



Ryedale District Council

REPORT TO: Community Services & Licensing Committee

DATE: 24 July 2008

REPORTING OFFICER: Environmental Health Manager
Steven Richmond

SUBJECT: **Review of out of hours stray dog policy**

WARDS AFFECTED: **All**

1.0 PURPOSE OF REPORT

To review the policy for dealing with stray dogs out of hours.

2.0 RECOMMENDATIONS

It is recommended that Members:

- (i) Approve the policy for stray dogs reported out of hours that :-
In situations where the finder is unwilling or unable to retain a stray dog until the next working day or take the dog to an acceptance point, that where practical a collection service will be provided.
- (ii) The Dog Warden and Animal Welfare Officer, when available retains his discretion to respond to out of hours situations.
- (iii) The Environmental Health Manager keeps the policy under review.

3.0 REASONS SUPPORTING DECISION

The Council have been given additional statutory responsibilities for stray dogs out of normal office hours. A policy has been determined in accordance with Defra guidance, which has led to complaints and pressure on Ryecare staff.

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.

A report was submitted to this Committee on 29 November 2007, outlining the new responsibilities. The following recommendations were approved:

- (i) 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 of office hours.
- (ii) The Dog Warden and Animal Welfare Officer, when available retains his discretion to respond to out of hour's situations.
- (iii) The Environmental Health Manager be delegated to negotiate with suitable providers to enable arrangements for out of hours provision for stray dogs

5.0 INTRODUCTION

The report advises on some difficulties that have arisen with the introduction of 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, which came into force on 6 April 2008.

7.0 REPORT

- 7.1 Section 68 of the Clean Neighbourhoods and Environment Act 1990 came into force on 6 April 2008 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.
- 7.2 Up to this date local authorities typically provide stray dog services during "office hours" and provide a collection service where a report of a stray dog was made to the authority. Outside office hours, the police had to accept 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 commenced on 6 April 2008. All statutory duties for the police in relation to stray dogs were repealed from existing legislation and local authorities are solely responsible at all times for all functions on stray dogs. Although the police will still be responsible for dealing with dangerous dogs they no longer collect, or accept stray dogs.

- 7.4 Local Authorities in England and Wales have been 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. Defra guidance issued in relation to the new requirements advised that 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 Following the report to Community Services and Licensing Committee on 29 November 2007, contractual arrangements were made with two third party kennels for the housing of strays. One of these kennels was previously the same kennels used by the police for their out of hours strays. An additional kennel was also contracted to provide the same service in a different part of the district.
- 7.7 It was agreed by this Committee that as the authority are not required to provide a round-the-clock call out service, 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. Committee agreed that the officer maintains this discretion.
- 7.8 Since the introduction of the new policy on out of hours strays the Council has received two formal complaints in relation to the policy. The gist of the complaints are that:
- Members of the public do not often have the facilities to retain dogs until the next working day
 - Dangers to members of the public dealing with dogs of an unknown temperament
 - Members of the public are unwilling to put unknown dogs in their cars which cannot be transported safely and may cause damage inside the car
 - The kennels are located in isolated locations and it is both time consuming and expensive to take any stray
 - Safety concerns both for the dog and drivers that any such strays could cause a road traffic accident,

- Questions as to the legal responsibilities of finders and arrangements for any emergency veterinary treatment required.

As a result of the above issues there is the strong possibility that public-spirited citizens when finding that they have to retain or transport any stray out of hours are more likely to let it go again. On occasions when administering this policy, it has proved extremely stressful for Ryecare staff due to their inability to provide an effective solution to the problems experienced by callers.

8.0 OPTIONS

The options are to:

- a) retain the existing policy of providing the minimum requirement of the extended duty, or
- b) adopt a policy that for dogs found out of hours that if the finder is unable or unwilling to retain the dog until the next working day or take the dog to an acceptance centre that the Council where practicable will arrange collection facilities
- c) If policy (b) is adopted recharge the cost of collection to the owner if the dog is reclaimed.

9.0 OPTIONS APPRAISAL

Option a) The existing policy has led to two formal complaints and does not provide a very satisfactory service to the members of the public who may find a dog out of hours.

Option b) The kennel proprietors are willing to provide the collection service out of hours. The contract has made provision to allow for mileage to be paid for provision of such a collection service. Financial provision has been made to local authorities through the Revenue Support Grant and sufficient provision is made within this years budget to fund such a service. This option will provide a much better service and prevent the problems of complaints and stress to members of Ryecare when dealing with such issues. This is the option recommended to Members to adopt.

Option c) Under section 149(50, of the Environmental Protection Act 1990, the authority may charge the owner all expenses incurred during the dogs detention plus a prescribed amount of £25. Ryedale has always charged £25 (the statutory fee) plus the kennelling costs to the owner reclaiming a dog. While the option exists to charge more for the costs of detention it is the Dog Warden and Animal Welfare Officers professional opinion that charging over and above the statutory fee would result in a significant number of dogs been unclaimed, with the consequent problems of re-homing.

10.0 FINANCIAL IMPLICATIONS

Local authorities have been provided with funding for this new duty through the Revenue Support Grant. Funding was 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

COMMUNITY SERVICES & LICENSING COMMITTEE

24 July 2008

arrangements. Based on the first quarter of 2008/09 it is anticipated the service may deal with approximately 60 out of hours strays, 48 of which would be reclaimed paying the £25 statutory fee (which would offset the mileage claim) and any kennelling costs, leaving approximately 12 dogs unclaimed. The anticipated costs of kennelling and re-homing these strays, which would have to be born anyway would be approximately £1000. There is sufficient provision made in the 2008/09 budget in anticipation of the duty coming into force in this financial year.

11.0 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. Providing this minimum service has proved problematical.

12.0 CONCLUSION

Adopting a policy of providing the minimum requirement of an acceptance point for out of hours stray dogs, has proved problematical. Provision of an out of hour's collection service via the third party kennels for those finders of strays that are unable or unwilling to retain the dog until the next working day or take the dog to either of the acceptance kennels will enhance the quality of the service in the most cost effective manner.

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.

Stray Dogs Policy. Community Services and Licensing Committee. 29/11/07.

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