North Herts Council Stray Dog Policy – October 2025

1. Discharging the duty

1.1 Sections 149 and 150 of the Environmental Protection Act 1990 (The Act) places a duty on North Herts Council (the Council) to collect and detain stray dogs found within its district.

1.2 There is no statutory definition of a stray dog. However, any dog found on public or private land, or on premises where it should not be, without its owner or not under the control of its owner or another person, may be seized and detained as a stray dog by an authorised officer.

1.3 Section 149(1) of The Act requires the Council to appoint a Responsible Officer for the purpose of discharging its functions under the above sections. These functions can be delegated to other authorised officers, such as contractors, under Section 149(2), but the appointed Responsible Officer of the Council retains overall responsibility for ensuring that the Council discharges their dog functions correctly.

1.4 The Act requires all officers duly authorised under this legislation to be trained commensurate with their duties relating to stray dogs.

1.5 The Council is also required to publicise the adopted stray dog services so as to allow the public to report the presence of stray dogs in the manner required by the Council. Due to the urgency with which the service needs to respond to these complaints, the Council will also publicise a dedicated phone service for this response. This information is currently available on the Council's Stray and lost dogs website.

1.6 In addition to collecting stray dogs, the Council has a duty to provide an acceptance point where those who find a stray dog can take the dogs outside office hours. To meet this obligation, the Council, provides a collection service as the acceptance point where the public may take any stray dog they have in their possession.

2. Seizure of stray dogs

2.1 Although the Act does not define a stray dog, it does define other parts of the description of what is accepted as being a stray dog. Section 149(11)(i) of The Act defines a public place as 'any highway and any other place to which the public are entitled or permitted to have access'. For the purposes of The Act, private land is assumed as being land which is not public, and therefore owned by someone, even if the ownership of the land is not known.

2.2 Where an authorised officer finds a stray dog in a public place, they shall, where practicable, seize and detain the dog. Section 149(3) of The Act directs that if the dog is on private land or premises, the officer must obtain the permission of the owner or occupier of the land before the dog is seized. Regulation 2 of the Control of Dogs Order 1992 requires every dog 'while in a highway or a place of public resort shall wear a collar with the name and address of the owner inscribed or on a plate or badge attached to it.'

A dog not wearing a collar and identification tag or even a microchip implant with the owner's correct name and address may be seized and treated as a stray dog pursuant to Regulation 4 of Control of Dogs Order 1992.

2.3 The Council will only seize confined strays; for the purposes of The Act, "confined" means in a secure place or under the control of the person requesting the service, i.e., the finder of the stray dog. Stray dogs which are not confined will not be seized by the Council due to the cost implications and difficulties of sending an officer to search for a loose dog that is unlikely to be at the reported location when the officer arrives.

2.4 Where it is suspected that the confined stray dog is, or is believed to be a prohibited breed it will be seized by the Council and the contractor undertaking the work on the Councils behalf will deal with the dog in line with their dangerous dog procedure

3. Accepting stray dogs found by other persons

3.1 Section 150 of The Act provides the duty for those who find a stray dog to return it to its owner (if the owner can be identified) or arrange for the dog to be taken to the Responsible Officer in the district in which it was found.

3.2 The first point of contact for those who find a stray dog should always be the Council who will then make arrangements for collection of the dog. The dog will then be treated as though it had been seized by an authorised officer under section 149 of The Act.

3.3 The Council, through its appointed contractors, will provide a collection service for confined stray dogs.

3.4 People who find stray dogs may try to take them to police stations or to veterinary centres, neither of whom are obliged to accept them. However, if such organisations do accept the stray dogs, the Council, if subsequently called to collect the stray dogs, will treat such dogs as confined stray dogs and if the stray dog was originally found in the North Herts district will collect them from these premises, as long these premises are also within the district. We will treat the dog as though it had been seized by an authorised officer under section 149 of the Act acting within North Herts. Stray dogs taken to premises outside of North Herts will not be considered as stray dogs from within the district, and so will not be collected.

4. Microchip implants

4.1 The legislation applicable for the microchipping of dogs is the Microchipping of Dogs (England) Regulations 2015 (MODER). Regulation 2 of MODER defines the owner of a dog as the keeper; this term shall be used under this section.

4.2 Upon seizing or taking possession of a stray dog, the authorised officers will scan the stray dogs at the earliest opportunity to identify keeper's details. Authorised officers will use microchip scanners compatible with as wide a range of microchip implants as possible, and all reasonable attempts will be made to locate and read the chip in the stray dog.

4.3 Regulation 3(a) of MODER states that all dogs older than eight weeks old should be microchipped. Certified working dogs (as defined) are exempt from this requirement as are dogs with a Veterinarian Surgeon's certificate to say they are too ill to be microchipped. Working dogs are those that also have a vet's certificate and are used for law enforcement, the armed forces, emergency rescue, lawful pest control or the lawful shooting of animals. Racing greyhounds are not classed as working dogs for this legislation and must have a microchip.

It is considered unlikely that working dogs would be encountered as strays due to their value to their keeper.

4.4 Regulation 5(1) of MODER sets out the information that needs to be kept on the microchip database, as follows:

a) The full name and current address of the keeper of the dog,

b) The sex of the dog,

c) The breed of the dog, or a description if it is a cross-breed,

d) The colour of the dog,

e) The most accurate estimate of the dog's date of birth,

f) The unique number of the microchip implanted in the dog.

4.5 It is a requirement under Regulation 8(1) MODER that the keeper's details are updated when dogs are transferred from one keeper to another. This responsibility rests with the new keeper, unless the previous keeper (the person who sold the dog) has previously done so.

4.6 Where a keeper sells or transfers ownership of a dog, it must be microchipped. It is an offence under Regulation 8(2) if this is not done.

4.7. Where a stray dog is found that is unchipped, but a keeper comes forward to collect the dog, they will be offered a reduced recovery fee if they allow the dog to be microchipped prior to collection. This reduced recovery fee is shown in the Environmental Health Fees and Charges published on the Council's webpages.

5. Detention of stray dogs

5.1 In accordance with The Act, the Council will detain any seized stray dogs for seven clear working days. This period will commence from the day of seizure or, if the owner's details are obtained, the day in which the notice of seizure was served under section 149(4) of the Act, whichever is the latter.

5.2 Any seized dogs that are injured or require treatment to keep them alive will be treated by a veterinarian or other suitably qualified and competent person, unless the costs of doing so is considered by the Council to be excessive, or if the dog's condition or health is such that it would be more humane to euthanise it. These decisions will be made on a case-by-case basis by the Council's Responsible Officer in conjunction with a veterinary surgeon or other suitably qualified and competent person but will not exceed the reasonable amount.

5.2.1 For the purposes of this Policy, the amount deemed to be reasonable to accommodate treatment for illness or injury to a seized stray dog shall be comparable to the local fee typical for a Veterinary Surgeon to euthanise a dog, currently £300.00 (2025).

6. Return of stray dogs

6.1 Where the owner of a seized stray dog can be determined at the point of collection via its microchip or identification tag the authorised officer will attempt to contact the owner and where possible, return the dog without taking it to the kennel. A seized dog will only be returned to an address without prior kennelling if there is an adult willing and able to receive the dog. A dog will not be left at an unoccupied property, for example, if the owner is out. A dog seized on subsequent occasions, will not be taken to the owner's home, but will be taken to the holding kennels, thus incurring holding costs as well as the statutory fees and administration charges.

6.2 Where an owner of a seized dog seeks to have the dog returned to them, they must first prove that they are the most recent keeper of the dog. For example, by providing vets bills, pet passports and proof of their address. Before a dog is returned the owner must pay all the expenses incurred, as advertised on the Council's Fees and Charges web site, plus any vets' fees where treatment was required, in accordance with the provision under section 149 (5) of The Act.

6.3 All payments shall be made in full to the Council's approved contractor(s) prior to the return of the seized dog. No payment instalment or other arrangements shall be considered, and no discount for owners in receipt of income related benefits shall be offered. If an owner is unwilling or unable to pay the fee in full, the seized dog shall remain with the holding kennels for the remainder of the seven clear working days, or until payment in full is made.

6.4 At the conclusion of the seven clear days, if the fee in full has not been paid, the seized dog shall become the property of the holding kennel.

7. Disposal of stray dogs

7.1 If a seized stray is not reclaimed by the owner within the seven clear working days, or the ownership is willingly transferred by the owner within the seven clear days, the former owner of a seized stray dog shall have no legal claim on that dog, or for its return. At this point, ownership is transferred to the Council or the holding kennels.

7.2 Where the seized dog remains unclaimed after being detained for seven clear working days the Council will give the seized stray dog to the holding kennels of the approved contractor for re-homing.

7.3 The approved contractor will not rehome stray dogs within the North Hertfordshire area or to anyone living in the district.

7.4 As a last resort, a stray can be humanely euthanised by a veterinary surgeon if it cannot be re-homed, or for example, due to poor health, old age, injury, poor behavioural issues that make the dog unsuitable, etc., pursuant to Section 149 (6) and (7) of The Act.

7.5 The authorised officer may also seek to have the seized dog destroyed before the seven clear working days has elapsed in cases where the dog exhibits such aggressive behaviour that it would be unsafe for the authorised officer, or others acting on their behalf, to handle it. Such dogs would be examined by a veterinarian or other suitably qualified and competent person to confirm that the dog cannot safely be returned. Any decision to euthanise a dog due to aggression will be made on a case-by-case basis by the Council's Responsible Officer.

7.6 The authorised officer may also seek to have the seized dog destroyed before the seven clear working day period has elapsed if they are of the opinion that it must be done to avoid suffering. For example, if the dog is injured, or has an infectious disease that would put it and/or other dogs at risk, and the costs of treating the dog is likely to be considered excessive by the Council, see 5.2, above. Authorised officers must consult with and receive agreement from the Council's Responsible Officer and a veterinary surgeon prior to making such a decision. Euthanasia will only be affected by a competent veterinary surgeon.

8. Stray dog register

8.1 The Council will keep an up-to-date register of dogs seized and those known to be in the possession of finders or the holding kennel. The register will include:

a) A brief description of the dog, including breed (where possible), colour and any distinctive characteristics or markings, tattoos, or scars,

b) Any information contained on collar/tag or otherwise carried by the dog, including micro-chipping,

c) Date, time, and place of the seizure,

d) If a notice is served on the owner, details of when and where this was served.

8.2 The register will contain the name and address of the person to whom the dog was returned and the date of return, if collected by the owner, or if it was re-homed, the name and address of the new owner and the date of re-homing,

8.3 Where a seized dog is destroyed, the register will also contain the date and method of disposal.

8.4 The register will be made available for inspection by the public, upon request, free of charge at all reasonable times.

8.5 The Council will not keep records of dogs that have been reported lost by owners. Owners who contact the Council to report a lost dog will be directed to a relevant website where images of all stray dogs seized in North Herts are displayed.

9 Governance

This policy sets out how the Council meets its obligations under the Act. This policy will be reviewed periodically to ensure that it fully meets the requirements of the law. Reviews will be undertaken by the senior officers of the Environmental Health Team and where amendments are required, and in accordance with the provisions of the Council's Constitution, the decision to authorize a revised policy will be delegated to the Director – Regulatory in consultation with the Executive Member for Regulatory, with the decision being recorded as a Delegated Decision in due course.