

HAMBLETON DISTRICT COUNCIL

Report To: Cabinet
6 September 2016

Subject: **STRAY DOG ENFORCEMENT POLICY**

All Wards
Portfolio Holder for Environmental Services: Councillor S Watson

1.0 PURPOSE AND BACKGROUND:

- 1.1 This report is presented to enable consideration and approval of the Stray Dog Enforcement Policy. The Policy sets out the service provided in relation to stray dogs and the general principles in relation to the enforcement of stray dog legislation.
- 1.2 The Council has a statutory duty to appoint an officer for dealing with stray dogs found in its area, Hambleton District Council employs one full-time Dog Warden and two multifunctional Pest Control Officers who support the Dog Warden whilst operating within the District. The increased capacity the officers provide improves the service to the public and enables the Dog Warden to work with residents to look at ways to reduce the incidents of dog fouling. In April 2008 the Clean Neighbourhoods and Environment Act 2005 introduced additional duties for local authorities to provide an acceptance point for stray dogs outside of "normal office hours", a duty previously carried out by the Police. The Council meets this duty with the provision of a drop-off pen provided at kennels in the north of the District. Any stray dog found outside of the Council's collection hours of Monday to Friday 0830 to 2000 and weekends 1000 to 1500 (excluding Christmas Day and New Year's Day) has to be taken to kennels by the finder or kept until the next working day when the Dog Warden is available to collect the dog from them. Calls of reported and lost dogs outside normal office hours are received by a telephone number which is operated by 24 hour on-call staff from the Waste and Street Scene Service. The Council is currently out to tender for additional kennels and drop-off facilities, this tender aims to improve provision for residents in all areas of the District.
- 1.3 Under the Control of Dogs Order 1992 the Council can take action in respect of dogs which do not have a collar and appropriate identification tag. Under the Microchipping of Dogs (England) Regulations 2015 it is compulsory for all dogs in England over the age of 8 weeks to be fitted with a microchip and the keeper's details registered on an approved database. The regulations came into force from 6 April 2016, failure to comply is a criminal offence and the keeper could be fined up to £500. The Council will encourage compliance where it appears necessary and advice, guidance and warnings will be provided to the dog's owner, at present Hambleton District Council does not take any enforcement action.
- 1.4 The Police are responsible for taking action where dogs are dangerously out of control and for the keeping of dangerous or banned breeds of dogs. A dog is deemed to be dangerously out of control if "a dog injures a person" or that person has "reasonable apprehension".
- 1.5 The purpose of the Stray Dog Enforcement Policy is to ensure that any enforcement decisions are always consistent, balanced, fair, accountable, transparent and proportionate.

- 1.6 The Policy aims to help the public understand the laws relating to stray dogs, their responsibilities as dog owners and how the Council will approach enforcement of its legal duties.
- 1.7 The approach is a balance between education and enforcement. Advice, guidance and warnings are given to dog owners with regard to responsible dog ownership, current legislation regarding dogs and the implications of non-compliance.
- 1.8 The Policy will ensure consistent, fair and equitable enforcement of the Council's statutory duties and it is considered good practice for local authorities to have a policy in place to guide its decision making and in clarifying the position the Council will take in relation to these matters.

2.0 LINK TO COUNCIL PRIORITIES:

- 2.1 The proposal links to the Council Plan priority of caring for the environment in that the collection and kennelling of stray dogs has positive benefits for communities and improves the quality of life of residents and contributes to the enhancement of the high quality environment of the district by making it a safer place to live, work and explore.

3.0 RISK ASSESSMENT:

- 3.1 There are no significant risks associated with approving or not approving this Policy.

4.0 FINANCIAL IMPLICATIONS:

- 4.1 The report has no additional financial implications.

5.0 LEGAL IMPLICATIONS:

- 5.1 A clear and up to date Policy will assist the Council to make robust decisions in relation to stray dogs. This will help reduce the risk of legal challenge if any enforcement or legal action is undertaken.

6.0 EQUALITY/DIVERSITY ISSUES:

- 6.1 It is believed that the Policy does not disproportionately affect any specific group of people as it ensures a fair and consistent service for all.

7.0 RECOMMENDATION:

- 7.1 That Cabinet approves and recommends to Council that the Stray Dog Enforcement Policy is adopted.

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Background papers: Stray Dog Enforcement Policy

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