

CABINET MEETING

DATE: 17th February 2026
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PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: North Herts Council Stray Dogs Policy

REPORT OF: Director - Regulatory

EXECUTIVE MEMBER: Cllr Mick Debenham, Executive Member for Regulatory

COUNCIL PRIORITY: ACCESSIBLE SERVICES

1. EXECUTIVE SUMMARY

The purpose of this report is to provide the key information to enable North Herts Council (the Council) to adopt a Stray Dogs Policy to allow the Council to fulfil its statutory duties in accordance with the Environmental Protection Act, 1990 (the Act), in a consistent, appropriate and fair manner.

The Act requires each Council to have in place suitable and sufficient means to collect stray dogs found in its district and to detain them for the statutory 7-days. After this period, if the dog is not collected by its owner, the dog shall be passed on to the owners of the boarding kennel who will become the new owner of the dog and seek to re-home the dog as best as practicable.

2. RECOMMENDATIONS

2.1. It is recommended that Cabinet adopt the Policy as presented.

2.2. In considering this policy, the following should be noted.

- a. The Policy, at point 1.2, states the accepted definition of a Stray Dog, which the Act does not provide.
- b. The Act requires the appointment of a Responsible Officer for the purpose of discharging these duties and the Policy, at point 1.3 accommodates this.
- c. The Policy sets out in section 2, the conditions whereupon a stray dog will and will not be collected or seized, as this is not fully defined in the Act.
- d. The Policy also sets out at point 2.4 how the Council will manage stray dogs which are or are believed to be a Prohibited Breed, as defined under the Dangerous Dogs Act, 1991.
- e. The Policy, in section 4, states the legal requirement under the Microchipping of Dogs (England) Regulations, 2015, that all qualifying dogs be microchipped and how this will be accommodated.
- f. The Act requires the Council to ensure the health and welfare of any collected stray dog during the 7-day retention period. The Policy states how the Council will accommodate this requirement, including the scope and limitations of this obligation at points 5.2 and 5.3.
- g. The Policy, in section 6 states the conditions required for returning the collected stray dog to the owner, including at point 6.3 the requirement for all accrued costs

to be paid in full with no option of any instalments or discount (except that offered when micro-chipping unchipped stray dogs).

- h. The Policy states, in section 7, states how the Council will dispose of the stray dog either at the end of the 7-day retention period or before in necessary for humane reasons. Part 7.5 outlines how dangerous dogs will controlled and should be considered in conjunction with point d, above.
- i. The Policy, at section 9 seeks to delegate future amendments of this Policy to the Director – Regulatory in consultation with the Executive Member for Regulatory in accordance with the provisions of the Council's Constitution.

3. REASONS FOR RECOMMENDATIONS

- 3.1. The reason for recommending the approval of this Policy is to enable the Council to clearly state how it intends to meet its obligations under the Act, whilst putting in place limitations against the unreasonable use of public funds and to protect the Responsible Officer against undue criticism or challenges which could in turn risk the perception and reputation of the Council.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. The Council has the statutory duty to fulfil the obligations placed on it by sections 149 and 150 of the Act, but it is for the Council to decide how this is achieved. Rejecting this Policy will mean that the Council will continue to deliver this statutory duty via the sole control of the Responsible Officer, meaning that the protections and discretion afforded to the Council and the Responsible Officer by this Policy would not be secured.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. As this Policy states how the Council will meet its obligations under the necessary provisions of the Act, the scope for local interpretation as to how compliance is achieved is limited. As such, consultation was limited to key Elected Members, Senior and selected other Officers in the Council and the Council's existing contracted provider of the stray dog service.
- 5.2. Consultation took place between 16th January 2026 and the 1st February 2026.
- 5.3. The Consultees were:

Councillor Mick Debenham, Executive Member for Regulatory
Councillor Matt Barnes, Shadow Member for Regulatory
Councillor Michael Muir, Shadow Member for Regulatory
Councillor Tim Johnson
Anthony Roche, Chief Executive
Jo Doggett, Director – Regulatory
Isabelle Alajooz, Director – Governance
Johanne Dufficy, Director – Customers
Steve Crowley, Director – Enterprise
Nigel Smith, Director – Place
Ian Couper, Director – Resources
Sarah Kingsley, Director – Environment
Alan North, Service Manager, Green Space

Neil Fairey, Cemeteries and Area Monitoring Officer
Lucy Tucker, Team Manager – Environmental Protection and Housing
SDK Environmental, current Stray Dog Kennelling contractor

5.4. Responses to the consultation were received from:

Cllr Tim Johnson
Anthony Roche
Ian Couper
Isabelle Alajooz
SDK Environmental

5.5. All responses were considered and where appropriate, the Policy was amended to its current, presented form. A summary of the responses and their impact on the Policy is given in Appendix C.

6. FORWARD PLAN

6.1 This report contains a recommendation on a key Executive decision that was first notified to the public in the Forward Plan on the 19th December 2025.

7. BACKGROUND

7.1. This report has been written to enable the Council to clearly set out how it will comply with the statutory duties stated in sections 149 and 150 of the Act which require the Council to collect and detain stray dogs from within its district.

7.2. The Act does not define what constitutes a stray dog. This Policy adopts the accepted standard thereby protecting the Council from possible claims of theft should an owner claim their dog was not straying at the time of collection, and by ensuring that the contracted service performing this duty adheres to this definition, the Council is able to mitigate any such accusation.

7.3. The Council has appointed its Responsible Officer to ensure compliance with the Act, but without any guidance, as presented by this Policy, it is for this Officer to decide how the duty is met. Whilst there is little scope for discretion within the provisions of the Act, how aspects of the service are delivered can be locally agreed. The more significant of these include whether or not we permit the treatment of dogs during the 7-day retention period if they are injured or unwell, and if so, to what extent, or whether we offer any discounts or staged payments of the costs associated with the seizing of the dogs. Without the constraints afforded by the Policy, the decisions of these would rest solely with the Responsible Officer.

7.4. The Policy seeks to delegate the decision for future amendments to the Director – Regulatory in consultation with the Executive Member for Regulatory, as this will offer a more effective and efficient process to accommodate future changes.

- 7.5. The numbers of dogs handled under the Council's stray dog contract are:

Year	2023-2024	2024-2025	2025-2026 (up to Q3 only)
No. Dogs to Kennels	28	42	26
No. of dogs rehomed or returned	16	27	23
No. of dogs destroyed	5	4	3
No. of dogs seized by Police	0	0	0
No. of dogs died in kennels	0	0	0
Others (e.g., still seeking rehoming)	7	11	0

8. RELEVANT CONSIDERATIONS

- 8.1. The Council has a legal duty to collect and detain stray dogs found within its district, as set out in sections 149 and 150 of the Act. This Policy clearly sets out how this obligation will be delivered, whilst taking into consideration both the most appropriate use of public funds and mitigating the potential risks the Council could face if the Policy was not adopted.
- 8.2. Whilst the duty to collect and detain stray dogs found in the district is placed on the Council, there is no definition of a stray dog. This policy defines what the Council shall consider to be a stray dog thus mitigating any claim of theft should the owner of a seized dog challenge our assumption of a stray dog without the adoption of this definition.
- 8.3. The Policy also sets out the conditions when a stray dog will and will not be seized, as once again, this determination is not provided for in the Act. It is understood that a stray dog is likely to roam, sometimes over large areas, meaning that it would be almost impossible to collect and detain it if the dog was not controlled at the time of collection. By defining the conditions where and when seizure will be considered, this again protects the Council from potentially claims of failing to carry out its duties, if the dog is outside of these provisions.
- 8.4. The Policy highlights that a dog without a micro-chip identification implant or collar and identification tag is considered a stray, potentially even if it is with its owner or keeper, and as such, could be collected and detained. Whilst it would be unlikely to seize an attended dog, the Policy emphasises this provision makes available the option to the owner to have their dog micro-chipped prior to collection, including at a discounted price.
- 8.5. Although falling under the provisions of the Dangerous Dogs Act, 1991, where a dangerous or Prohibited Breed dog is found to be straying, the Policy sets out the means by which the Council will collect and detain such dogs but also makes provision for the appropriate subsequent destruction of such dogs. Under the Dangerous Dogs Act, the lead enforcement agency is the Police, and it is only they who can determine whether a dog is a Prohibited Breed or not. Unfortunately, this provision is no longer available to Local Authorities, but as the Council still has the legal duty to collect and detain stray dogs, we still need to determine whether the dog is a dangerous or Prohibited Breed; the Policy provides for this requirement.
- 8.6. The Act requires the Council to make provision for the destruction of seized dogs which are too injured or unwell so as to put them out of their misery, including during the 7-day retention period if, upon the judgement of experts, keeping the dog alive is inhumane. In

accordance with this obligation, the Council has in place the provision to euthanise such dogs, albeit at a cost. The Policy sets out to additionally make available the same amount of money that would provide for the euthanasia for treatment of an injured or unwell seized dog. This provision is discretionary but is considered to be a reasonable use of this money, especially if the dog can be successfully treated, and made available for re-homing. However, as Veterinary treatment costs can be significant, the Policy caps this provision to the same amount as the current euthanasia cost. The Policy does not prevent additional funding for treatment from elsewhere but caps the amount the Council would offer to protect against the potential misuse of public funds should treatment costs exceed the legally permissible alternative.

- 8.7. The Act gives the Council the provision to recover all reasonable costs associated with collecting and detaining the stray dog, and the Policy reflects this. It also states that this cost shall be repaid to the Council in full before the return of the seized dog, and that no discount or instalments will be available as an alternative. By adopting this provision, it clearly sets out the requirement of the Council, and protects any officer involved in returning the dog should the owner refuse to pay in full.
- 8.8. The Policy also sets out how the Council will dispose of an unclaimed stray dog after the 7-day retention period. In accordance with the Act, if a stray dog is not collected during the retention period, the ownership transfers to the Council which enables the Council to dispose of the dog how it sees fit. In this capacity, ownership will automatically be transferred to the contracted stray dog and kennelling provider who will make every reasonable effort to re-home the dog, albeit with some limitation upon who could be considered. Unclaimed stray dogs which cannot be re-homed or are considered too injured or unwell, dangerous dogs or those considered to be a Prohibited Breed will be humanely euthanised by a Veterinary Surgeon and the Policy also makes provision for this.
- 8.9. It is recognised that Policies are likely to need to be amended over time and there is provision for this to be delegated down to the Director – Regulatory in consultation with the Executive Member for Regulatory. Permitting this delegation, which is permissible under the Council's constitution will improve the efficiency of the Council's democratic process whilst still adhering to correct due process.

9. LEGAL IMPLICATIONS

- 9.1. The Environmental Protection Act, 1990, sections 149 and 150 places a duty on North Herts Council to collect and detain stray dogs found within its district.
- 9.2. The above core obligation is enhanced by Regulation 2 of the Control of Dogs Order, 1982 imposes the requirement for every dog in a highway or in public to wear a collar displaying the details of the owner, and that any dog failing to bear such identification or carry an identification micro-chip may be seized and treated as a stray.
- 9.3. The Microchipping of Dogs (England) Regulations, 2015 expands the provisions of the above Order and clarifies those owner's details which must be available to fully identify ownership, the absence of which could cause a dog to be considered a stray, potentially even if it is under the control of someone.
- 9.4. The Cabinet's Terms of Reference is provided under the Council's Constitution at paragraph 5.7.15; "To oversee the provision of all the Council's services other than those

functions reserved to the Council”, and paragraph 5.7.28; “To make a decision where a policy or strategy does not exist.”

- 9.5. In considering delegating future decisions affecting this Policy, the Cabinet’s Terms of Reference are provided in paragraph 14.6.2: “This scheme [of delegating powers to offices] operates under Section 101 of the Local Government Act, 1972 (council functions) and sections 9E Local Government Act, 200 (executive functions), as facilitated by paragraph 14.6.11(b)(iv).
- 9.6. In approving this Policy, the Cabinet would therefore be acting in accordance with its statutory requirements and in accordance with the Council’s constitution.

10. FINANCIAL IMPLICATIONS

- 10.1. This Policy sets out how the Council will fulfil its legal obligations under the Act but does not seek to challenge the funding already provided to deliver this service. As such, this Policy has no additional financial implications beyond those already in place for this service.
- 10.2. The provision in the Policy to offer a discount to micro-chip dogs which were not chipped when seized is a service currently being provided by the Council and was introduced to financially assist our residents when the legal requirement to chip dogs was introduced by the Microchipping of Dogs (England) Regulations, 2015. The reduction is only on the recovery fee charged by the Council, and does not alter the cost for the chipping, the registration of the dog nor any other kennelling costs. Given that this legislation has been in place for more than 10-years, very few dogs seized where there is a likelihood that the owners will seek to recover them are now not chipped. As such, there is very little need for this service, but it should not be removed as it is recognised that some residents still face financial challenges and this highlights the Council’s acknowledgement of this. In addition, given that the Council will seek to return a seized dog where the owner can be traced before it is taken to the holding kennels, continuing to offer this service saves the Council money if being able to trace the owner of a seized dog allows us to return it.
- 10.3. Attention should, however, be given to the additional discretionary service being made available by this Policy to enable the same degree of funding available to humanely destroy an injured or unwell dog within the 7-day retention period where it is not humane to allow it to remain alive to be made available for treatment if practicable. This provision is not required under the Act, but is currently made available, and is limited to the cost of the destruction, and only made available where the limited treatment would benefit the dog. The Policy does not change this limitation, and the cost would not exceed the amounts currently available to destroy the dog.

11. RISK IMPLICATIONS

- 11.1. The Council has a statutory duty under the Act to collect and detain stray dogs found within its district, and to appoint a Responsible Officer for the purposes of discharging its function under the Act. This is the position the Council has thus far adopted in meeting this duty. Whilst there is little scope for local consideration in how this duty is delivered, some do exist, and whilst the actions of the Responsible Officer have been appropriate, proportionate and correct, recent developments have highlighted the reliance by the Council on that Officer to make decisions beyond what was originally envisaged. These risks, including managing the detention of Prohibited Breeds, whether treatment should

be afforded to dogs during the 7-day retention period or whether discounts should be available in the payment of the costs incurred due to the collection and detention, have been highlighted, but all have the opportunity to pose risks to the Council.

- 11.2. By adopting this Policy, the degree of flexibility available to the Responsible Officer is defined, therefore limiting the potential risks posed to the Council should any decisions be made which, although legal and in accordance with the Act, are unpopular.
- 11.3. As well as providing the Council protection to these potential risks, these limitations also afford protection to the Responsible Officer, enabling them to act in accordance with the Council's adopted Policy, as well as the Act.

12. EQUALITIES IMPLICATIONS

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2. As this Policy only sets out how the Council will fulfil its legal obligations under the Act, there are no equalities implications associated with this.

13. SOCIAL VALUE IMPLICATIONS

- 13.1. As the recommendations in this report apply only to how the Council will fulfil its obligations under the Act, the Social Value Act and "go local" requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. There are no known Environmental impacts or requirements that apply to the Policy or this report.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 Whilst the Policy and this report outline how the Council will fulfil its obligations under the Act, by defining the provisions under which the Responsible Officer shall carry out these duties, it provides them with protection against any undue criticism or challenge against their decisions. Although there is little scope for variation in how the Council meets its obligations, those that have been adopted are sometimes challenged, and this Policy, once adopted enhances the protection available to officers.

16. APPENDICES

- 16.1 Appendix A: The Environmental Protection Act, 1990, sections 149 and 150
- 16.2 Appendix B: The Dangerous Dogs Act, 1991, section 4
- 16.3 Appendix C: Summary of the responses to the Consultation with indication as to whether they led to any alteration of the draft Policy.

17. CONTACT OFFICERS

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18. BACKGROUND PAPERS

- 18.1 All background papers are already provided as appendices and are available for consideration in due course