

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO HEALTH & HOUSING COMMITTEE

Agenda Item No.

meeting date: 21.03.2024
title: STRAY DOG POLICY
submitted by: MARSHAL SCOTT – CHIEF EXECUTIVE
principal author: ANDREW DENT, HEAD OF ENVIRONMENTAL HEALTH

1 PURPOSE

- 1.1 For committee to review and agree the new 'Ribble Valley Borough Council – Stray Dog Policy'
- 1.2 Relevance to the Council's ambitions and priorities:
 - Community Objectives – To protect and enhance the existing environmental quality of our area.
 - Corporate Priorities – To be a well-managed council providing efficient services based on identified customer needs.

2 BACKGROUND

- 2.1 The council has a statutory duty under section s.149 of the Environmental Protection Act 1990 to appoint an officer for dealing with stray dogs found in its area and to carry out the functions of seizing, detaining and rehoming stray dogs.
- 2.2 In April 2008 the Clean Neighborhoods Act 2005 introduced additional duties for local authorities to provide an 'acceptance point' for stray dogs outside of 'normal office hours', a duty previously carried out by the police.

3 POLICY CONTENT

- 3.1 A recent review of policy content relating to stray dogs, which forms part of the current 'dog warden policy', found detail to be scant, outdated and inaccurate. Consequently, a new dedicated 'stray dog policy' has been created which contains updated detail of the Council's legal responsibilities, processes and enforcement options; this can be viewed in **appendix 1**.
- 3.2 The existing policy content relating to stray dogs (which is to be replaced) found within the dog warden policy is referenced below:

Stray Dogs

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

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

On seizing a stray dog, the Dog Wardens will normally attempt to return the dog to its owner,

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

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources – No implications identified.
- Technical, Environmental and Legal – No implications identified.
- Political – No implications identified.
- Reputation – No implications identified.
- Equality & Diversity – No implications identified.

5 RECOMMENDED THAT COMMITTEE

5.1 Approve Ribble Valley Borough Council's new 'Stray Dog Policy'.

ANDREW DENT
HEAD OF ENVIRONMENTAL HEALTH

MARSHAL SCOTT
CHIEF EXECUTIVE

For further information please ask for Andrew Dent, extension 4466

Appendix 1



Ribble Valley
Borough Council

www.ribblevalley.gov.uk

Stray Dog Policy

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Policy administration

Policy ownership

For any queries about this policy, please contact the plan owner.

Department	Environmental Health		
Owner	Mr Andrew Dent	andrew.dent@ribblevalley.gov.uk	01200 414466
Committee	Health and Housing		

This policy is maintained and published on behalf of Ribble Valley Borough Council. A copy of this policy will be published on the Council Intranet and will be reviewed and updated as stated below.

Version control and review date

Version	Date	Reason for Publication	Approved by Committee / Date	Review Date
V1.0		<i>New Policy.</i>	<i>Health and Housing Committee / XXX</i>	

This policy will be reviewed, as a minimum, on an annual basis. However, consideration should be given to reviewing the policy should there be any changes in legislation or guidance. The policy/procedure owner will ensure the document is reviewed as stated.

Equality implications

	Action	Yes / No
	An Equality Impact Assessment (EIA) has been completed	No
EIA Hyperlink		

Supporting documents or legislation relating to this policy

Please include any supporting documents / legislation
1. Environmental Protection Act 1990, sections 149 - 151
2. The Environmental Protection (Stray Dogs) Regulations 1992
3. Clean Neighbourhoods and Environment Act 2005
4. Anti-social Crime and Policing Act 2014

1. Introduction

- 1.1 This policy sets out Ribble Valley Borough Councils (“the council”) approach to dealing with stray dogs found within the borough.

2. Our Legal Duties and Obligations

- 2.1 The council has a statutory duty under s.149 of the Environmental Protection Act 1990 to appoint an officer for dealing with stray dogs found in its area. The council currently employs a dog warden to carry out all the duties associated with the seizure, detention and rehoming of stray dogs.
- 2.2 There is no formal definition of a stray dog in law. A dog may reasonably be treated as a stray if it is roaming freely and not under the control of any person, irrespective of whether it has a home. This applies whether or not the dog wears a collar with identification or is microchipped.
- 2.3 In April 2008 the Clean Neighbourhoods and Environment Act 2005 introduced additional duties for local authorities to provide an acceptance point for stray dogs outside of “normal office hours”, a duty previously carried out by the police. Any stray dog found outside of the council’s office hours outside of normal operating hours (Monday to Friday 0800 to 1700 excluding bank holidays) has to be taken to our contracted kennels by the finder or kept until the next working day when an officer will collect the dog from them.
- 2.4 The Council have a legal obligation to keep and maintain a public register of all seized dogs. The register must include the date, time and place of seizure, a brief description of the dog, any details recorded on the tag or collar, details of the person claiming the dog and details of any notice served on them or if the dog is not claimed details of its disposal by rehoming or destruction. The register has to be available for public inspection on request.

3. Control of Stray Dogs

- 3.1 A dog roaming unattended in a public place is deemed to be a ‘stray’ for the purposes of this Policy and will be ‘seized’ and if necessary ‘detained’ by an authorised officer. Detention of a stray dog will be at our contracted kennels at **Edencroft Boarding Kennels and Cattery, Hesketh Lane, Chipping, Lancashire, PR3 2TH.**
- 3.2 Members of the public who find a stray dog have a duty under the Environmental Protection Act 1990 to either return it to its owner or contact the local authority of the area where it was found. Any member of the public who retains possession of such dog

and neither attempts to return it to the owners or contacts the local authority could be accused of theft under the Theft Act 1968.

- 3.3** On the first occasion that a dog is seized, if it is wearing a collar and tag, is microchipped, or if the owner is known to the officer, the officer will attempt to return the dog to the owner. If the dog does not have identification, the officer will make reasonable efforts to identify the owner and return it to them.
- 3.4** A dog will only be returned to its home address if there is someone able to receive it. The dog will not be left in the garden or outbuilding.
- 3.5** Where no owner can be identified, or where an owner is identified but there is no one to receive it, the dog will be seized and taken directly to the kennels. The owner then will be served with a 'Notice of Seizure' giving details of the dog's whereabouts and the action they should take to retrieve it.
- 3.6** It is the responsibility of the dog owner to go to the kennels to retrieve their dog. Detained stray dogs will only be released by the contracted kennels when all costs incurred are paid in full. These costs include a statutory fine (£25) in addition to a fee for the seizure and detention of the dog. Any charges for veterinary treatment also have to be paid in full.
- 3.7** The owner may only reclaim the dog provided proof of ownership is given (pedigree certificate, microchip certificate, vets bills, family photographs etc.). If inadequate proof is produced the dog will not be released – this is to protect the dog and the owner.
- 3.8** Any dog seized by the council that is in need of veterinary treatment will be taken at the earliest opportunity to a vet and given treatment to relieve suffering. Any costs incurred will be recovered from the owner, if known.
- 3.9** A finder of a stray dog can retain the stray if the authorised officer considers the finder to be a 'fit and proper person' and able to feed and care for the stray. In this circumstance, the finder must be informed verbally and in writing that they are obliged to keep the stray, if unclaimed by the owner, for at least one month and that failure to comply with that obligation is a criminal offence. The maximum penalty on summary conviction is Level 2 (£500) on the standard scale. Finders must return the stray to the owner if claimed but can keep the dog indefinitely if it is unclaimed after a month (Environmental Protection Act, section 150), although the owner may have a civil law claim on the stray after a month.
- 3.10** The Council can either sell or give a stray dog to a suitable person or an animal welfare organisation if a stray is unclaimed after being detained for seven clear days. Once rehomed, the recipient owns the stray. As a last resort, a stray can be humanely put to sleep by a vet if it cannot be rehomed (Environmental Protection Act 1990, sections 149(6) and (7)).

4. Enforcement using Anti-social Behaviour Crime and Policing Act 2014 (ASBCPA)

- 4.1** Powers introduced by the ASBCPA can be used in a situation where an owner regularly allows a dog to stray and when a dog warden has already spoken to the owner, explained why straying causes problems for the community and issued a written warning about the need to prevent further straying.
- 4.2** Where the straying continues, the local authority can issue the owner with a community protection notice (CPN) for repeatedly allowing the dog to stray. The CPN can require that the owner takes all practicable steps to prevent the dog from straying, such as securing the boundaries of the premises, or keeping the dog inside a property if the boundaries can't be adequately secured to prevent straying.
- 4.3** If a CPN is not complied with, section 52 of the ASBCPA allows for a fixed penalty notice to be issued, with a maximum penalty of £100. Alternatively, summary proceedings can be taken for failing to comply with a CPN under section 48 of the ASBCP, a maximum Level 4 fine of £2,500 is available on conviction. Section 50 of the ASBCPA allows a court to issue a forfeiture order for breach of a CPN, which will require the owner to give up the dog for rehoming. Failure to comply with a court order is contempt of court and carries a maximum sentence of three months' imprisonment.

5. Review

- 5.1** This policy will be reviewed on an annual basis and updated accordingly as required to reflect local and national priorities.