

Case: 201102045, Dumfries and Galloway Council
Sector: local government
Subject: kennels
Outcome: some upheld, recommendations

Summary

Mr and Mrs C left their dogs at a kennels for two and a half weeks. When they collected the dogs they found that one of them was in poor physical condition, and later had to be put to sleep. The kennels were privately owned, and were subject to an annual licence issued by the council. Mr and Mrs C complained that the council failed to adequately deal with their complaints about the kennels within a reasonable timescale that would allow a prosecution. They said that the council failed to regulate the kennels appropriately and to adequately carry out their duties in terms of relevant animal welfare legislation. In addition, Mr and Mrs C complained that the council did not deal adequately with their complaint about the council's handling of the matter.

We upheld one of Mr and Mrs C's complaints - that the council failed to adequately deal with their complaints about the kennels. We found from looking at the evidence that Mr and Mrs C's concerns were taken seriously, their anecdotal evidence was recorded and considered, and was weighed against evidence that the council obtained from the vets who looked after their dog. However, we found that the council did not interview the licensee when investigating the complaint. Although the council told us that they did not have a duty to interview the licensee and would only do so if the conditions of the license appeared to have been breached, there seemed to be differing views about this in the council, and we made a recommendation to address this.

We did not see sufficient evidence that the council explained their responsibilities to Mr and Mrs C; specifically that the council had to ensure the kennels were complying with the conditions of their license, and that information gathered had been compared against the licence conditions. We also found that the council's further consideration of Mr and Mrs C's complaint did not involve any new investigation of the matters they had raised. We took the view that Mr and Mrs C should have been told sooner that there was no appeal procedure, and directed to the corporate complaints procedure if they wished to complain about the council's handling of the matter, as they later did.

In terms of the complaints that we did not uphold, we found that it was for the council to decide whether to refer a matter for possible prosecution. The council decided in reasonable time that there was insufficient evidence and so did not refer this case. We also found that animal health and welfare legislation did not require the council to inspect kennels; rather, it gave them the power to do so if appropriate. The conditions of the license issued to the kennels replicated the conditions stated in the legislation. We did not see evidence that the council failed to regulate the kennels appropriately or to adequately carry out their duties in terms of relevant animal welfare legislation. However, given what the council told us about differences between their role and that of an animal welfare charity in relation to complaints of alleged ill treatment and neglect of animals, we were of the view that the council should take steps to avoid any confusion about this in future.

Finally, we found that although the council did not reach a conclusion that satisfied Mr and Mrs C, the steps they took to investigate the complaint about the handling of the matter were adequate, and the response provided a detailed explanation.

Recommendations

We recommended that the council:

- that the council apologise for failing to adequately deal with complaints about the kennels;
- that the council ask the service to document the recognised procedure for dealing with complaints about licensed premises. This document should make clear that licensees should be interviewed at the earliest opportunity. It should also make clear why there is no appeal against decisions made, and that complainants should be signposted to the corporate complaints procedure if they are not satisfied with how their complaint about licensed premises has been handled; and
- that the council should explain to members of the public how their role is different from that of the SSPCA, and should appropriately signpost members of the public with concerns about animal welfare in boarding establishments to the SSPCA at the earliest opportunity.