

# South Lakeland District Council Stray Dog Enforcement Policy

## Contents

1	Introduction .....	2
2	Our duties and obligations .....	2
3	Control of stray dogs.....	3
4	Unclaimed strays .....	5
5	Education and information .....	5
6	Links to other council policies and plans.....	5
7	Review .....	6



# 1 Introduction

- 1.1 This policy sets out the service provided in relation to stray dogs and the general principles that South Lakeland District Council (“the council”) follows in relation to the enforcement of stray dog legislation and the discretionary functions it undertakes.
- 1.2 The policy aims to help the public understand what the law requires and how the council will approach its enforcement duties.
- 1.3 We will undertake any enforcement action as necessary, in a reasonable, equitable and proportionate manner.
- 1.4 The council’s approach will be a balance between education and enforcement.
- 1.5 This policy will make a positive contribution towards the Council Plan priorities of:
  - Environment: enhancing the districts environment and improving the quality of life for residents
  - Health and Wellbeing: a safe place to live, work and explore by reducing antisocial behaviour
- 1.6 This Policy provides guidance to authorised officers who carry out enforcement action in relation to stray dogs.

# 2 Our duties and obligations

- 2.1 The council has a statutory duty under s.149 of the Environmental Protection Act 1990 to appoint an officer for dealing with stray dogs found in its area. The council currently employs a contractor to carry out all the duties associated with the seizure, detention and rehoming of stray dogs.
- 2.2 There is no formal definition of a stray dog in law. A dog may reasonably be treated as a stray if it is roaming freely and not under the control of any person, irrespective of whether it has a home. This applies whether or not the dog wears a collar with identification or is microchipped.
- 2.3 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. Any stray dog found outside of the council’s office hours (Monday to Friday 0845 to 1700 excluding bank holidays) has to be taken to our contracted kennels by the finder or kept until the next working day when an officer will collect the dog from them.
- 2.4 We have a legal obligation to keep and maintain a public register of all seized dogs. The register must include the date, time and place of seizure, a brief description of the dog, any details recorded on the tag or collar, details of the person claiming the dog and details of any notice served on them or if the dog is not claimed details of its

disposal by rehoming or destruction. The register has to be available for public inspection on request.

- 2.5 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. A microchip does not meet this statutory requirement. The council will encourage compliance where it appears necessary and advice, guidance and warnings will be provided to the dog's owner prior to any enforcement action being taken.
- 2.6 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 keepers details registered on an approved database. The regulations come into force from 6 April 2016. After this date any dog that comes into the council's possession will be scanned and if the dog is not microchipped or the keepers details are not up to date the keeper will be served with a Notice giving them 21 days to comply with the Regulations. Failure to comply is a criminal offence and the keeper could be fined up to £500.
- 2.7 Dangerous dogs and dogs worrying livestock are dealt with by the police.

### 3 Control of stray dogs

- 3.1 A dog roaming unattended in a public place is deemed to be a 'stray' for the purposes of this Policy and will be 'seized' and if necessary 'detained' by an authorised officer. Detention of a stray dog will be at our contracted kennels.
- 3.2 Members of the public who find a stray dog have a duty under the Environmental Protection Act 1990 to either return it to its owner or contact the local authority of the area where it was found. Any member of the public who retains possession of such dog and neither attempts to return it to the owners or contacts the local authority could be accused of theft under the Theft Act 1968.
- 3.3 On the first occasion that a dog is seized if it is wearing a collar and tag, is microchipped, or if the owner is known to the officer they will attempt to return the dog to them. If the dog does not have identification the officer will make reasonable efforts to identify the owner and return it to them.
- 3.4 A dog will only be returned to its home address if there is someone able to receive it. The dog will not be left in the garden or outbuilding. The owner will be issued with a 'First Offence Notification'.
- 3.5 All stray dogs will be thoroughly scanned for a microchip by the officer in order to try to identify their rightful owner. If no microchip is detected while on site the dog will be scanned again once at the kennels.
- 3.6 A dog seized on a second or further occasions within a 12-month period will automatically be taken directly to the kennels even if it has identification. The owner

will be served with a 'Notice of Seizure' giving details of the dog's whereabouts and the action they should take to retrieve it.

- 3.7 It is the responsibility of the dog owner to go to the kennels to retrieve their dog. Detained stray dogs will only be released by the contracted kennels when all costs incurred are paid in full. These costs include a statutory fine in addition to a fee for the seizure and detention of the dog. Any charges for veterinary treatment also have to be paid in full.
- 3.8 The owner may only reclaim the dog provided proof of ownership is given (pedigree certificate, microchip certificate, vets bills, family photographs etc.). If inadequate proof is produced the dog will not be released – this is to protect the dog and the owner.
- 3.9 Any dog seized by the council that is in need of veterinary treatment will be taken at the earliest opportunity to a vet and given treatment to relieve suffering. Any costs incurred will be recovered from the owner, if known.
- 3.10 Advice, guidance and warnings will be given to owners who are re-united with their dogs (whether kennelled or not) with regard to responsible dog ownership, current legislation regarding dogs and the implications of noncompliance. Notices will be issued as appropriate.
- 3.11 All dogs returned to their owners, that are not already microchipped, will be offered a free microchip. These are provided to the council free of charge by Dogs Trust and implanted by trained kennel staff. Dogs Trust also provide subsidised or free neutering vouchers that the kennels' staff offer to owners on benefits or owners with status dogs (bull breeds, Japanese Akitas, Rottweilers, etc.) as appropriate.
- 3.12 If the finder of a stray dog makes a request to the council to keep the dog and the authorised officer is satisfied that the person is a suitable owner for the dog then they may allow the person to keep it. However, they must do so for at least 28 days and if the finder disposes of the dog in that time period they could be liable for prosecution. Legal ownership never transfers to the new owner and the original owner can claim it back at any time.
- 3.13 All kennelled dogs unclaimed after seven days automatically become the property of South Lakeland District Council and will be rehomed where possible. Once transferred to the council or rehomed to a new owner, the former owner of the dog has no legal claim for the return of the animal.
- 3.14 Any dog reported to the council as lost will have their details placed on our lost dog register and any stray picked up will be cross referenced against this register to try to reunite a dog and its owner as soon as possible.

## 4 Unclaimed strays

- 4.1 Every effort is made to find new homes for stray dogs unclaimed after the statutory seven day period. This work is done on the council's behalf by our contracted kennels or via the RSPCA or other animal rescue organisation.
- 4.2 Potential new owners have to complete an adoption application form, undergo a home visit and interview to establish their suitability for ownership and the type of dog that matches their home circumstances and environment.
- 4.3 Dogs are microchipped and if necessary/when possible are neutered as part of the rehoming service.
- 4.4 All dogs are assessed both behaviourally and physically during their time in the kennels. The contractor will highlight with the council any dog that they considered potentially unsuitable for rehoming and the dog will be referred to a veterinary surgeon for further assessment and advice.
- 4.5 A dog would only be put to sleep following veterinary advice to relieve suffering or if the dog is not suitable for rehoming due to its temperament.

## 5 Education and information

- 5.1 The council provides advice and guidance on dog legislation and being a responsible dog owner via our website, information leaflets and attendance at events such as Westmorland County Show. Consideration will be given to requests made by schools, parishes and community organisations for educational visits and presentations by council staff.
- 5.2 Neighbourhood Enforcement Officers patrol the district raising awareness of responsible dog ownership by engaging with dog owners and offering advice, information and giving out poop scoop bags. Bags are also given out at community events and are available from council offices.
- 5.3 The council works in partnership with Dogs Trust to offer free microchipping for all dogs and issues their subsidised neutering vouchers to people on benefits, owners of status breeds and 'dogs at risk' e.g. dogs causing a nuisance to the council by repeat straying, constant barking, antisocial behaviour etc.

## 6 Links to other council policies and plans

- 6.1 This policy links to the Streetcare Enforcement Policy in relation to environment crime and the offences of failing to pick up dog faeces and failing to comply with Dog Control Orders.
- 6.2 Reducing the number of stray dogs could lead to a reduction in the number of dog fouling incidents resulting in safer and cleaner streets and public places.



- 6.3 Having a Stray Dog Policy supports priorities of the Council Plan as stray dogs affect the environmental, health and economic wellbeing of our district and have a direct impact on the quality of life of those who live, work or explore South Lakeland.

## 7 Review

- 7.1 This document is produced having regard to current legislation, centrally issued guidance and best working practice at the time of preparation. Reviews will be carried out as new legislation is implemented, when centrally issued guidance changes and as and when working practice identifies areas for procedural improvements.

Policy approved 27 May 2015

