

Overview and Scrutiny Committee Report

Ward(s) affected: All Wards

Report of Director of Place

Author: Mike Smith, Senior Specialist for Licensing and Community Safety

Tel: 01483 444387

Email: mike.smith@guildford.gov.uk

Lead Councillor responsible: James Steel

Tel: 07971 525298

Email: james.steel@guildford.gov.uk

Date: 17 January 2023

Stray Dog Service

Executive Summary

The Council has a statutory responsibility under the Environmental Protection Act 1990 to have measures in place to respond to stray dogs found in the Borough.

In 2019, following a procurement exercise, the Council appointed 'Dogbusters' to provide a stray dog collection and reception service on its behalf.

The Stray Dog Service has been called for consideration by the Overview and Scrutiny Committee. This report sets out the details of the service, including:

- Council's responsibilities with regards to stray dogs.
- Details of service
- Statistics
- Contract management
- Complaints
- Contract review timetable and process

Recommendation to Committee

That the Overview and Scrutiny Committee considers the information in this report.

Reason(s) for Recommendation:

To ensure sufficient consideration of the Council's stray dog service provision.

Is the report (or part of it) exempt from publication?

No

1. Purpose of Report

- 1.1 The purpose of this report is to brief the Overview and Scrutiny Committee on the provision of the stray dog service in the Borough.

2. Strategic Priorities

- 2.1 The Stray Dog Service contributes to the following priorities in the Council's Corporate Plan 2021-25:

Environment – Protecting our natural environment through effective control of stray dogs.

3. Background

- 3.1 Sections 149 and 150 of the Environmental Protection Act 1990 require the Council to have arrangements in place for the seizure of stray dogs in the local authority's area and the reception of strays found by the public delivered to the local authority. Once in the custody of the authority, the legislation places duties upon the authority in respect of the welfare and return of strays.
- 3.2 Furthermore, the Environmental Protection (Stray Dogs) Regulations 1992 places a requirement upon the Council to maintain a register of stray dogs.

Guildford's register is maintained online at:

https://mylicencegbc.guildford.gov.uk/registers/index.html?fa=stray_dog_register

- 3.3 In 2019, following a procurement exercise, the Council appointed 'Dogbusters' to undertake the collection and reception of stray dogs found in the Borough.
- 3.4 The reason for the new arrangement was twofold:

Firstly, the Council's long-standing provider of reception and kennelling facilities gave notice ending the contract as their site was due to be developed. This required the Council to procure a new provider with the kennelling facilities required to house strays.

Secondly, the Council's previous arrangements involved the employment of a Dog Warden to collect strays found in the Borough, amongst other duties. These other duties mainly surrounded the regulation of licensed animal establishments, including pet shops, riding establishments, dog kennels and dog breeders; but also involved a number of duties around antisocial behaviour involving animals. This often meant that the Officer

was undertaking other duties when a call to collect a stray was received, resulting in delays to attend.

However, the principal reason for procuring a provider who could collect strays was new legislation, the Licensing of Activities Involving Animals Regulations 2018 which changed the way in which animal boarding establishments, dog breeding establishments, pet shops, and riding establishments are licensed, together with the commencement of responsibility for the licensing of the keeping of animals for exhibition. Under the new legislation, the inspection process is far more comprehensive, and built around providing the premises with a 'risk rating', which establishes whether the business is 'low risk' or 'higher risk' based on the level to which it meets the standards set out in the regulations and guidance, thus determining the length of the licence.

The new regulations have seen an increase in the number of licences that are granted as the threshold for requiring a licence has been reduced, and an increase in enforcement cases as more businesses requiring licensing have been identified.

- 3.5 Therefore, in order to allow the Officer more time to dedicate to licensing duties, together with the desire to ensure a better service to customers, the Dog Warden post was reviewed into an Animal Welfare Officer role and the duties to collect stray dogs included under the terms of the procurement for new kennelling facilities.
- 3.6 Following an open procurement exercise, scored on both cost and technical specification, Dogbusters were awarded the contract to provide the Stray Dog service from April 2019. The Contract was for an initial 3-year period and has been extended for an additional year.

4. The Stray Dog Service

The Stray Dog Service Contract

- 4.1 The contract includes a provision for Dogbusters to provide a service for stray dogs 24 hours a day, 7 days a week, for the benefit of residents.

The service is operated in fully licensed and insured boarding kennels which have achieved the highest star rating possible (5 stars) under the animal welfare licensing regulations. The kennels are mainly used for commercial dog boarding and the stray block is to the same high standard as the rest of the kennels, in a separate area. The vans used to transport the dogs have secure fixed cages, as well as air conditioning for hot weather. They carry water for the dogs and have mobile telephones and breakdown cover in case of emergency. Part of the contract monitoring

involves regular liaison and inspections of the kennels to ensure that the dogs are well looked after.

Dogbusters take and log all calls from Guildford residents about lost and found dogs 24 hours a day 7 days a week. When an owner is identified, the dog is delivered back to them instead of the owner having to travel to the kennels on the next occasion that the kennels is open. Owners have to pay the government and council prescribed fee as has always been the case. The fees are publicly available on our website and are charged on a staggered basis with an increase in fee depending on how much time the dog has spent in Dogbusters care. Fees are set to cover the cost of the service only. The Council does not make a profit on fees and Dogbusters are under no instructions to keep dogs longer than necessary so that the public have to pay higher fees.

Dogbusters have asked that we do not publish the location of their kennels and we understand the request. Members of the public will not attend the kennels, as all dogs are collected and returned to the owners property.

Dogbusters will provide the Council with details of where unclaimed dogs go after the statutory 7 day holding period. As previously, all unclaimed dogs will be sent to established rescue organisations or centres if Dogbusters are unable to find them homes themselves. We are pleased to say that we do not destroy healthy dogs (unless the dog is one of the four banned breeds named under the Dangerous Dogs Act 1991 and then we have a legal duty to euthanise by a Vet).

Service Volumes

4.2 The following volumes have been dealt with by Dogbusters since April 2019:

	2019/20	2020/21	2021/22	2022/23*
Number of Strays	147	102	64	43
Cancelled calls	12	0	0	0
Returned to owner	85	78	32	7
Rehomed/Foster care	48	23	30	36
Signed to finder	0	0	0	0
Put to sleep / Euthanised / Destroyed	2	1	2	0

*as at 29/11/2022

Fees

- 4.3 The Council pays Dogbusters a monthly fee to provide the service. The fee is commercially sensitive and consequently not included in this report.
- 4.4 For dogs which are collected by Dogbusters, there is a fee payable for the dogs return. The fees include a statutory fee of £25 and then additional fees based on a staggered cost depending on how long the dog has been in the care of Dogbusters.

The Council has the following Fee Structure in place. This is normally approved by Budget Council.

First day or part of: £120.00
Second day or part of: £140.00
Third day or part of: £161.00
Fourth day or part of: £189.00
Fifth day or part of: £218.00
Sixth day or part of: £247.00
Seventh day or part of: £285.00

Complaints

- 4.5 The Council has received three formal complaints about the Service. These are detailed as follows:

23 May 2019: Complaint received from a member of the public who had lost a dog about not being provided information as to who to contact at the Council about payment for their return of their dog. The complainant was advised that Dogbusters take fees and arrange the return, with no further action taken.

30 April 2020: Complaint received from a member of the public who had lost a dog about the treatment their dog received whilst in the care of Dogbusters. The complainant believed that their dog's basic needs were not met in that they believed that their dog was not provided with food, water, or care.

The complaint was investigated with Dogbusters, who keep records of interactions with each dog in their care. They also take a photo of the dog upon reception, with the photograph taken in this instance showing a bowl of food and water available. This complaint was not upheld.

4 September 2020: Complaint received via Woking's MP from a member of the public about a failure to return dog over a bank holiday and the cost of the return fee. The complainant alleged they were told by Dogbusters that they are instructed to hold onto the dog for longer than necessary by the Council so that higher fees are due.

The complaint was investigated with Dogbusters, who advised that there was a delay in identifying the owner due to the dog's microchip not being registered correctly, as is legally required. As soon as the microchip was updated and fee paid the dog was returned to the owner. Dogbusters confirmed that they would never advise that they would hold onto a dog unnecessarily and the Council have not issued instructions to keep dogs longer than necessary. The MP was responded to with details to pass onto their constituent, together with details of the Council's corporate complaints process.

Contract Management

- 4.6 The Council's contract with Dogbusters details the levels of service to be provided. This was drafted following the tendering exercise with colleagues from procurement and legal.
- 4.7 The levels of service are regularly monitored together with meetings between Officers and Dogbusters. This includes visits and inspection of their facilities.

Contract Review Timetable and Process

- 4.8 The current contract is due to expire on 31 March 2023.
- 4.9 The Council is in the process of a procurement exercise to tender for this contract, with a view for a new contract to commence from 1 April 2023. Discussions have taken place with partners Waverley Borough Council about a joint procurement exercise, as the needs of both Councils are similar.

5. Key Risks

- 5.1 The provision of a stray dog service is a statutory duty placed upon local authorities. By not providing this service the Council would be in breach of its statutory duties.

6. Financial Implications

- 6.1 The Council pays Dogbusters a monthly fee for the provision of the service. This was subject of an open tendering process in order to demonstrate value.
- 6.2 As set out in section 4.4 of the report, the Council requires a fee payable for the return of a stray dog. The fees include a statutory fee of £25 and then additional fees based on a staggered cost depending on how long the

dog has been in the care of Dogbusters. These are set with a view to recovering some of the cost associated with the provision of the service.

7. Legal Implications

- 7.1 Sections 149 to 151 of the Environmental Protection Act 1990 and related regulations referred to above require the Council to have arrangements in place for the seizure and kennelling of stray dogs in the local authorities area and the reception of strays found by the public delivered to the local authority. Once in the custody of the authority, the legislation places duties upon the authority in respect of the welfare and return of strays.
- 7.2 Furthermore the Environmental Protection (Stray Dogs) Regulations 1992 places a requirement upon the Council to maintain a register of stray dogs.

8. Human Resource Implications

- 8.1 The current model of service provision allows the Animal Welfare Officer additional time to focus on proactive and reactive Animal Welfare and Licensing duties, improving service delivery in these areas.

9. Equality and Diversity Implications

- 9.1 Public authorities are required to have due regard to the aims of the Public Sector Equality Duty (Equality Act 2010) when making decisions and setting policies.
- 9.2 The Council has a statutory duty under section 149 of the Equality Act 2010 which provides that a public authority must, in exercise of its functions, have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 9.3 This duty has been considered in the context of this report and it has been concluded that there are no equality and diversity implications arising directly from this report.
- 9.4 The stray dog service is available for use by any resident of the borough, regardless of protected characteristics. The current model of operation,

where stray dogs are collected and returned directly to owners will improve service delivery for vulnerable residents who may not have access to transport to collect their stray dog.

10. Climate Change/Sustainability Implications

- 10.1 There are no climate change and sustainability implications arising from this report.

11. Summary of Options

- 11.1 The Overview and Scrutiny Committee is invited to consider the information about the Stray Dog Service contained within this report.

12. Conclusion

- 12.1 The Council is under a statutory duty to provide a stray dog service. The Council engages Dogbusters for this purpose which enables an efficient service to be provided to residents whilst upholding high standards of welfare and allowing the Council's Animal Welfare Officer to undertake other statutory Animal Welfare and Licensing duties.

13. Background Papers

[The Environmental Protection Act 1990, Sections 149 to 151 – Control of dogs](#)

[The Environmental Protection \(Stray Dogs\) Regulations 1992](#)

[Guildford Borough Council – Animal Activity Licensing Policy \(2018\)](#)
[Department for Environment, Food and Rural Affairs Guidance on Dog Control and Welfare for Police and Local Authorities \(2018\)](#)

14. Appendices

There are no appendices to this report.