

HEADING Stray Dog Fines

Submitted by: Head of Environmental Health Services

Portfolio: Operational

Ward(s) affected: All

Purpose of the Report

To seek Committees support to cease offering a deferred payment option to residents of limited means seeking to reclaim their dog.

Recommendations

That Public Protection Committee agrees that dogs should not be returned until full payment of associated fines and fees has been made.

Reasons

To ensure robust enforcement and discourage straying whilst reducing 'bad debt' and the associated back office administration.

1. **Background**

- 1.1 The council has an obligation to deal with stray dogs found in the area of the authority. This duty stems from Section 149 of the Environmental Protection Act 1990.
- 1.2 Once a dog is seized its owner is notified, if current contact details are available. They are advised of the process they need to follow to reclaim their dog and any fees due.
- 1.3 Whilst legislation suggests that fees should be paid prior to the release of the dog, it has been the council's practice to consider applications from those facing financial hardship for the fees to be deferred – i.e. the dog released and a bill issued allowing further time to pay. This matched arrangements made by other councils locally.
- 1.4 Whilst the total number of strays seized per year is falling, partly through regulations such as microchipping, the number of cases where dog owners have successfully shown that they do not have the funds to immediately pay the charges has increased.

	2013-14	2014-15	2015-16	2016-17
Total Dogs Seized	203	171	129	108
Deferred Payments Approved	11 (5%)	30 (18%)	14 (11%)	16 (15%)

2. **Issues**

- 2.1 Offering deferred payments is at the authority's discretion and is a practical solution to ensure that dogs can be returned to their owners quickly. It minimises the kennelling and potentially disposal costs the authority may face if dogs remain unclaimed.
- 2.2 Whilst verifying a person's circumstances and issuing an invoice (giving the person 28 days to arrange payment) is relatively straight forward, a significant number of payees default.

The recovery process can be complex and resource intensive, and unless the person's circumstances have changed, simply creates financial difficulty further down the line.

3. **Options Considered**

3.1 Two options are outlined below. It is accepted that this list is not exhaustive and officers would be willing to investigate other suggestions from Members.

		Advantages	Disadvantages
<p>OPTION ONE: Continue to offer deferred payments [Current approach]</p>	<p>Subject to a financial circumstances check, allow the dog owner to collect their dog paying only any kennelling fees due (typically £10-£20) An invoice will subsequently be issued for the fine (£70) allowing 28 days to pay</p>	<ul style="list-style-type: none"> • Considers resident's financial circumstances • Reduces the number of unclaimed animals which is a cost to the authority • Attempts are made to recover a fine and resident reminded that allowing a dog to stray has a financial consequence 	<ul style="list-style-type: none"> • Additional back office administration verifying financial circumstances. • Staff time required to issue invoice. • Potential costs chasing payment and initiating recovery. • Possible bad debt
<p>OPTION TWO: Do not release a dog unless payment is cleared in full</p>	<p>Hold the dog at the kennels, for up to seven days, after which it would be rehomed or put to sleep if the owner has not made the required payments (£70 fine + £10 to £70 kennelling)</p>	<ul style="list-style-type: none"> • Treats all dog owners the same irrespective of financial circumstances • Eliminates bad debt 	<ul style="list-style-type: none"> • Will reduce the number of dogs reclaimed, resulting in higher boarding and disposal costs to the authority • May require those with limited finances to either take out loans or forfeit their pet.

4. **Proposal**

4.1 Option One is essentially a 'do nothing' option and makes no changes to current arrangements.

4.2 Option Two is recommended.

5. **Reasons for Preferred Solution**

5.1 Option Two sends a clear message that allowing a dog to stray is unacceptable and that where a dog warden seizes a dog a penalty must be paid in all cases. It treats all dog owners the same, irrespective of their financial circumstances. It streamlines the council's administration of seized dogs.

6. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

6.1 Robust enforcement of straying controls should provide an effective deterrent to straying.

7. **Legal and Statutory Implications**

7.1 Insisting on payment before a dog is returned aligns directly with the relevant section of the Environmental Protection Act.

149 Seizure of stray dogs.

(1) Every local authority shall appoint an officer (under whatever title the authority may determine) for the purpose of discharging the functions imposed or conferred by this section for dealing with stray dogs found in the area of the authority.

(2) The officer may delegate the discharge of his functions to another person but he shall remain responsible for securing that the functions are properly discharged.

(3) Where the officer has reason to believe that any dog found in a public place or on any other land or premises is a stray dog, he shall (if practicable) seize the dog and detain it, but, where he finds it on land or premises which is not a public place, only with the consent of the owner or occupier of the land or premises.

(4) Where any dog seized under this section wears a collar having inscribed thereon or attached thereto the address of any person, or the owner of the dog is known, the officer shall serve on the person whose address is given on the collar, or on the owner, a notice in writing stating that the dog has been seized and where it is being kept and stating that the dog will be liable to be disposed of if it is not claimed within seven clear days after the service of the notice and the amounts for which he would be liable under subsection (5) below are not paid.

(5) A person claiming to be the owner of a dog seized under this section **shall not be entitled to have the dog returned to him unless he pays all the expenses** incurred by reason of its detention and such further amount as is for the time being prescribed.

(6) Where any dog seized under this section has been detained for seven clear days after the seizure or, where a notice has been served under subsection (4) above, the service of the notice and the owner has not claimed the dog and paid the amounts due under subsection (5) above the officer may dispose of the dog

8. **Equality Impact Assessment**

- 8.1 Whilst not impacting differently on any group with a protected status, this policy may create further hardship for those with limited financial resources.

9. **Financial and Resource Implications**

- 9.1 Checking financial circumstances and issuing invoices requires back office staff resource. Each case typically takes 1-2hrs staff time
- 9.2 The authority can incur court costs if recovery is pursued, typically £25-£50 per case. Success at court will not necessarily result in payment receipt.
- 9.3 Where a dog remains unclaimed the authority incurs costs of £70 in kennelling fees to its contractor, and potentially further costs if the dog cannot be rehomed.

10. **Major Risks**

- 10.1 No significant risks have been identified

11. **Sustainability and Climate Change Implications**

11.1 No relevant considerations

12. **Key Decision Information**

12.1 This is not a key decision

13. **Earlier Cabinet/Committee Resolutions**

13.1 None