

Subject: Dog Warden Service – Changes to Legislation **Status:** For Publication

Report to: The Cabinet

Date: 19th March 2008

Report of: Head of StreetScene and Neighbourhoods

Portfolio Holder: A Clean and Green Rossendale

Key Decision: No

Forward Plan

General Exception

Special Urgency

1. PURPOSE OF THE REPORT

- 1.1. To inform the Cabinet of changes to the legislation for dealing with the provision of kennelling stray dogs out of hours.
- 1.2. That the transfer from the Police Service of the duty to deal with dog kennelling, out of hours, takes effect from 1st April 2008 and the council is required to provide a service.
- 1.3. To agree the policy and procedure for dealing with stray dogs, dog fouling and education.

2. CORPORATE PRIORITIES

- 2.1. The matters discussed in this report are linked to and support the following corporate priorities;
 - Delivering Quality Services to Customers (Customers, Improvement)
 - Keeping Our Borough Clean and Green (Environment)
 - Well Managed Council (Improvement)

3. RISK ASSESSMENT IMPLICATIONS

- 3.1. To inform the Cabinet of the changes to the legislation and the transfer of the out of hours secured stray dog service. Failure to agree to the recommendations will result in the Council not fulfilling its statutory duty and inconsistencies existing within service delivery.

4. BACKGROUND

General Working Practice

- 4.1. During normal working hours (9am – 5pm), Rossendale provides a dog control service in accordance with its duties under Section 149 of the Environmental Protection Act 1990, associated regulations and guidance. This service is currently contracted out to a third party provider, Animal Wardens Limited. Glencoe Kennels, are currently used as the kennelling provider. Currently outside of normal working hours, Lancashire Police provide a reception and temporary kennelling service for stray dogs brought to local Police Stations by members of the public in accordance with Section 150 Environmental Protection Act 1990. Dogs are normally transferred to the same kennelling providers the next working day.
- 4.2. The current contract expires in April 2008 and the Head of StreetScene and Neighbourhoods is currently reviewing the provision of the Animal Warden service and will be procuring a new contract during the coming months.

New Requirements - Out of Hours Provision- Secured Stray Dogs

- 4.3. Duties placed upon the Police are due to transfer to Local Authorities from 6th April 2008 as per Section 68 of the Clean Neighbourhoods and Environment Act 2005. Therefore Local Authorities will become the sole agency responsible for stray dogs and are expected to extend their current service provision accordingly. Guidance from the Department for Environment, Food and Rural Affairs (DEFRA) has been made available on the new responsibilities. This change in legislation has led to Rossendale needing to secure provision to satisfy the new duties contained with the Act. In terms of the estimated volume of work, based on 2006/7 figures approximately 104 stray dogs were taken to the Police Authorities' kennelling providers. It must however be borne in mind that a small number of dogs would also have been collected by owners directly from police stations, therefore the total number of dogs handled by the Police Authorities would have been slightly higher. The council are looking to meet the new requirements through provision of an out of hour stray dog service, which meets minimum standards highlighted in the guidance.
- 4.4. The minimum requirements of the extended duty is where practicable Local Authorities provide a place to which dogs can be taken outside normal office hours. Local authorities are not expected to provide an around-the-clock call out services.
- 4.5. The Service is primarily a service for dealing with secured stray dogs, - the definition of which is - dogs which have been found in a public or private place where it should not be and has been confined in some way and whose owners are unknown or cannot be reached at the time of notification. It is not designated for, nor is it intended to address the issue of roaming stray dogs out of normal service hours and will not patrol and catch roaming stray dogs out of hours. Any notifications concerning dogs which are the responsibility of other public bodies, or dangerous dogs; prisoner's dogs; dogs injured in road

accidents; dogs belonging to persons taken into care or into hospitals or who have been evicted from properties.

- 4.6. East Lancashire e-Partnership is conducting a consultation exercise to jointly procure a kennelling facility that will accept dogs transported to the facility during what is considered to be 'out of normal working hours'. This facility would accept dogs from members of the public or police or other agencies, but would not collect a dog from a premise. It is proposed that this facility will be open between 17.00 hours and 22.00 hours, Monday to Friday, except Bank Holidays and from 10.00am to 16.00 hours on Saturday and Sunday.
- 4.7. Dogs will be kennelled and if reclaimed, returned to the owner on receipt of payment for the kennelling and any necessary veterinary treatment. Where the dog is unclaimed, on the 8th day it will be re-homed.

Policies for dealing with Stray Dogs and Dog Fouling

- 4.8. The Environmental Protection (Stray Dogs) Regulations 1992 places a legal duty on local authorities to deal with stray dogs. Currently the Council both collects secured strays and seizes roaming strays during normal working hours. The dog will be seized and every effort will be made to return the dog to its owner. Where it is not possible to identify the owner the dog it will be taken to the kennels where it will be vaccinated and kennelled, costs of which will be incurred by the owner should the dog be reclaimed. After 7 days if the dog has not be reclaimed the dog will be re-homed and costs of kennelling and any veterinary treatment etc will be assigned to the Council. Should the dog show any signs of illness or injury it will be taken to a local veterinary surgeon for the necessary treatment. If the dog is beyond treatment a decision to destroy the dog will be taken by the Council following advice from the Veterinary Surgeon.
- 4.9. Recurring strays – where an owner is repeatedly allowing their dog to roam it will only be returned to them on 2 occasions. On the third occasion the dog will be taken to the kennels.
- 4.10. Collar and Tag – The Dogs Control Order 1992 makes it an offence for a dog not to wear a collar and tag whilst in a public place. These dogs will be treated as stray dogs and dealt with as outlined under stray dogs section. Micro-chipping is not accepted as an alternative to a collar and tag but will help in identifying who owns the dog. Micro-chipping is currently offered on a voluntary basis by the kennels for a small donation.
- 4.11. Fixed Penalty Notice's - The Dogs (Fouling of Land) Act 1996 makes it an offence to fail to remove dog fouling from land designated under this Act. Signs to raise awareness of the offence of dog fouling will be erected on local authority property only in areas where dog fouling is evident. Lancashire County Council, have given permission for signs to be erected on lamp posts. A programme of ongoing publicity and education will be developed to address current issues and tie in with national campaigns.
- 4.12. The cost of kennelling a stray dog during the normal daytime service varies depending on the length of stay at the kennels. If the dog is reclaimed by the

owner there is an initial charge imposed by the local authority of £30 in addition to the cost of kennelling for up to 7 days by the kennels. For dog that are re-homed on the 8th day the local authority is currently charged £69.00.

- 4.13. The Council has a duty to deal with secured strays out of hours from April 2008, therefore members are asked to consider the following options as to how these obligations are fulfilled;

Out of Hours Provision - Options to Consider

1. Provide 24 hour service to collect stray dogs and transport to a kennel provider.
2. Provide access for the public or other agencies to a facility open 24 hours a day that will accept dogs transported to the site.
3. Provide a day time service that operates between 9am and 5pm.
4. Work with East Lancashire e-partnership to jointly procure a service to cover the requirements of the legislation in providing a place to which secured strays can be taken out of hours.

Fixed Penalty Notices - Options to Consider

5. A zero tolerance approach to the issuing of fixed penalty notices for dog fouling, with no exception made to this offence except for people who are registered blind.
6. That failure to pay the penalty will result in prosecution.
7. That funding generated by Fixed Penalty Notice's will be retained by Streetscene and Neighbourhoods to develop service provision.

5. COMMENTS OF THE HEAD OF FINANCIAL SERVICES

- 5.1. Street Scene and Neighbourhood Services have identified budget resources for an extended service.

6. COMMENTS OF THE MONITORING OFFICER

- 6.1. This will assist the Council to perform its statutory duties.

7. COMMENTS OF THE HEAD OF PEOPLE AND ORGANISATIONAL DEVELOPMENT (ON BEHALF OF THE HEAD OF PAID SERVICE)

- 7.1. No HR implications.

8. CONCLUSION

- 8.1. The Council has a duty to deal with strays out of hours from April 2008, therefore members are asked to consider the options above and decide how we fulfil these obligations.

