

Appendix A

Policy: Stray Dog Policy

Original Implementation Date: 1 January 2025



Control Schedule

Policy Owner:	Environmental, Property and Recreation		
Policy Author:	Alison Oates		
Approved By:	Council		
Approval Date:	19 December 2024	Minute reference:	
Policy Review Due:	19 December 2027	Review Cycle:	Three years
EIA completed:	NA	EIA Review Due:	NA

Version Control

Version	Date	Author	Comment	Approved by
1.0	27/08/2024	Alison Oates	Original Document	Council

Decisions affecting this policy

Date	Committee/Member/Officer	Report title	Minute ref

Policy Statement

1. This policy establishes a clear, humane, and efficient protocol for managing stray dogs within Ashford Borough Council's jurisdiction. It outlines the responsibilities and procedures for collecting, caring for, and rehoming or returning stray dogs to ensure public safety, animal welfare, and community well-being.
2. Under s.149 (1) of the Environmental Protection Act 1990 (EPA), the Council has a duty to appoint an officer "for the purpose of discharging the functions for dealing with stray dogs found in the area of the authority." The officer can delegate these functions but remains responsible for their correct discharge.
3. In April 2008 the Clean Neighbourhoods Act 2005 introduced additional duties for local authorities to provide an 'acceptance point' for stray dogs outside of 'normal office hours', previously carried out by the police.

Scope of the policy

4. This policy covers the responsibility that the Ashford Borough Council has regarding dealing with stray dogs and transporting them to licensed kennels. This policy applies across all areas of the Borough of Ashford.
5. This policy does not cover Dangerous Dogs or enforcement linked to the ownership of banned breeds.

Relationship with other existing policies

6. This policy has been formulated within the context of the Overarching Enforcement Policy.

Definitions

7. Stray Dog: Any dog found wandering or lost in public or private areas not under direct control or restriction at a particular time by a person or not prevented from roaming without an identifiable owner or custodian.
8. Kennelling Facility: A designated place where stray dogs are kept temporarily while efforts are made to reunite them with their owners or find new homes.

Policy content

Seizure of a dog

9. Where the delegated council officer has reason to believe that any dog found in a public place or on any other land or premises is a stray dog, they 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.

10. Members of the public who take possession of a stray dog are required by s.150 of the Environmental Protection Act (EPA) 1990 to either return it to its owner or take the dog to the officer of the local authority for the area in which the dog was found and shall inform that officer where the dog was found.
11. In the Ashford Borough, this can be done by contacting Ashford Borough Council by telephone on 01233 331111 or via our website [Details of the responsibilities of the dog warden service and how to report lost and found dogs and dog fouling. \(ashford.gov.uk\)](https://www.ashford.gov.uk/Details-of-the-responsibilities-of-the-dog-warden-service-and-how-to-report-lost-and-found-dogs-and-dog-fouling) so arrangements can be made to take receipt of the dog, including collection arrangements.
12. 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 delegated council officer will make every effort to return the dog to its rightful owner.
13. If the owner cannot be contacted a 'notice of seizure' (s.149(3)&(4) EPA) will be issued, specifying that the dog has been seized, is being retained in licensed kennels and that it will be transferred to the ownership of the licensed kennels if it is not claimed within seven clear days from the date of the notice.
14. 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) EPA). 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.
15. The prescribed fee for the pick-up and release of any stray dog will be charged to the owner prior to return or collection are detailed here: [Table of charges and fines for dog warden services. \(ashford.gov.uk\)](https://www.ashford.gov.uk/charges-and-fines-for-dog-warden-services)
16. If there is no owner identified for the stray dog they are held for a minimum period of seven clear days following the seizure, or following service of a notice of seizure, whichever is the latest. After this period, ownership of the dog reverts to the kennelling facilities.
17. Section 149(6) of the EPA entitles the kennelling facility 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 or stray dogs; or
 - By destroying it in a manner to cause as little pain as possible.
18. The kennelling facility maintains a policy of re-homing unclaimed strays to suitable owners whenever possible, and only destroy dogs that are very ill of

have suffered severe injuries, and destruction is recommended by a veterinary surgeon to relieve suffering.

19. Once transferred to the kennelling facility or re-homed to a new owner, the former owner of a stray dog has no legal claim for the return of the animal.
20. The officer may cause a dog detained under this section to be destroyed before the expiration of the seven day period where they are of the opinion that this should be done to avoid suffering.
21. Section 150(2)(a) of the EPA allows the finder to retain the stray dog. If the finder so wishes to do so then the delegated council officer shall make all such enquiries as they consider appropriate in the circumstances of the case to ascertain that the finder is a fit and proper person to keep the dog, and that they are able to feed and care for it.
22. The delegated council officer shall inform the finder both verbally and in writing that the finder is obliged under section 150(3) to keep the dog (if unclaimed by the owner) for not less than one month, and that failure to comply with that obligation is a criminal offence.

Equalities Impact Assessment

23. There are no specific impacts that need to be accounted for or addressed.

Review of Policy

24. This policy will be reviewed every three years to ensure it meets current animal welfare standards and community needs.