



Ryedale District Council

REPORT TO: Community Services and Licensing Committee

DATE: 29 November 2007

REPORTING OFFICER: Environmental Health Manager
Steven Richmond

SUBJECT: Stray dog policy

WARDS AFFECTED: All

1.0 PURPOSE OF REPORT

To inform Members of the agreement on funding and the removing of responsibility for stray dogs from the police, leaving local authorities with the sole responsibility for dealing with strays dogs. To develop a policy for dealing with stray dogs out of hours.

2.0 RECOMMENDATIONS

It is recommended that Members:

- (i) Approve the policy that where practical, the Council provide an acceptance site for members of the public to use for the acceptance of stray dogs outside office hours.
- (ii) The Dog Warden and Animal Welfare Officer, when available retains his discretion to respond to out of hours situations.
- (iii) Delegate the Environmental Health Manager to negotiate with suitable providers to enable arrangements for out of hours provision for stray dogs.

3.0 REASONS SUPPORTING DECISION

The Council have been given additional statutory responsibilities for stray dogs

4.0 BACKGROUND

Section 150 of the Environmental Protection Act 1990, in combination with Section 149 of the Environmental Protection Act 1990, the Environmental Protection (Stray Dogs) Regulations 1992 and Section 3 of the Dogs Act 1906 places a statutory duty on local authorities and the police to receive stray dogs from the public including outside usual office hours. Section 68 of the Clean Neighbourhoods and Environment Act 2005, removes all reference to the police from Section 150 of the

Environmental Protection Act 1990 and repeals Section 3 of the Dogs Act 1906, leaving Local Authorities with sole responsibility for dealing with stray dogs. It was agreed that section 68 would not come into force until an agreement had been reached on an appropriate transfer of resources from the police to local authorities

Delegation to the Environmental Health Manager for section 68 was provided by the report of the Council solicitor to Policy and Resources Committee on 1 August 2005.

5.0 INTRODUCTION

The report advises on the new duties imposed with the implementation of Section 68 of the Clean Neighbourhoods and Environment Act 2005

6.0 POLICY CONTEXT

The implementation of Section 68 is a new statutory requirement.

7.0 REPORT

- 7.1 Notification has been received from Defra that an agreement on funding the commencement of Section 68 of the Clean Neighbourhoods and Environment Act 1990 has been reached removing the responsibility for stray dogs, with the exception of dangerous dogs, from the police and leaving local authorities with sole responsibility for dealing with stray dogs from 6 April 2008.
- 7.2 Currently local authorities typically provide stray dog services during "office hours" and provide a collection service where a report of a stray dog is made to the authority. Outside office hours, the police have accepted stray dogs brought to them. The police do not go out and collect stray dogs that are reported to them, although they are able to do so at their discretion.
- 7.3 Section 68 of the Clean Neighbourhoods and Environment Act will be commenced on 6 April 2008. On commencement, all statutory duties for the police in relation to stray dogs will be repealed from existing legislation and local authorities will be solely responsible at all times for all functions on stray dogs. Although the police will still be responsible for dealing with dangerous dogs they will no longer collect, or accept stray dogs.
- 7.4 Local Authorities in England and Wales will be funded a total of £4 million a year through the Revenue Support Grant. This funding is intended to cover the additional costs of providing an out of hours service for stray dogs and the administrative costs for local authorities to provide Defra with information so as to allow them to monitor the out of hours arrangements.
- 7.5 As has been the case until now, during office hours, local authorities will be expected to collect dogs that are reported to them and accept any that are brought to them. Outside office hours local authorities will be expected, where practicable, to provide a place to which a stray dog can be taken and accepted into local authority care (an "acceptance point"). That place does not have to be a local authority managed kennels; it could be to kennels operated by a commercial or charitable interest. There will be no expectation on local authorities to provide a search and

collection service for stray dogs outside office hours. This has not been a service typically offered by the police, and there is no expectation that one should be introduced. The funding provided is not intended to cover an out of hour's collection service.

- 7.6 Present arrangement in Ryedale are that the Council use a third party kennels for the housing of strays, which is also the same kennels used by the police for their out of hours strays. It is proposed to negotiate with the kennel proprietor and or any other interested party over the acceptance of out of hours strays, in order to achieve the most cost effective service possible. As the authority are not required to provide a round-the-clock call out service, it is recommended that the Council adopt a policy that we will provide the minimum requirement of the extended duty; that is where practicable, we provide a place to which dogs can be taken outside normal office hours. The Dog Warden and Animal Welfare Officer, at present, when available does attend to emergency issues and strays out of hours, when in his judgement the situation demands it. It is proposed that the officer maintains this discretion.

8.0 FINANCIAL IMPLICATIONS

Local authorities will be provided with funding for this new duty through the Revenue Support Grant. Provision was made in the 2007/08 budget in anticipation of the duty coming into force in this financial year.

9.0 LEGAL IMPLICATIONS

The Council has no option but to fulfil the minimum legal requirement of providing an acceptance point for the public to take stray dogs out of hours.

10.0 CONCLUSION

As from April 2008 local authorities will be solely responsible for discharging stray dog functions. By adopting a policy of providing the minimum requirement of an acceptance point for out of hours stray dogs, but the flexibility of responding to emergencies, the Council can provide the most cost effective service possible.

Background Papers:

Defra letter "Re STRAY DOGS" 19 October 2007.

Clean Neighbourhoods and Environment Act 2005. Policy and Resources Committee 1/8/05.

Clean Neighbourhoods and Environment Act 2005. Community Services and Licensing Committee. 5/10/06.

OFFICER CONTACT: Please contact Steven Richmond, Environmental Health Manager if you require any further information on the contents of this report. The officer can be contacted at Ryedale House, Malton on 01653 600666 ext 247 or e mail: steve.richmond@ryedale.gov.uk