

Section 6

Stray Dog Policy

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1. Introduction

The Council has a duty under s149(1) of the Environmental Protection Act (1990) (EPA) to appoint an officer “for the purpose of discharging the functions for dealing with stray dogs found in the area of the authority”

2. The Principle

Mid Devon District Council is responsible for the seizure and transport of stray dogs:

- Patrolling the Borough and enforcement of dog fouling legislation;
- Encouraging responsible dog ownership through presentations and talks;
- Seizure and transport confined stray dogs.

Members of the public who find a stray dog are required by the Environmental Protection Act to either return to its owner, or report it to the local authority. The finder will be contacted within an hour. The Council does supply a collection service during normal working hours and will endeavour to collect the dog by the end of the day.

3. The Legislation and process

The current legislation requires a dog in a public place to be fitted with a collar and tag bearing the name and address of the owner (see also microchipping policy). Where a stray dog has a form of identification or the owner of the dog is known, the District Officer will make every effort to return the dog to its rightful owner. However if the owner cannot be contacted a ‘notice of seizure’ (s.149 (3) & (4) EPA) will be issued. The notice specifies that the dog has been seized, retained at kennels and that it is liable to be disposed of if it is not claimed within seven clear days from the date of the notice.

The owner of a stray dog is ‘not entitled’ to the return of the animal until they have paid all the expenses incurred and a further prescribed sum (s149 (5) EPA). Should the dog not be claimed or the owner declines to pay the sums outstanding, the ownership of the dog is legally transferred to the Council after seven clear days. The Council is then entitled to sell or re-home the dog (except for the purposes of vivisection) or to have it humanely destroyed.

Seizure of a dog

The Environmental Protection Act specifies that in each case, a dog seized as a stray is required to be detained and a notice of seizure served upon the owner (where known). In addition, the policy of the Council is that, on the first occasion that a dog is seized, the District Officer will make all reasonable efforts to identify the owner and return it to them before taking it to the kennels. The District Officer carries a scanning device to identify dogs fitted with a microchip. If the address of the owner is identified, the District Officer will either visit or telephone, if contact is made, the dog will be returned.

Returning a dog

A dog will only be returned to an address if there is someone able to receive the dog – it will not be left at an unoccupied property, for example where the owner is out.

The Council currently insists on cash, credit card or card supported cheques for the full amount (statutory fee, handling fee, kennelling fees, plus any veterinary costs incurred) **before a stray dog is released to a claimant.** Once all fees are paid the District Officer will arrange to deliver the dog back to the owner. The owner will be required to be at home to receive the dog and sign for its receipt.

Kennelling Fees

Kennelling fees of £15.00 per day (subject to annual review), plus £50 are charged.

Out of Hours

The stray dogs' service is a 24 hours service. Dogs held in kennels over a weekend can only be returned on a Monday (Tuesday following Bank Holidays), following payment of the fees and charges.

Unclaimed Strays

Stray dogs are held for a minimum period of seven clear days following seizure, or following service of a notice of seizure, whichever is the latest. After this period, ownership of the dog reverts to the Council.

Section 149(6) of the Environmental Protection Act entitles the Council to deal with unclaimed stray dogs in one of three ways:

- By selling it or giving it to a person who will, in his opinion, care properly for the dog;
- By selling it or giving it to an establishment for the reception of stray dogs; or
- By destroying it in a manner to cause as little pain as possible:

Provided that no dog shall be sold or given for the purposes of vivisection.

Once transferred to the Council or re-homed to a new owner, the former owner of a stray dog has no legal claim for the return of the animal.

