

REPORT TO THE EXECUTIVE		Report No. 13
Date of Meeting	13 th March 2008	
Title of Report	Clean Neighbourhoods and Environment Act 2005: Responsibility for stray dogs out of hours	
Portfolio	Community & Wellbeing	
Link to Corporate Priorities	To protect and enhance the local environment	
Key Decision	Yes - Mandatory	
Executive Workplan Ref	B372	
Public Report	Yes	

<p>Summary of Report</p> <p>To advise the Executive on the implications of Section 68 of the Clean Neighbourhoods and Environment Act 2005, which removes the requirement for the Police to deal with stray dogs out of hours and passes the duty to Local Authorities.</p> <p>For the Executive to approve the method for dealing with stray dogs out of hours within North Wiltshire.</p>
<p>Officer Recommendations</p> <p>It is recommended that:</p> <p>Authority be delegated to the Environmental Health Manager to enter into an agreement with the Bath Cats and Dogs Home to provide a dog kennelling facility out of hours for the Council.</p> <p>That an additional funding of £2,000 be approved in order for the Council to carry out its mandatory duty in relation to stray dog collection out of hours.</p>

Other than those implications agreed with the relevant Officers and referred to below, there are no other implications associated with this report.				
Financial Implications	Legal Implications	Community & Environmental Implications	Human Resources Implications	Equality & Diversity Implications
Yes	Yes	Yes	None	None

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1. Introduction

- 1.1 The Environmental Protection Act 1990 and the Environmental Protection (Stray Dogs) Regulations 1992 placed a statutory duty on local authorities to deal with stray dogs during the working week. At all other times the Police were responsible for kennelling stray dogs and re-homing when necessary.
- 1.2 On the 6th April 2008 Section 68 of the Clean Neighbourhoods and Environment Act 2005 will commence. This places a statutory duty on Local Authorities to deal with stray dogs at all times and not just during the day.

2. Options and Options Appraisal

- 2.1 To enter into an agreement with the Bath Cats and Dogs Home, operated by the Royal Society for the Protection of Cruelty to Animals (RSPCA), to act on behalf of the North Wiltshire District Council as an acceptance point for stray dogs out of hours. The RSPCA will then hold the dog for the legally required 7 days and will then seek to re-home, unless an owner comes forward in which case the dog will be released on payment of a fine and kennelling fee. The agreement will provide for a guaranteed reception area for strays brought in between 17.00-22.00 hours on weekdays and 09.00-22.00 at weekends and Bank Holidays. Any owner claiming a dog within the 7 days will be fined £25 plus an additional admin fee of £10 set by the Bath Cats and Dogs Home and kennelling costs of £9.40 a day. The additional cost of providing this service will be shared between North Wiltshire District Council, Bath and North East Somerset and West Wiltshire. The total cost will be £12,000; this will be shared equally between the three local authorities.
- 2.2 The Worcester Telecare Service, which currently deals with all Environmental Health, enquires out of hours will advise all telephone callers who have found a stray dog to take them to the reception area of the Bath Cats and Dogs Home during the agreed reception hours. There is no additional cost for this service.
- 2.3 This is a mandatory duty and the Council does not have an option other than to make these arrangements.

3. Background Information

- 3.1 The District Council dealt with a total of 145 stray dogs in 2007 during working hours, and a total of 83 of these dogs required kennelling. During the working day the Dog Warden or Animal Control Officer collect reported stray dogs. If it is not possible to return them to the owner, if the dog is not wearing a collar or tag, then the dog will be transported to the Bath Cats and Dogs Home.
- 3.2 The Council has a duty to detain the stray dog for 7 days before attempting to re-home. The cost of holding these dogs is claimed back from the owner and fees are collected before a dog is returned. The fees that are re-claimed include a prescribed fine of £25 and the cost of kennelling per day.
- 3.3 As from the 6th April 2008 this Council will be required to deal with all stray dogs out of hours. Currently the police have this responsibility. Information provided by Wiltshire Police, following a Freedom of Information request, indicate that a total of 129 stray dogs have been taken to a police station in the North Wiltshire area out of hours between 2004-2007. This is an average of just over 32 dogs a year. The Police have not had any facilities to collect stray dogs and have relied on the public to take

- them to their nearest police station.
- 3.4 The Guidance on stray dogs from the Department for the Environment Food and Rural Affairs issued in October 2007, confirms that local authorities are not required to collect dogs out of hours but to provide an acceptance point for members of the public to take stray dogs.
 - 3.5 Meetings have been held between Officers from the Wiltshire Authorities and Swindon Council to ensure consistency across the authorities and to share resources in dealing with this new requirement. All authorities have faced difficulties in locating suitable acceptance points, as boarding kennels require all dogs to be immunised as a license condition. As it is not possible to know the history of stray dogs, kennels can only consider being acceptance points if they have facilities away from the main kennel blocks to prevent the risk of infection to other dogs.
 - 3.6 Currently Kennet District Council and Salisbury District Council have made their own arrangements for dealing with stray dogs out of hours. This will need to be reviewed once the new unitary Council commences in April 2009. Discussions have been held with other providers within North Wiltshire, but none of them have been able to provide this service.
 - 3.7 Anyone finding a stray dog out of hours and ringing the Council number will be directed by the Worcester Telecare Service to take the dog directly to the Bath Cats and Dogs Home during the set reception hours. Outside of these hours Worcester Telecare Service will pass the details on to the Bath Cats and Dogs Home who will contact the finder to arrange for a suitable time to drop the dog off. The service for stray dogs will be advertised through a press release and through posters displayed at existing police stations and in local libraries and on our website.

4. Financial Implications

- 4.1 There are costs involved in fulfilling the requirement, however the provision for stray dogs out of hours by the Council is mandatory. The guidance note issued by DEFRA indicated that additional funding would be provided for all local authorities of £4million a year through the Revenue Support Grant. The Head of Finance and Resources has confirmed that this would equate to additional funding for North Wiltshire of £2,000 per annum. Additional funding of £2,000 will therefore need to be approved in order for the Environmental Health Manager to enter into an agreement with Bath Cats and Dogs Home.
- 4.2 No additional funding is required for the daytime service, as this will remain the same.

5. Legal Implications

- 5.1 Section 68 of the Clean Neighbourhoods and Environment Act 2005 will be implemented on the 6th April 2008. All statutory duties in relation to stray dogs will be the sole responsibility of each Local Authority.

6. Community and Environment Implications

- 6.1 The proposal before the Executive will help the public to deal with stray dogs that they may have found out of hours. With the Council taking on this new responsibility it should free up police time to deal with more serious policing matters.

7. Risk Analysis

7.1 As this is a mandatory requirement the Council must fulfil its duties to provide a stray dog service out of hours.

Appendices:	<ul style="list-style-type: none">• None
Background Documents Used in the Preparation of this Report:	<ul style="list-style-type: none">• None

Previous Decisions Connected with this Report

Report	Committee & Date	Minute Reference
<ul style="list-style-type: none">• NONE		