



Stray Dog Procedure

April 2022

The Council has a duty under s 149(1) of the Environmental Protection Act 1990 (EPA) to deal with stray dogs found in the area of the authority. Richmondshire District Council employs 1 Dog Warden and 2 other Officers who are trained in the handling of stray dogs. This allows for full cover of holidays and sickness and also allows the council to operate an out of hours stray dog service.

- 1.1 A dog roaming unattended in a public place is deemed to be a 'stray' and the dog warden will seize and detain it. Members of the public who find a stray dog are required by the Environmental Protection Act to either return it to its owner where the owner is known, or contact the Dog Warden of the area where it was found.
- 1.2 Current legislation requires a dog in a public place to be fitted with a collar and a tag with the name and address of the owner. Where a stray dog has a form of identification (including a microchip), or the owner of the dog is known, the Dog Warden will attempt to return the dog to the owners first. This service will result in a fee of £74.00 being payable to the council before the dog is returned.
- 1.3 If the owner cannot be identified the dog will be seized and taken to kennels, for seven clear days or until such time as the owner comes forward to claim the dog.
- 1.4 A "notice of seizure" (ss. 149(3) and (4) EPA) may be served to the owner. The notice specifies that the dog has been seized, who to contact to reclaim the dog and that the dog is liable to be retained for seven days. If it is not claimed within seven clear days from the date of the notice, ownership of the dog transfers to the Council.
- 1.5 The owner of the stray dog is "not entitled" to the return of the animal until they have paid all the expenses incurred. 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 the dog humanely destroyed.
- 1.6 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 Dog

Warden will make all reasonable efforts to identify the owner and return it to them before taking it to kennels. The Dog Warden carries a scanning device to identify dogs fitted with a microchip. If the address of the owner is identified, the Dog Warden will either visit or telephone: if contact is made, the dog will be returned to the owner after all fees have been paid.

- 1.7 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.
- 1.8 If an officer feels that an animal is in need of veterinary treatment, appropriate arrangements will be made for the animal to receive such treatment up to a maximum cost of £100, prior to taking the animal to the kennel or returning it to the owners. The owner will be liable for any expenses incurred prior to the return of the dog.
- 1.9 If the owner of the dog cannot be identified during the 7 day seizure period and the officer is of the opinion (in consultation with the veterinary practice) that the dog should be destroyed in order to avoid suffering, arrangements should be made to humanely destroy the dog.
- 1.10 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.
- 1.11 Social media will be used to monitor reports of lost and stray dogs and it may also be used to help re-unite stray dogs with their owners. We will collect any dogs found by members of the public unless direct contact has been made with the owner at that time.

2.0 Dangerous Dogs

- 2.1 Where it appears to an officer that a dog collected as a stray is a banned breed (pit bull type, Dogo Argentino, Japanese Tosa, Fila Brasileiro) and the dog is aggressive the Police should be contacted on 101 at the earliest opportunity.

3.0 Record Keeping

- 3.1 The Council has a duty under The Environmental Protection (Stray Dogs) Regulations 1992 section 149 (3) to keep a record of seized dogs. The record should include:-
 - a) a brief description of each dog, including the breed (if known), and any distinctive physical characteristics or markings, tattoos or scars;

- b) any information which is recorded on a tag or collar worn by, or which is otherwise carried by the dog;
- c) the date, time and place of the seizure

4.0 Fees and Charges

- 4.1 The Council currently insists on the full amount (Statutory fee, handling fee, kennelling fees, plus any veterinary costs) incurred to be paid before a stray dog is released to a claimant.
- 4.2 Statutory fees for stray dogs are £25.00 plus £49.00 service charge, kennelling fees of £19.00 for the first day and each subsequent day £13.00 are payable immediately from when the animal is received: therefore a dog held overnight incurs two days kennelling costs. Thus any dog kennelled will immediately incur charges of £93.00 (plus any veterinary fees), even if it is only held for a matter of hours and reclaimed the same day.

5.0 Reporting a Stray Dog

- 5.1 If you find a stray dog you should report it by calling 01748 829100.
- 5.2 During office hours details will be taken and passed to the Dog Warden.
- 5.3 Richmondshire District Council operates a 24 hour stray dog service. Out of hours you will be redirected to the out of hours service who will take the details and pass it on to the on call Dog Warden.
- 5.4 Stray dogs will be collected out of hours until 8pm if the dog is detained e.g. in a garden or tied to a lamp post etc. Patrols for stray dogs will not be carried out between the hours of 5pm and 11am except in special circumstances.
- 5.5 After 8pm details will be taken and arrangements made to collect the dog the following day.

6.0 Administrative Boundaries

- 6.1 Where a dog is found in a neighbouring authority and the finder removes the dog to the RDC area it will be the responsibility of the neighbouring authority to collect the dog. Likewise, if a dog is found in RDC and is removed to a neighbouring authority it will be the responsibility of RDC to collect the dog. Where possible it will be agreed to meet at the District boundary to collect the stray dog from the finder.

7.0 Recovery

- 7.1 Stray dogs will be returned to the owner during office hours; alternatively the owner can collect the dog from The Depot, Gallowfields Trading Estate, Richmond, North Yorkshire by prior appointment during normal office hours.

Detained dogs will not be released by Richmondshire District Council until all costs incurred are paid in full. During office hours payment can be made in person at one of our community offices via debit/credit card or cash. Alternatively payment can be made online at www.richmondshire.gov.uk

Residents in receipt of means tested benefits (i.e housing/council tax benefits) are entitled to have the statutory and service fees waived on the one occasion only, providing proof of entitlement is produced. Kennelling fees are still payable.

NB. Please note out of hours only payment of cash or proof of on-line payment can be accepted.

Proof of identification in the form of drivers licence, utility bill and or bank statement bearing your name and proof of address will also be required before your dog can be returned.

7.1.1 Unclaimed Strays

Stray dogs are held for a minimum period of seven clear days following seizure. After this period legal ownership of the dog transfers 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.

1. By selling it or giving it to a person who will, in their opinion, care properly for the dog;
 2. By selling it or giving it to an establishment for the rehoming of stray dogs; or
 3. By humanely destroying it.
- Richmondshire District Council will do everything possible to avoid destroying a healthy dog.

NB. 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.