

## APPENDIX C – SUMMARY OF THE RESPONSES TO THE CONSULTATION FOR THE STRAY DOG POLICY

### Response to the Consultation for the arrangements to manage Stray Dogs in North Herts

As part of the consultation for the arrangements to manage Stray Dogs in North Herts, several responses were received; the points below are the answers to those responses.

- Can it be made clear how the Council will be publicising their responsibilities and the urgent contact number, as per section 1.5.
  - Section 1.5 has been reworded to make this information clearer. The information is present on the Council's dedicated webpage, and this is now linked-to in the e version of the policy.
- Can section 3.4 be clarified as to what provision the Council will consider when a stray dog is taken to another location by someone finding the dog. Should we accommodate collecting the dog from Stevenage Police Station, which although outside of our district, is one such likely location a dog may be taken.
  - Section 3.4 has been reworded to make it clearer, but the restriction to collecting stray dogs to only those locations within the district will remain.
  - The law requires the Council to collect and detain stray dogs found within its district. This has been moderated to limit stray dogs to being only those which are contained in a specific location, i.e., not free to roam at the time of, but is otherwise not controlled by the owner or a keeper. Where a dog is able to be moved to another location, it can be considered that the dog is under the control of a keeper, and as such is not a stray. By extending the scope of section 150 of the Environmental Protection Act, 1990 (the Act) to enable the finder of the dog to take it to another suitable location, e.g., a police station or veterinary establishment, the Council is willing to accept the dog is still a stray, albeit temporarily under the control of a third person.
  - The Council is unable to consider the collection of a stray dog from outside the district, even if the dog had reasonably been taken to a local facility., e.g., Stevenage Police Station, because by doing so, we both open the collection points arguably available to many, and even by restricting the location to only Stevenage Police Station, this would require the agreement of the Police, which we have already seen, we cannot rely on. Furthermore, and as mentioned above, a dog which is sufficiently controlled so as to be taken to a different location is not considered a stray dog, and so is not ordinarily covered by this policy.

- Status of the Police response to stray dogs suspected of being a Prohibited Breed
  - The issue of the Police failing to support the control of a stray Prohibited Breed dog still exists, although we do have a work round, this is at an additional cost to the current Stray Dogs contract.
  - The work round, as reflected by the Policy is for a stray dog, which is of a suspected or known Prohibited Breed to be considered a Dangerous Dog, as defined, and it will be controlled and housed in a more robust and isolated kennel with additional safety precautions, hence the additional costs. The dog is still held for the 7-day retention period, after which if not collected, ownership of the dog passes to the holding kennel, and they euthanise the dog.
  - If, during the 7-day retention period the owner does seek the return of their dog, we and the holding kennel would refuse to give the dog back, as required under the legislation. If we were challenged, it is likely that legal action would ensue, during which time the dog would be retained as a suspected Prohibited Breed, albeit at additional costs to ourselves.
  - This policy provides for a suspected Prohibited Breed dog to be considered a Dangerous Dog but does not cover the possible need to legally confirm the status of such a dog if the owner seeks to recover it within the 7-day period.
  - This response sought clarification so did not lead to a change of the Policy.
- What is included in the £300.00 (animal treatment or euthanasia) provision.
  - The proposed £300.00 is to make provision for the euthanasia of a dog to put it out of undue suffering. This amount is based on the local veterinary costs for this work and is allowed for under the provisions available to the Council to manage Stray Dogs in our area. This amount does not cover any other incurred costs that may be associated with the holding of the dogs, e.g., fees, food, shelter, etc., and is solely for this medical intervention.
  - Similarly, if it is felt that the dog, upon the advice of a veterinary surgeon or other competent person could be treated to alleviate any suffering such that it would still probably have a reasonable quality of life, this amount would be made available solely for this purpose, up to the £300.00 limit. If the necessary treatment costs were likely to exceed this amount, the Council would not approve the treatment costs.
  - This response sought clarification so did not lead to a change of the Policy.

- Can the euthanasia or treatment cost be included in our fees and charges and can we fix this amount.
  - Whilst the Council has to accommodate the necessity to euthanise an injured or unwell dog, this cost is not recoverable. This amount is not a required fee or charge normally associated with the kennelling of a stray dog, but is an exceptional cost required of the holding Council in the extreme case of being required to euthanise [or treat] a dog. As such, it is a cost which cannot be passed on to an owner.
  - Even if there was such a provision in the Act to potentially recover the cost to euthanise a dog, it would still not be practicable because at the time of the destruction, no owner was identifiable from whom to claim such costs.
  - As the Council has the legal obligation to provide for the destruction of seized dogs in certain specified circumstances, this amount has to be accounted for. However, as the cost for this service is based solely on external factors, it is not possible to fix this amount for any protracted period of time, although the amount has remained stable for some time.
  - As this response sought only to clarify certain matters, it has not led to any change in the Policy.
- Incorrect numbering at point 5.2.1
  - Agreed. This will be renumbered as 5.3.
  - This response has led to the stated change in the Policy.
- Should the reduced fee for the collection of an unchipped dog if the dog is micro-chipped at collection be highlighted as being discretionary.
  - The reduction of the stray dog collection fee for an un-micro-chipped dog was introduced if the owner of the dog agreed to allow us to micro-chipping the animal, as an incentive to encourage take-up of chipping. Over recent years, there has been little or no take up of this offer, as it is now understood and accepted by dog owners that all non-exempt dogs must be micro-chipped, and that honest dog owners look for this as part of the original dog purchase.
  - Although we do still seize dogs with either no chip, or the information attributed to the chip incorrect, these dogs tend not to be reclaimed.
  - However, as it is still possible for an un-chipped dog to be reclaimed, retaining this discount does help to promote our awareness of the impact of the financial status of our families, even though the request for this service has all but ceased.

- As such, and to clarify this provision it makes sense to include this in the Policy as a discretionary reduction, with an amendment clarifying the reduction to be for each dog, rather than per owner or limiting the number of dogs this would apply to. Being able to identify the owner of a stray dog does reduce our future costs, by potentially being able to return the dog directly, without the need to kennel it at least overnight.
- As mentioned, this response has led to an amendment of the Policy to clarify the discretionary nature of the discount, and to confirm reduction to be applicable to all dogs.
- Whether the reasonable amount for veterinary treatment costs during the 7-day retention period could include a discretionary additional amount based on veterinary advice.
  - It is the intention of the Policy to set an upper limit for the cost of any veterinary treatment that the Council would support, making it clear that any additional cost above this amount would not be funded. The Policy would not prevent any treatment being provided, just that the funding for this would have to come from elsewhere.
  - The amount identified is comparable to the cost of euthanising a dog, which locally currently costs £300.00. If the dog can therefore be treated for this amount, the policy permits this meaning the dog could be offered for rehoming in a healthy condition.
  - The limit is set to provide a cap on the potentially excessive Veterinary costs which could be spent to treat a dog, but which would have to be paid from public funds if no cap was set, and the dog was within the 7-day retention period. Having no cap, or one at the discretion of any officer exposes the Council to a possible claim of misuse of public funds and equally exposes the deciding officer to a claim of unfair or unreasonable treatment of the dog if they refuse to spend "*just a little bit more*". Equally, whilst the Act allows for the destruction of the seized dog for humane purposes, refusing to provide any funding for treatment risks exposing the Council to inhumane treatment of the animal. By permitting the amount the Council would have to spend for euthanasia for treatment is viewed as the most appropriate compromise.
  - Although this response was carefully considered, it has not led to a change in the Policy.

- That the wording for point 3.1, which refers to section 150 of the Act and allows for the finder to retain the dog is somewhat misleading in the presentation of the provision.
  - Section 150 of the Act requires anyone finding, and taking possession of a stray dog, i.e., the Finder, to either return it to the owner, or if this is not practicable, to take it to the Local Authority for the area where the dog was found. Under this provision, the Finder must confirm whether they wish to keep the dog, in which case due process to consider this option has to be followed, or to not keep the dog, in which case the dog will be treated as a stray seized by the Council.
  - Whilst section 3.1 does reflect this provision, the wording will be considered to see if it can be made clearer. Any alterations will be made to the draft Policy and submitted to Cabinet in due course.