

12 March 2008	ITEM 9 No. 0710121
Cabinet	
STRAY DOGS: TRANSFER OF POLICE RESPONSIBILITIES TO LOCAL AUTHORITIES (CLEAN NEIGHBOURHOODS & ENVIRONMENT ACT 2005)	
Portfolio Holder: Cllr Wendy Herd, Member for Commissioning and Community Well-being	
Report Author: Colin Pomphrett, Interim Pollution Control Manager	
Accountable Head of Service: Andy Millard, Head of Strategic Planning and Delivery	
Accountable Director: Bill Newman, Corporate Director, Sustainable Communities	
Purpose: To make Cabinet aware of this new statutory responsibility and to recommend an initial option for delivering the necessary functions.	
Wards affected: All	Key decision: yes
This report is public	

1. RECOMMENDATIONS:

- 1.1 That the contracting out of stray dog functions, introduced by virtue of S68 of the Clean Neighbourhoods and Environment Act 2005, be approved**
- 1.2 That this option be put in place for an initial one-year period whilst other potential options are considered**

2. INTRODUCTION:

- 2.1 Currently, Local Authorities have joint responsibility with the police for stray dogs. The Council utilise a combination of private contractor and Animal Control Officer time to provide the existing service. Plans for the removal of the Police's statutory duty to receive strays brought in by the public are contained in the new Clean Neighbourhoods and Environment Act (Section 68).
- 2.2 DEFRA advise that the additional funding to Local Authorities is being transferred from police to local authority budgets through the Revenue Support Grant from 2008. £3.74 million per year for the 3 years of the Revenue Support Grant period will be paid through formula grant. This is

calculated in line with the grant distribution formula and the amount of funding being transferred to Thurrock for 2008/09 is £10,211.

- 2.3 Removal of Police responsibility means that Councils can expect to receive strays directly from the public at all times of the day and night, and hold them until they can be removed to proper kennelling facilities for the seven-day statutory period. Short-term animal reception and holding facilities will therefore have to be provided and staffed. Local authorities will inevitably incur additional costs as a result of providing this enhanced role.

3. BACKGROUND:

- 3.1 Local Councils are legally responsible for collecting and detaining stray dogs under S149 of the Environmental Protection Act 1990. They must also provide suitable kennelling for any dogs seized by their officers or brought in by anyone else.
- 3.2 Currently this function is carried out by Animal Control Officers within the Environmental Health Division. Stray dogs collected by the Council are taken to Gemini Kennels (near Basildon) and held for the 7-day statutory period until either reclaimed by their owners or subsequently re-homed. During this period, the Council are liable for boarding fees, veterinary treatment fees and the dogs' welfare. Any owners reclaiming their dogs are liable for a statutory prescribed £25 fee and any relevant boarding / vets costs incurred. Thurrock Police and the London Borough of Havering also presently use this Private Contractor in a similar way.
- 3.3 Outside office hours, or if the Council's dog warden services are unavailable, stray dogs can currently be taken to a police station. Until the 6th of April the Police are obliged to accept any stray dogs brought to police stations under S150 (1) of the Environmental Protection Act 1990.
- 3.4 The Clean Neighbourhoods and Environment Act 2005 (Section 68) will remove the requirement of the Police to accept and seize stray dogs. This duty will be transferred in full to the Council on 6 April 2008.
- 3.5 Over the last three years the Council has seized between 80 to 100 stray dogs per year and has dealt with many more enquiries. In 2006/7 90 Stray dogs were seized. Unfortunately, very few of these dogs are reclaimed by their owners. Dogs are usually abandoned because they have become sick or too much trouble to look after.
- 3.6 The Police throughput in Thurrock is higher than the Council's, due mainly to Police Stations being more accessible to the public and having a 24/7 infrastructure. In 2007, the number of stray dogs collected by the Police numbered approximately 270.
- 3.7 The transfer of Police stray dog functions to the Council would therefore represent a significant increase in the number of stray dogs being dealt with by the Authority. If these functions were to be carried out by the Council directly, provision would need to be made for stray dog reception facilities, an

enquiry point, transitional holding kennels, a vehicle, permanent kennel retainer costs, kennel boarding and vets fees, out of hours collection costs and appropriate staffing / equipment costs.

- 3.8 Current costs to the Council of running the stray dogs service are approximately £30,000 per year, comprising kennel/veterinary fee's and input from the Animal Control Team (ACT) Officers (equivalent to 0.7 FTE).

4. ISSUES AND OPTIONS

- 4.1 Contracting the stray dog service out to the Council's current partner (Gemini Kennels) is recommended as the most effective and efficient way forward. Funding for the statutory service will be drawn from the £100,000 approved from the 2008/2009 Budget Growth Bid and the remainder of the current Pest control budget relating to statutory dog control. Taken together with the £30,00 in existing budgets for undertaking these functions (see para 3.8 above) there is adequate budgetary provision to meet the costs set out in para 4.2 below.

- 4.2 Anticipated costs (per annum) to the Council for new statutory duty are summarised in the table below:

	No.	Unit cost		
Retaining fees for kennels (weekday)	4	£ 11.00	per day	£ 11,440.00
Retaining fees for kennels (out of hours)	1	£140.00	per week	£ 7,280.00
Estimated call out charges	350	£ 70.00	per dog	£ 24,500.00
Estimated veterinary care charges	350	£158.00	per dog	£ 55,300.00
Estimated kennel charges	350	£ 11.00	per day	£ 26,950.00
				£125,470.00

- 4.3 These costs are based on anticipated figures of 350 dogs per annum. And based on quotations of charges following discussions with Gemini kennels to provide a daily and out of hours collection service. The costs include retaining fees, kennelling fees, callout fees and veterinary fees. The figures are based of the number of dogs collected by the Council and Police in the year 2006/2007. It has not been possible to split the collections between normal working days and out of hours, so the worst case scenario of £70 per collection per dog has been used which is the out of hours fee, as opposed to the normal working day rate of £50 per dog. However, there may be additional savings on veterinary fees due to possible discounts due to increased use of their service. Gemini is currently in discussions with the veterinary centre regarding this matter.

- 4.4 It is recommended that an initial contract for one year with Gemini kennels be sought which should be reviewed prior to renewal. This will give an opportunity to provide a better estimate of the costs and working arrangements and also to explore longer-term arrangements, potentially involving neighbouring authorities.

5. IMPACT ON CORPORATE PRIORITIES:

5.1 Contributes to Council of providing safe, clean and inviting surroundings.

6. OVERVIEW AND SCRUTINY:

6.1 This report has not been considered by Overview and Scrutiny.

RELEVANT POLICIES

None.

FINANCIAL IMPLICATIONS

There are significant resource implications for implementation of this new statutory duty (identified in 3.13), additional costs are estimated at £125,000 per year. This is over and above the current provision for dealing with stray dogs.

National negotiations between central government ACPO and the LGA have now agreed a transfer of resources (from the police to the local authorities). This will be £4 million per annum for all 410 LA's in England and Wales. The portion of this resource transfer to the 3 year revenue support grant for Thurrock Council is £10,211 incorporated into the Formula Grant. Within the 2008/09 budget, a growth item of £100,000 was agreed in order to support this service and this, together with current provision as identified in paragraph 4.1 of the report will be utilised to fund this proposal. The report describes (para 4.4) the need to explore medium and longer-term options to identify potential efficiencies in due course.

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LEGAL IMPLICATIONS

On 7 April 2005 the Clean Neighbourhoods and Environment Bill received Royal Assent following a successful passage through Parliament to become the Clean Neighbourhoods and Environment Act 2005.

The Clean Neighbourhoods and Environment Act deals with many of the problems affecting the quality of local environments - which forms part of a continuum with anti-social behaviour, vandalism, disorder and levels of crime.

The Act provides local authorities, parish and community councils and the Environment Agency with more effective powers and tools to tackle poor environmental quality and anti-social behaviour.

In particular the Act includes sections on nuisance and abandoned vehicles, litter, graffiti, waste, noise and dogs.

Section 68 (stray dogs) will commence on 6 April 2008.

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DIVERSITY & EQUALITY IMPLICATIONS

There are no specific diversity implications noted in this report.

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OTHER IMPLICATIONS

None

BACKGROUND PAPERS

DEFRA Letter dated 16 February 2007
 DEFRA Letter dated 19 October 2007
 DEFRA Guidance on stray dogs 10/07
 DEFRA Q&A Stray Dogs and Section 68 of
 the CNEA 2005 by email 9/11/2007

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