AGENDA ITEM NO 7
REPORT NO 27/11

ANGUS COUNCIL
SCRUTINY AND AUDIT SUB COMMITTEE
5 JANUARY 2011

REVIEW OF WARDEN SERVICES
REPORT BY THE DIRECTOR OF INFRASTRUCTURE SERVICES

ABSTRACT
This report considers options related to environmental and public domain enforcement and warden type services.

1 RECOMMENDATIONS
1.1 It is recommended that the sub committee recommends to the Strategic Policy Committee/Council to:

(i) agree that primary responsibility for monitoring and enforcing dog fouling issues transfer to the Community Warden Service from 1 April 2011 as set out in option 2B;

(ii) agree that the deployment of Warden resources will be done in accordance with the National Intelligence Model;

(iii) note that assimilation of this function without additional resources will have an impact on existing street patrolling and is subject to the normal budgeting processes;

(iv) agree that the current functions of animal welfare and control of dangerous dogs remain within the management of Infrastructure Services.

2 BACKGROUND
2.1 This Report was originally presented to the Scrutiny and Audit Sub Committee on 22 June 2010 and was deferred.

2.2 As part of the improvement programme officers were asked to review warden and warden related enforcement within the Council.

2.3 The attached report (Appendix 1) details the areas considered and the conclusions which have resulted in the recommendations within this report.

3 FINANCIAL IMPLICATIONS
3.1 There are no direct financial implications resulting from this report.

4 HUMAN RIGHTS IMPLICATIONS
4.1 There are no human rights implications arising from the proposals in this report.

5 EQUALITIES IMPLICATIONS
5.1 The issues contained in this Report fall within an approved category that has been confirmed as exempt from an equalities perspective.
6 SINGLE OUTCOME AGREEMENT

6.1 This report contributes to the following local outcomes contained within the Single Outcome Agreement for Angus.

- Communities in Angus are safe, secure and vibrant.

7 CONSULTATION

7.1 The Chief Executive, the Director of Corporate Services, the Head of Law and Administration, the Director of Neighbourhood Services, and the Head of Finance were consulted in the preparation of this report.

ERIC S LOWSON
DIRECTOR OF INFRASTRUCTURE SERVICES

NOTE:

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.
BEST VALUE REVIEW OF WARDEN SERVICES

INTRODUCTION

This review was initiated to consider possible service improvements or efficiencies which could be delivered through possible changes to the way some public health enforcement and control issues were dealt with and managed within and for the Council.

OBJECTIVE

To review the role and function of warden services and the options for integration of current warden services with other services and functions.

AREAS COVERED

The review covered the current community wardens, dog wardens and wider regulatory and enforcement in the public domain.

REVIEW TEAM

Eric Lowson Director of Infrastructure Services (Chair)
Stewart Ball Senior Service Manager (E&CP)
Alan McKeown Head of Housing
Bob Myles Community Safety Manager
Sheona Hunter Head of Law & Administration (Corporate Services)
Rory Tosh Senior Accountant (Finance)

INITIAL REVIEWS AND ASSESSMENT

The review team initially considered five service areas:

1. Off street car park enforcement
2. Street/road enforcement, licences, obstructions etc
3. Waste/cleansing inspection and street cleaning
4. Community Wardens
5. Dog Wardens

OFF STREET CAR PARKING

As this area had recently been considered as part of the review of car parking across Angus, and as it was integral to effective traffic management in town centres the group concluded that there was very little merit in integrating it into a wider combined warden service.

STREET/ROAD ENFORCEMENT

This work is carried out by staff within roads service as an integrated part of their wider responsibilities which relate to regulating the roads network. Variance in responsibility either to another service area or to a wider combined warden service would most likely lead to complication of responsibilities and confusion of service users in relation to responsibilities. Thus, this did not receive further detailed consideration.

WASTE/CLEANSING

The recent best value review of waste management made significant organisational changes in the management arrangements for waste and street cleaning, as these had only been recently
implemented it was concluded that it would not be appropriate to re-consider them, although some areas of their work did merit further consideration.

**DOG WARDEN FUNCTION**

**Background**

The Dog Warden Service was first introduced into Angus Council in the early 1990’s in response to a number of concerns raised by citizens and elected members.

The main issues of concern at that time were:

- An increasing incidence of dog fouling in streets and recreational areas
- Stray dogs roaming in packs causing distress and nuisance mainly in built up areas
- A series of high profile national cases of people being injured by dogs following an increase in the introduction of new and dangerous breeds into the UK.

In addition to concerns being expressed locally, the introduction of the Environmental Protection Act 1990 placed a statutory requirement on all local authorities to appoint authorised officers with responsibility for dealing with the seizure of stray dogs. The Act prescribes the duties of such officers, which includes the seizure, aftercare and welfare of dogs, the keeping of a public register, and also the destruction of a dog either at the expiry of the statutory period of containment, or in certain cases to avoid suffering.

In 2003, the Dog Fouling (Scotland) Act was introduced which made it an offence for any person in charge of a dog to fail to immediately remove and dispose of any excrement after a dog has fouled in a public place. This legislation replaced the dog fouling provisions contained within the Civic Government (Scotland) Act 1982 which were largely ineffective and seldom used by local authorities. The 2003 Act also introduced Fixed Penalty Notices for dog fouling which had not previously been available. The Dog Wardens were authorised under this legislation as were the police and other officers of the local authority such as community wardens.

**Current Position**

The main duties of the dog warden service within Angus Council are as follows:

- To collect and detain stray dogs
- To assist in the re-homing process where required
- To investigate complaints and issue Fixed Penalty Notices in respect of dog fouling
- To provide advice to members of the public, other council departments and external agencies
- To promote responsible dog ownership through education and awareness raising activities
- To assist other council departments and external agencies when specialised dog handling skills are required, and
- To identify suitable sites for the provision of dog bins and signs

During the period that the dog warden service has existed, the problems encountered with stray dogs have gradually decreased. Statistics show that in 2008, 174 stray dogs were collected by the dog warden service, 72 of which had been taken to a police station by a member of the public. This compares with a peak of 672 stray dogs collected in 1993.

While it is a statutory requirement for local authorities to appoint an officer to deal with stray dogs, the nature and range of functions provided by individual councils is largely dependent on factors such as population spread, housing density and public demand. The level of service provided must take account of local needs, and locally experienced problems, which in turn gives rise to a wide variation in the nature of the service provided across the country. For this reason it is extremely difficult, if not impossible, to directly compare or evaluate the service provided by one council with another.

Research undertaken with other local authorities shows that a wide range of services exist, from merely satisfying the minimum requirements of The Environmental Protection Act as outlined above, to all encompassing services that deal with every dog related issue imaginable. Some Scottish
Councillors choose to provide this service in-house, whereas others contract it out to the private sector. The in-house service provided by Angus Council at present seems to fall somewhere in the middle of this range.

As part of the 2010/11 budget setting process it was agreed to reduce the service to a single member of staff.

COMMUNITY WARDENS

Current Service

The Community Wardens Service aims to provide a highly visible presence to increase community confidence and reduce the fear of crime. Wardens act as a link between local people and service agencies and help to resolve incidents of anti-social behaviour, vandalism or other issues affecting neighbourhoods, including enforcement measures through proactive high visibility patrols. In this option, primacy for the enforcement of environmental antisocial behaviour does not fall to the Community Wardens Service.

Background

The Community Warden Service within Angus was established in May 2004 from temporary ring-fenced funding from the Scottish Government for 2004/08. Funding criteria was that Wardens had to be deployed within the designated areas of high tariff in relation to crime rate and social needs. In agreement with the government the service was set up in two specific areas within Angus, one in Arbroath and one Forfar. Currently there are two senior wardens and 10 Wardens who are now working on an Angus wide basis and are deployed through a tasking mechanism which is evidence based.

At the end of 2007, Community Wardens were provided with delegated powers by Angus Council to issue Fixed Penalty Notices for Dog Fouling, Fly-tipping and Litter. Primary responsibility for dealing with complaints of these problems remained with Environmental and Consumer Protection Department and the agreed approach was to educate the public through corrective action on littering and dog fouling encouraging offenders to pick up litter and dog faeces rather than enforcing through the issue of Fixed Penalty Notices.

Outcome Agreements for the Community Wardens Service were established and these were used to measure the impact of the service.

Current Position

A review was carried out into method of tasking Community Warden Service. To improve this mechanism and in keeping with Scottish Government Community Safety guidelines, the National Intelligence Model for Tasking and Co-ordinating System has been further developed and introduced to take into account all available indicators of local anti-social behaviour and community safety problem issues. This is the method which is used to task the Angus Community Wardens. This is the nationally recommended method of tasking and deploying community safety and preventative antisocial behaviour resources.

The collation of information and intelligence emanates from all types of sources including residents, resident groups, elected representatives, community organisations, police, council departments, community wardens etc. This enables analysis to ensure the most effective tasking of wardens to tackle the anti-social behaviour and community safety problems being encountered within our communities.

A copy of the planned tasking, feedback and evaluation process for the Community Warden Service is available on request.
It comprises a seven part planned system –

(i) Each neighbourhood within Angus has been broken into patrol areas aligned with police beats to enable measurement;
   - Streets. Roads are identified within each patrol area;
   - Anti-Social Behaviour and Community Safety problems are identified within each patrol area from information and intelligence received;
(ii) Wardens rota to identify available resources to tackle problems;
(iii) Patrol Tasking Sheet for Wardens matched against problems to ensure wardens are in areas of most concern at most effective time;
(iv) Daily activity patrol feedback by Wardens on findings and work carried out in areas where deployed;
(v) Evaluation of work carried out to ensure effectiveness.

Service is overt, in wearing highly visible jackets.

**Deployment of Community Wardens**

Each Senior Community Warden has been allocated an area of responsibility, one for the Arbroath, Montrose and surrounding rural communities and the other Forfar, Kirriemuir, Brechin, Carnoustie, Monifieth and surrounding rural communities. This has been established to provide improved point of contact and feedback to communities. A considerable amount of positive feedback from community groups and residents associations has been received on this development since it was introduced.

To ensure that there is a fair proportion of wardens deployed throughout Angus, in concurrence with the problem identification tasking system, a deployment matrix has been established. When all 12 wardens are available they will be deployed as set out at the bottom of the matrix and when fewer are available they will be deployed as indicated earlier in the matrix.

<table>
<thead>
<tr>
<th>Number of Wardens</th>
<th>Deployment Areas (including villages in area)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Arbroath (2)</td>
</tr>
<tr>
<td>4</td>
<td>Arbroath (2); Forfar/Kirriemuir (2)</td>
</tr>
<tr>
<td>6</td>
<td>Arbroath (2); Forfar/Kirriemuir (2); Montrose/Brechin (2)</td>
</tr>
<tr>
<td>8</td>
<td>Arbroath/Carnoustie/Monifieth (4); Forfar/Kirriemuir (2); Montrose/Brechin (2)</td>
</tr>
<tr>
<td>10</td>
<td>Arbroath/Carnoustie/Monifieth (4); Montrose (2); Forfar (2); Brechin/Kirriemuir (2)</td>
</tr>
<tr>
<td>12</td>
<td>Arbroath (4); Montrose (2); Forfar (2); Brechin/Kirriemuir (2); Carnoustie/Monifieth (2)</td>
</tr>
</tbody>
</table>

This system operates unless there is an urgent short term need to increase resources in a specific area to tackle a significant problem.

The current shifts of the Community Warden Service are Monday – Wednesday from 12 noon till 8pm and Thursday – Saturday from 2pm till 10pm, with no operations on Sundays. This was based around the need to tackle lunchtime litter problems on days of lower evening demand on the service. A revised shift pattern is currently being developed to include an early morning shift to help deal with dog fouling.

Each week the Anti-Social Behaviour Co-ordinator meets with Senior Community Wardens to forward plan tasking of wardens for following four weeks, based on all community information/intelligence made available to service regarding neighbourhood anti-social behaviour and community safety problems throughout Angus. Taskings and updates are reviewed each week to ensure work being carried out is best directed in relation to time/day, and necessitates continuation of focused work. Amendments are made where required. Shift times to match problems being encountered are also discussed, and where necessary, and possible within confines of contracted hours or agreement, amendments are made.
ISSUES TO BE CONSIDERED AND ADDRESSED

Enforcement

There is a view that enforcement in relation to environmental crime in Angus could be stronger and more rigorous in relation to littering, dog fouling and fly tipping. The waste inspection team lead on litter and fly tipping and the dog warden service leads on dog fouling, although authority has been given to community wardens and other council staff. There has not however been a consistent and coherent approach to enforcement with very limited issue of fine.

Alternative Structures

Having earlier considered the roads related issues and concluded that these should remain in the roads service, and also concluded that the waste inspectors should not be included in this review, the main organisational issues relate to the dog wardens and community wardens and the possible combination of their roles.

The main options include:

1. Combination of both services.
2. Combination of parts of the service, for example transfer of the responsibilities for enforcement to the community wardens.

OPTIONS APPRAISAL

Option 1: Combination of the Services

The animal welfare issues, including dealing with stray dogs and re-homing of animals has traditionally been an Environmental Health Services and has strong links to other animal welfare issues. The enforcement role is different. There are no similar strong links in relation to public order or environmental enforcement within environmental health. This would suggest that the animal welfare responsibilities should remain within environmental health but that consideration should be given to a more rational approach to enforcement.

Option 2: Combination of parts of the Services

Transfer of enforcement to the community warden service could lead to a significant change in the service and its focus. Two options are set out below. These not only include enforcement in relation to dog fouling, but also for littering and fly tipping. Although it was concluded earlier not to include the waste inspectors in the review there is a strong logic of them taking a lead in an integrated approach in environmental related enforcement.

Option 2A: Total Enforcement Service

This option would be a service whose sole purpose would be enforcing environmental antisocial behaviour legislation, with little or no community engagement.

This sets out how the Warden Service would operate as a purely enforcement based provision. In short the Wardens would spend 100% of their time patrolling and enforcing environmental antisocial behaviour legislation in relation to littering, dog fouling and fly tipping. This would completely eradicate any engagement with the community and would redefine the wardens as solely an enforcement service.

The impact of this service would be measured on the basis of the number of tickets issued. For this service to have an impact, the high visibility nature of the current service would require to be removed.

Wardens would be tasked to patrol high risk areas and detect persons causing environmental antisocial behaviour. The figures that this service would generate would demonstrate the number of offenders caught in the act, but would not give any detail of how this had impacted public perception.
or safety. It has yet to be identified and confirmed that the level of problems in the area of environmental antisocial behaviour would be sufficient to sustain a 100% enforcement service.

There would be significant training issues surrounding the redefining of the service in relation to conflict resolution and detection skills, as well the enforcement of environmental antisocial behaviour.

The current Community Wardens uniform, in particular the Hi-Viz Jackets would no longer be appropriate in the detection of offenders. Given the more confrontational nature of the service, consideration would be required to providing stab proof vests and body cameras as standard.

Current job specifications would need to be redesigned probably in consultation with relevant Trade Unions. New job outlines could result in the necessity for posts to be re-evaluated and upgraded to reflect change of purpose. This has occurred in other local authorities who have established an enforcement service.

The resourcing of administrative support required to sustain this option will also have to be considered.

To successfully target identified problem areas, staff shift patterns would have to be amended.

**Option 2B: Outcome Led Enforcement/Community Problem Solving Service**

This will further develop the current service to pro-actively tackle community problems of environmental antisocial behaviour through an outcome led enforcement and problem solving approach. Combined with this, the service would continue the current model of working with communities and partners. In this option, primacy for the enforcement of environmental antisocial behaviour legislation would be the responsibility of the Community Wardens Service.

Option 2B further develops the service, taking the best aspects of the current service and option 2A and utilising an outcome led and problem solving approach to assist communities. Community Wardens would deal directly with complaints of dog fouling.

Performance would be measured on the reduction of reported environmental antisocial behaviour problems, e.g. litter, dog fouling and fly-tipping complaints, a reduction in vandalism and young persons causing nuisance complaints and on the increased feeling of safety in communities.

It should be noted that this option gives the greatest flexibility to the deployment of the warden’s service and allows them to tackle specific identified problem areas in an intensive fashion to achieve results for the community. This option also aligns with the current National Intelligence Tasking model, which in turn is used by the Angus Community Safety Tactical, Tasking and Co-ordinating Group to define areas of need in Angus and the service which should be deployed there.

The shift system and patrol areas will be amended to meet the identified needs of the service and any additional training and equipment needs will be identified and met through existing budgets (kept under review as part of this years budget exercise).
CONCLUSION

A modification of responsibilities, leaving the animal welfare and stray dog responsibilities with the reduced dog warden service in Infrastructure Services and the development of an integrated enforcement strategy on litter, fly tipping and dog fouling appears to deliver a more logical approach.

The review team’s unanimous conclusion is that option 2B should be agreed as the way forward with the community wardens taking responsibility for enforcement of dog fouling and the single dog warden remaining within Environmental and Consumer Protection with a modified role concentrated on encouraging responsible dog ownership, dealing with stray dogs, improving education and awareness and dealing with aspects of the Control of Dog Act.

STAFFING IMPLICATIONS

The conclusions to this report will not require any transfer of staff between departments or services, however will create additional duties and responsibilities for community wardens.

FINANCIAL IMPLICATIONS

There are no direct financial implications resulting from this report.

Any income generated through the Fixed Penalty Notice process, recovered through Angus Council, will be used to off set any additional administrative costs. The revised approach is one based on outcomes and not financial motivation. In addition since Unification of the Scottish Court Systems, Angus Council have recovered monies owed in respect of non-payment via Civil Diligence. AA Hutton Sheriff Officers have advised however, that if Recovery from the Debtor is highly unlikely or negligible then no Enforcement will be made. Therefore, no cost should be incurred to Angus Council in respect of Fees owing to AA Hutton for non-payment of a FPN