained in Appendix D of the report.

3.43 Using partnership approaches.

3.44 Tackling environmental anti-social behaviour effectively requires commitment from the many partners who have a responsibility within the local community. For example:

- Housing officers have powers to tackle neighbour where damage to the local environment is part of the problem
- Landlords whether social or private can take action against a tenant who breaches their tenancy agreement by keeping a dog and failing to control its noisy aggressive behaviour
- City centre managers tackling begging.

3.45 The Breeding of Dogs Act 1973

3.46 The Breeding of Dogs Act 1991 and the Breeding and Sale of Dogs [Welfare] Act 1999.

3.47 Under the 1973 Act, anyone who breeds and sells dogs as a business [more than four litters a year] requires a licence from the local authority. Through their investigation, the Panel became aware that some residents in Haringey are using popular websites to advertise pets for sale [advertisers provided their postcodes, there were a number of postcodes in the N15 and N17 areas] on the Gumtree website. This raised a number of concerns relating to the powers of Trading Standards to carry out investigations into such alleged practices.

3.48 Local Authorities have extensive powers to check on the standards of health, welfare and accommodation of the animals and are responsible for enforcing the requirements of the Act. The Breeding of Dogs Act 1991 extends their powers to obtain a warrant to enter any premises, excluding a private home, which is believed to house a dog breeding business. Although private homes are excluded in the Act, garages, outhouses or other structures are not.

3.49 The Cleaner Neighbourhoods and Environment Act 2005 [CNEA] replaces the Dogs [Fouling of Land] Act 1996 and local dog bye-laws with a new arrangement. This allows local authorities to deal with dog fouling, ban dogs from designated areas, requires them to be kept on a lead and restrict the number that can be walked by one person. The Act also gives local authorities sole responsible for strays. With regards to dog control, the CNEA makes it an offence to do any of the following on any designated land open to the area on at least one side that the public are entitled or permitted to have access to with or without payment:

- Failing to pick up dog litter
- Failing to keep dog on a lead
- Allowing dog to enter a no dog area
- Failing to put dog on a lead when asked by an authorised officer
- Walking more than a specified number of dogs.

3.50 Under the CNEA 2005, penalties for any of the offences listed above can only be issued after a local authority has consulted with the community and created formal Dog Control Orders. Breach of a Control Order can attract a maximum fine of £1000. The CNEA also updates the law on stray dogs transferring the responsibility from the police to local authorities. The police still have discretionary powers to seize a stray dog under the Dogs Act 1906. [See explanatory CNEA at Appendix E]

RECOMMENDATIONS

1. The Panel recommend that the Council adopt the Community Animal Welfare Footprints scheme to measure its performance in animal welfare and sets the Bronze award as a minimum local target for 2009/2010. Once achieved, the Service should carry out an assessment into the feasibility of achieving Gold Standard.
2. The panel recommends that the appointment of a Dog Warden should be a priority for the Service and that other strategic roles around animal are carried out as part of the duties of other posts.
3. The Panel recommends that the Urban Environment Directorate explore the idea of encouraging voluntary micro chipping or tattoo for all cats and dogs.
4. The Panel recommends the Urban Environment Directorate look into whether or not there are any illegal dog breeding activities in the Borough and to take appropriate action against any individuals found to be breaking the law.

4.0 HOUSING FOOTPRINTS

The Housing Footprints includes the provision of a positive and clear policy on pet ownership and proactive work to educate the public about animal welfare related issues.

- 4.1 This gap analysis will assist the department in formulating remedial actions for ensuring that the Council achieve the minimum [bronze] standards for Haringey Housing Footprints.

RSPCA Housing Footprint Analysis – the position and gaps in Haringey

| BRONZE | |
|---|---|
| Requirement | Where we are now |
| Do you have a clear and positive written policy for pets in all housing, controlled or influenced by your organisation that includes clearly defined guidance that is flexible enough to allow requests to keep pets on a case by case basis? | No. Homes for Haringey have a written policy that includes this guidance in their Tenants Charter. SCHS does not encourage the ownership of pets in temporary accommodation but some properties are managed privately. |
| Do you have a clear and positive written policy for pets in all housing, controlled or influenced by your organisation that includes no discouragement of pet ownership where facilities exist which allow for proper care and which cover the owner's responsibility? The policy also generally defines which species and the number of animals to be allowed. | No. Homes for Haringey have a written policy that includes this guidance in their Tenants Charter. SCHS does not encourage the ownership of pets in temporary accommodation but some properties are managed privately. |
| Do you have a clear and positive written policy for pets in all housing, controlled or influenced by your organisation, that includes a clear procedure for managing complaints and concerns of both pet owners and neighbours regarding nuisance animals, welfare concerns and health or cruelty issues? | No. Homes for Haringey have a written policy that includes this guidance in their Tenants Charter. SCHS have a policy of taking action against pets in their temporary accommodation that are causing antisocial behaviour issues by either serving a notice or proceeding to court if necessary. |
| Do you have a clear and positive written policy for pets in all housing, controlled or influenced by your organisation that includes a ban on business activity involving the breeding and/or vending of animals on premises, together with discouragement of non-commercial breeding? | No. Within Homes for Haringey's Tenants Charter, they state that tenants are not allowed to run businesses from their properties and there is guidance on how many pets tenants are allowed to keep. This may cover this requirement for Homes for Haringey properties. |
| Is a list of local, recognised animal welfare organisations made available to residents? | No |
| SILVER | |
| Requirement | Where we are now |

| | |
|---|---|
| Is pet care advice/information that is written or approved by a reputable animal welfare source made available to residents on registering their pets in the accommodation? | No |
| Do you actively promote permanent identification and neutering of pets? | No |
| Is there any provision for the pets of owners housed in temporary or emergency housing? | No. SCHS are aware of the need to create a policy for the rehoming of pets when people become homeless. |
| Do you have, and regularly update, a register of all animals kept in each dwelling? | No |
| GOLD | |
| Requirement | Where we are now |
| Is there provision of discounted permanent ID for pets and a neutering discount to prevent unwanted breeding? | No |
| Is there an established link with a reputable animal welfare organisation so that it provides residents with advice on pet care on request or by monthly or quarterly visits? | No |

4.2 From April 2006, Haringey Housing Services assigned the day-to-day management of the Council's housing stock to Homes for Haringey, the Council's own Arm's Length Management Organisation (ALMO). The Housing Footprints is an area where the Council could work in partnership with Homes for Haringey to address areas of animal welfare issues on housing estates.

4.3 Many people see their pets as an extension to their families. Pets provide people with constant companionship, comfort and love and offer them a way of making contact with other people. As such, pets are not something housing providers can ignore.

4.4 Homes for Haringey.

4.5 The Panel invited the Team Leader Tenancy Management [Homes for Haringey] who presented a report outlining the procedures for tenants regarding their pets and stray animal welfare. The Panel learned that a mock inspection was carried out by Housing Quality Network in May 2005 which flagged up matters of residents concerns around environmental issues [damages and nuisance) on their estates. To reduce the incidence of nuisance and improve the environment a procedure (Dealing with Pets & Stray Animals) was proposed. Where a dog is considered to be a dangerous dog the Tenancy Management Officer report the matter to the police.

4.6 The Panel felt that this is an area where other agencies should also be involved to ensure that the matter is dealt with holistically e.g. RSPCA the Police and Social Services.

4.7 Data Collection and sharing information

- 4.8 Local authorities and their partners have come along way with improving information sharing but there often remains uncertainty about when and how to effectively share information. Animal welfare is an area that could benefit greatly from effective joint-working among partnership agencies, including local hospitals, social services, education, and Homes for Haringey and others working to ensure good outcomes for local residents and the animal population. The panel were of the opinion that the Urban Environment Directorate could explore issues around sharing information with stakeholders. This would provide accurate data to ensure that appropriate strategies are in place.

4.9 Dog micro-chipping scheme

- 4.10 The Panel learned that in Wandsworth, Council tenants who want to keep a dog will be required to have it micro-chipped as part of their housing regulations. The scheme has the backing of the RSPCA, which says it will be an important test case for finding out if micro-chipping can be used successfully in the fight against anti-social behaviour. An RSPCA spokesman said the charity is keeping a close eye on Wandsworth's new rules and added:

"Micro-chipping is something that we've supported for quite some time. We know it's useful for returning dogs to their owners, but we've never been able to assess how useful it is in terms of anti-social behaviour. Wandsworth will give us some key data and will allow us to convince other local authorities that this approach does work."

"Many responsible dog owners already get their animals micro-chipped. This is the first time there's been a large-scale compulsory micro-chipping scheme."

"Wandsworth already has an excellent record in terms of stray dogs. For quite a few years it's been one of the leading local authorities with regard to stray dogs and other dog related issues. We're fully supportive of this latest measure."

- 4.11 The Service is free to tenants and leaseholders. It is also available to all at cost.

- 4.12 Problems with the current housing market mean that some people are unable to sell their properties or can't afford to buy a new one so they move into rented accommodation, where landlords hardly ever accept dogs. Dog Trust Charity has reported a big increase in the number of people saying they can't afford to keep their pets. Rising bills and problems with the economy has been cited as reasons for the cutbacks as a result many pets end up being abandoned.
- 4.13 Housing providers should also consider pet owners when placing people in temporary accommodation or putting existing residents into emergency accommodation. Pet fostering schemes exist for certain people who are vulnerable or at risk e.g. people fleeing domestic violence and the elderly.
- 4.14 ³Under Housing Legislation housing providers must consult their tenants on issues directly affecting the tenancy. Pets are a good example of this, particularly in accommodation that has communal areas, such as stairwells, which may be shared with tenants who do not own pets. Many housing providers find that, when consulted, non-pet owners are only often too happy for their neighbours to keep a cat or dog as long as owners sign up to a comprehensive pet policy that is enforced by the housing provider.

4.15 Family Mosaic Housing Association

- 4.16 We spoke to one Registered Social Landlord in Haringey who advise that:

"We don't have any specific policies and procedures around animal welfare. Tenants who want to keep a pet must have our prior permission before they can do so. If we come across any cases where we believe that an animal is being mistreated, we report it to the relevant agencies such RSPCA or the dog wardens at the local authority"

4.17 Pets as Therapy

- 4.18 Pets as Therapy (P.A.T.) is a national charity, founded in 1983 to provide the pleasure of a visiting pet to many sick, elderly and special needs people. Since its beginnings, over 18,000 dogs have been registered into the P.A.T. visiting scheme. There are currently around 3,500 P.A.T. dogs active in the UK, visiting approximately 100,000 people every single week. There are many establishments keen to be matched with a suitable new recruit when one becomes available.

³ Housing Provider Resource – Practical Guidelines on Pet Management for Housing Providers - A Pathway & Pets Advisory Committee 2007

4.19 As described previously, pet ownership can bring tremendous health and social benefits, particularly to the elderly.

4.20 Pets in Sheltered Accommodation

“Sick patients often feel isolated and even the most withdrawn seem to open up and let the barriers down when their regular P.A.T. visiting dog is around.”

4.21 *“It is⁴ unique in that it provides therapeutic visits to hospitals, hospices, nursing and care homes, special needs schools and a variety of other venues by volunteers with their own friendly, temperament tested and vaccinated dogs and cats.”*

4.22 In Haringey, tenants in supported housing are specifically allowed to have pets – there is a section of their tenancy agreement setting out the responsibilities associated with that. However the Service does not provide any visiting pet-therapy in sheltered housing, though they are aware of the PAT scheme and would use it if appropriate in individuals Support Plans and where a local PAT person and pet was available. The scheme is run by local volunteers and would be available for Haringey residents if required.

4.23 The P.A.T. visiting scheme gives young and old the chance to enjoy the company of these calm and friendly animals.

4.24 Companion Animals and Human Health

4.25 Over the last 20 years there has been a large increase in the amount of research into the co-relation between human health and wellbeing and pet ownership and cardiovascular health. Many articles present pet ownership as a key to heart health, social support, and long life. One study found that married couples who owned pets had a lower heart rate and blood pressure whether at rest or when undergoing stressful tests than those without pets.

4.26 Pets can decrease loneliness and, a pet gives owners something to care for and thus provides some structure for their life. You have to set out the food, visit the vet, clean the cage; empty the litter, and so on. A pet often takes centre stage at family gatherings, easing tensions and/or providing an immediate conversational outlet. And, of course, dogs can be trained for useful work such as aiding the visually impaired, for example. Even the most pampered cat can help rid your home of mice. Pets have a calming effect on most people. Nursing homes now arrange for pets to visit residents, and some facilities keep pets on the premises.

⁴ Pets As Therapy Director.

- 4.27 The National Institutes of Health conducted a workshop almost 20 years ago on the health benefits of pets and pet-facilitated therapy (PFT). Conclusion: these benefits exist, particularly for the elderly.



Companion animals can help to bring health benefits to the elderly.

- 4.28 Also, though it has been shown that the presence of a friendly pet can have a positive effect on heart rate and blood pressure, it's not clear that a person actually has to own the animal to get the effect. Dr. Friedman concludes that since heart disease and other stress-related diseases are so common in our society, it can't hurt to recommend pets for their calming effect, at least for people who like animals and are willing and able to undertake the responsibility of owning one.

- 4.29 People have interacted with companion animals since the beginning of history, and that interaction may belong as much to the realm of common sense as to science. If a pet adds joy to your life and makes you feel better or more secure in your home, or provides entertainment and structure, you hardly need scientific proof of the benefits.

4.30 Housing Footprint requirements:

- 4.31 Whilst dogs are a major area of concern when you talk about pets in housing as the complaint statistics show, issues regarding cruelty, welfare or simply anti-social behaviour relate to many non-canine pets that should be considered in drawing up a housing policy.⁵

⁵ RSPCA guidance – Pets and People Housing booklet (2004)
Pet Advisory Committee - <http://www.petadvisory.org.uk/pac.php?id=41>

Clear, positive policy: What is often forgotten in strict knee jerk policies regarding pets is the positive impact pets can make on tenants and the neighbourhood as a whole if the policy supports responsible pet owners. However it is important that the policy has teeth to tackle those who are irresponsible.

Flexible policy: Pets in housing policy needs to have restrictions, possibly even on the numbers of pets that should be allowed and those properties that are generally viewed as unsuitable for pets. However there should be flexibility to allow for special cases as and when they arise.

Details of responsibility: Should be clear and positive and of course mention the Animal Welfare Act and any other relevant conditions.

A clear procedure for managing complaints: A clear grievance procedure is essential as with any dispute so that both parties are aware of why the procedure has begun and how it will be resolved. If this effectively enforced it also tackles many of the anti-social problems early on.

A ban on business activity involving the breeding and/ or vending of animals on premises: A major root of animal welfare problems is through the accidental ownership root. This is where someone acquires a dog, cat, rabbit etc and don't know what they need to do to meets its welfare needs. This is often the problem with many status dog owners, they like the look of the dog but aren't aware of the work and cost involve. This can result in pets being abandoned or suffering unnecessarily.

A list of local, reputable animal welfare organisations made available to residents: This is something that the RSPCA will be able to help the Department collate.

- 4.32 There are other key points that should be considered if looking to meet the bronze level that is the provision and promotion of animal welfare through active leafleting and other forms such as open days etc. The RSPCA can assist with information resources for little or no cost.
- 4.33 The RSPCA is of the view that a Dog Warden, if sufficiently trained, could actually reduce the incidents regarding cruelty occurring by assisting licensing officers in the inspection and licensing process, which hopefully would reduce the number of incidences. More joint working could be established by an early introduction to any new Dog Warden and the RSPCA Areas Inspector and Chief. Through this relationship, parameters of work can be agreed and a mechanism for reporting incidents or discuss issues can be agreed.

4.34 Service Level Agreement - Homes for Haringey & Urban Environment Services

- 4.35 The panel discussed the suggestion of a Service Level Agreement between the Department and Homes for Haringey in relation to providing a Dog Warden covering the whole borough including work on housing estates. The panel agreed that it would be a good idea for discussions to take place as appropriate to explore proposals for a Service Level Agreement.

RECOMMENDATIONS

- 5 The Panel recommends that the Urban Environment Directorate carry out an assessment with Community and Strategic Housing for a commitment from Homes for Haringey for developing a Service Level Agreement with Community and Strategic Housing Services; and Registered Social Landlords to ensure an effective animal welfare service across the borough.
6. The Panel recommends that the Urban Environment Directorate encourage Homes for Haringey to participate in educational initiatives to ensure that tenant and leaseholders are aware issues relating to animal welfare and responsible pet ownership.

5.0 CONTINGENCY PLANNING FOOTPRINT

This element of the CAWF covers policies, procedures and exercises within contingency plans that deal with companion animals, both domestic and commercially owned, as well as advice for preparedness.

“We will manage a programme of emergency planning and business continuity, developing community resilience and preparation” – Safer Haringey – Safer for All Strategy 2008-2011.

5.1 This gap analysis will assist the department in formulating remedial actions for ensuring that the Council achieve the minimum [bronze] standards for Haringey Housing Footprints.

RSPCA Contingency Planning Footprint Analysis – the position and gaps in Haringey

| BRONZE | |
|---|--|
| Requirement | Where we are now |
| Do you have locations identified as temporary animal shelters, with a pet evacuation plan? | No |
| Is there information on your website (either Local Resilience Forum (LRF) or individual member authorities) for pet owners that promotes preparedness, or are there links to another site that does this? | No |
| Do you liaise with, and have you established a contact list of, animal welfare organisations and local vets who can assist in an emergency situation? | No |
| Is companion animal welfare included in written contingency plans? | No. However training to staff involved in evacuation includes this element, and information provided to evacuees covers issues relating to pets. |
| SILVER | |
| Requirement | Where we are now |
| Are animal welfare organisations involved in contingency exercises and planning meetings? | No |
| Do you provide support for establishments (both commercial and non-commercial) involved with large numbers of pet animals in drawing up their contingency plans? | Yes |
| Have you run at least one exercise in the past financial year - either tabletop or live - specifically involving a companion animal welfare element? | Yes - Exercise Gwenole was a rest centre exercise, which involved the evacuation of people. This included this element. |

| GOLD | |
|--|---------------------------------|
| Requirement | Where we are now |
| Do you own, or have access to, at least 50 kennels between members of the LRF for use in an emergency? | Unknown. |
| Do you undertake proactive work, such as awareness campaigns, to ensure pet owners are prepared should there be an emergency? | Nothing specific to pet owners. |
| Have you run at least one live and one tabletop exercise in the past financial year specifically involving a companion animal element? | Live exercise only - see above. |

5.2 Each disaster just seems to educate more people with animals plus emergency managers on the fact that animals just cannot be overlooked

5.3 Emergencies come in many different forms and they often require anything from a brief absence from home to permanent evacuation. Each type of emergency requires different measures to keep pets safe; the best thing to do is to be prepared.



5.4 Emergencies leading to major incident can occur in a number of ways some of the more common being:

- Severe weather
- Natural disaster
- Industrial accidents
- Transport accidents
- Terrorism
- Fire

5.5 Emergency Planning is one of the key local authority functions which prepare and plans for a managed response to a major emergency through a number of stages including the following:

- Anticipation
- Assessment
- Prevention
- Preparation
- Response
- Recovery management

5.6 A key component of emergency planning is communicating with the public so as to maintain public awareness of emergency issues and where appropriate provide warnings. Inform the public of what to expect and how they can prepare themselves and advising the public in dealing with emergencies and what measures they need to take in response to emergencies as they arise.

After Hurricane Katrina in America

¹After Hurricane Katrina hit the U.S. Gulf Coast last August, Gary Karcher and his three dogs sought refuge from the rising floodwaters on the second floor of his New Orleans home. It wasn't long before police offered a boat ride to safety for Karcher—but not his dogs. He refused to leave his pets behind. "It's like leaving your kids,"

Now animal owners like Karcher won't have to choose between leaving their pets and risking their lives by remaining in storm-ravaged areas. Government officials, emergency workers, and animal welfare groups are putting disaster plans into place to help both people and pets. The legislation requires local governments to include household pets in their evacuation plans. It also allots government funds for pet-friendly emergency shelters as the view is this is not just about pet safety, it will also save human lives.

A recent survey conducted by the humanitarian not-for-profit Fritz Institute found that 44 percent of the storm's victims who chose not to leave did so because they weren't willing to abandon their pets.

They were among the most haunting images of Hurricane Katrina - pets abandoned in flooded New Orleans by owners who were told by rescuers that they could not leave with their animals. Many residents died because they insisted on staying with their pets rather than leaving them to starve or drown.

5.7 U.S studies on disaster evacuation have shown that typically only 40% of households had preparations in place to evacuate their pets with the rest of the family and of the remaining 60%; two thirds of pet owners subsequently put their own lives at risk by returning to the evacuation zone to rescue their pets.

5.8 Flooding is an enormously stressful event and pets evacuated with family members have a stress relieving effect and it avoids any additional worry over abandoned animals.

5.9 Evacuation Tips for Pets

- Take your pets with you. Many people mistakenly leave their companions animals behind when they evacuate during an emergency, thinking their pet's instincts will prevent them being harmed. Nothing could be farther from the truth. Companion animals depend on us for their survival, much as children do.
- Identify your pet. Securely fasten a current identification tag to your pet's collar. If you face evacuation, it is a good idea to attach to the collar the phone number of a friend or family member who is well be able to reach a person who knows how to contact you.
- Photograph your pet. Carry a photo of your pet for identification purposes.
- Transport your pet safely. Use secure pet carriers and keep your pet on a lead or in a harness.
- Foster your pet. If you and your pet cannot stay together, call friends, family members, veterinarians, or boarding kennels in a safer area to arrange safe foster care.
- Have supplies on hand. Be sure to have a 72 hours kit for your animals (see 72 hours kit for animals), week's worth of food, water, medication, cat litter, or any other supplies your pet needs on a regular basis.
- Plan your evacuation and leave in plenty of time. Do not wait until the last minute to evacuate. When rescue officials come to your door, they may not allow you to take your pets with you.
- Carry a list of emergency telephone numbers with you. This should include your vet and any other individuals or groups you might need to contact during the disaster.
-

“We will prioritise a programme of joint communication and reassurance” – Safer Haringey – Safer for All Strategy 2008-2011

RECOMMENDATIONS

7. The Panel recommends that the Emergency Planning Officer work with Homes for Haringey and Registered Social Landlords to agree emergency contingency procedures to ensure a managed response for the evacuation of pets in the event of a local emergency.

6.0 ANIMAL WELFARE PRINCIPLES FOOTPRINT- PROMOTING EDUCATION AND AWARENESS

This element of the CAWF is concerned with policies that improve and promote animal welfare through a clear animal welfare charter and the use of tools, i.e. the council website to promote issues and educate.

6.1 Responsible Pet Ownership

- 6.2 Nearly half the UK households own a pet, ranging from the more traditional cats, dogs and rabbits to the less conventional and exotics (i.e. snakes, lizards). However despite new legislation and efforts on the part of animal welfare groups, instances of neglect and cruelty still persists.
- 6.3 It is a principle of animal welfare that owners have a duty to provide sufficient and appropriate care for all their animals and their offspring. This duty of care requires owners to provide the necessary resources [e.g. food water, health care and social interaction] for pets to maintain an acceptable level of health and well-being in its environment. Owners also have a duty to minimise the potential risk their pets may pose to the public or other animals. This, together with public education and direct intervention has improved the welfare standards for many pets in the UK. But animal welfare problems persist and, in extreme cases animals suffer severe physical or emotional cruelty. Others are simply abandoned, whilst others taken into care of the RSPCA or other welfare organisations.
- 6.4 The difficulty is at least partly the result of impulse buying. Other reasons include the absence of appropriate behavioural training, changes in family, health or financial circumstances; irresponsible behaviour and breeding. Another significant factor is lack of research carried out or advice offered on the needs of an animal before purchase.
- 6.5 Despite the identified special needs of pets, recent research by the RSPCA found that just one in five shops provide free written information about non-domestic animals they sell. This is a huge area of concern because it means that people are not given the information so they can carefully think through exactly what they are taking on. Vets also recognised that lack of knowledge on the part of pet owners is the biggest problem in animals that end up coming to their attention.

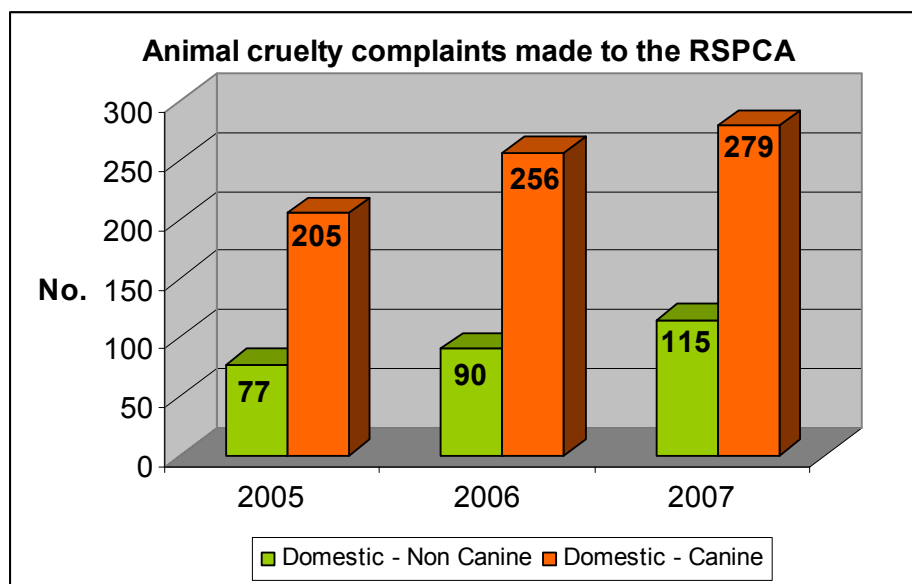
6.6 Cruelty to Animals

6.7 “The ⁶greatness of a nation and its moral progress can be judged by the way its animals are treated”

6.8 The 2006 Animal Welfare Act is the biggest change to animal welfare for nearly a century and means that anyone who looks after an animal has a positive duty to care for that animal. However, the Act does not make it a statutory requirement that the powers available to a local authority to tackle cruelty are enforced.

6.9 With regards to animal welfare incidents, the RSPCA informed the Panel that they expect anything to do with a stray animal; – animal welfare is the responsibility of the local authority. The RSPCA will investigate any complaint that is made to their cruelty and advice line and are looking at working more closely with councils when investigating issues surrounding establishments licensed by the local authority such as breeding establishments, and pet shops etc.

6.10 The chart below demonstrates the gradual increase in reported incidents of animal cruelty in Haringey from 2005 – 2007 for both non canine and domestic canine animals. Whilst the actual nature of the cruelty has not been reported, nevertheless, there is a worrying trend and further emphasises the need for the employment of an Animal Welfare Officer and targeted education programmes.



⁶ Gandhi

6.11 The Educational Role

6.12 Responsible pet ownership remains an important part of educational principle of educational requirement. At present there is no responsibility for local authorities to spend money on this service, and yet it could contribute substantially to the future improvement of attitude towards animals.

6.13 An essential role of a Dog Warden is educational – the prevention rather than cure of a potential problem, targeting audiences such as:

- Schoolchildren – the pet owners of tomorrow
- Local Community Groups
- Animal Welfare Organisations
- Dog Training Clubs
- A website as a media for communicating animal welfare issues with residents

6.14 The benefits include:

- Greater awareness of service provision
- A positive public perception of the role of the Animal Welfare Officer
- The promotion of responsible pet ownership.

6.15 Educational work within Schools

6.16 The Dog Warden should develop an educational and promotional display programme that can be made available to schools and community groups. Officers should make themselves available to give talks within schools and at community events. The RSPCA told the Panel that they would be willing to work with Officers in Haringey to advise, set up and run educational programmes.

6.17 Presentations should be made stimulating and lively, yet thought-provoking, in order to captivate your audience. Make full use of resources such as audio visual aids. Leaflets should be made available to the public through outlets such as libraries, community centres, one-stop shops and other council offices to promote responsible dog ownership.

6.18 What else can be done in parks and open spaces?

6.19 When the Parks constabulary set up Operation ParkSafe they designed a leaflet outlining the responsibilities of dog owner's. The leaflet was an educational tool and was handed out to dog owners along with words of advice when they or their dogs were committing an offence. The owner's details were recorded and pictures of their dogs were taken

and a report was filled out for our recording purposes in the event of future offences. These are about responsible dog ownership in a park.

6.20 With reference to the reorganisation of Parks Constabulary, the Panel learned that alternative methods have been identified by the Council to continue to provide these services through the Dog Warden and the Metropolitan Police Services.

6.21 Wood Green Animal Shelter Education Strategies

6.22 Wood Green Animal Shelter has developed educational strategies aimed at the under 16s and from age 16 to adults. Strategies include:

- Education bus in parks
- Community learning
- Education aimed at the under 16s
- Education aimed at the over 16s and adults.

6.23 The shelter deals with approximately 6 dogs likely to have been involved in fights with other dogs in Haringey they said this was evidenced by the number of dogs brought into the shelter for treatment and types of injuries sustained.

6.24 It appears that the profile of pet ownership has changed.

- Whilst general awareness about the issues of pet ownership is increasing, the link about lifestyle choices and correct pet selection is undeveloped.
- There is an increasing lack of opportunity to interact with certain animals, including companion animals.
- Negative messages from the media on dog ownership are creating an avoidance culture on certain breeds and, more broadly, dogs generally. These messages are reinforced by media led councils who react by introducing bye laws prohibiting or limiting of public areas to pet owners.

6.25 The Wood Green Animal Welfare Charity is of the view that an inclusive education programme is needed in order to promote positive values regarding companion animals and the responsibility of pet care to both current pet owners and those on the periphery of pet ownership in the near future.

6.26 The 2007 figures indicates that the RSPCA have reported an increase in the number of convictions for cruelty to dogs and cats, suggesting that animals are becoming throw away items and the commitments ill thought through. This is another area which should be addressed in any education strategy.

6.27 Public learning is critical to the success of any education program especially when related to dog ownership because half of all attacks are inflicted by the family dog.⁷ Only about 10% of attacks are inflicted by dogs unknown to the victim. Public education efforts must target a variety of individuals and age groups and a dedicated officer should be tasked with pulling an education program together. Education programs should also target towards the elderly as there are concerns that their beloved pets may not be trustworthy around their grandchildren. Dogs not raised around small children or not frequently exposed to them may not be social towards them thereby increasing the likelihood of aggressive behaviour being directed towards these children.

RECOMMENDATION

8. The Panel recommends the Urban Environment Directorate as part of the Corporate Animal Welfare Strategy, ensure that the Animal Welfare Education Program pull together existing resources and support from local organisations such as Wood Green Animal Shelter and the RSPCA to ensure a proactive, co-ordinated education approach.

⁷ Vet Med Today: Canine Aggression Taskforce.

7.0 THE LINK BETWEEN DOMESTIC VIOLENCE, CHILD ABUSE AND CRUELTY TO ANIMALS

"We will use multi-disciplinary approaches, ensuring that all our efforts are co-ordinated across relevant agencies...." Safer Haringey – Safer for All Strategy 2008-2011.

- 7.1 In the process of carrying out this review, the issue of linkages with child abuse and animal cruelty came to our attention. Members could not ignore this link and used the witness sessions to find out from interviewees whether this was an area worth pursuing
- 7.2 The Panel discussed this issue with the representative of Homes for Haringey and learned that there were no mechanisms in place for reporting or linking animal welfare issues with Social Services nor Children and Young People Services. They were of the view that Homes for Haringey should have mechanisms and procedures in place to ensure that their operatives are aware of the possible links with cruelty to animals, domestic violence, and child abuse. That there should be liaison between Homes for Haringey, Adult Services and Children and Young People Services to ensure that these services are joined-up and are vigilant to these issues.
- 7.3 Wood Green Animal Shelter has taken a proactive approach and works with charities to foster animals caught up in domestic violence environment. Anyone who works in the Domestic Violence field knows of cases where a victim chose to remain with a batterer rather than abandon a beloved pet, because so many Domestic Violence Shelters will not allow those fleeing a violent situation to bring their pets with them.
- 7.4 Recent statistics show that links between animal abuse and domestic violence exist. Pets are found to be one of the common denominators in family violence. Evidence is mounting that animal abuse is frequently embedded in families scarred by domestic violence and child maltreatment, and often predicts the potential for other violent acts. A 1983 study (USA) found that 60% of pet owning families meeting the criteria for child abuse and neglect also had abused or neglected pets. Conversely, a British study by the RSPCA found that 83% of families with a history of animal abuse had been identified by social services as at-risk for child abuse or neglect. The studies looked at areas such as:
- Are battered women in domestic violence shelters forced to choose between their personal safety and that of the pets they left behind when they fled?
 - What policies and procedures do enlightened shelters employ to deal with the issue of pet abuse by batterers as a means of manipulation?

- What assistance can be provided?
 - What are the psychological ramifications of pet abuse in a domestic violence context?
- 7.5 The fostering scheme employed by the organisation is also very popular for people going into hospital or into care. This would be a short term commitment and is taken up mainly by retired people who don't want long term commitment to a pet; homes are checked to ensure suitable environment; the maximum stay for the animal is usually two weeks. In these circumstances food and vet bills are paid.
- 7.6 The shelter is also considering fostering to children homes and homes for the elderly and is encouraging private landlords to allow pets in rented accommodation.
- 7.7 ⁸The NSPCC and the RSPCA highlighted this issue, initially through joint conferences in 2001, but more recently a "links" group has brought together representatives from the child and animal welfare fields.
- 7.8 The authors sought to review the existing international research and then test its messages through a small exploratory study. The review asked these questions
- Is childhood cruelty towards animals predictive of future violent behaviour?
 - Do domestic violence perpetrators frequently maltreat animals to threaten, coerce, silence or intimidate their human victims?
 - Do adults who mistreat animals present a risk of abuse to children or, on the other hand, do adults who abuse children pose a risk to animals?
- 7.9 While relatively little research has been carried out on the link between cruelty to animals and domestic violence, the authors found that those studies that do exist supported the large body of anecdotal and clinical evidence that there is such a link. In one study 53% of women who had experienced domestic abuse said their partners had either killed or harmed the family pet.

⁸ Research connects abuse in childhood with cruelty to animals
by James Blewett

- 7.10 The authors argue that child welfare professionals should be alert to animal abuse as a possible indicator of domestic violence. The authors report on one study that found that most child welfare agencies do not include animal cruelty as part of their assessment.
- 7.11 One conclusion of this study, and indeed the work between the NSPCC and RSPCA generally, is that there is much to be gained from stronger links between child and animal welfare organisations. Animal welfare professionals can be a valuable source of information regarding children and vice versa.
- 7.12 At present, few assessments consider the role of pets in family life. Clearly animal cruelty, particularly in its more extreme forms is an important issue that professionals consider. Although the link is not fully understood at present, there is evidence to suggest a relationship between child and animal cruelty.
- 7.13 Any procedures put in place for reporting possible risks, should be specific about the nature of animal cruelty as there are wide variations in the nature and degree of what is held to constitute animal cruelty. It is therefore important that, when there are concerns, a detailed account is given in assessments of the concern and the nature of the animal itself.
- 7.14 Practitioners should be more aware of the presence, meaning of and treatment towards animals in family assessments.

RECOMMENDATIONS

- 9 The Urban Environment Directorate consult with Homes for Haringey, Registered Social Landlords, Children and Young People Services and Adult Social Services; the RSPCA ; Battersea Cats and Dogs Home and Wood Green Animal Shelter to devise appropriate procedures to enable the sharing of information when animal welfare issues, child abuse or domestic violence are brought to their attention. These bodies should be alert to animal abuse as a possible indicator for domestic violence and child abuse.

8.0 A CORPORATE ANIMAL WELFARE STRATEGY

8.1 The responses in the Gap Analysis below are a clear indication of the need for a Corporate Animal Welfare Strategy in Haringey.

Haringey Council Stray Dog Service

RSPCA Animal Welfare Principles Footprint Analysis

| BRONZE | |
|---|--|
| Requirement | Where we are now |
| Do you have a written policy on animal welfare that is regularly reviewed? | No |
| Do you have a written policy on animal welfare that is promoted within the council? | No |
| Do you have a written policy on animal welfare that is based on the principles outlined in the Animal Welfare Act? | No |
| Is there regular sharing of best practice with regards to animal welfare by officers or political representatives? | No |
| SILVER | |
| Requirement | Where we are now |
| Does the council adopt and externally promote a policy on using non-caged whole eggs in any catering supplied to or by the local authority? | No |
| Does the promotion of animal welfare via the council's website include the council's written policy on animal welfare? | No |
| Does the promotion of animal welfare via the council's website include promotion of seasonal animal welfare concerns such as fireworks, pets as Christmas presents, dogs dying in hot cars, contingency planning, etc? | No, although there are occasional incidences, such as a recent article on the web about caring for pets during the firework season. |
| Does the promotion of animal welfare via the council's website include information about animal-related law covering domestic pets and wildlife? | No |
| Does the promotion of animal welfare via the council's website include information, links or contact details relating to: pet care advice; animals kept on allotments; living with wildlife? | No |
| Does the promotion of animal welfare via the council's website include preventative measures that can be taken to reduce the chances of unwanted 'pests', provided or approved by a recognised animal welfare organisation? | No. We provide fact sheets online about pests which includes information about preventative measures. These are not approved by a recognised animal welfare organisation. We provide links to some external animal welfare websites that provide information, but we do not promote any particular welfare organisation. |
| Have you held at least one public-facing activity, event or initiative that has promoted an animal welfare issue in the last financial year? | Yes. (Paws in the Park responsible dog ownership event in Russell Park October 2008) |

| GOLD | |
|---|-------------------------|
| Requirement | Where we are now |
| Is there a council steering group focused on animal welfare? | No |
| Have you adopted a policy resolving to move to higher welfare meat and non-caged eggs in ingredients used in catering supplied to offices owned by you, and supplied in meetings organised on your behalf? (The commitment should be supported by the adoption of at least one type of meat and one ingredient with eggs farmed to higher welfare standards). | No |

- 8.2 The Animal Welfare Act 2006 places a legal duty on those who care for or own animals to allow them to demonstrate normal behaviour i.e. walk/run freely and to provide a suitable diet and exercise. It is an offence to inflict deliberate cruelty or act in a manner likely to cause an animal to suffer unnecessarily. The Dog Warden is authorised to act under this legislation and implements it during the course of carrying out their duties.
- 8.3 With regards to the current Animal Welfare Service, Haringey does not have a dedicated Dog Warden. It is the view of the Panel that if the Council intends to implement the CAWF approach covered in this report then the appointment of a dedicated Dog Warden Officer together with ensuring that strategic issues are covered within the Service must be a priority. This must be done within a framework that recognises and links together a variety of agencies, programmes and priorities within an overarching Corporate Animal Welfare Strategy.
- 8.4 Furthermore, a Corporate Animal Welfare Strategy would pull together all current activities ensuring agreed priorities and objectives and effective integration of work in this area. Resources would need to be allocated in a more systematic way and evaluation of initiatives would assist these to be more effective. It would also be easier to co-ordinate the efforts of the various organisations, including the third sector and form part of the Council's response to this key issue.
- 8.5 The Panel found that whilst there are various animal related initiatives across the borough, there is a lack of co-ordination and acknowledged that there is a need to pull all these together to develop a corporate approach to ensure an effective Animal Welfare Service. The Review Panel recommends that a Corporate Animal Welfare Strategy should be developed.

8.6 Developing a coherent and integrated approach.

8.7 Urban Environmental Directorate should be responsible for leading on any strategy and co-ordination of its implementation and involvement from the other services/agencies listed below:

8.8 The approach of the strategy would rely on strong partnership relationships. Through partnership working the aim of the strategy could be achieved in a shared and efficient manner.

8.9 Council Departments and local agencies

- Urban Environment
- Strategic & Community Housing
- Frontline Services

- Safer Communities – Anti social behaviour
- Metropolitan Police Service

- Wood Green Animal Shelter

- Local Vets

- RSPCA

- Children & Young People Services

- Adult Social Services

- Homes for Haringey

- Registered Social Landlords.

8.10 As part of a joint approach, publicity and communications regarding animal welfare should involve all relevant council departments and partners. Plans should be developed to outline how the council and other agencies will publicise and promote responsible pet ownership and discourage anti social behaviour. Some suggestions include:

- Develop and maintain a dedicated website on responsible pet ownership.
- Work with local schools and youth groups
- Work with charities and national organisations
- Press and media releases
- Articles in 'in-house' newsletters'
- Articles in tenants newsletter and residents/leaseholders newsletters

8.11 Animals on Allotment

- 8.12 Allotments provide valuable habitats for wildlife. In Haringey they can support important populations of amphibians and reptiles, particularly slow worms and grass snakes, as well as birds, mammals and invertebrates. Mature trees may also support bats, which are protected by law, 13 allotments in Haringey are classified as Sites of Importance for Nature Conservation (Sites of Local Importance) within the Unitary Development Plan.
- 8.13 Allotments may contain a range of habitats that support wildlife. Hedgerows and scrub can provide nesting and foraging places for birds, are used by a range of invertebrates and provide cover for animals such as foxes. Compost heaps support invertebrates; provide breeding sites for grass snakes and locations for mammals such as hedgehogs to over-winter. Flowers provide nectar sources for bees and butterflies. Freshly dug soil is visited by foraging birds such as blackbirds, robins, starlings and pied wagtails. Undisturbed margins next to hedgerows provide nesting sites for small mammals such as mice and field voles. Unused plots may support a range of wild plants and other wildlife.
- 8.14 Councils can produce wildlife-friendly policies and ensure that the public are aware of wildlife conflicts; the Panel believes that this should be covered in the Corporate Animal Welfare Strategy.

RECOMMENDATIONS

- 10 The Panel recommends that the Urban Environment Directorate produce an Animal Welfare Charter/Policy for Haringey that this should include animals on allotments.

9.0 BUDGET AND VALUE FOR MONEY

9.1 Service budget

9.2 There are likely to be considerable financial implications for the service with the transfer of responsibility for stray dogs from the Police. Funding arising from the transfer of this service resulted in a budget increase of £16,000. However this also coincided with an agreed efficiency saving of £25,000 in the service budget resulting in a net reduction of £9,000.

9.3 Other research:

9.4 Research demonstrates that there is considerable potential from effective harnessing of efficiency and innovation techniques such as smart procurement and service redesign. Strong leadership and a focus on users are critical for success. It is essential therefore to learn from the best; understanding external and internal drivers of change, tapping into the expertise of the public; private and third sectors; harnessing skills and capacity for change, and working effectively with elected members; employees; users, other councils and Local Strategic Partnership partners on what is best for the areas as a whole.

9.5 Recent consultation with some local authorities on efficiency and the key themes in the local government white paper suggests some scope for increasing efficiency through more effective work with the voluntary sector, more extensive use of joint partnerships and enhanced cross boundary working. The Panel felt that there was scope within the area of Animal Welfare the Urban Environment Directorate to work with neighbouring boroughs on a regional basis in terms of shared services and best practice.

9.6 With regards to environmental issues Defra's independent review has concluded that there is little scope for cash-releasing gains. Rather, evidence from consultancy studies is that the potential lies in non-cash-releasing efficiencies.⁹ The key to achieving this is from the adoption of more systematic management practices in this service area. The Clean Neighbourhood & Environment Act 2005 contains a range of measures, many of which assist councils in dealing with common cleansing and environmental management problems: Defra will:

- Offer direct support to those councils which significantly under-perform on the relevant national benchmarks. The local environmental quality team will also continue to commission seminars and other means to propagate good local environmental management practices and

⁹ Delivering Value for Money in Local Government
Meeting the challenge of CSR07

- Support the development of a National Local Environmental Management Skills Framework. An initial framework offering skills development and training courses will be available from 2008, and then progressively refined, expanded and promoted.

9.7 The Panel was of the view that Urban Environment Directorate should ensure that any relevant support offered by Defra to enhance the service should be considered.

10.0 ZIPPOS CIRCUS

- 10.1 The welfare of performing animals is provided for in the general provisions to avoid suffering and ensure welfare in the Animal Welfare Act 2006. In addition, the training and exhibition of performing animals is further regulated by the 1925 Act which requires trainers and exhibitors of such animals to be registered with the Local Authority. Under this Act, the police and officers of local authorities, who may include a vet, have powers to enter premises where animals are being trained and exhibited, and if cruelty and neglect is detected magistrates' courts can prohibit or restrict the training or exhibition of the animals and suspend or cancel the registration granted under the Act.
- 10.2 The Panel noted that the former Leader of the Council was recently approached by Zippos Circuses who requested a 'trial' event in Finsbury Park, which would include their performing horses, dogs and birds. The matter was referred to officers in the Department who rejected the event application on the basis that there is an existing policy within the Council which prohibits the use of performing animals at organised events on Council land.
- 10.3 The Panel received a presentation from a representative of Zippo Circus and noted the report proposing that the ban on circuses involving animals from using Council-owned public spaces be amended, to enable circuses involving domestic animals to use Council-owned land. It was explained that the ban had been in place since 1983.
- 10.4 Members were informed that legislation, which had not been in place at the time the ban was imposed, now protected the welfare of animals in circuses and that advice issued through the Department for Environment, Farming and Rural Affairs (Defra), stated that the Government was not aware of any viable concerns that the welfare needs of domestic animals could not be met in a circus environment.
- 10.5 The 1983 Policy has not been superseded and the Panel acknowledged that any decision regarding lifting the 1983 ban would have to be considered by the Council Executive after detailed discussions.
- 10.6 Parks Officers have met with Zippos personnel on 23rd September 2008. Zippos Circus operates within many London Boroughs who have demonstrated a relaxed approach towards allowing performing domestic animals. There are no wild animals within the circus i.e. Performances include four horses, one dog, and several birds (Budgerigars).

10.7 Animal Welfare.

Zippos have demonstrated their commitment to animal welfare by having regular independent inspections of their animals. This would continue at their expense should they whilst in Haringey.

10.8 Concessions. Zippos have offered free tickets at performances for identified disadvantaged families within Haringey.

10.9 Operational Requirements.

(Lead Officer Lewis Taylor) Finsbury Park is well equipped to accommodate the infrastructure associated with an event of this kind through regular practised process and procedure.

10.10 Finance.

Revenue received would contribute towards the set events target of £250K which supports parks infrastructure purchase and refurbishment across the borough.

RECOMMENDATIONS

11 The Panel recommends that consideration be given to amending the current policy prohibiting the use of performing animals at organised events on Council land in order to allow animal circuses using domestic animals to be held on the Council's open spaces.

12. The Panel recommends that procedures be put in place for the registration and inspection of any circuses under the relevant legislation as part of the event application process.

11.0 FINANCIAL COMMENTS

11.1 Funding is available for a dog warden post, but the post is currently vacant.

11.2 Any recommendations arising from the Scrutiny Review of Animal Welfare in Haringey involving additional resources, e.g. the creation of a Dog Warden, need to be clearly identified for consideration as part of the Council's revenue budget process.

12.0 LEGAL COMMENTS

12.1 Any legal implications arising from the recommendations contained in the Scrutiny Review of Animal Welfare in Haringey need to be clearly identified as part of the Executive response to the recommendations.

13.0 CONCLUSION

- 13.1 The continued efficiency of the Service is dependent on the recruitment of a Dog Warden in order to provide not only specialist skills and knowledge but also some core services.
- 13.2 There was also a concern expressed to the Panel in some of the discussions, that there are many animal welfare initiatives in the Haringey, that not all the services are carried out in a single Department. However a Corporate Animal Welfare Strategy should pull together all the various strands and joint schemes with the RSPCA and other local charities such as the Wood Green Animal Shelter would achieve better value for money in the Council's drive towards efficiency savings. This will help to promote sustainable change and avoid duplication of work.

APPENDIX A

Membership of the Review Panel

Councillor Ray Dodds – Chair
Councillor Ron Aitkin
Councillor Matt Davies
Councillor Jayanti Patel

| Participants in the Review | |
|-----------------------------------|-----------------------------|
| Head of Urban Enforcement | Robin Payne |
| Piers Claughton | RSPCA |
| Linda Cattle | Wood Green Animal Shelter |
| Andrew Gill | Manager, Parks Constabulary |
| David Hibling | Zippo Circus |
| Jason Houston | Family Mosaic |
| Angelia Miller-Moore | Homes for Haringey |

APPENDIX B

Haringey Council Stray Dog Service

Gap analysis based on DEFRA Guidance on stray dogs (October 2007)

| | DEFRA Guidance | | Where are we now? | |
|-------------------------------------|----------------|---|-------------------|---|
| 1. Responsible Body | 1.1 | London Borough councils have a duty to collect and detain stray dogs. | 1.1 | Haringey Enforcement Service provides a stray dog collection and detention service. |
| | 1.2 | The police retain duties with regard to dealing with dangerous dogs and dogs found to be worrying livestock. Authorities and the police should maintain a working relationship so that such issues can be dealt with effectively. | 1.2 | The Enforcement Service has a good working relationship with the police. We are in contact with the police often, and they contact us if they are in possession of a stray dog. There is a need to establish a regular meeting to discuss joint working. |
| 2. Appointment of an officer | 2.1 | Local authorities must appoint an officer for the purpose of discharging their stray dog functions. This officer retains overall responsibility. | 2.1 | Interim arrangements are in place pending recruitment. |
| | 2.2 | It may be practical to appoint a senior officer and delegate day to day responsibilities to a dog warden or contractor. | 2.2 | The functions are delegated. |
| | 2.3 | If responsibility is delegated, the officer should ensure they have appropriate training and skills. | 2.3 | Officers have received some general dog handling training but further training is required for new staff. |
| 3. Seizure of stray dogs | 3.1 | There is no statutory definition of a stray dog. | 3.1 | It would be useful to determine a definition of a stray dog in conjunction with the police, in order to clarify issues, such as those surrounding abandoned dogs. A definition of a stray dog used by another local authority is: 'Any dog loose in a public place, with no one obviously in charge of it.' |
| | 3.2 | Where an officer finds in a public place a dog he believes to be stray, he shall (where practicable) seize and detain the dog. | 3.2 | Officers seize and detain stray dogs in a public place. |
| | 3.3 | If the dog is not on a public place, the officer must first gain permission of the owner or occupier of the land or premises. | 3.3 | This has not been applicable as of yet. Issues may arise here in respect of clarifying whether the dog is stray if it is on private property. |
| | 3.4 | Authorities must publicise phone numbers of officers as widely as possible so the public can report stray dogs. This should include on their website and at local police stations. | 3.4 | The phone numbers are publicised on the website and at police stations. |

| | DEFRA Guidance | | Where are we now? | |
|--|----------------|---|-------------------|--|
| | 3.5 | Authorities are not required to offer a night-time call-out service to seize and detain stray dogs seen or found by the public. | 3.5 | We currently offer a collection service during office hours and an acceptance point at night and during the weekends. |
| | 3.6 | Functions can be delegated to third parties. | 3.6 | We do not currently delegate this responsibility to third parties. |
| | 3.7 | Authorities should provide the most cost effective service possible. | 3.7 | The service needs to evaluate the most cost effective way of providing the stray dog function. |
| 4. Identifying the owner | 4.1 | Authorities have a duty to enforce the requirement for dogs to wear a collar and tag in public places. | 4.1 | The parks constabulary carry out this function. The stray dog officers do not currently do this. We have promoted this legislation at dog events in the borough. |
| | 4.2 | The officer is recommended to keep notes of such incidents for evidence in legal cases. | 4.2 | Officers keep notes of such incidences on the M3 database. |
| | 4.3 | Authorities should be equipped to identify micro-chipped or tattooed dogs, and scanners should be available to waste management to check dead dogs. | 4.3 | We are currently awaiting delivery of micro chip scanners and have not yet come across any tattooed dogs. If we did seize a tattooed dog, the officer would contact the National Dog Tattoo register for owner's details. |
| 5. Identifying the owners of prohibited type dogs | 5.1 | Officers should have access to guidance on identifying the 4 types of prohibited dogs. | 5.1 | Officers have access to the guidance on identifying prohibited dogs. |
| | 5.2 | If officers identify a prohibited dog, they should contact the Index to identify the owner and contact the local police force who may wish to take further action. | 5.2 | Officers contact the police if they seize a dog which they believe is prohibited. |
| 6. Return of seized dogs to their owners | 6.1 | When identified, officers must serve notice on the owner or person whose address is given on the collar. | 6.1 | This has not been applicable as of yet, because no owners have been identified from tags or micro-chipping. However, in the future if we do seize an identifiable dog, a notice will be served. |
| | 6.2 | The notice must state: (a) that the dog has been seized (b) where it is being kept (c) that it will be disposed of unless it is claimed within 7 clear days after the service of the notice and the full amount liable is paid. | 6.2 | |
| | 6.3 | The authority may charge the owner all expenses incurred during the dog's detention plus a further prescribed amount (£25). This further amount should be used to discharge ongoing stray dog functions. Expenses should be calculated as per day kennel cost plus any costs involved in detaining the dog. | 6.3 | We currently charge the owner £49 for the first day + £21 per day after that. We do not charge the further prescribed amount. There are currently issues with collecting the monies as the officer does not have a float or receipting facilities. |
| | 6.4 | Authorities should also include charges incurred from injured dogs receiving treatments. | 6.4 | We would also attempt to charge for any vets fees. |
| | 6.5 | An authority is within its rights to | 6.5 | This has been noted but in some |

| | DEFRA Guidance | | Where are we now? | |
|--|----------------|---|-------------------|--|
| | | detain the dog until the owner has paid the full amount. | | cases may be impractical as the owners may be unable to afford to pay the full amount. |
| 7. Accepting strays found by other persons | 7.1 | The authority must treat a dog found by another person as though it had been seized by an officer. | 7.1 | We treat a dog found by another person as though it had been seized by an officer. However, we will not take a dog found by a third party in a different borough. |
| | 7.2 | Authorities must, <i>where practicable</i> , provide at least one acceptance point to which dogs can be taken round the clock. (There may be different points for day and night). | 7.2 | We currently offer a collection service during office hours and an acceptance point at night and during the weekends. |
| 8. Finders that request to keep a stray dog | 8.1 | The officer must make reasonable attempts to contact the owner to give him reasonable opportunity to collect the dog. | 8.1 | Officers make reasonable attempts to contact the owner of the stray dog. |
| | 8.2 | The officer must determine whether the finder is a suitable person to keep the dog. | 8.2 | Officers have in the past spoken to the finder and visited their property to determine whether they are suitable to keep the dog. It would be useful to have guidelines on what makes a person 'suitable' to keep a dog. |
| | 8.3 | The officer must inform the finder verbally and in writing that he is obliged to keep the dog (if unclaimed by the owner) for at least one month and that failure to comply with that is a criminal offence. The finder does not become the legal owner of the dog and may have to relinquish his custodianship if the owner requests return of the dog. | 8.3 | Officers provide this information to the finder. |
| | 8.4 | It is not intended that the recipient be charged for costs. | 8.4 | Recipients of stray dogs who are not the owners are not charged any costs. |
| 9. Register of detained dogs | 9.1 | The officer must keep a register of dogs seized or brought to the authority and those in possession of finders. | 9.1 | The register is kept by Gary Cooke at the Enforcement Service offices in Technopark. |
| | 9.2 | Particulars that must be recorded on register: (a) description of dog: breed, colour, distinctive characteristics or markings, tattoos, scars (b) information on collar/tag or otherwise carried on dog, inc. micro-chipping (c) date, time and place of seizure (d) details of when and where notice on owner is served (e) date and method of disposal (f) name and address of purchaser and price (g) person to whom the dog was gifted or person effecting the destruction (h) name and address | 9.2 | The particulars that are relevant to our service are recorded on the register. |

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| | | of person returned to and date of return. | | |
| | 9.3 | Register must be made available to the public free of charge and at reasonable times. | 9.3 | We have not been asked by anyone to see the register as of yet, but it is available free of charge and at reasonable times. |
| | 9.4 | Authorities may charge for providing a copy of all or part of the register. | 9.4 | We do not currently have a fee set for this. |
| 10. Detention of stray dogs | 10.1 | Authorities must make provision to house stray dogs they seize and those brought in by other persons. | 10.1 | Stray dogs are housed in our own kennels at Ashley Road, Tottenham for a period of up to 7 days before being transferred to Battersea Dogs Home. |
| | 10.2 | Authorities will need to ensure there are appropriate arrangements for receiving and dealing with stray dogs found or reported out of usual office hours (can be done through third party kennels). | 10.2 | We provide a call-out service to seize and detain stray dogs and to collect dogs found by other persons during office hours. We provide an acceptance points outside of office hours. |
| | 10.3 | Kennels should comply with specific standards. | 10.3 | The kennels do not currently comply with all of the standards and we will need to make arrangements for the improvement of the kennels. |
| | 10.4 | Authorities must detain dogs for 7 days, commencing from either the day of seizure or the day in which the notice was served, whichever is the latter. | 10.4 | We currently detain dogs for up to 7 days. We may take dogs to Battersea Dogs Home at an earlier date if there is no room in the kennels or if the dog is becoming distressed in the kennels. |
| | 10.5 | Officers must properly feed and maintain any stray dog. | 10.5 | Officers feed and water the dogs and clean out the kennels regularly. The dogs are not exercised. |
| | 10.6 | Authorities are expected to treat any dogs that are injured or require treatment to keep them alive, unless the costs of doing so are excessive or if the dog's condition is such that it would be more humane to provide euthanasia. | 10.6 | We currently provide treatment to dogs that require it, unless the cost is excessive, in which case the dog is put down. Treatments and euthanasia are carried out by Goddards Veterinary Clinic. It would be useful to have a clear cost limit for treatment, over which euthanasia will be used. |
| | 10.7 | It is recommended that authorities come to a formal arrangement with local veterinary surgeons. | 10.7 | As mentioned above, we have so far used Goddards. However, we do not have a formal arrangement with this clinic. It would be useful to do so. Within this formal arrangement, the veterinary clinic should agree to destroying an animal when requested to do so by us if the costs of treatment are too high. |
| | 10.8 | It is recommended that authorities consider making contractual provision for such arrangements. | 10.8 | |
| | 10.9 | Authorities should agree a protocol with third parties such as dog welfare organisation in respect of treatment of dogs. | 10.9 | We work closely with Battersea Dogs Home but do not have a formal protocol in place. |
| | 10.10 | An officer may have a dog destroyed before the 7 day period | 10.10 | We currently adhere to this guidance. |

| | DEFRA Guidance | | Where are we now? | |
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| | | has elapsed if he thinks that it must be done to avoid suffering. | | |
| | 10.11 | Officers must consult with a vet before making a decision to destroy a dog. | 10.11 | Officers always consult with a vet before making a decision to destroy a dog. |
| | 10.12 | Euthanasia should only be affected by a vet unless the animal is in considerable pain or distress where an officer should take action immediately. | 10.12 | At the moment, all euthanasia is carried out by a vet in all circumstances. Officers are not trained to do this and do not have the equipment to do so. |
| 11. Disposal of stray | 11.1 | If a stray has not been collected within 7 days, the officer may dispose of the dog by (a) selling or giving it to a person who will in his opinion care properly for the dog (b) selling it or giving it to an establishment for the reception of stray dogs (c) euthanizing it in a manner to cause as little pain and suffering as possible. | 11.1 | Dogs that are not collected by their owners are taken to Battersea Dogs Home. We have an agreement with Battersea Dogs Home that they will take the animals immediately (i.e. we do not have to join a waiting list). |
| | 11.2 | Dogs may not be disposed of for the purposes of vivisection. | 11.2 | This does not happen. All dogs are taken to Battersea Dogs Home. |
| | 11.3 | Euthanasia should only be considered after all other options for re-homing have been explored. (NB Banned breeds cannot be re-homed) | 11.3 | Not applicable. All dogs are taken to Battersea Dogs Home. |
| | 11.4 | When a dog is given or sold to a person, the dog is vested in the recipient. NB This is different to that of a finder. | 11.4 | |
| | | | | |
| 12. Records Keeping | 12.1 | Authorities must be able to provide statistics on the total number of dogs accepted out of hours, the total number of days dogs accepted out of hours that have been kept in kennels, the number of those dogs returned to their owner and the number that by necessity were put down. | 12.1 | These statistics are provided and are collated using the M3 database. |
| 13. Lost, stolen and abandoned dogs | 13.1 | The police are responsible for recording reported lost property, including dogs, and dog theft which is a criminal offence. Officers should advise owners of lost or stolen dogs to file a report with the police. | 13.1 | Officers advise owners of stolen dogs to file a report to the police. However, we do not currently advise owners of lost dogs to file a report to the police. Before we begin to do this, we should liaise with the police about it. |
| | 13.2 | Abandoned dogs: kennels or welfare organisations should be contacted to see if they could re home the dog. | 13.2 | This needs to be included in our formal policy. |
| 14. Dead dogs | 14.1 | Officers should make every effort to establish the identity of the dog and owner and give the owner the opportunity to collect the dog. | 14.1 | We do not currently have any arrangements in place for officers to identify the owners of dead dogs. Waste management are responsible for the collection of stray dogs. It may be useful to |

| | DEFRA Guidance | | Where are we now? | |
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| | | | | make an arrangement for waste management to give us details of all dead dogs reported so that we can check this against the lost dog register. |
| 15. Education | 15.1 | Officers should promote and raise the profile of responsible dog ownership within their area. | 15.1 | The parks constabulary work to promote and raise the profile of responsible dog ownership. The Enforcement Service has attended two dog events recently to promote responsible dog ownership. |
| 16. Neutering | 16.1 | Authorities should consider whether there is a need to offer subsidised or free neutering. | 16.1 | This has not been considered as of yet. |
| 17. Micro chipping | 17.1 | Authorities should consider the benefits of offering discounted or free micro-chipping. | 17.1 | This has not been considered as of yet. Availability of equipment will need to be considered. |
| 18. Training | 18.1 | Authorities are strongly advised to ensure that anyone involved in discharging their stray dog duty is adequately trained to do so. Training should be provided by a reputable and accredited trainer. | 18.1 | Officers have received dog handling training but this has not been extensive and when the new dog warden is appointed this should be carefully considered. |
| 19. Partnership working | 19.1 | Authorities should seek to develop protocols with any bodies that play a role in dealing with stray dogs. | 19.1 | Formal protocols have not yet been developed. |
| | 19.2 | Authorities should explore benefits of working with other local authorities in the area. | 19.2 | This has not yet been explored. |
| | 19.3 | Authorities are expected to provide a cost effective service, which can often be done using third-party kennels. | 19.3 | A full analysis of the most cost effective way of providing the necessary service is needed. |

10

The Review demonstrated that, while much valuable work has been accomplished, there is considerable scope for further development.

¹⁰ The DEFRA guidance covers expectations of legal duties that rest with local authorities in England and Wales with respect to stray dogs. The guidance has been written using the following legislation and standards: Environmental Protection Act 1990, Environmental Protection (Stray Dogs) Regulations 1992, Control of Dogs Order 1992, Animal Welfare Act 2006, Model Licence Conditions and Guidance for Dog Boarding Establishments (kennelling standards published by the Chartered Institute of Environmental Health), Clean Neighbourhoods and Environment Act 2005.

THE WORK OF THE ANTI SOCIAL BEHAVIOUR TEAM IN HARINGEY

In order for action to be taken, the complaint will need to be substantiated by way of evidence or seeking independent witnesses to the event. In the first instance the ASBAT will meet and interview the victim and if required, may also seek to corroborate the incident by speaking to neighbours or other independent witnesses.

Should there be sufficient evidence that a dog has acted in an aggressive manner or attacked someone; the ASBAT will look to take the following action:

[1] Seek an Anti Social Behaviour Injunction [ASBI] under the ASB Act 2003. This kind of injunction has a direct relationship with the Council as a landlord and therefore can be used when the incident has taken place affecting another resident or visitor to a Homes for Haringey estate or where the dog is causing distress to residents living on an estate or Council owned property. An injunction can either place a prohibitions [i.e. what they must not do] on a tenant relating to their behaviour or state that they must take action to change the behaviour. In the case of a dangerous dog the injunction may state that the dog must be kept muzzled at all times, or kept on a lead, or not allowed in children's play area, or if the incident is serious, it may state that the owner must not keep a dog and ask for the dog to be removed.

If the injunction order removal, the ASBAT will liaise with the Police to ensure that the dog is removed by the owner or that the Police remove it should the owner fail to do so. At the time the injunction is given by the court, so that any non-compliance or breach is an arrestable offence. Should a person be prosecuted for a breach of an ASBI it is considered as a contempt of court and can carry a custodial sentence of up to 5 years imprisonment.

Information concerning any injunction application made by the ASBAT against a Home for Haringey tenant is passed to HfH to consider whether they wish to instigate possession proceedings. Should possession be warranted this action will either be taken by HfH as the managing agent or the ASBAT on behalf of the Council.

[2] Should the incident take place anywhere else in the Borough and not on an HfH estate or managed property [for example in a park, a person's private home or street], the ASBAT can apply for a Section 222 Injunction under the Local Government Act 1972.

A local authority can use the authority of s222 of the Local Government Act 1972 to bring injunction proceedings in the county court to prohibit a person from continuing to cause a public nuisance.

The provisions are more or less the same as the ASBI and are used for incidents taking place away from Council owned properties. Again, power of arrest will be requested at the time of application so that should the terms of an order be breached the perpetrator can be arrested for the offence and prosecuted.

Injunctions are usually used against adults age 18 and over as using them against minors is not effective as it cannot have a power of arrest provision attached.

3.64 Barking dogs

The Enforcement Response Team provides a 24 hour response to all noise nuisances including barking dogs. The performance indicator for this service show that it is responding to 90% of complainants within 1/2 hour and visiting within an hour. Since 1 April 2006, the Service has received 877 service requests relating to noise nuisance from barking dogs.

When an officer receives a complaint they will check the history of the address to see if the problem has been reported previously and whether it is a Homes for Haringey property or sheltered housing property. An officer will then visit the complainant's property to establish whether the noise is a nuisance. If the noise is loud enough to be a nuisance, the officer will take appropriate action as follows:

- The officer will visit the property to speak to the owner of the dog if they are present
- The officer would then send the owner of the property a warning letter which will state that a complaint has been made, reminding them of their responsibility to keep their noise down and warning of further action if they do not take action to stop the noise. This will be accompanied by information from a DEFRA leaflet which gives dog owners advice on how to stop their dog from barking excessively
- A separate letter may be sent in circumstances where the excessive barking dog noise has yet to be witnessed but where the officer is satisfied that the correct address has been identified. The DEFRA leaflet information is also sent at this stage
- If there are further complaints about a barking dog at the same property and it is believed there is sufficient evidence to substantiate a statutory nuisance the officer may issue an abatement notice (Section 80 of the Environmental Protection Act 1990)
- If the dog owner does not comply with the notice they may be offered a Simple Caution, be served with a Fixed Penalty Notice or be prosecuted
- If there are concerns about the welfare of the animal the RSPCA could be contacted

- In extreme circumstances of ongoing noise nuisance officers may consider obtaining a warrant to remove the dog[s], on the basis that they are carrying out works in default. Dogs are not classed as noise making equipment and cannot be seized in the traditional way. In such circumstances officers can advise the dog owner of the proposed action, they may remove the dogs themselves or agree for the dog[s] to be rehomed by arrangement. Once removed the Council retain responsibility for the dog until such time as the dog is handed back to the owner.

[3] For those under 18, the most suitable application would be an Anti Social Behaviour Order [ASBO], which would place similar restrictions as those of an injunction but does have the power of arrest for any breach. If breached and found guilty, a custodial sentence of up to 5 years can be issued by the court. ASBO's are also useful if there are other concerns about the person's behaviour the Council wish for the court to take into consideration.

Whether application is made by way of an injunction or ASBO, the ASBAT would make emergency application so that the resident concerned can receive protection quickly and it would be expected that the case will be heard within 48 hours.

Explanatory Notes to Clean Neighbourhoods and Environment Act 2005

2005 Chapter 16

PART 6: DOGS

CHAPTER 1: CONTROLS ON DOGS

173. Prior to these provisions coming into force, local authorities and parish and town councils could make byelaws to control dogs on certain areas of land. Section 236 of the Local Government Act 1972 set out the byelaw-making process and required byelaws to be "confirmed" by the relevant authority before they could have effect. Dog byelaws for England were confirmed by the Secretary of State for Defra and in Wales by the National Assembly. Those committing an offence under a dog byelaw risked a fine of up to £500 in court.

174. This system was considered costly and complicated to administer, both for central and local government. The Act replaces the previous system of dog byelaws with a new system of "dog control orders". This new system is modelled on the Dogs (Fouling of Land) Act 1996; this sets out an offence in the Act which can then be applied by local authorities by order in relation to designated land in their area.

175. Likewise, under the new system local authorities and parish councils are able to provide by order for offences to apply in designated land in their area. The offences are standard offences which will be prescribed in regulations; the prescribed offences include fouling by dogs (and therefore the Dogs (Fouling of Land) Act 1996 has been repealed). But the new system also allows for other types of dog-related offence relating to the keeping of dogs on leads in designated areas, the exclusion of dogs from such areas and the maximum number of dogs that one person may walk in such an area.

176. It is intended that the regulations provide "model" offences which may then be applied by a local authority or parish council to specified areas of land accessible to the public; but (where appropriate) local authorities and parish councils will also be given some flexibility in relation to certain details of the offences; for example, the model offence in relation to the number of dogs that may be walked by one person may leave it to the local authority or parish council to specify whatever number of dogs they deem appropriate in relation to the land where the offence is to apply. It is also intended that local authorities and parish councils are able to specify penalties applicable to offences, within constraints set by regulations.

Dog control orders

Section 55 Powers to make dog control orders

177. Section 55 enables "primary authorities" (which equate to local authorities) and "secondary authorities" (meaning principally parish and town councils) to make orders that apply offences aimed at the control of dogs ('dog control orders') to specified land in their area.

178. *Subsection (3)* sets out the four categories of offence that can be provided for. The effect of *subsection (4)* is that the scope of offences that can be provided for in dog control orders are set out in regulations. It is intended that, where appropriate, the offences described in regulations are not applicable to working dogs and guide dogs.

56 Dog control orders: supplementary

179. Section 56 requires the appropriate person to make regulations which set out: the maximum penalties for dog offences; the content and format of dog control orders; and the process to be undertaken by primary and secondary authorities before and after making such orders (including requirements in respect of consultation on, and publication of, such orders).

Section 57 Land to which Chapter 1 applies

180. Section 57 provides that dog control orders may apply to all public land which is open to the air. *Subsection (3)* allows for exclusions, by order, to the types of land that can be subject to dog control orders.

Section 58 Primary and secondary authorities

181. This section defines primary and secondary authorities. Secondary authorities are parish and community councils (in England and Wales, respectively). *Subsection (3)* enables other bodies to be designated as secondary authorities. This is intended to deal with bodies, such as commons conservators, which have powers under private Acts to make byelaws to control dogs. It could also be used to designate statutory bodies with responsibilities for substantial areas of land.

Fixed Penalty Notices

Section 59 Fixed penalty notices

182. Section 59 allows authorised officers of primary and secondary authorities, or an authorised person working on their behalf, to issue a fixed penalty notice offering members of the public an opportunity to discharge any liability for offences under a dog control order.

183. Under this provision, an authorised officer of an authority can generally only issue a fixed penalty notice in respect of offences provided for by that authority. There is one exception: the effect of *subsection (1)(b)* is to enable an authorised officer of a secondary authority to issue a fixed penalty notice in its area in respect of a dog control order offence created by a primary authority.

Section 60 Amount of fixed penalties

184. Section 60 enables a primary or secondary authority to specify the amount of fixed penalty in relation to their own dog control orders. Authorities are also able to allow for the payment of a lesser amount if the fine is paid within a specified time period. Where no amount is specified at the local level, the fixed penalty is set at £75. Section 60 also provides the appropriate person (as defined in section 66) with the power to make regulations relating to the fixed penalty - in particular, to prescribe a range within which penalties fixed at the local level must fall; the appropriate person may also (by order) substitute the figure of £75 referred to above with a new amount.

Section 61 Power to require name and addresses

185. Section 61 provides an authorised officer of a primary or secondary authority with the power to require the name and address of a person if the officer proposes to give him a fixed penalty notice, and makes it an offence for that person either to fail to give that information or to give false or inaccurate information.

Section 62 Community Support Officers etc

186. Chief Police officers can authorise 'community support officers' and 'accredit' other persons, under section 38 and section 41(2) of the Police Reform Act 2002 respectively, to issue fixed penalties on behalf of the police for certain offences specified in that Act. This section enables community support officers and other persons accredited by Chief Police officers to be given the power to issue fixed penalty notices relating to dog control offences.

Supplementary

Section 63 Overlapping powers

187. The new system of dog control orders enables both primary and secondary authorities to apply dog control offences to land in their area. However, the area of a secondary authority (in most cases a parish or community council) is comprised in the area of the higher tier primary authority. Therefore, under the new system it would be possible for both a primary and a secondary authority to apply a dog control offence to the same area of land.

188. The purpose of section 63 is to avoid such a situation arising where both a primary and secondary authority dog control order relating to the same type of offence exists in relation to the same land. The effect of this section is that if a primary authority makes a dog control order in relation to an area, a secondary authority will not be able to make a dog control order for the same type of offence in relation to the same area. Furthermore, where a

primary authority makes a dog control order in relation to land that has previously been the subject of a dog control order made by a secondary authority for the same type of offence, the secondary authority dog control order will cease to have effect.

189. For example, if a district council (i.e. a primary authority) makes an order about dog fouling on land covered by a parish council (a secondary authority), the parish council cannot subsequently make an order relating to dog-fouling on the same land, and any order relating to dog fouling on that land that it has made previously will cease to have effect. However, the parish council will still be able to make, for example, orders requiring dogs to be kept on leads on that land and any such orders it has previously made in relation to that land will continue to have effect (assuming, of course, the district council does not make a similar such order itself in relation to that land).

190. Similarly, *subsection (2)* gives dog control orders made by parish and community councils superiority over those of secondary authorities designated under section 58(3).

Section 64 Byelaws

191. Section 64 removes the ability of primary and secondary authorities to make byelaws to control dogs in circumstances where it would also be possible for the authority to make a dog control order in respect of the same matter in relation to the land in question. Existing byelaws will remain in place unless that land is made the subject of a dog control order for the same type of offence. For example, if a local authority has a byelaw in place banning dogs from a local park, that byelaw will continue to have effect until such time as the authority makes a dog control order in relation to that park that likewise bans dogs.

Section 65 Dogs (Fouling of Land) Act 1996

192. This section repeals the Dogs (Fouling of Land) Act 1996: as mentioned above, dog fouling is now controlled by way of dog control orders.

Section 66 "Appropriate person"

193. Section 66 provides that the "appropriate person" for Chapter 1 of this Part is the Secretary of State in relation to England and the National Assembly for Wales in relation to Wales.

Section 67 Regulations and orders

194. Section 67 requires that any order or regulations made under section 55(4) or 56(1) be made by statutory instrument by affirmative resolution. Other regulations or orders made under chapter 1 of this Part are to be made by statutory instrument by negative resolution.

CHAPTER 2: STRAY DOGS

Section 68 Termination of police responsibility for stray dogs

195. This section removes the responsibility of the police for dealing with stray dogs, by repealing section 3 of the Dogs Act 1906 (which enabled police officers to seize stray dogs

found in public places), save in so far as that section applies to the continuing powers of the police to seize and detain such dogs under the Dogs (Protection of Livestock) Act 1953, and by amending section 150 of the Environmental Protection Act 1990 (under which stray dogs found by members of the public could be taken to the nearest police station). Under section 150 of the 1990 Act a responsibility for stray dogs remains with the local authority (as defined in section 149 of that Act).