

## Folkestone & Hythe District Council Stray Dog Policy

---

### Introduction

The Council has a duty under s.149 and s.150 of the Environmental Protection Act 1990 (EPA), as amended by section 68 of the Clean Neighbourhoods & Environment Act 2005 to appoint an officer “for the purpose of discharging the functions for dealing with stray dogs found in the area of the authority”. The Council currently employs officers with a remit for undertaking ‘Authorised Officer’ duties including:

- Seizure and transport confined stray dogs to licensed kennels
- Patrolling the district and enforce the legislation relating to dog fouling, dogs in general and local byelaws
- Promoting responsible attitudes to dog ownership and the provision of education advice and information for dog owners

A stray dog is not defined legally, but is considered to be a dog in a public place not in control by any person. The Council takes a proactive approach in dealing with Dog Control by adhering to current legislative requirements and additional activity as set out above.

Members of the public who find a stray dog are required by the Environmental Protection Act (EPA) 1990 to either return it to its owner, or report it to the local authority. The Council does supply a collection service and will endeavour to collect the dog within 3 hours of the finder reporting it. (Should a finder wish to keep the stray dog, Appendix 1 sets out the requirements that apply)

Current legislation requires a dog in a public place to be fitted with a collar and a tag bearing the **name and address of the owner** (Note: a micro-chip does not meet this statutory requirement). Where a stray dog has a form of identification or the owner of the dog is known, the Authorised Officer will make every effort to return the dog to its rightful owner. However, if the owner cannot be contacted a ‘notice of seizure’ (s.149(3)&(4) EPA1990) will be issued, specifying that the dog has been seized, is being retained in licensed kennels and that it is liable to be disposed of if it is not claimed within seven clear days from the date of the notice.

The owner of a stray dog is “not entitled” to the return of the animal until they have paid all the expenses incurred and a further prescribed sum (s.149 (5) EPA1990). Should the dog not be claimed, or the owner declines to pay the sums outstanding, the ownership of the dog is legally transferred to the kennels after seven clear days. The kennels is then entitled to sell or re-home the dog (except for the purposes of vivisection) or to have it humanely destroyed.

### Seizure of a dog

Stray dogs are the responsibility of the Authorised Officer during office hours, Monday to Friday 8.30am to 5pm.

The Environmental Protection Act specifies that in each case, a dog seized as a stray is required to be detained and a notice of seizure served upon the owner (where known). In addition, the policy of the Council is that, *on the first occasion* that a dog is seized, the Authorised Officer will make all reasonable efforts to identify the owner and return it to them before taking it to kennels.

The Authorised Officer may seize a stray dog in a public place. If the animal is on private land, it may only be seized with the consent of the owner or occupier of the land or premises.

Section 150 (EPA) provides the duty for any finder of a stray dog to return the dog to its owner (if the owner can be identified) or take the dog to the local authority for the area in which the dog was found. Folkestone & Hythe District Council will then treat such a dog as though it had been seized by an officer under section 149.

If the Authorised Officer picks up a dog, they will endeavour to return the dog to the owner. The Authorised Officer carries a scanning device to identify dogs fitted with a micro-chip. If the details of the owner are identified, the Authorised Officer will endeavour to make contact with the owner and organise collection from the Civic Centre within an hour of pick up, otherwise the dog will be taken to kennels and a charge will apply.

Where appropriate, Authorised Officers will use their discretion to return stray dogs directly to their owner if they are found within a 2 mile radius of their registered address. The Statutory Government prescribed fee of £25.00 for the pick-up and release of any stray dog will be charged to the owner prior to return or collection.

If the owner is not contactable or a dog cannot be collected by its owner within the hour time frame, the dog will be retained in licensed kennels and the owner charged a kennelling fee and any other related costs accordingly (e.g. flea treatment and veterinary bills). Dogs will be held in licensed kennels for a maximum of 7 clear days, after which, the ownership of the dog transfers to the licensed kennels.

### **Out of Hours**

Between the hours of 5pm and 12am on Monday to Friday and 9.00am to 12am on weekends and bank holidays, stray dogs are the responsibility of the Council's Out of Hours service. Officers will scan stray dogs to see if they have a microchip.

Where appropriate, Council officers will use their discretion to return stray dogs directly to their owner if they are found within a 2 mile radius of their registered address. The Statutory Government prescribed fee of £25.00 for the pick-up and release of any stray dog will be charged to the owner prior to return or collection. Other fees may apply as set out in the table below.

If the dog is not wearing a tag or is not micro-chipped or is found more than two miles from its registered address, it will be placed in licensed kennels.

If the owner registration details are not up-to-date, the owner is not contactable or if the dog cannot be returned within a reasonable time, the dog will be placed in kennels.

An out of hour's dog service fee applies for dogs held in licensed kennels. Dogs that are held in kennels temporarily will only be returned to the owner between the hours

of 9am to 4pm, Monday to Friday. Payment of any fees incurred must be made prior to collection from the Civic Centre.

A dog seized on a second occasion is automatically taken directly to the kennels, thus incurring fees and charges.

The Stray Dog service does not operate on Christmas Day and New Year's Day.

### Collecting a dog

Stray dogs can be collected from the Civic Centre, Castle Hill Avenue, CT20 2QY. This can only be done if it has a current tag or micro-chip. A statutory government prescribed fee of £25.00 will need to be paid on collection of a dog.

If the owner is not contactable or a dog cannot be collected from the Civic Centre by its owner within the hour time frame of being picked up, the dog will be retained in licensed kennels and the owner charged a kennelling fee accordingly.

If a dog has been placed in kennels, out of hours and kennel fees will also need to be paid, plus any veterinary costs incurred. Payment can be made online quoting the invoice number provided or by contacting the Council's Customer Service team on 01303 858660 during office hours or the Lifeline service on 01303 221888 during out of hours. No cash is accepted.

### Stray dog release and kennelling fees from April 2019/20

	Amount to be paid by owner prior to release of dog
<b>Statutory Government prescribed fee</b>	£25.00
<b>Out of Hours service fee</b> <i>(Where applicable)</i>	£51.15
<b>Kennelling fee</b> <i>(Maximum 7 days)</i>	£19.50 per day
<b>F&amp;HDC microchip fee</b>	£8.00
<b>Veterinary fee</b> <i>(Variable – maximum £150 without approval of Folkestone &amp; Hythe District Council. The kennels must provide Folkestone &amp; Hythe District Council with written evidence of the treatment provided)</i>	£variable
<b>Flea treatment fee</b>	£8 - £12 depending on dog size
<b>Worm treatment fee</b>	£6 - £13 depending on dog size
<b>Vaccination fee</b> <i>(The kennels must provide Folkestone &amp; Hythe District Council with written evidence of the treatment provided)</i>	£25.00
<b>Release fee</b> <i>(If the dog is not claimed - on expiry of 7 day period)</i>	N/A

All fees are subject to annual review

## Unclaimed Strays

Stray dogs are held for a minimum period of seven 'clear days' following seizure, or following service of a notice of seizure, whichever is the latest. After this period, ownership of the dog reverts to the licensed kennels.

Section 149(6) of the Environmental Protection Act 1990 entitles the licensed kennels to deal with unclaimed stray dogs in one of three ways:

- By selling it or giving it to a person who will, in their opinion, care properly for the dog;
- By selling it or giving it to an establishment for the reception of stray dogs; or
- By destroying it in a manner to cause as little pain as possible;  
*Provided that no dog shall be sold or given for the purposes of vivisection.*

The licensed kennels maintains a policy of re-homing unclaimed strays to suitable owners whenever possible, and only destroys dogs that are very ill or have suffered severe injuries, and destruction is recommended by a veterinary surgeon to relieve suffering.

**Once transferred to the licensed kennels or re-homed to a new owner, the former owner of a stray dog has no legal claim for the return of the animal.**

The details of the person to whom ownership is transferred by the licensed kennels is required to be recorded on a public register. Under normal circumstances, the majority of unclaimed strays are re-homed and therefore it is this information which is recorded in the public register, rather than any subsequent new owner.

### Micro-chipping for Dogs

Under the Micro-chipping of Dogs (England) Regulations 2015, all dogs must now be micro-chipped as well as wearing a collar and tag; it is also important that a dog's micro-chip is up to date. Failure to comply could result in enforcement action to be taken.

**Contact us** via the Council's website at:

<https://www.folkestone-hythe.gov.uk/environmental-protection/dogs-and-problem-dogs/report-a-stray-dog>

Where you can:

- report a lost or found dog
- Obtain information about Responsible Dog Ownership and
- Find details on related services

Alternatively call Folkestone & Hythe District Council on 01303 853660 between 9.00 am - 5pm Monday to Friday.

Any other time including weekends and Public Holidays call the Council's Out of Hours service on 01303 221888.

## **Appendix 1**

### **Finders that request to keep a stray dog**

Any person who finds and takes a stray dog to the local authority can request to keep the dog under section 150(2) of the Environmental Protection Act 1990. The regulations specify that if the finder requests to keep the dog he must give their name and address to the officer. The officer must make reasonable attempts to contact the owner to give him reasonable opportunity (7 days same as kennels?) to collect the dog.

The regulations also require the officer to determine whether the finder is a suitable person to keep the dog. The officer must inform the finder verbally and in writing that he is obliged to keep the dog (if unclaimed by the owner) for at least one month and that failure to comply with that obligation is a criminal offence. The maximum penalty on summary conviction is level 2 on the standard scale.

The Act does not purport to deal with the civil law on ownership in this context. The finder has a duty to keep the dog for 28 days after taking possession of it; however, they do not become the legal owner of the dog. The officer should make clear to the finder that if a person claiming to be the rightful owner of the dog (and can prove it) requests the return of the dog, then the finder may have to relinquish his custodianship. Disputes over ownership would be subject to the usual civil common law principles governing possession and title. Relinquishment might be required at any time and would not be governed by section 150(3) – the intention of which is simply to prevent a finder abandoning or turning the dog loose to become stray again.

An authority is entitled to sell or give a dog to a person or other party if the original owner has not reclaimed the dog. However, the intention is not so that the recipient (where not the original owner) is charged the prescribed amounts before a dog is released.