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## **TRANSFER OF RESPONSIBILITY FOR STRAY DOGS FROM THE POLICE TO LOCAL AUTHORITIES**

### **1 SUMMARY**

- 1.1 This report advises the Executive Board of the transfer of responsibility for stray dogs from the Police to local authorities from April 2008 and makes recommendations regarding proposed new arrangements.

### **2 INTRODUCTION**

- 2.1 Under the Environmental Protection Act 1990, both local authorities and the Police presently have joint statutory responsibilities for accepting a stray dog when handed in by a finder. Anyone finding a dog is required to either return the dog to the owner or take the dog to the office of the local authority or to the nearest Police station. An arrangement is also in place whereby the finder of a dog may retain it, if it is not claimed within 7 days.
- 2.2 Under the Clean Neighbourhoods and Environment Act 2005, from 6<sup>th</sup> April 2008, all statutory duties of the Police in relation to stray dogs will be repealed from existing legislation and local authorities will be solely responsible at all times for all functions on stray dogs. Local authority duties are contained in both the Environmental Protection Act 1990 and the Environmental Protection (Stray Dogs) Regulations 1992. The Police will, however, still be responsible for dealing with dangerous dogs and dogs worrying livestock.
- 2.3 In late October 2007, notification was received from the Department for Environment, Food and Rural Affairs (Defra) confirming the outcome of discussions with the Home Office with regard to the funding arrangement to cover the transfer of these responsibilities. It was confirmed that local authorities in England and Wales will be funded a total of £4 million a year through the Revenue Support Grant (RSG).
- 2.4 The funding is only intended to cover the additional costs of local authorities providing out of hours service for stray dogs. Defra have been unable to confirm the RSG allocation amount awarded to this authority for providing this service as the RSG is a block grant and, due to the method of its calculation, it is not possible to identify how much grant has been allocated for any particular service.
- 2.5 The proposals contained within this report are in line with Defra guidance issued, which specifies that current arrangements are to remain in place during office hours whereby local authorities will be expected to collect stray dogs that are reported to them and also to accept any that are brought to them. In terms of the new responsibilities to be transferred from the Police, local authorities will be expected, where practicable, to provide a place (acceptance points) to which stray dogs can be taken, outside office hours, and accepted into local authority care. The guidance suggests that, where practicable, a full 24-hour acceptance point service should be made available.

Local authorities will be expected to provide a cost effective service, which might make use of third party kennels to accept stray dogs outside hours.

2.6 There is no expectation on local authorities to provide a search and collection service for stray dogs outside of office hours. This is not a service typically offered by the Police and the funding is not intended to cover any such extension to services.

2.7 In terms of present arrangements, Police facilities with a kennelling unit available for accepting stray dogs in the District are as follows:-

- Rayleigh Police station – open 24 hours
- Rochford Police station – open 0900 – 1700 (Monday – Thursday)  
0900 – 1630 (Friday)

2.8 The Police have confirmed that between 1 January 2007 and 1 January 2008, 115 dogs were found in this District. Of these, 42 were retained by the finder under the provisions explained in paragraph 2.1 and 73 were taken to either Rayleigh or Rochford Police Station, namely:-

- Between 0900-1700 39
- Between 1700-Midnight 31
- Between Midnight – 0900 3

The above figures exclude stray dogs handled by this Council.

2.9 Our dog warden contractor is currently available between 0830 – 1730 Monday to Friday (excluding public holidays).

### **3 PROPOSAL FOR FUTURE STRAY DOG SERVICE IN THE DISTRICT**

3.1 In order to provide a similar and reasonably practicable service for stray dogs to the one presently provided by the Council and the Police in the District, the following Council service is proposed, to be effective as from 6 April 2008:-

- During office hours (0830 – 1730 hours Monday – Friday excluding Public Holidays) a dog warden contractor will continue to provide a collection service for any stray dogs found or reported. Dogs will be returned to their owners, if identified, within the 7 day retention period.
- For the new out of hours' requirement it is proposed to establish an acceptance point for stray dogs in partnership with Southend Borough Council to operate at all other times of the week. Dogs taken to the acceptance point will be transferred by our dog kennelling contractor no later than during the morning of the following day.

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- 3.2 Both Southend Borough Council and ourselves have negotiated with Medivet, Eastwoodbury Lane, Southend to operate as an acceptance point for both authorities. This veterinary surgery is currently open 24 hours a day and has frequently received dogs from both Council areas outside office hours. They have also received stray dogs from finders who have been told to take them there by the Police.
- 3.3 Medivet have confirmed that they are prepared to operate this service for a trial period of 6 months free of charge, subsequent to which both parties would be able to consider the implications over the longer term. It is not possible at this stage to quantify the potential long-term financial implications.
- 3.4 The surgery would be able to provide emergency treatment to any injured stray dog and this cost would be covered by the Council in whose area the dog was found. The surgery would contact our kennelling contractor and arrange for any dogs to be transferred to the kennels as soon as practicable. Dogs received during the evening would be transferred during the morning of the following day. The surgery would not take responsibility for contacting the dog owner or reuniting the dog with its owner. This function would continue to be undertaken by our kennelling contractor.
- 3.5 We are currently reviewing the operational arrangements with our kennelling contractor to ensure that a fully integrated service is provided. The increased throughput of stray dogs, together with the additional callout and standby cover proposed, is likely to cost in the region of an additional £7,000 a year.
- 3.6 The Defra guidance requires local authorities and Police to fully publicise any new arrangements and, if this proposal is approved, this will be undertaken in the District ready for the changes in April 2008. Once all responsibilities for stray dogs are with the local authority there is future potential for developing a “dogs lost and found” page on the Council’s website to provide a service which helps re-unite stray and lost dogs with their owners.
- 3.7 The recommended course of action complies with our Animal Welfare Charter agreed in February 2006 and specifically the right of animals to enjoy five basic freedoms:-
- Freedom from fear and distress.
  - Freedom from hunger and thirst.
  - Freedom from pain, disease and injury.
  - Freedom from unnecessary constraint.
  - Freedom from physical discomfort.
- 3.8 The provision of a full service for stray dogs will provide new opportunities for raising public awareness of responsible dog ownership.

#### **4 OTHER OPTIONS CONSIDERED**

- 4.1 In reaching the recommended course of action three other options were considered:-
- A contract with the Police to operate the same service that they do currently – the Police are unable to provide this service.
  - Employing a kennelling contractor to operate a 24 hour call out service – this option was estimated at £20,000 in addition to our current office hours arrangement.
  - Providing our own kennels at the depot in Rochford – This option has been rejected due to initial capital costs, together with call out fees that would be required for staff to attend the facilities. It would also leave the depot unmanned for most of the time and leave some concerns for animal welfare.

#### **5 FINANCIAL IMPLICATIONS**

- 5.1 The current budget for the collection of stray dogs during office hours is £9,000. Although additional annual funding is being made available through the Revenue Support Grant to cover the additional costs of providing the out of hours' element of the service, the amount has not been identified separately in the RSG.
- 5.2 The arrangement with Medivet to operate an acceptance point outside office hours is subject to review after 6 months. It is possible that there may be further financial implications in the longer term, but these cannot be quantified at this time.
- 5.3 The proposed arrangements for transporting and kennelling the additional dogs that are taken to the acceptance point is likely to cost in the region of an additional £7,000 a year, for which there is no budgetary provision. We should be able to facilitate this growth through management of the budget process over the 12 months.

#### **6 LEGAL IMPLICATIONS**

- 6.1 The amendment of Section 150 of the Environmental Protection Act 1990 by the Clean Neighbourhoods and Environmental Act 2005 imposes the duty on the Council to provide one or more "acceptance points" facilities for members of the public to deposit stray dogs.

#### **7 CRIME AND DISORDER IMPLICATIONS**

- 7.1 The adoption of the provisions of the 2005 Act contributes to tackling the street scene element of anti-social behaviour.

**8 RISK IMPLICATIONS**

- 8.1 There is a risk to our reputation if no service is provided or if the service quality is poor. There is also a financial risk on the basis that we have no accurate idea as to volumes or issues that are likely to emerge. There is a contract risk if either Medivet or Southend Borough Council were unable to support the proposed service in the longer term.

**9 RECOMMENDATION**

- 9.1 It is proposed that the Board **RESOLVES** that authority be delegated to the Head of Environmental Services to enter into a contract with Medivet and/or an appropriate kennelling contractor, in order to provide an acceptance point and kennelling facility for stray dogs received outside office hours.

Richard Evans

Head of Environmental Services

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**Background Papers:-**

- (1) Clean Neighbourhoods and Environment Act 2005.
- (2) Guidance on the Environmental Protection Act 1990, Clean Neighbourhoods and Environment Act 2005 and related legislation.
- (3) Stray Dogs Guidance from DEFRA.
- (4) Letter from DEFRA dated 19<sup>th</sup> October 2007.

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