

CANNOCK CHASE COUNCIL

CABINET

15 SEPTEMBER 2011

REPORT OF THE HEAD OF ENVIRONMENTAL HEALTH

RESPONSIBLE PORTFOLIO LEADER – ENVIRONMENT

STRAY DOG SERVICE

KEY DECISION – YES

1. Purpose of Report

1.1 To seek Cabinet's preferred option(s) for future delivery of the stray dog service.

2. Recommendation(s)

- | | |
|-----|---|
| 2.1 | That Cabinet indicate its preferred option(s) for delivery of the stray dog service from those set out at Annex A (or an alternative); |
| 2.2 | That once Cabinet have indicated their preferred option, the Head of Environmental Health be asked to develop an action plan to ensure all elements are fully costed and delivered (or trialled) within an appropriate timescale; |

3. Summary (inc. brief overview of relevant background history)

3.1 Nationally it is estimated that in 2009-10 Local Authorities handled over 121,000 stray dogs, an increase on the previous year and the highest figure since year 2000. This increase is attributed partly to the recession and partly to the transfer of stray dog responsibilities from the Police to Local Authorities in 2008-09, which has resulted in more accurate recording of numbers. Nationally, it is estimated that 51% of stray dogs are reunited with their owners, either by being reclaimed from kennels (41%) or by being returned directly to their owner without entering a kennel (10%).

3.2 Locally, stray dog figures have remained fairly static for a number of years. In 2010-11 the Council responded to 287 stray dog calls. Of these, 90 (31%) resulted in dogs being reunited with their owner (by the dog warden or prior to the dog warden's arrival on site) without entering kennels and 197 dogs were taken to kennels. Of the dogs taken to kennels 81 (41%) were claimed by their owners, 89 (45%) were kept by the kennels for re-homing and 27 (14%) euthanised. Any dog remaining unclaimed after 7 clear days (excluding the day of collection) becomes the property of the kennels who will keep the dog for as long as it takes to re-home it, provided it is healthy. The kennels do not euthanize dogs unless they are considered unsuitable for re-homing due to sickness or aggression. From the above figures it will be seen that, of the 287 calls received, 171 stray dogs (60%) were reunited with their owners, a slightly higher figure than the national estimate.

- 3.3 The Council has previously employed its own Dog Warden, whose duties included the collection of stray dogs, transporting them to the nominated kennels, and educational activities. However, this service was ineffective and expensive to provide. In the absence of the Dog Warden other Officers and / or a contractor had to provide cover, to the detriment of other duties and thereby incurring an additional indirect cost. The service was reviewed as part of the 2005-06 budget process. As a result, from April 2006 the Dog Warden service was replaced with a stray dog collection service whereby stray dogs were collected from residents who had detained them or where the dog was contained in an enclosed area. A direct budget saving of around £30,000 per annum was realised.
- 3.4 The current service consists of a collection, transportation and kennelling service. This is operated 09:00–19:00 Monday to Friday and 13:00-15:00 weekends. All dogs collected are taken to Sunnyside Kennels, Coven (Part of Birmingham Dogs' Home). Dogs are kennelled until they are reclaimed; if they are not reclaimed after 7 days, they are kept by the kennels for re-homing. Dogs collected after 4pm weekdays and at weekends are usually held in temporary kennels overnight prior to being taken to the main kennels. There have been no complaints over current levels of service since 2008 and it is considered that the current level of service represents the statutory minimum having regard to the fact that the Council does not provide any reception point to which strays can be taken by the public out of office hours. An emergency response facility is available but this can only be initiated out of hours by an on call Environmental Health Officer.
- 3.5 In order to reclaim a dog the owner must pay a statutory fee of £25 (set by Regulations) together with the associated kennelling costs. Dogs not claimed remain with the kennels as described above. The Council is charged a boarding fee of £70 per dog for the initial 7 day kennelling, with the kennels then absorbing any further costs once the dog is transferred to their ownership. The cost of calling out the Dog Warden is £40 per dog, so it will be seen that each unclaimed dog costs the Council £110 plus VAT. It is not possible to identify the owners of the stray dogs as most have no collar or microchip.
- 3.6 There has been an increasing trend for owners wanting to “surrender” or “hand over” their dogs, although the Council does not provide this service or indeed any re-homing service. The RSPCA do not generally re-home unwanted pets unless there are animal welfare concerns. Callers are referred to local rescue or re-homing centres in these circumstances. It is suspected that many dogs are simply left to roam by owners and never reclaimed.
- 3.7 In an attempt to reduce stray dog numbers and associated costs, Cabinet decided in October 2008 to introduce Dog Control Orders and full cost recovery from owners. Dog Control Orders relating to fouling and dogs on leads were introduced after appropriate consultation in April 2010. Full cost recovery was trialled in April 2011 but was suspended after one month following a number of concerns raised by the kennelling contractor, including reduction in dogs claimed, reputation and safety issues (Annex B).

4. Key Issues and Implications

- 4.1 Stray dogs (or more accurately their owners) give rise to a number of potential problems in the District, including: uncontrolled dog fouling; unwanted litters of puppies; the possibility of involvement in road traffic accidents and the risk of dangerous / aggressive dogs attacking people or other animals. Public open spaces are enhanced by the absence of stray dogs.

- 4.2 The current policy relating to stray dogs has evolved over time and is based primarily on delivering a service for the lowest cost. This necessarily means the service is focussed on the Councils statutory responsibilities of collecting, transporting, and kennelling stray dogs. Attempts have been made to reduce the cost to Council taxpayers by introducing full cost recovery (i.e. the stray dog owner pays the full cost of the Council dealing with their animal). Whilst this is based on a sound principle that the Council tax payer should not subsidise irresponsible dog owners it does not appear to work in practice. Those owners who do care about their pets are in effect penalised. The irresponsible, or uncaring, owner does not come forward to reclaim their dog so is never identified and will never pay. Meanwhile Council costs continue to increase.
- 4.3 There has been little work done to date to examine incentives to encourage owners to reclaim more dogs, or to microchip and / or neuter dogs (this could be seen as a cost reduction rather than cost recovery option).
- 4.4 There is wide variation in the way dogs are regarded by their owners. Some are an irreplaceable part of the family and no effort (or expense) will be spared in ensuring the dog's welfare. At the other extreme, some dogs are regarded as dispensable items, to be discarded, or left unclaimed, if unwell (and / or facing a huge vet bill), old, badly behaved or simply too expensive. Since there is no national licensing regime, and not all dogs bear a collar and tag or are micro chipped there is no means of identifying who the legal owner of the dog is. This makes recovering costs and issuing penalties difficult. Subsidised micro-chipping may assist in linking dogs with owners. Reduced reclaim fees may encourage higher reclaim rates and thereby reduce overall kennelling costs.
- 4.5 The key will be to find the right balance of education, persuasion and enforcement in order to decrease numbers of strays, increase reclaim rates and reduce further incidents. If this can be achieved then overall costs should reduce.

5. Conclusions and Reason(s) for the Recommendation(s)

- 5.1 Dealing with stray dogs in Cannock Chase District currently costs the Council approximately £20,000 per annum (excluding internal recharges) It is likely that these costs will increase as both the collection and kennelling contracts expire at the end of March 2012 and will be subject to a quotation process in the near future. This report presents members with an opportunity to review the service provided in advance of the renewal of both contracts. Members will need to decide the emphasis to be placed on minimising / recovering costs, encouraging responsible dog ownership and promoting animal welfare issues in the District using a balance of education and enforcement activities. Since numbers of stray dogs have remained fairly constant in recent years, reduced costs will be achieved either through recovering more money from those owners who do reclaim and/or from creating incentives to encourage more owners to reclaim. Annex A presents a range of possible options, together with estimated costs, to assist Members in their decision.

6. Other Options Considered

- 6.1 Annex A sets out a full range of options for consideration, and in several combinations. Members may, of course, wish to consider additional options. Until 2006 this service was provided by a combination of an in-house dog warden, supplemented by other officers and later a contractor to cover for leave and other absence. This service was costly and inefficient resulting in Members deciding to engage a contractor to collect strays, with a resulting a (net) saving of £30,000 p.a.

An option for bringing the dog warden service back “in house” has not been included at Annex A as this would be prohibitively expensive. The possibility of sharing the dog warden (and / or kennelling) service with neighbouring authorities has also not been included as an option but could be considered if Members so wish.

7. **Report Author Details**

David Prosser-Davies, Food and Safety Manager Extension 4202

SCHEDULE OF ADDITIONAL INFORMATION

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Section 1

Contribution to Council Priorities

The control of stray dogs contributes towards Improving the Living Environment by reducing the incidence of dog-fouling, irresponsible breeding and other potential nuisances, together with creating a safer environment with reduced road traffic accidents and attacks from dogs in public places. Use of public open space is also enhanced by the absence of stray dogs.

This report also gives Members an opportunity to ensure that the stray dog service provides good value for money and is fit for purpose, in line with Council's Transformation Priority Outcome.

Section 2

Contribution to Promoting Community Engagement

Implementation and promotion of a clear policy on how to deal with stray dogs will ensure transparency locally; dependent on the option(s) chosen by Members, heightened education, promotion and awareness, together with a more balanced approach in dealing with strays could result in increased opportunities for community engagement on this issue and animal welfare generally.

Section 3

Financial Implications

- 3.1 As stated in paragraph 5.1 above the current cost of the Dog Warden service is circa £20,000. There is the possibility of this cost rising in the future for reasons outlined within the report.
- 3.2 The options detailed within Annex A set out potential ways to develop the Dog Warden service when the existing contracts expire at the end of March, 2012, and whichever option or combination of options is chosen may go some way to addressing potential increased costs. However, as stipulated in the report, these options are intended to give Members a steer on the possible direction of the Dog Warden service and the ultimate cost / saving can only be estimated once the draft service provision has been stipulated. Members may wish to defer this decision until the outcome of the Collection and Kennelling procurement exercise is completed later in 2011.
- 3.3 Therefore a further report to Cabinet will be required detailing the proposed Dog Warden service and the attributable costs / savings once a decision has been made on what direction Members wish the Dog Warden service to take.

Section 4

Legal Implications

- 4.1 Relevant Legislation and Guidance:
 - Environmental Protection Act 1990
 - Clean Neighbourhoods and Environment Act 2005
 - Environmental Protection (Stray Dogs) Regulations 1992
 - DoE Circular 6/1992 – Control of Stray Dogs
 - Control of Dogs Order 1992
 - Animal Welfare Act 2006
 - Dogs on Leads (Cannock Chase District Council) Order 2010

- 4.2 The Council is statutorily obliged, by virtue of Section 149 Environmental Protection Act 1990, and the Environmental Protection (Stray Dogs) Regulations 1992, to provide a stray dog service. With effect from 06 April 2008, Local Authorities became solely responsible for the collection and receipt of all stray dogs, similar responsibilities having been removed from the Police by Section 68 Clean Neighbourhoods and Environment Act 2005. Prior to this date, Local Authorities were only statutorily obliged to deal with stray dogs brought to or reported to them during normal office hours. Out of these hours, members of the public could take dogs to the nearest manned Police Station.
- 4.3 Whilst Police retain responsibility for dealing with Dangerous Dogs (specified dangerous breeds and any dog deemed dangerous by virtue of its behaviour), Local Councils are now fully responsible for all stray dogs.
- 4.4 Section 150 Environmental Protection Act 1990 (and DoE Circular 6/1992) allows local authorities to charge for all the costs incurred by reason of the dog's detention plus such further prescribed amount as set out in the 1992 Regulations (currently £25.00). These costs are usually taken in practice to be the cost of collecting / transporting the dog and kennelling fees. Authorities do have discretion to return a seized dog to its owner without full payment of these costs, but the owner has no *automatic* entitlement to the return of the dog unless the full amount is paid.
- 4.5 By virtue of the Animal Welfare Act 2006, the Council is obliged to take reasonable steps to ensure that animals for which it is responsible: are provided with a suitable environment to live in; have a healthy diet; are able to behave normally; have appropriate company and are protected from pain, suffering and disease.
- 4.6 The Control of Dogs Order 1992 requires that all dogs when on a highway or public place wear a collar bearing the owners name and address inscribed upon it (or on a tag attached). Under the Dogs on Leads (Cannock Chase District Council) Order 2010, owners commit an offence if they allow their dogs to roam on a road, footpath or adjacent verge without being held on a lead. Fixed Penalty Notices may be served in such circumstances, though the Council has never decided on a policy in respect of this. The options proposed at Annex A take account of the legislation above and present no adverse legal implications.

Section 5

Human Resource Implications

Depending on the option(s) chosen may require reallocation of resources from enforcement to proactive activity. May have training and development implications. This cannot be quantified until Members decide upon their preferred option(s). The collection and kennelling covered by this report are delivered by external contractors and there are therefore no human resource implications.

Section 6

Section 17 (Crime Prevention)

There are no implications arising from this report.

Section 7

Human Rights Act Implications

There are no Human Rights Act implications arising from this report.

Section 8

Data Protection Act Implications

Any personal data that may be obtained from administration of the stray dog service or any enforcement action is stored and handled in accordance with the Council's Data Protection policy

Section 9

Risk Management Implications

Failure to make adequate arrangements for stray dogs could leave the Council open to claims of maladministration and possible legal action from owners or other animal welfare organisations. The control of stray dogs is an emotive subject with members of the public. In addition to the legal minimum duties that must be satisfied in respect of provision of a stray dog service, there are also animal welfare considerations, reinforced by the Animal Welfare Act 2006. In order to protect its reputation and avoid adverse publicity the Council must be seen to deliver a service that meets its statutory obligations but is also sensitive to public concerns, whilst ensuring that animals in its care are treated appropriately.

Section 10

Equality and Diversity Implications

The delivery of the service will be subject to an equality impact assessment to ensure that all dog owners are dealt with equitably.

Section 11

List of Background Papers

Cabinet Report dated 16 October 2008

DEFRA Guidance on Stray Dogs

[HTTP://WWW.DEFRA.GOV.UK/ENVIRONMENT/LOCAENV/DOGS/PDF/STRAYDOGS-GUIDANCE.PDF](http://www.defra.gov.uk/environment/locaenv/dogs/pdf/straydogs-guidance.pdf)

Dogs Trust Annual Stray Dog Survey www.dogstrust.org.uk

Section 12

Report History

Council Meeting	Date

Annexes to Report

Annex A Possible Options for Delivery of Stray Dog Service

Annex B Correspondence received from Sunnyside Kennels

Possible Options for Delivery of Stray Dog Service

Option 1

Summary of Service Provision:

- Full Cost Recovery from owners (approx £85 if claimed on day one up to max £157);
- Issue of Fixed Penalty Notices to all offenders
- Use only press releases and website as publicity;
- No additional promotional / educational initiatives;
- Restrict further the hours of service operation;

Comments / Considerations:

This the most hard line approach and will particularly penalise owners who come forward to reclaim their dogs. Irresponsible owners who never collect, or will be easily deterred from reclaiming, will of course not be penalised. Restricting hours still further (for example not responding to calls received after 3.45pm weekdays and no service weekends) could bring concerns that we are not operating a statutory minimum service.

- Owners pay the full costs of the Council dealing with their dog.
- Responsible owners who **do** claim their dogs will pay full costs (say £85) and possibly then be issued with a £75 Fixed Penalty
- Owners who **do not** claim their dogs cannot be identified and cannot therefore be issued with Fixed Penalties or charged fees.
- Full cost recovery trial in April 2010 resulted in a 10% reduction in dogs claimed.
- Kennelling provider has expressed concerns (Annex B).

Costs estimated for 2012-13:

Implementation of full cost recovery would result in additional £3,454.00 p.a. due to 10% fewer dogs being claimed as borne out in the trial. This equates to 22 fewer dogs claimed. Each additional unclaimed dog costs, in theory, £110.00 plus VAT (plus £25 lost in reclaim fees). In addition it is unlikely our present kennelling contractor would support this. There may be income from FPNs. Estimate 75% of owners reclaiming dogs issued with FPN will ultimately pay FPN, allows income of £2,200 (59 owners x 75% x £50.00)

Total estimated additional costs £1,254.00

Option 2

Summary of Service Provision:

- Partial Cost Recovery as at present (£25 plus kennelling fee)
- Possible issue of Fixed Penalty Notices (FPNs) for second and subsequent offences (need to decide policy)?
- Use only press releases and website as publicity / to increase awareness;
- Occasional talks to schools and groups by Dog warden;
- Hours of service remain unchanged;
- Apply for RSPCA Footprint awards;
- Examine lost dog text service (network of volunteer dog owners / walkers, together with Council field officers, receive a sms text message when a dog is reported lost requesting it be reported if seen, so hopefully reducing chance of it going to kennels and reducing costs).

Comments / Considerations:

This largely describes the current level of service, with 41% of owners reclaiming dogs from kennels; The service works well, with no complaints having been received over the past 3 years; Owners pay £25 plus kennelling costs to reclaim their dog. Fixed Penalty Notices are not currently issued. Numbers of stray dog calls are not decreasing and numbers of owners reclaiming from kennels remain at approximately 41%. Costs will continue to increase. There is no evidence of unmet service demand and any extension to hours could be costly.

- The Council recovers £25 from owners who claim their dogs, set against £40 plus VAT for collection, so each *claimed* dog costs the authority £17;
- As stated above, each unclaimed dog costs £110.00 plus VAT (plus £25 lost in reclaim fees).
- The kennelling provider appears content to continue with this model and has expressed no reservations at this time;
- Irresponsible owners not coming forward, as above, cannot be identified or issued with a £75 Fixed Penalty;
- Responsible dog owners who come forward are potentially issued with the FPNs and paying the costs.

Costs estimated for 2012-13:

Issue of FPNs may encourage owners to microchip their dogs rather than pay which could reduce numbers taken to kennels in future and so ultimately reduce costs; however, could also act as a disincentive to claiming dogs; since we do not issue FPNs at present then cost of microchipping at kennels (if 50% of those reclaimed agree) would be £12.50 per dog x 40 dogs = £500.00. Cost of sms text service can be met from existing budgets. Time to coordinate application for RSPCA Awards – estimate 40 hours. Issue of FPNs may generate income (£50 if paid at reduced rate). If estimate 20% of all reclaimed dogs result in FPN (dependant on policy) then approx £800 possible income.

Total additional estimated income £300.00

Option 3

Summary of Service Provision:

- Nominal fee paid to reclaim dog (say £15) with concessions for owners in receipt of income support (say, £5.00 – need policy);
- Reduce fee further (£10) (or free for those on receipt of income support) provided owner agrees to have dog microchipped;
- Increase fee to £25 for second and subsequent offences;
- Consider FPN to repeat offenders (need policy);
- Give owners option to microchip dogs rather than get a FPN (if appropriate);
- Hours of service remain unchanged;
- More structured programme of talks to schools and groups;
- Introduce subsidised microchipping programme for general public;
- Introduce compulsory microchipping of pet dogs as part of CCDC tenancy agreement;
- Investigate subsidised neutering programme in partnership with Dogs Trust (again possibly for CCDC tenants only initially);
- Apply for RSPCA Footprint Awards;
- Examine lost dog text service as option 2;
- Introduce positive publicity campaign; with local veterinary surgeries, contractors and possibly Dogs Trust.

Comments / Considerations:

This is a service focussed more on the welfare of the dog and provides owners with greater incentives to reclaim their dogs (although it could be argued it offers little deterrent against allowing straying in the first place); it focuses on reuniting the dog with its owner first then dealing with the technical offence issue afterwards. It also allows a proactive campaign looking at encouraging owners to microchip their dogs and to neuter where practicable. This option will require more resource in terms of staff time devoted to the stray dog service (in terms of promotion, publicity and coordinating the subsidised microchipping and schools education programmes).

- If more dogs are claimed, this will considerably reduce kennelling costs (though will not have any impact on collection fees)
- It could be argued that the suggested concessions provide no real deterrent to allowing dogs to stray
- Most owners do realise there are fees to pay to reclaim dogs;
- It is difficult to estimate the extent to which owners will be encouraged to reclaim if fees are reduced. Nationally, reclaim rates are approximately 50%.

Costs estimated for 2012-13:

Estimated 5 hours per week of additional officer time; subsidised chipping may cost £10.00 or even £7.50 per dog; possibly be delivered by the Dog Warden direct to peoples' homes if included in contract. No additional cost of sms text messaging. Costs for subsidising dog microchipping for CCDC tenants to be met from housing or E Health? Approx 100 dogs at £10.00 = £1,000. If offer wider service chipping for dogs then could be higher = estimate 200 @ £10.00 = £2,000. Subsidised neutering costs uncertain

as need participating vets; Estimate 10% reclaimed dogs (8 dogs) result in FPN then £400 income if paid at lowest rate (£50). Reduced fees for reclaimed dogs so of 81 claimed reduced income from £25 to say £15 in 50% of cases and £5 in 50% of cases = £1225 reduction in income; this policy could result in more dogs being reclaimed and reduction in kennelling costs so estimate say 10% more collected could result in an additional 19 dogs being claimed resulting in £1330 savings and (based on above reclaim fees) £185 additional income.

Promotion, advertising and publicity costs – estimate £4,500.

Total additional estimated costs £4-6000.00.

Note this excludes costs of a neutering programme as this will require involvement and agreement of local veterinary surgeries; the upper limit would include radio advertising, local bus and bus shelter, leaflets and posters.

* The estimated costs / savings given above are necessarily based on experience to date both of the service and of issuing fixed penalty notices. Views of our contractor, other local authorities and organisations and colleagues in PR and Marketing have also been taken into account.

CANNOCK CHASE
11 MAY 2011
COUNCIL POST ROOM

Sunnyside
Kennels
SOUTH STAFFORDSHIRE

Part of Birmingham Dogs Home

Mr D Prosser-Davies
Cannock Chase Council
Civic Centre
PO Box 28
Beecroft Road
Cannock
WS11 1BG

7th May 2011

Dear David,

Reference our meeting on Thursday 5th May 2011

As discussed, the trial period we set in place to recoup the enhanced administration costs relating to your Dog Warden Service has now been ceased.

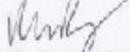
We have during the month trial, experienced a lot more problems than initially anticipated. Dogs are not being claimed back straight away meaning that Sunnyside are holding your dogs for longer leading to increased numbers on site. We are also finding that we are having to reduce our kennelling charges just to get these dogs claimed by their owners.

This is inevitably having a negative effect on our reputation, as it is seen by the public that the kennels are "holding dogs to ransom", as quoted by one caller.

Communications between the owner's and council does seem to have had it's problems, this then leads to the customer coming back to the Kennels for help to sort the situation out.

During the trial period Birmingham Dogs Home have incurred additional costs and problems re uniting dogs with their owners, and this goes against our Charities policy to rescue, re unite and re home.

Yours faithfully


Mrs Karah Doy
Manager

CANNOCK CHASE COUNCIL
ENVIRONMENTAL HEALTH
11 MAY 2011
PASSED TO

CANNOCK CHASE COUNCIL
ENVIRONMENTAL HEALTH
12 MAY 2011
PASSED TO