

MALDON DISTRICT COUNCIL

Policy in respect of Stray Dogs

Background

The Council has a duty under s.149 (1) of the Environmental Protection Act 1990 (EPA) to appoint an officer "for the purpose of discharging the functions of dealing with stray dogs found in the area of the authority". Maldon District Council currently employs eleven full - time Community Protection Officers (CPO), who are tasked with the duty of handling of stray dogs.

1. A dog roaming unattended in a public place is deemed to be a 'stray' and the CPO will 'seize' and detain it. Members of the public who find a stray dog are required by the EPA to either return it to its owner, or contact the local authority of the area where it was found.
2. Current legislation requires all dogs over eight weeks old to be microchipped with current keeper details unless the keeper holds an exemption certificate issued by a veterinary surgeon. Dogs are also required when in a public place to be fitted with a collar and a tag bearing the **name and address of the owner**. Where a stray dog has a form of identification, or the keeper of the dog is known, the CPO will attempt to return the dog to the keeper first. This service may result in a fee being payable to the council. In some circumstances, we may serve upon the keeper a notice of seizure (ss. 149(3) and (4) EPA). The notice specifies that the dog has been seized, where it is being kept and that it is liable to be disposed of if it is not claimed within seven clear days from the date of the notice.
3. The keeper 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 (s.149 (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, or to have it humanely destroyed.

Policy

4. **Seizure** 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 CPO will make all reasonable efforts to identify the owner and return it to them before taking it to kennels. The CPO carries a scanning device to identify dogs fitted with a microchip. If the address of the owner is identified, the CPO will either visit or telephone; if contact is made, the dog will be returned to the owner after all fees have been paid.
5. 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. A dog seized on a second occasion is automatically taken directly to the kennels, thus incurring kennelling costs as well as fees and charges.

6. If a dog is not microchipped and the keeper is identified, a notice will be served on the keeper to get the dog microchipped within 21 days. Failure to comply with this notice will result in prosecution.
7. If the Officer feels that an animal is in need of veterinary treatment, appropriate arrangements will be made for the animal to receive such treatment usually before taking the animal to the kennels, or returning it to the owners.
8. Whilst the dog is in the care of the council, or its allocated kennelling establishment, every effort will be taken to ensure that the five welfare needs defined under Section 9 of the Animal Welfare Act 2006 are met.
9. **Fees and Charges** (View the Fees and charges for the Council.) The Council currently insists on the full amount (statutory fee, handling fee, kennelling fees, plus any veterinary costs incurred) be paid **before a stray dog is released to a claimant**.
10. Statutory fees for stray dogs are currently (June 2018) £25.00 plus £50.00 administrative charge for unchipped dogs and £40 for chipped dogs. Kennelling fees of £18.00 for the first day and £15.00 for each subsequent day (subject to review) are payable immediately the animal is received; therefore a dog held overnight incurs **two** days kennelling costs. Thus any dog kennelled will **immediately** incur charges of a minimum of £65.00 (plus any veterinary fees), even if it is only held for a matter of hours and reclaimed the same day. Fees and charges may vary current rates should be checked on the councils web site.
11. This service operates from 08:00 to 17:00 Mondays to Fridays, excluding Bank Holidays, Christmas day, Boxing Day, and Good Friday. All enquires during office hours should be made to **01621 852475**. A dog found out of operational hours should be reported direct to the kennels, Clarks Farm on **07847 796791** they will come and collect the dog and kennel it if an owner cannot be found.
12. **Recovery:** It is the responsibility of the claimant to visit the kennels to recover their dog. Detained stray dogs will not be released by the kennels until all costs incurred are paid in full.
13. **Unclaimed strays:** Stray dogs are held for a minimum period of seven (7) clear days following seizure. After this period, ownership of the dog reverts to the Council.
14. 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.
15. 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.

Stray Dog Release Fees

View the Fees and charges for the Council.

NB -When dogs are re-homed, they will be micro-chipped as standard. Advice is also given to keepers who are re-united with their animals with regards to responsible ownership, and the current legislation. If a dog is not microchipped, depending on availability, a microchipping service may be offered to the keeper. In the event that this is refused or not available, a 21 day notice will be served on the keeper to get the dog microchipped. Failure to comply with this notice will result in prosecution.

NB - The council will try to identify all dead dogs which have been brought to our attention, so that owners can be notified, or investigations initiated. The veterinary offices where we take deceased animals will routinely scan dead dogs (and cats) for microchips.