



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

NEATH PORT TALBOT COUNCIL

**Environment, Regeneration and Streetscene Services
Cabinet Board
12th January 2024**

**Report of the Head of Planning and Public Protection
Ceri Morris**

Matter for Information

Wards Affected: All Wards

Dangerous Dogs Act 1991: Stray and Abandoned XL Bully Dogs – Change of Operational Practice

Purpose of the Report

To provide Members with an update regarding new legislation relating to the keeping of XL Bully dogs and the impact on the Authority's Dog Warden Service who deal with stray and abandoned dogs.

Executive Summary

Following a rise in attacks and fatalities caused by XL Bully dogs, the UK Government has added this breed to the list of dogs banned under the Dangerous Dogs Act 1991.

The ban on XL Bully dogs and rehoming restrictions, will change the Authority's operational practices and make the euthanasia of unclaimed stray XL Bully stray dogs normal practice from 31st December 2023.

Background

Following a rise in attacks and fatalities caused by XL Bully dogs, the UK Government has added this type of breed to the list of dogs banned under the Dangerous Dogs Act 1991.

To help current owners adapt to the new laws, these changes will come into force in two stages.

Stage 1 – from 31st December 2023 it will be against the law to:

- Sell an XL Bully dog;
- Abandon an XL Bully dog or let it stray;
- Give away an XL Bully dog;
- Breed from an XL Bully dog; and
- Have an XL Bully in public without a lead and muzzle.

Stage 2 – from 1st February 2024 it will be a criminal offence to own an XL Bully dog in England and Wales unless the dog has a Certificate of Exemption. In addition, to keep an XL Bully dog, it must be:

- Microchipped;
- Kept on a lead and muzzled at all times when in public;
- Kept in a secure place so it cannot escape; and
- Neutered.

An owner of an XL Bully dog, must also:

- Be over 16 years old;
- Take out third party public liability insurance against the dog injuring other people; and
- Be able to show the Certificate of Exemption when asked by a police officer or a council dog warden, either at the time or within 5 days.

Change of Operational Practice (as a result of the rehoming restriction)

Section 149(1) of the Environmental Protection Act 1990 requires every local authority to appoint an officer for the seizure, detention and rehoming of stray dogs in the County Borough.

All stray dogs collected by the Council Dog Wardens are scanned for a microchip in order to try to identify the rightful owner. If no microchip is detected whilst on site, the dog will be scanned again once at the kennels.

Detained stray dogs will only be released from the contracted kennels when all costs incurred are paid in full. These costs include a statutory amount in addition to an administrative fee for the seizure and detention of the dog, plus kennelling fees charged at a daily rate.

All kennelled dogs unclaimed after seven days will be rehomed where possible. Once rehomed, the former owner of the dog has no legal claim for the return of the dog. Every effort is made to find new homes for stray dogs unclaimed after the statutory seven-day period. This work is done on the Council's behalf by the contracted kennels or via an approved partner or other animal rescue organisation.

It is current practice for the Dog Warden Service to only euthanise dogs as a last resort, normally this would be in cases where euthanasia is recommended by a vet on welfare grounds.

As a consequence of the new restrictions coming into effect from 31st December (i.e. the rehoming, selling or transfer ownership of XL Bully dogs becoming illegal), it will be necessary for the Authority's Dog Warden Service to change its operational practice and put procedures in place to euthanise any XL Bully dogs that are not collected from the contracted Kennels by the owner. This new operational procedure will be implemented with immediate effect so as to limit any ongoing welfare issues to currently kennelled XL Bully dogs kept beyond the statutory maximum period of 7 days.

Members should note that in advance of the ban coming into effect, dog rehoming centres are already not accepting XL Bully dogs, and the Authority currently has two unclaimed XL Bully dogs in kennels.

Financial Impacts

Although there is compensation available to dog owners who choose not to keep their XL Bully dog, and for it to be euthanised at a registered vet practice by 31st January 2024, this compensation provision is not available for the Local Authority to claim. Therefore, any additional expenditure to the service associated with vet charges for the euthanasia of stray and unclaimed XL Bully dogs may have a financial impact – this will be monitored going forward.

Members should note that in addition to the welfare reasons, there are further financial implications of *NOT* implementing a euthanasia policy to deal with unclaimed stray XL Bully dogs, namely the indefinite kennel costs due to being unable to rehome the dog.

Integrated Impact Assessment

There is no requirement to undertake an Integrated Impact Assessment as this report is for information purposes.

Valleys Communities Impacts

No implications.

Workforce Impacts

No implications.

Legal Impacts

The legislation changes make it illegal from 31st December 2023, to rehome, sell or transfer ownership of XL Bully dogs. Dog Wardens are unable to rehome XL Bully dogs at rehoming centres.

Consultation

There is no requirement for external consultation on this item.

Recommendations

For Members to note the information contained within this report.

Reason for Proposed Decision

Matter for information, no decision required.

List of Background Papers

Guidance: Prepare for the ban on XL Bully dogs

<https://www.gov.uk/guidance/prepare-for-the-ban-on-xl-bully-dogs>

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