



Department  
for Environment  
Food & Rural Affairs

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# Dealing with irresponsible dog ownership

## Practitioner's manual

October 2014



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Welsh Government

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# Anti-social behaviour: Control and welfare of dogs

## Part 1: Introduction

### Purpose of this manual

This manual aims to assist practitioners in local authorities (including eg approved social landlords) and the police in England and Wales in dealing with dog-related incidents that are brought to their attention, using the powers contained within the Anti-social Behaviour, Crime and Policing Act 2014. The manual indicates where officers with the facts of the case may wish to consider other dog control and welfare legislation that may be more appropriate. Officers should consult the specific advice that accompanies other Acts (eg the Dangerous Dogs Act 1991) that gives more detail than the overview provided in this document. The aim is to encourage responsible dog ownership and reduce other incidents involving dogs such as straying and the use of dogs for intimidation, through early engagement and education, and overall to prevent problems becoming more serious and thus reduce the number of dog bites.

The manual sets out the main legal provisions and assists each agency by defining their responsibilities and identifying the areas where a joint approach might be advisable. It has been prepared by Defra in partnership with Home Office, Welsh Government, the National Policing lead on Dangerous Dogs, and representatives of local authorities from England and Wales, with contributions from animal welfare organisations.

This manual is for practitioners authorised to enforce the anti-social behaviour powers in England and Wales. Any person with the authority to enforce the powers is referred to as an authorised officer or officer. The specific sections on each power detail which persons are authorised by the Act.

Parts 1 – 6 of the Anti-social Behaviour, Crime and Policing Act 2014 introduce legislation to deal with anti-social behaviour in a flexible and responsive way. The Act follows a 2012 White Paper, 'Putting Victims First: more effective responses to anti-social behaviour' (<https://www.gov.uk/government/publications/putting-victims-first-more-effective-responses-to-anti-social-behaviour>), with an increased emphasis on **local responses suited to individual problems**. For a wider understanding of the Act and the powers, please refer to the wider advice on tackling anti-social behaviour, available from <https://www.gov.uk/government/publications/anti-social-behaviour-crime-and-policing-bill-anti-social-behaviour>

Part 7 of the Act amends the Dangerous Dogs Act 1991. The amendments extend the offence of a dangerously out of control dog to all places, including private property where the dog has the right to be and make explicit that an attack on an assistance dog is an aggravated offence. Further information on these amendments is provided in Annex D.

This manual has been written using agreed inter-Government principles:

- **Working in partnership** – the Government’s commitment to working closely with everyone involved in animal health and welfare.
- **Understanding and accepting roles and responsibilities** – ensuring that animal owners make a real difference to the health and welfare of their animals.
- **Prevention is better than cure** – it is essential that all owners of animals have the necessary skills to care for their animals.
- **Ensuring effective delivery and enforcement** – strategic objectives and priorities including appropriate tools for delivery.
- **Understanding the costs and benefits** – in relation to dogs, this could mean neutering, training, microchipping and veterinary advice

## Status

The manual is designed to improve understanding of the Act and to assist front line officers in the police and local authorities as they plan for introduction and implementation of the measures within the Act. It provides practical pointers when using the measures for incidents involving dogs and should be the first point of call for enforcers. The manual is not intended to provide a definitive interpretation of the Act as ultimately, this is a matter for the courts.

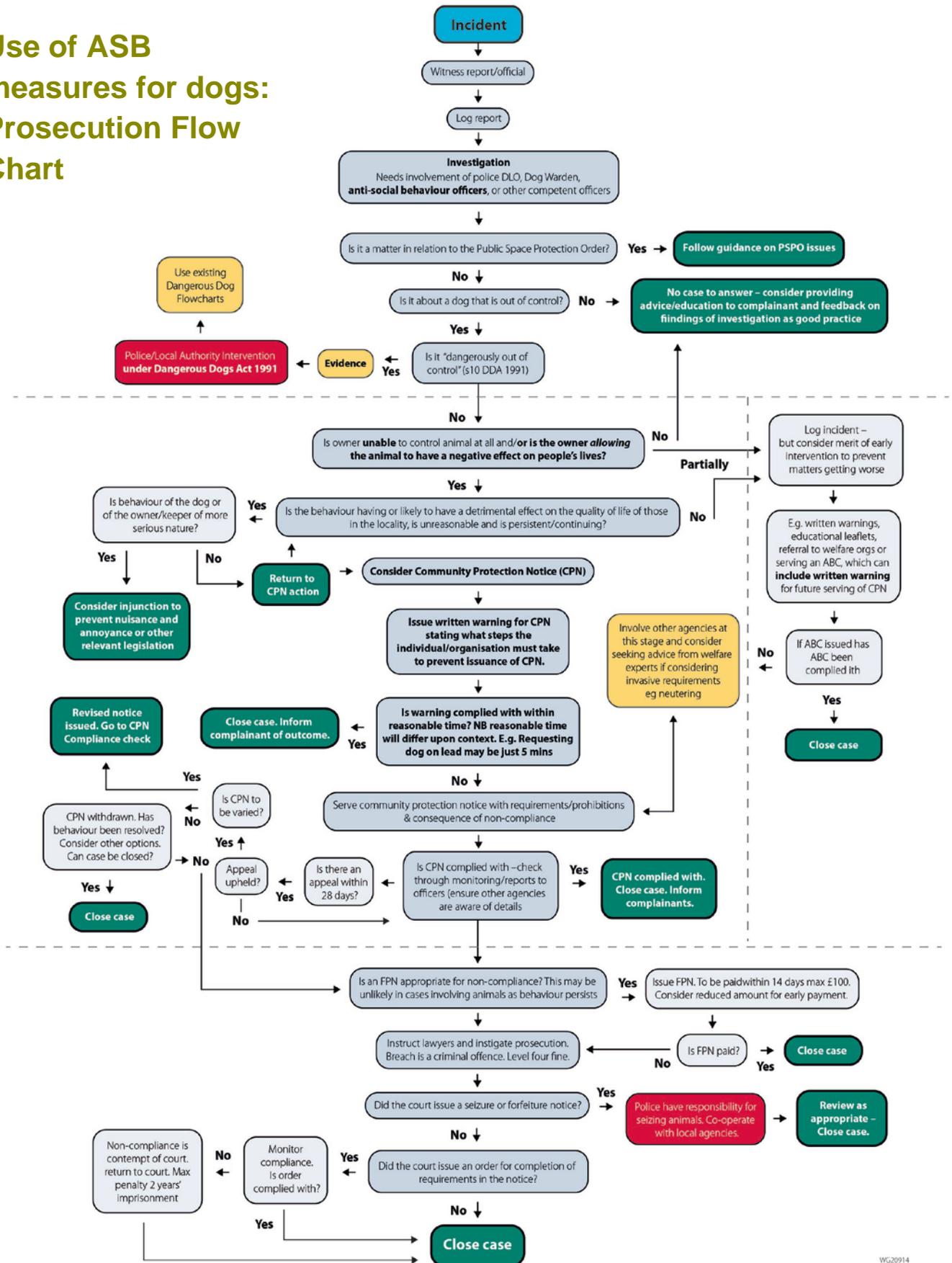
The manual aims to complement the Act and should be read alongside the legislation. The Act and Explanatory Notes for the Act can be viewed by accessing the links provided:

- [www.publications.parliament.uk/pa/bills/cbill/2013-2014/0093/14093.pdf](http://www.publications.parliament.uk/pa/bills/cbill/2013-2014/0093/14093.pdf)
- [www.publications.parliament.uk/pa/bills/cbill/2013-2014/0007/en/14007en.htm](http://www.publications.parliament.uk/pa/bills/cbill/2013-2014/0007/en/14007en.htm)

## Prosecution Flow Chart

The following flow chart gives an overview of the process of using the new ASB measures following an incident involving a dog.

# Use of ASB measures for dogs: Prosecution Flow Chart



WG20914

## Part 2 - Non-statutory measures: 'Prevention is better than cure'

### Education and engagement

As many practitioners will be aware, a proactive approach to addressing dog-related incidents can lead to considerable benefits: reduced costs for local authorities in handling of stray dogs, police, councils and housing associations in investigating nuisance reports, the NHS in treating dog bites, and the court system in processing prosecutions for the most serious offences. A proactive approach is also good for dogs and owners, encouraging a better relationship and a happier life for both.

Many local authorities and police forces have developed specific projects that aim to increase local residents' understanding about dogs and prevent escalation of small problems through community engagement initiatives. These can include providing information to local dog owners, outreach work in schools educating children and teenagers about appropriate behaviour around dogs and offering free services, such as microchipping and neutering, to dog owners.

Where there are significant dog-related problems, authorities can consider introducing and implementing such initiatives. Experience shows it is useful to link up with local animal welfare and third sector organisations, many of whom also run educational projects and offer discounted or free services that will improve the welfare of dogs. The reach of such projects can be greatly increased by sharing information and resources with other interested parties. Some organisations may also be able to provide additional information and training for officers.

#### **Education: Staffordshire Moorlands District Council**

SMDC have a member of staff who completed Blue Cross education speaker training so that the council could provide a wider approach to the issue of dog fouling. When the council receives complaints in an area one of their actions is to offer an educational visit to the local school and talk to children about responsible ownership.

This approach has since been extended to High Peak Council.

## **Education: Wandsworth Borough Council**

Wandsworth runs a number of educational programmes including a touring roadshow promoting responsible dog ownership, school visits and a work experience programme.

The council delivers three different talks aimed at shaping students' attitudes and behaviours as tomorrow's dog owners, visiting an average of 20 primary schools a year. During two week work experience placements, students discover the impact of irresponsible dog ownership. Placements are generally for year 10 (and occasionally mature students) and this year the council is accommodating a college student for one day a week, over nine months.

The benefits of this programme are strengthened ties with the community, education of a small number of pupils who will go back to their schools/colleges and act as ambassadors for the service and promote further interest in responsible dog ownership amongst their peers.

Similarly, engagement with young children about safety around dogs and responsible dog ownership offers considerable benefits by increasing awareness and reducing the risks to children. It informs the pet owners of the future, and the children can influence their parents, guardians and other children at home. One such joint project was undertaken in Manchester. See Annex C 'Examples of Good Practice' for further information.

## **Early intervention using non-statutory measures**

You can use informal, non-statutory methods to deal with dog-related complaints before resorting to the anti-social behaviour powers. Such measures include warning letters, meetings, and Acceptable Behaviour Contracts. Research has shown that 76%<sup>1</sup> of incidents involving all types of anti-social behaviour were resolved through early intervention. Incidents concerning dogs can occur for a wide range of reasons and dog behaviour can be a complex area, and it may be the first incident involving the dog. Therefore, discussing the situation with the owner at an early stage and understanding the full background to the incident can be extremely helpful in identifying the most appropriate course of action. Local officers knowing the details of a case will be best placed to decide if non-statutory measures should be used.

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<sup>1</sup> Housemark, ASB benchmarking survey 2009/10

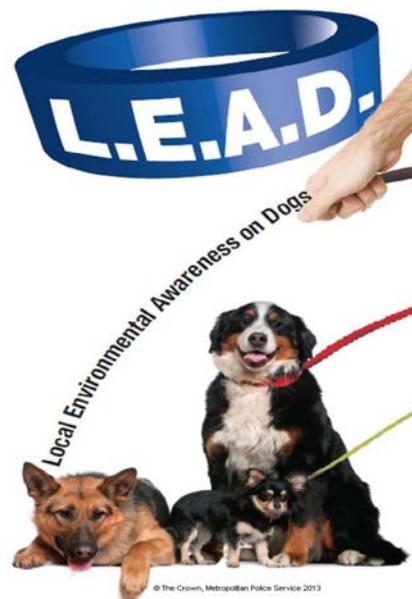
## Case Study - The benefits of first-incident engagement: London Borough of Sutton

Following a fatal dog attack in 2010, the London Borough of Sutton and the Metropolitan police reassessed the processes in place for dog incidents. The LEAD initiative (Local Environmental Awareness on Dogs) introduced new protocols for all dog-related incidents.

In all cases where a dog owner or keeper comes to the attention of the police or the local authority, contact is made, regardless of whether a statutory offence has been committed. The police will send a tailored letter addressing the issue. Where the owner/keeper lives in social housing, a copy is also sent to the housing provider who, through agreements with the police, will follow up within 7 working days. The letter is accompanied by a LEAD pack, which includes information on the breed of their dog, the Good Citizen Guide from the Kennel Club, literature from the RSPCA and information on socialisation, training and park etiquette etc.

All contact cases are recorded by the police. This informs intelligence for other officers and provides a case file for any future incidents, allowing officers to easily build an evidence file for any necessary applications, such as a Dog Control Order under section 2 of the Dogs Act 1871. All information is also passed onto housing providers to ensure tenancy agreements are met.

See Annex C for example intervention letters.



## Acceptable Behaviour Contracts

Acceptable Behaviour Contracts (ABCs) are used by officers to address potential issues early and reduce the need for more formal measures. An ABC is a non-legally binding, non-statutory agreement, allowing authorities to engage with an individual about their inappropriate behaviour by speaking to them and offering appropriate advice, as well as providing insight into the consequences of the individual's actions. The ABC can also require a number of conditions of the individual. Although breach is not an offence in itself, you can use any breach as evidence for further legal action under other legislation.

Some agencies have developed local initiatives to increase and improve responsible dog ownership in their area. These include ABCs, or their equivalent, as a part of the tools at their disposal. ABCs can be used in instances where the behaviour could escalate into more serious incidents but does not currently meet any statutory thresholds for formal powers. They can also be used where an officer does not believe a statutory notice is appropriate, for instance where the owner/keeper of the dog is engaging with the appropriate authority.

### **Case Study – ABCs: Eastleigh Borough Council and Hampshire Constabulary**

The local council and police worked together to modify Acceptable Behaviour Contracts into Dog Behaviour Contracts, which were more readily identifiable to members of the public. Eastleigh Council always involves the police at the earliest opportunity and the contracts are branded with both partner's logos adding weight to the process.

The informal nature of the contract reassures residents as there is a reduced risk of a prosecution of their neighbour or a dog being put down, whilst also addressing the behaviour. Dog owners also prefer the contracts as the threat of more formal action is temporarily removed, facilitating better engagement. Officers ensure that any original offence is part of the contract permitting evidence use as necessary.

The Council currently has 15 dog behaviour contracts in place, all of which have met the conditions set out and removed the need for formal action and improved dog welfare in the process.

For further examples of ABCs, please see Annex C 'Examples of Good Practice'.

## Part 3 – Overview of the provisions of the Act

The purpose of this section is to highlight how the specific provisions in parts 1 to 4 of the Act can be used to address and prevent dog-related incidents that cause concern, whether intentional or not. This should directly reduce incidents of dangerous and out of control dogs by encouraging more responsible dog ownership and better dog welfare.

Without early intervention, there is an increased risk of problems escalating and higher potential for dog bites, and even fatalities<sup>2</sup>. The new powers are not a replacement for situations that meet the necessary thresholds for a complaint under section 2 of the Dogs Act 1871 or section 3 of the Dangerous Dogs Act 1991.

Some examples of anti-social behaviour with dogs may overlap with cases under the Dangerous Dogs Act 1991 or where the Dogs Act 1871 has been used. However, there are also cases which have not been taken forward by the Crown Prosecution Service (CPS) due to lack of evidence or failing to meet the public interest test. Using these new measures, action can be taken to address the cause of a problem before a more serious incident occurs and so help to better protect public safety.

More cooperation and sharing of information between authorities is encouraged to maximise the potential benefit of the powers. Cooperation information sharing can aid enforcement of notices issued and alert key officers to arising issues. Whilst responsibility for different aspects of dog control is split between authorities, nominating a lead agency may help reduce duplication, avoid some cases falling through the gaps and enable better communication and records as information is held by one of the key partners. For example, in the London Borough of Sutton, the Anti-social Behaviour Unit in Sutton Police is the lead agency. For more information, see 'Partnership Working' in Annex C.

Officers should be aware that the Anti-social Behaviour, Crime and Policing Act 2014 also introduced two new powers; the Closure Notice and the Dispersal Power, which are not detailed in this manual. These powers are unlikely to be used in situations concerning dogs. Detailed information on these provisions may be found in the general information available on the link below. The Community Trigger, also introduced in this Act, requires authorities to review anti-social behaviour cases that meet a locally determined threshold. A brief overview is provided in Annex D.

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<sup>2</sup> 20 deaths as a result of dog bites since 2005 in England and Wales – correct as of July 2014.

For a more detailed understanding of each section of the legislation, refer to the general information detailing the use of each power available from:

<https://www.gov.uk/government/publications/anti-social-behaviour-crime-and-policing-bill-anti-social-behaviour>

# Community Protection Notice

## Quick View

Community Protection Notice - General		- Considerations for dogs
What is it?	Low-level notice issued to stop anti-social behaviour	Used for low-level incidents involving dogs, eg owner failing to control dog and causing nuisance to others/other animals
Who can issue it?	Police officers Police Community Support Officers (if designated by Chief of Police) Local authority officers Registered social landlords (if designated by the council)	Consult officers with ASB and/or dog legislation background eg DLOs. Consider advising owner to consult behavioural / veterinary professionals where CPN involves behavioural issues at their own expense. See useful contacts for further details.
What is the test?	Behaviour has to: be having a <b>detrimental effect on the quality of life of those in the locality</b> be persistent or <b>continuing</b> in nature be <b>unreasonable</b>	This test covers a wide range of incidents involving dogs including <b>dogs straying</b> , dogs showing signs of <b>problematic behaviour</b> such as non-responsive to calls, potential aggression problems.
Who can be issued with a CPN?	An individual over the age of 16 A body	For under 16s, non-statutory measures should be considered, or if appropriate, issue the parent/guardian with a CPN.
Requirements before issuing a CPN?	Issue a <b>written warning</b> giving reasonable time for the behaviour to stop Provides the opportunity to rectify behaviour. And allows officer to explain the consequences of non-compliance. It also acts as a safeguard against the power being used inappropriately.	Allows dog owners to address issues first if they were unaware of the potential problems eg a dog that exhibits separation anxiety and consequently is non-responsive. Owner could undertake training on how to interact with their dog and deal with the issues.

What can a CPN do?	<p>Require an individual to do specified things</p> <p>Prohibit an individual from doing specified things</p> <p>Make an individual take steps to achieve a specified results</p> <p>Requirements must be reasonable. Unreasonable requirements are grounds for appeal.</p>	<p>Including <b>requirements</b> to</p> <p><b>Microchip/ neuter/muzzle/</b> keep dog on a lead</p> <p>Attend <b>training classes</b></p> <p>Attend behavioural classes</p> <p>Put up signage</p> <p>Officers should <b>consult</b> those with <b>expert</b> knowledge eg DLOs/ABTC/vets/other trained officers. See Useful Contacts.</p>
What happens upon breach?	<p>Officers can choose to issue a <b>FPN (£100)</b> OR</p> <p>Bring a <b>prosecution</b> for breach</p> <p>Breach is a <b>criminal offence - £2500 fine / £20,000 fine for bodies</b></p> <p>Carry out remedial work (only on land open to the air)</p>	
Right to seize property?	<p>Upon breach, courts can issue a Forfeiture Notice for items to be seized and disposed.</p>	<p>Seizing a dog is a significant step, unlike other property, and should be carefully considered.</p>
Can a CPN be appealed?	<p>Yes within 21 days of being issued</p> <p>CPNs can be challenged if, for example, requirements are unreasonable or the behaviour did not occur.</p>	<p>Public safety is paramount, but officers should consider welfare impact of requirements on the dog(s).</p>

## Summary of the power

Community Protection Notices (CPNs) are a low-level statutory notice that can require an individual to stop and address the cause of their anti-social behaviour.

The notices can be served by local authority officers, police officers and, if designated, registered social landlords and police community support officers (PCSOs).

CPNs provide a statutory tool that can be used in cases of irresponsible dog ownership. A CPN can be used in cases where an Acceptable Behaviour Contract has not worked or in instances where the threshold is met and a statutory notice is more appropriate. CPNs can address behaviour that has a negative effect on anyone in the community. For example, in cases of dogs out of control in a park, alarming visitors to the home, straying and causing damage, or even a dog that distresses, even injures other animals. The quick intervention process allows early engagement with individuals. It improves their understanding of responsible dog ownership and the training and welfare requirements of their dog, thereby improving the behaviour of both the owner and the dog.

There are occasions when it is not possible to reach a voluntary agreement with an individual for an Acceptable Behaviour Contract, or where despite the best actions of the officers, ABCs are breached. In some areas, officers will continue to monitor situations and prepare cases for applications under the Dogs Act 1871 or other relevant legislation. CPNs provide the low-level formal power for dealing with dog problems that do not meet higher thresholds, but which pose concern for local residents and the authorities, such as irresponsible ownership.

### **The test for a CPN**

An authorised person may issue a CPN to an individual aged 16 or over, or a body, if satisfied on reasonable grounds that:

- The conduct of the individual is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality, and
- The conduct is unreasonable

### **Example 1: CPN Test**

In a privately owned apartment block, the owner of three dogs exercises them in the private gardens by allowing them to run loose. On many occasions, the owner has returned to his apartment and left the dogs in the gardens. This has resulted in damage to the flower beds and benches, whilst the owner has failed to make good the damage or clear up after the dogs. The behaviour of the owner of the dogs has detrimentally affected the lives of other residents of the apartment block. This could be demonstrated through photographic evidence and witness statements.

### **Example 2: CPN Test**

During their round, a postal worker regularly has to face the unpredictability of dogs at one address. On previous occasions the dogs have chased the worker off the property and caused alarm by growling and attempting to bite when the worker has been posting letters through the door. The police have investigated but do not believe it meets the Dangerous Dogs Act 1991 section 3 threshold. Such a case would meet the CPN threshold because the anti-social behaviour is persistent, is unreasonable and is having a detrimental effect on the quality of the postal worker's life during the course of their work and the lives of people in the community who experience fear and distress from such persistent dog attacks on postal workers. . Reports from the postal worker of the persistent nature of the behaviour can be corroborated by records or alternatively by neighbours. Failure to heed the written notice warning of a potential CPN serving, can also serve as evidence of a persistent behaviour.

### **Example 3: CPN Test**

Whilst in the park, a local authority officer notices that a dog appears to be on its own running loose. The dog has run at a group of young children before chasing other dogs being walked on leads. An owner eventually appears but does not attempt to bring their dog under control. In this situation the CPN threshold has been met through the unreasonable actions of the owner not ensuring their dog is under control. It is deemed that the behaviour does not meet the threshold for prosecution under section 3 DDA 1991.

As this is the first occasion an officer has witnessed the dog being out of control, it may be more appropriate to speak to the owner and discuss the problem. If there is little or no engagement, the officer must issue a written warning, detailing that the owner must bring the dog under control or a CPN will be issued. A failure to adhere to the written warning is evidence of the continuing nature of the behaviour by the individual which is one of the tests to be able to issue a CPN. This may or may not be built upon by witness statements that detail other occasions where the owner and dog have behaved similarly. In short, breach of the written warning is sufficient evidence to meet the 'continuing' or 'persistent' test.

#### **Example 4: CPN Test**

In a residential street a person has two large dogs who persistently fails to control them, allowing the dogs to run loose on the estate. Neighbours are concerned at the distress and threat to safety of their cats. The neighbours do not think the chasing is playful (they have video footage) and fear the dogs will seriously injure or kill one or more cats soon. As a consequence, owners are keeping their cats indoors as much as possible. A verbal warning was issued to the dogs' owner after complaints from several of the neighbours but their failure to control the dogs has continued. The situation meets the CPN threshold and provides the swiftest and most cost effective solution to the circumstances of this case (rather than making a complaint to the Magistrates Court, for example under the Dogs Act 1871).

## Written warning

An authorised person **must** issue a written warning to the individual or body before issuing a CPN. This check is in place for a number of reasons. **It ensures that suitable evidence can be provided to meet the threshold test of persistent or continuing behaviour.** It also acts as a safeguard against potential criticisms that legislation is being made by individual officers. The written warning may be a separate tear off form for cases that require a quick response; in other cases it may be a letter to the individual. Where one is in place, the Acceptable Behaviour Contract can serve as the written warning, but this must be made clear to the recipient. It should also be made clear that non-compliance with the Acceptable Behaviour Contract could result in them being issued with a CPN.

In the case of responsible dog owners, the written warning also provides a means initially to discuss issues with them and gives these owners the opportunity to correct their behaviour, before resorting to statutory measures, which could potentially alienate individuals from engaging with authorities. In this way, an authorised officer should seek to communicate their concerns to the person responsible for the dog, before pursuing a CPN. In such cases, a verbal warning may be all that is needed. In other cases, an ABC may be appropriate, and as noted above, this could serve as the written warning element of a CPN.

Enough time must be allowed to correct the behaviour before a CPN is issued. The reasonable time is at the discretion of the officer and would depend on the circumstances (see box below).

### **Example: Reasonable time**

Reasonable time for bringing a dog under control by putting it on a lead in a park may be five or ten minutes, for example, whereas fixing a fence through which a dog escapes into a neighbour's garden may be seven days, where there are no other welfare concerns. In such a situation the written warning might require the dog to be kept under control whilst the fence is being fixed. Officers should consider the need to access advice from a suitably trained person. In the first instance this involves seeking advice from those with expertise in anti-social behaviour, including police and local authority officers. Where there may be an impact on the dog, additional advice can be sought from Dog Legislation Officers/ Police Dog Unit duty supervisor, as well as the Animal Behaviour Training Council (ABTC), National Dog Wardens Association (NDWA), Kennel Club Accreditation scheme for Instructors (KCAI) amongst others can all signpost to and/or provide appropriate advice.

## Example: Written Warning

### Community Protection Notice – Written Warning

I am now serving you with a final warning. This is because I believe that your conduct is [persistent] [continuing], is having a detrimental effect on the quality of life of those in the locality and your behaviour is unreasonable. As a result of this, if you do not comply with the request below, you may be issued with a Community Protection Notice.

You are requested to: *insert requirement as appropriate by set deadline.*

If you fail to comply with the requirements included in a Community Protection Notice, this is an offence under section 48 of the Anti-social Behaviour, Crime and Policing Act 2014. This could result in a fixed penalty notice of up to £100 or prosecution resulting in a fine of up to £2,500 (£20,000 in the case of a body) and a criminal record.

Officer signature: *P Smith*

Authorising body: *New Town Council*

Date: *24 June 2015*

## Working with other agencies

Under section 43(6) authorised persons must inform any individual or body they think appropriate before issuing the notice. This may include, but is not limited to, landlords and housing providers and other enforcement agencies such as the police or local authority who have not issued the notice, which may aid in enforcement. It should also include any individual who reported the behaviour so they are aware of action taken and may include local animal welfare organisations that may be able to offer additional support, if appropriate.

### **Example: Multi-agency working in Wandsworth**

Liaising with other agencies is important for enforcing requirements related to dogs and ensuring preventative action is taken. Many organisations may come into contact with an individual as a result of their dog, including local authorities, police, neighbourhood safety teams, and housing associations and bodies.

Wandsworth Borough Council regularly meets with a SPOC (Single Point of Contact) at the Metropolitan Police to discuss any emerging dog issues. Similar discussions are held with all the Safer Neighbourhoods Teams and the Safer Parks Teams of the Met police and the internal Community Safety division. Such relationships are further enforced through joint patrols by the police and the local authority.

Wandsworth has also previously worked with the following agencies, all of whom could be considered when informing other agencies of a new notice.

- Youth Intervention Team
- Housing associations and RSLs
- Children's social services
- Drug intervention team
- District/community nurses
- Most major animal welfare charities
- Housemark
- Local Government Association
- Corporation of London
- Youth Offending Team
- Adult social services
- Mental health team
- Gangs team
- Social workers
- Association for Public Service Excellence
- London Councils
- Mayor for London's office

For further information on working with other agencies, see Partnership Working on page 45

## Format of CPNs

There is not a prescribed form for CPNs, allowing authorities to adapt the CPN as necessary. Authorised agencies should consider how such information stored will meet obligations under the Data Protection Act 1998. However, authorities should include information to evidence that the conduct is persistent or continuing, is having a detrimental effect on the quality of life of those in the locality and is unreasonable, along with details of the written warning (when it was served, date by which it had to be complied with). Additional information such as potential sanctions for breach of the notice, the individual's and issuing officer's details and the appeals process for the notice should also be included.

## Multi-ownership / unidentifiable owner

Notices must be served on the individual or body responsible for the persistent or continuing conduct that is unreasonable and having a detrimental effect on the quality of life of those in the locality. This may be the dog owner or the person in charge of the dog at that time. On occasion it may be necessary to serve a notice on both the owner and the person in charge, if, for example, the owner is leaving the dog in the care of someone whom is not a fit and proper person, such as one who cannot control the dog(s).

In cases of multi-ownership of the dog or where one clear owner cannot be identified, officers should, where appropriate, issue a notice to anyone who has acted anti-socially with the dog and met the threshold for the CPN. This could result in multiple notices being issued for behaviour with the same dog. Denying ownership of a dog is not a defence to rejecting the application of the CPN. If the dog is microchipped, it may also be worth checking and updating details. Microchipping of all dogs and registration on a database will be compulsory from Spring 2015 in Wales and April 2016 in England. Updates on progress with the regulations may be found here:

<https://www.gov.uk/government/policies/protecting-animal-welfare/activity> and <http://wales.gov.uk/newsroom/environmentandcountryside/2013/130425dogs/?lang=en>

Where specific conditions have been applied to the dog, for instance microchipping or walking on a lead, and a single owner has not been identified, officers should consider making it a condition of the notice that officers are notified of any transfer, gifting or sale of the dog. It may also be useful to make microchipping a requirement to make it easier to identify the dog in future. As noted above this will become a requirement anyway in 2015 (Wales) and 2016 (England) - see Annex B, 'Examples of inclusions', for further details about microchipping.

### **Example: How to deal with dog multi-ownership with a CPN**

A dog may be used by several gang members or individuals within a group. These individuals will not own the dog, but will take control of the dog at specific times when they may be involved in acts of intimidation or criminal / anti-social behaviour. The dogs will then be handed back to, and retained by, individuals that they consider less likely to be stopped or searched by police, such as young males or females.

CPNs issued to members of a group about a **specific dog** would assist in preventing individuals avoiding accountability when a dog is being used by a number of individuals in an irresponsible or criminal manner. This may be evidenced by noting the full details of the dog including microchip number and photographic image if practicable.

### **Irresponsible behaviour of a minor (under 16)**

CPNs cannot be served on anyone under the age of 16; however individuals under the age of 16 can own a pet<sup>3</sup>. Where a minor has acted anti-socially with their dog, officers should first consider whether it is appropriate to issue an Acceptable Behaviour Contract or a warning letter to nip the behaviour in the bud. These can be particularly successful where there is parental/guardian buy-in. Where this is not appropriate, it may be necessary to issue a CPN to the parent or guardian of someone who is under the age 16 and who is committing the anti-social behaviour. CPNs can be issued to anyone who can reasonably be expected to control or affect the behaviour. A parent/guardian could be expected to ensure the behaviour is stopped and the welfare of the dog is considered. Where there are welfare concerns, appropriate advice needs to be given - see partnership working for more information. Welfare concerns regarding the animal are the responsibility of the parent/guardian. In such cases, it may be necessary to serve a section 10 improvement notice under the Animal Welfare Act (AWA) 2006 and officers should contact those authorised under the Act or the RSPCA who are experienced in using the AWA 2006.

### **Inclusions in a notice**

Under section 43(3) of the Anti-social Behaviour, Crime and Policing Act 2014 a notice can require the served person or body to

- i) stop doing something

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<sup>3</sup> It should be noted that for the purposes of the Animal Welfare Act 2006, a person shall be treated as responsible for any animal for which a person under the age of 16 years of whom he has actual care and control is responsible.

- ii) do specified things
- iii) take reasonable steps to achieve specified results

Anything included in the notice must prevent or reduce the detrimental effect of the behaviour identified in the notice. Requirements must be reasonable. This flexibility allows authorised officers to use the most relevant action based on the specifics of the case and is particularly positive when considering dog behaviour and dog owners. An example of possible requirements is provided in Annex B, 'Examples of inclusions'. Authorised officers may include specific times by which the individual or body served with the notice must complete the specified actions or have taken the reasonable steps to achieve specific outcome included in the notice.

## Prohibitions and requirements

It may be appropriate, in some instances, to prohibit a dog owner from doing certain things. Detailed information is included in Annex B on example requirements for all notices. Prohibitions could include, **but are not limited to**:

- Prohibiting dog and owner from entering certain areas – perhaps near a school or designated (often open-plan) children's play areas
- Not allowing a dog to be exercised in certain areas at certain times; eg immediately before schools start and immediately after schools finish for the day
- Prohibiting certain types of people from having charge of the dog; eg it may not be appropriate for a small child to take charge of a large dog

It is most likely that to change the behaviour of an individual and potentially the behaviour of a dog, it will be necessary to make requirements of the individual or organisation. Requirements could include, but are not limited to;

- Keeping the dog on lead in certain areas (eg built-up areas, some park areas)
- Muzzling the dog at certain times (eg near children / other animals eg dogs, cats, livestock)
- Neutering the dog
- Microchipping the dog (microchipping is soon to be compulsory, see Annex B)
- Attending suitable training classes, or seeking advice on behavioural modification and/or management
- Fixing fences and securing their property to prevent dogs straying and other dogs accessing property
- Installing a letter cage to protect postal workers delivering post
- Cleaning kennels that are emitting odours and disposing properly of the dog related waste, where statutory nuisance thresholds are not met

When issuing a CPN with a training attendance requirement, officers should avoid allowing individuals to arrange their own training. Officers can obtain advice about suitable courses and trainers from the Animal Behaviour Training Council (ABTC) or the Kennel Club Accredited Instructor scheme (KCAI), amongst others. The CPN

could include a requirement on the individual to provide evidence back to the officer that the course had been attended. For example a signed letter from the training organisation.

On occasion, it may help for a CPN to require an individual or body to take reasonable steps to achieve a specified outcome, rather than to specify things not to be done. For example this might be to take reasonable steps to reduce noise from a dog breeding or boarding establishment, allowing the body to choose how they should address this, provided the welfare of the animal(s) is fully considered.

The notices could provide advice on how the body or individual may choose to improve the behaviour, or provide information on organisations they may contact for help or advice. For instance, in the example above, the owner of the establishment may take the necessary steps to reduce the noise, which has an adverse and unacceptable impact on the welfare of the dog(s). Where an officer is not in the position to offer advice, the officer may signpost in the CPN organisations that could help, such as the Kennel Club or local welfare organisations in addition to qualified behavioural experts in the area.

For further example requirements, see Annex B.

### **Seeking advice:**

Any notice served in relation to dogs must be issued with consideration of safeguarding the dog's welfare, whilst balancing the duty to respond to public concerns and uphold public safety. Conditions should not be imposed that have a detrimental impact on the welfare of the dog. The five needs outlined within the Animal Welfare Act 2006 (see Annex D 'Dog Control Legislation') must be met. Where authorised officers include requirements that will impact on the dog, such as muzzling, keeping on a lead, neutering or behavioural based problems, rather than practical actions for the owner such as repairing fencing etc. those officers should consult someone experienced in dog welfare issues. Such advice can be accessed through Dog Legislation Officers and local authority officers such as Dog Wardens, ABTC registered members and KCAI members (see 'Partnership Working' for more information on page 40).

### **Reasonableness of requirements:**

When including requirements in a notice, officers should be aware of the costs and burdens on the individual and their likely ability to meet these. Unreasonable requirements are grounds for appealing a notice. It is worth noting that a number of animal welfare organisations, such as Battersea Dogs and Cats Home, Blue Cross, Dogs Trust, PDSA, and the RSPCA, provide free or discounted services for low income pet owners which could be used.

### **Example – bearing the cost:**

The London Borough of Islington provides a stray dog service for Islington, the London Borough of Barnet and London Borough of Camden, collecting dogs 24 hours a day 365 days a year. The council currently does not charge a release fee where the owner allows the dog to be microchipped when it first strays. The dog will also be released for free on the next occasion that it strays if it has been microchipped. This approach encourages more dogs to be microchipped without issuing owners with punitive fees.

Similarly, when requiring individuals to undertake training, officers should be confident that there is dog training available locally, of a good standard, and at a reasonable cost to the individual. Organisations such as the Kennel Club and the ABTC can provide information on reasonable costs and whether there are discounted services available for those on low incomes. Local branches of animal welfare organisations should be able to provide officers with a clearer picture on what training is available or officers can consult the Kennel Club or the ABTC. See 'Educating the dog owner and the dog' in Annex B for more information. Veterinary practices are also a useful source of information (usually between 10.00-16:00).

### **Discharge**

A notice may specify the time by which the requirements have to be met. If the conditions of the notice are met, the notice will be discharged and conditions no longer apply. Where the issuing officer does not include a time frame in the notice, it is for officers to identify a suitable review period for discharging the notice. This issue is particularly important with respect to dogs. For example, where a dog is required to be on a lead and/or muzzled in public, the officer will need to consider how long this requirement should last. Ideally the notice should seek to address the dog's aggressive behaviour in the long term, perhaps through a requirement for dog training classes.

### **Remedial work**

Under section 49 of the 2014 Act, authorities can take remedial action and recover costs where a notice has not been complied with. This may be for requirements that were imposed within the notice, such as repairing inadequate fencing that is allowing a dog to escape and stray. Works outside can be carried out without the owner's consent. Works that require access to inside a building must be preceded by a notice to the individual or body that failed to meet the requirements of the original notice. The notice must state the specific work the authority wishes to carry out, the estimated cost of the work and invite the defaulter to consent to the work being carried out. The local authority must obtain the consent of the defaulter and the owner of the premises, if different. Once work is carried out, the local authority

should provide a note to the defaulter stating how much the work cost. The defaulter is liable for the costs. Excessive costs may be appealed at the magistrates' court within 21 days. For example, a local authority could repair the perimeter fencing that was allowing a dog to stray and recover the costs from the occupier. Section 46 would not cover work on a dog such as microchipping or neutering.

## **Breach of CPN**

Under section 48, it is an offence not to comply with a CPN. An individual convicted of a breach of a notice is liable to a fine not exceeding level 4 on the standard scale. A body convicted of a breach is liable to a fine not exceeding £20,000. The court can order that the requirements included in the notice are met, either by requiring the defendant to carry out the necessary steps or permitting the local authority to do so. Failure to comply with the court order is contempt of court and carries up to 3 months imprisonment. Although it is for the court to decide the most appropriate means to achieve the objectives of the notice, officers should consider asking the court to allow them to carry out the necessary requirements, eg microchipping the dog, which will allow the dog to be returned to the owner quickly following straying, rather than the court issuing an order for the individual, which may be ignored.

The individual or body has defences against, and during, prosecution if the notice should not have been issued in the first place for any of the reasons listed above in the appeals section, or if the person took all reasonable steps to comply with the notice, or there is some other reasonable excuse for the failure to comply with it.

If appropriate, the person or body in breach of the notice can be issued with a Fixed Penalty Notice (FPN) under section 52 by a local authority or police officer or anyone designated, eg Police Community Support Officers or registered social landlord.

An FPN is an alternative way deterring the breach of notices, whilst reducing the likelihood of court proceedings and a possible criminal conviction for the individual. Individuals have at least 14 days to respond to the FPN and no proceedings for the offence can be taken against them during that time. An FPN issued for a breach against a CPN must not exceed £100. Authorised bodies may use their discretion in determining the correct figure, but it is recommended that issuing bodies within the same local council area maintain a consistency across penalties, by working with each other to determine the appropriate amount. Issuing bodies may include two amounts on the FPN, where the original penalty is reduced if paid in a timely manner.

An FPN must:

- i) Give reasonably detailed particulars of the circumstances alleged to constitute the offence;
- ii) State the period during which proceedings will not be taken for the offence
- iii) Specify the amount of the fixed penalty notice

- iv) State the name and address of the person to whom the fixed penalty notice may be paid
- v) Specify permissible methods of payment

Should the FPN not be paid, the authority can begin proceedings once they have a certificate signed by or on behalf of the Chief Finance Officer of the local authority concerned stating that payment of the FPN was or was not received by the date specified in the certificate.

Use of FPNs is discretionary for authorities, and in some circumstances, it may be more appropriate to begin proceedings in case of breach.

### **Forfeiture and seizure**

Under section 50, a court may impose a forfeiture order on any item used to breach a Community Protection Notice and require that the item be handed over to a constable to be destroyed or disposed of in whatever way the order specifies.

Therefore, although likely to be rare due to the low-level nature of CPNs, where a CPN was issued to address anti-social behaviour with a dog, breach of the notice could result in the court imposing a forfeiture order, resulting in the deprivation and re-homing or potential destruction of the dog. The authority that issued the notice is responsible, following the court's instructions for any forfeiture order. If the order is not accompanied with instructions, they may seek suitable alternative accommodation, such as finding a responsible family member to look after the dog or identifying rescue organisations who can arrange re-homing. An order for the destruction of a dog following breach of a CPN is not envisaged, given the type of low-level incidents invoking a CPN. However, it should be noted that there are a significant number of dogs for re-homing in local authority and rescue kennels, which may impact on the dog being re-homed. Advice of a suitably trained individual, for example from a welfare charity or recognised dog training organisation, should be sought in making arrangements for seized dogs.

Under section 51, a court may issue a warrant allowing a constable to enter premises within 14 days to seize items used to breach a CPN. Provided proceedings are commenced within 28 days of seizing the item, the item can be retained until they are finalised. If proceedings have not been started within 28 days, the item must be returned. This provides authorities with the discretion in applying to the court to seize a dog upon breach, given that in law a dog is considered property.

In any such cases, relevant bodies should bear in mind both practical and welfare concerns in seizing a dog. Officers should have appropriate accommodation available and be able to meet the welfare needs of the animal. Long periods of time spent in kennels can have a detrimental effect on the dog. It is for the appropriate

officers to decide whether it is necessary to seize and retain the dog before requesting a warrant.

Please refer to general information notes for the full detailed requirements of CPNs, available at: <https://www.gov.uk/government/publications/anti-social-behaviour-crime-and-policing-bill-anti-social-behaviour>

# Injunctions

## Quick View

	Injunctions	Injunctions and Dogs
What is it?	A civil order to prevent anti-social behaviour and address its causes.	For higher level incidents eg intimidation, attacks on incidents involving other animals  Potential for use where ASB with dogs is combined with other ASB. Where dogs is sole issue – consider other legislation eg Dogs Act 1871, DDA 1991
Who can apply for it?	<ul style="list-style-type: none"> <li>• <b>Police</b> (including British Transport Police)</li> <li>• <b>Local authorities</b></li> <li>• Social landlords</li> <li>• Environment Agency and Natural Resources Body for Wales</li> <li>• Transport for London</li> <li>• NHS Protect and Public Health Wales</li> </ul>	Non-specialist officers should <b>consult</b> with those with an understanding of dog issues eg specialist officers/DLOs or external agencies – ABTC/KCAI/vets can advise.
What is the test?	<p>On the <b>civil standard of proof</b>, ie ‘on the balance of probabilities’, an individual has engaged or threatens to engage in anti-social behaviour, meaning:</p> <ul style="list-style-type: none"> <li>• Conduct that has caused or is likely to cause, harassment, alarm or distress to any person,</li> <li>• Conduct capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises, or</li> <li>• Conduct capable of causing housing-related nuisance or annoyance to any person.</li> </ul> <p>The second condition is that the court considers it is <b>just and convenient</b> to grant the injunction to stop the anti-social behaviour.</p>	<p>There may be some overlap with CPNs. Officers can decide which measure is appropriate based on the <b>facts of the case</b>, including the engagement of the individual.</p> <p>The injunction may cover attacks on other animals or other threatening if not covered by the DDA 1991</p>
Who can be issued with one?	<ul style="list-style-type: none"> <li>• An individual over the age of 10</li> </ul>	For those aged under 18, Youth Offending Teams should be consulted

Requirements before applying?	<ul style="list-style-type: none"> <li>• Compile a case in support of your application meeting the balance of probabilities</li> <li>• Application to <b>county court</b> for over 18s and <b>youth court</b> for under 18s</li> </ul>	<p><b>Evidence gathering</b> will be helped by speaking to other residents etc. who may also have been affected but not reported or reported to other agencies. Officers should also be <b>clear about outcomes</b> and clarify with those with understanding eg veterinary surgeons/ colleagues</p>
What can an Injunction do?	<p>The Injunction will include prohibitions but can also include positive requirements to get the respondent address the underlying causes of their anti-social behaviour.</p> <p>The Injunction must specify the person (an individual or organisation) responsible for supervising a respondent's compliance with the positive requirements.</p> <p>Before including a positive requirement the court must receive evidence from that person that the requirements are both suitable and enforceable.</p> <p>The court may attach an automatic power of arrest to an Injunction in cases where there is the threat of violence or the use of violence or where there the respondent poses a significant risk of harm to other persons.</p> <p>Agencies can apply to the court to vary or discharge an Injunction.</p> <p>Injunctions can be obtained on an interim basis in serious cases.</p>	<p>Including requirements to</p> <ul style="list-style-type: none"> <li>• Microchip/ neuter/muzzle/ keep dog on a lead</li> <li>• Attend training classes</li> <li>• Attend behavioural classes</li> <li>• Prohibit access to certain areas at certain times</li> </ul> <p><b>Consultation</b> with appropriate <b>experts</b> eg Dog Legislation officers /ABTC/vets/other trained officers</p>
What happens upon breach?	<ul style="list-style-type: none"> <li>• Breach is contempt of court and an application can be made to the relevant Court for an arrest warrant.</li> <li>• Not a criminal offence</li> <li>• Over 18s: max <b>2 years imprisonment/unlimited fine</b></li> </ul> <p>Under 18s: <b>supervision order/detention</b> order in serious cases</p>	<ul style="list-style-type: none"> <li>• There is no power to seize items associated with any breach.</li> </ul>
Can an Injunction be appealed?	<ul style="list-style-type: none"> <li>• Yes , Over 18s to the High Court</li> <li>• Under 18s to the Crown Court</li> </ul>	

## Summary of the power

The Injunction is a purely civil order, which can be applied for against individuals ('the respondent'), aged 10 or over, who are engaging or threatening to engage in anti-social behaviour. The order is obtainable on the civil standard of proof, that is, 'on the balance of probabilities'. In applications for the Injunction, if the anti-social behaviour occurs outside of housing, such as in a town centre or shopping mall, the 'harassment, alarm or distress' test will apply. If the anti-social behaviour is housing-related, the test of 'nuisance or annoyance' will apply. This two-tier test is set out in the Anti-social Behaviour, Crime and Policing Act as follows:

- conduct that has caused, or is likely to cause harassment, alarm or distress to any person,
- conduct capable of causing nuisance or annoyance to person in relation to that person's occupation of residential premises; or
- conduct capable of causing housing-related nuisance or annoyance to any person.

The Injunction can offer quick relief to victims and nip problems in the bud before they escalate, by prohibiting the person from doing specified things. The Injunction can also include positive requirements to deal with the underlying causes of an individual's anti-social behaviour. As with the CPN, the Injunction can be issued against an individual who has committed a range of anti-social behaviour, one of which is dog-related.

The Injunction enables officers to deal with behaviour that is of a higher level, where the CPN may not be the appropriate tool to use and more formal action may be required, for example, a neighbour using their aggressive dog to intimidate residents outside their home, the local community centre or visitors to the area, or the formal action may be required against an owner whose dog has already bitten a person or has either already killed or seriously injured another animal. In such cases it is likely that officers would have already tried to engage with the dog owner about their conduct but they have failed to stop.

However, these more serious incidents may mean that other dog-specific legislation is more appropriate, such as section 2 of the Dogs Act 1871 or section 3 of the Dangerous Dogs Act 1991 and officers should consider these options alongside or instead of an Injunction. Given the anticipated limited use of the Injunction for dog owners, due to the cross-over with other legislation, officers should consult the general ASB documentation for further details. However, the information provided in the Annex on example requirements also applies for Injunctions.

For further information on the Injunction, see the general Home Office documents on measures to combat ASB: <https://www.gov.uk/government/publications/anti-social-behaviour-crime-and-policing-bill-anti-social-behaviour>

# Criminal Behaviour Order

## Quick View

	Criminal Behaviour Order	CBO and Dogs
What is it?	An order obtained for convicted offenders to prevent and stop ASB and address causes	Serious and continuing ASB with dogs. For example where dogs are used to intimidate people, etc.
How to apply?	<ul style="list-style-type: none"> <li>Only the <b>prosecutor</b> ( usually the CPS but in some cases the local authority) following a conviction in a criminal case</li> <li>Police/local authorities can request the prosecution to apply for the order</li> <li>Hearing will be <b>during or after sentencing</b> for the criminal conviction in the same court</li> </ul>	<ul style="list-style-type: none"> <li>The conviction does not necessarily need relate to the ASB for which an Order is sought</li> <li><b>Comprehensive files</b> on ASB involving dogs would aid the prosecution in making a case</li> </ul>
What is the test?	<ul style="list-style-type: none"> <li>The criminal standard of proof, that is, 'beyond a reasonable doubt'</li> <li>Court must be satisfied that the individual has engaged in behaviour that caused or was likely to <b>cause harassment, alarm, or distress</b></li> </ul> <p>AND</p> <ul style="list-style-type: none"> <li>That making the order will <b>help</b> prevent ASB</li> </ul>	<ul style="list-style-type: none"> <li>A CBO should not be used where the DDA1991 or other legislation is more appropriate</li> <li>Cases involving dogs may be intimidation, dogs trained to be aggressive, dogs used for other criminal activity, other cases where if left unresolved pose a risk</li> </ul>
Who can be issued with one?	Anyone convicted of a criminal offence	
Requirements before applying?	For applications for those aged under 18, prosecutors must consult the Youth Offending Team Consider the individual or agency responsible for supervising the CBO	<ul style="list-style-type: none"> <li>Requirements in CBOs must be supervised. Where the CBO relates to ASB with dogs, suitable supervisors may be DLOs or animal welfare officers</li> </ul>
What can a CBO do?	<ul style="list-style-type: none"> <li>Make prohibitions</li> <li>Make requirements</li> </ul> <p>These must be reasonable.</p> <p>A CBO can also stipulate an individual or organisation charged with supervising compliance with the CBO. (Individual or organisation must be consulted</p>	<ul style="list-style-type: none"> <li>Compulsory training- seek advice</li> <li>Limiting the dogs an individual can own</li> <li>Prohibiting access to certain areas at specific times</li> <li>Microchip/neuter/muzzle – seek advice</li> </ul>

	with beforehand).	
How long does a CBO last?	<ul style="list-style-type: none"> <li>• Under 18s: 1-3 years</li> <li>• Over 18s: Min of 2 years – indefinitely</li> <li>• The Court can vary or discharge a CBO and for those under 18 years of age they can be reviewed.</li> </ul>	<ul style="list-style-type: none"> <li>• Requirements must be reasonable over the period of time and should aim to address the cause of the behaviour if impacting on the dog</li> </ul>
What happens upon breach?	<ul style="list-style-type: none"> <li>• Summary conviction: <b>6 months imprisonment/unlimited fine/both</b></li> <li>• Indicted conviction: <b>5 years imprisonment/unlimited fine/both</b></li> </ul>	
How is a CBO appealed?	<ul style="list-style-type: none"> <li>• Youth/Magistrates Court – full case reheard in Crown Court</li> <li>• Crown Court – point of law appeal to High Court</li> </ul>	

## Summary of the power

The Criminal Behaviour Order (CBO) allows authorities to deal with the most serious and persistent offenders where their behaviour has brought them before a criminal court. Authorities apply via a prosecutor to the courts to have a CBO put in place. An order can require individuals to comply with prohibitions to stop the anti-social behaviour and positive requirements, if applicable, to address the underlying causes of their anti-social behaviour. The court must be satisfied that the individual has engaged in behaviour that caused or was likely to cause anti-social behaviour, that is, 'harassment, alarm or distress' to any person and that the CBO will help prevent the offender from engaging in such behaviour. Breach of an order is a criminal offence and carries a maximum penalty of five years imprisonment and/or an unlimited fine.

Anti-social behaviour with dogs can be fuelled by and run alongside other behaviour that can have a serious and harmful impact on victims and communities and the CBO can be used in the cases of serious offending by the most destructive individuals. For example, the order can be applied for following convictions under the Dangerous Dogs Act 1991 and other relevant legislation.

## The test for the Criminal Behaviour Order

The court must be satisfied that the offender has engaged in behaviour that:

- caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as the offender
- AND

- the court considers that making the Order will help in preventing the offender from engaging in such behaviour.

A CBO can only be issued if it is made in addition to a sentence imposed in respect of an offence or an order discharging the offender conditionally. It is not possible to issue a CBO where the individual was not convicted or the offence was dealt with under the fixed penalty system.

### **Example: CBO Threshold and Dogs**

The owner of three dogs is currently facing trial for possession of a weapon. The police had previously received complaints that the owner had used the dogs to intimidate other residents in the neighbourhood, but the owner had failed to engage with the police or the local authority and the threshold for action under the Dogs Act 1871 and the Dangerous Dogs Act 1991 were not met. The CBO threshold has been met due to the alarm and distress caused by the individual who has failed to properly control and train his dogs and uses them to intimidate. A CBO would allow the court to place restrictions on how the dogs are controlled to reduce the likelihood of an attack or the dog being used as an impromptu weapon. The CBO provides the vital preventative action necessary to reduce the risk of the dogs being used to cause injury or death.

### **Example 2: CBO Threshold and Dogs**

Police have charged an owner, after his dog attacked a local nursery teacher. This was not the first occasion that the nursery has experienced issues with the individual and the control of the dog. The individual has a history of substance misuse and it is suspected that when intoxicated, he allows his dog to roam. The local community has concerns that the control of the dog will not improve after conviction and the animal may cause injury to a child.

When preparing the prosecution file in relation to the original offence, consideration should be given by the police and prosecution of any need to address any possible future offending behaviour. Under the circumstances, the police could request the prosecution apply for a Criminal Behaviour Order to address the control issues of the dog long term and safeguard the local community. The CBO can make additional requirements in addition to those permitted under the Dangerous Dogs Act 1991.

## **Prohibitions and requirements**

The Criminal Behaviour Order, through prohibiting an offender doing anything described in the order and/or requiring the offender to do anything described in the

Order, can be used to prevent behaviour that has caused or is likely to cause harassment, alarm or distress. Similarly to other powers, officers should seek appropriate advice on proportionate requirements and prohibitions to be included in a CBO. Such advice can be accessed through police Dog Legislation Officers or welfare officers. Alternatively the Animal Behaviour Training Council and welfare organisations may be able to provide further information.

Any requirements included in the Order must also name an individual or an organisation that will supervise the requirements, promote compliance and report completion or non-completion to the CPS and police. CBOs can last for between 1-3 years for individuals under the age of 18. For individuals over the age 18, CBOs must last for a minimum of two years and can be in place indefinitely or until a further Order is made. For example, with anti-social behaviour involving dogs, there may be a requirement to ensure any dogs in the care of the individual are under control and that they undertake a training class. Upon completion of the training class, the Order would continue to have effect so that the individual must continue to keep their dogs under control, but would not need to continue to attend training for the duration of the Order having successfully completed the classes.

### **Prohibitions and requirements in a dog-related CBO**

The CBO can include prohibitions and requirements similar to the CPN and Injunction. Examples of prohibitions or requirements could include, but are not limited to:

- Requiring the owner to inform the authority of any change of ownership of the dog(s)
- Not allowing the owner to take the dog to certain places at certain times
- Prohibiting the owner from walking the dog in a group exceeding x number of people
- Keeping the dog on a lead
- Undertaking dog training and/or behaviour classes
- Undertaking owner education classes on responsible ownership (i.e. dog keeping)
- Ensuring the dog is not kept in the possession of anyone under the age of XX
- Prohibiting the owner from meeting named individuals with the dog

Further examples are included in Annex B

# Public Spaces Protection Orders

## Quick View

Public Spaces Protection Orders		Considerations with Dogs
Purpose	An order to restrict persistent anti-social behaviour in a public space	<b>PSPOs will replace</b> and permit similar restrictions as <b>Dog Control Orders (DCOs)</b> under the Clean Neighbourhoods and Environment Act 2005.
Issued by	<ul style="list-style-type: none"> <li>District, county, unitary authorities</li> <li>Common Council of City of London</li> <li>London borough councils</li> <li>Council of Isles of Scilly</li> </ul>	<ul style="list-style-type: none"> <li>Unlike with DCOs, <b>parish, town or community councils cannot make PSPOs</b> due to the wider nature of the power</li> <li>Officers from these councils and others can be appointed to enforce PSPOs if designated by the lead authority</li> </ul>
Test?	<ul style="list-style-type: none"> <li>Activities carried out in a public place are having, have had or will have a <b>detrimental effect on the quality of life of those in the locality</b> AND</li> <li>Activities are or are likely to be <b>persistent, unreasonable and justify the restrictions</b> imposed by the notice</li> </ul>	<ul style="list-style-type: none"> <li>This test will <b>cover the same activities</b> which were <b>prohibited under DCOs</b>, but also provide flexibility for local authorities to vary as necessary</li> <li>Test also negates the need for multiple notices in one area eg DCOs and alcohol control zones near a children's play area</li> </ul> <p>NB: it is not envisaged that normal activities of working dogs would meet this threshold Local authorities should look to provide other suitable dog walking areas in the locality, where restrictions are in place.</p>
Requirements before?	<ul style="list-style-type: none"> <li>Consult the Chief Officer of Police</li> <li>Consult the landowner</li> <li>Consult appropriate community representatives or organisations ie those affected by the restrictions</li> </ul>	<ul style="list-style-type: none"> <li>Although no requirement to publish in local newspaper, this remains good practice where it is appropriate</li> <li>Where PSPOs affect dogs and dog owners, local authorities <b>should consult relevant representatives</b></li> <li>Third sector bodies may be able to help cascade information to relevant people</li> </ul>
Details	<ul style="list-style-type: none"> <li>Make prohibitions or requirements to prevent or reduce the detrimental</li> </ul>	<ul style="list-style-type: none"> <li>Exclude dogs</li> <li>Require faeces to be picked up</li> <li>Dogs on lead</li> </ul>

	<p>effect of the activity</p> <p>Must be reasonable</p> <p>Last for three years but can be renewed</p>	<ul style="list-style-type: none"> <li>Restrict number of dogs walked by one person</li> </ul> <p>Restrictions that are arbitrary and unreasonable eg targeting particular breeds of dog are regarded as a misuse of the legislation. No new DCOs can be made after the Act is law. Existing DCOs must be converted to PSPOs within three years. PSPOs will not affect orders under Dogs Fouling of Land Act 1996</p>
Requirements after?	<ul style="list-style-type: none"> <li>Internal reviews of PSPOs at least every three years, at which point they can be renewed, revoked or altered</li> <li>Good practice to put up signage</li> <li>SoS will publish regulations on making PSPOs</li> </ul>	<ul style="list-style-type: none"> <li>Authorities will be able to review whether existing requirements are improving dog control and having the desired effect</li> </ul>
Exemptions?	<ul style="list-style-type: none"> <li>There are no exemptions in the legislation</li> </ul>	<ul style="list-style-type: none"> <li>Local authorities may wish to consider exempting those with an assistance dog* from being subject to PSPOs in place</li> </ul> <p>*as per definition on page 54</p>
What happens upon breach?	<ul style="list-style-type: none"> <li>On summary conviction – <b>level 3 fine</b> (£1000)</li> <li>A police constable or a local authority may issue a FPN – <b>maximum £100</b></li> </ul>	<ul style="list-style-type: none"> <li>This will work as per DCOs, however maximum FPN is now increased to £100</li> </ul>
How is a PSPO challenged?	<ul style="list-style-type: none"> <li>High Court within six weeks by an interested person</li> </ul>	

## Summary of the power

The primary purpose of the PSPO is to empower local authorities to deal with anti-social behaviour that adversely affects other people using the same public space, whether it is a park, town centre or rural footpath. Public Spaces Protection Orders (PSPOs) replace a number of other specific orders, thereby streamlining the process of making orders.

Local authorities can restrict persistent behaviour that adversely affects the community, by making a PSPO in consultation with the police and interested parties. Breaches can be dealt with by a fixed penalty notice or by prosecution which carries a maximum level four fine for individuals or £20,000 for businesses.

The PSPO replaces Dog Control Orders, under which a local authority could, for example, exclude dogs from designated areas and require dogs to be kept on leads. The PSPO will continue to allow these kinds of restrictions to be put in place, but will also allow the local authority to be more flexible when responding to local problems involving dogs.

## **The test for a PSPO**

The test is designed to be broad and focus on the impact anti-social behaviour is having on victims and communities.

A local authority may make a PSPO if satisfied on reasonable grounds that two conditions are met:

1.
  - activities carried out in a public place within the authority's area are having or have had a detrimental effect on the quality of life of those in the locality, or
  - it is likely that the activities will be carried out in a public place within that area and they will have such an effect
2. the effect, or likely effect of the activities:
  - Is or is likely to be of a persistent or continuing nature,
  - Is or is likely to be, such as to make the activities unreasonable, and
  - Justifies the restrictions imposed by the notice

## **Where can a PSPO apply?**

PSPOs can only apply to public places. This means any place to which the public, or any section of the public, on payment or otherwise, have access to as of right or by virtue of express or implied permission, eg public park or a children's play area within a public park.

PSPOs can also be used to place restrictions on public rights of way, including highways (previously, under Dog Control Orders such restrictions could not be applied in relation to highways, but some restrictions still apply – see 'Categories of highway over which public right of way may not be restricted' on page 45). However, before making such restrictions, a local authority must first consider the likely effect of the order on:

- occupiers of premises adjoining or adjacent to the highway;
- other people in the locality; and
- in cases where the highway constitutes a through route, the availability of an alternative route.

## Making a PSPO

Under sections 59-75 of the Anti-social Behaviour, Crime and Policing Act 2014, local authorities have the power to make PSPOs. In England, this will be the responsibility of district and county councils or unitary authorities. In London, borough councils will be able to make PSPOs, as will the Common Council of the City of London and the Council of the Isles of Scilly. In Wales, responsibility will fall to county councils or county borough councils. Section 71 extends this power to bodies other than local authorities designated by the Secretary of State. This will allow the City of London Corporation to continue managing public spaces on behalf of a number of local authorities across England.

Unlike Dog Control Orders, there is no power available to parish councils, town councils or community councils (in Wales) or for other bodies designated by the Secretary of State to make Orders. This is because the PSPO is a flexible tool that allows a wider range of restrictions to be placed on a public space than the orders it replaces. Officers from relevant authorities should work closely with other council tiers to ensure that Orders are made to cover appropriate and necessary areas. Officers from such authorities may enforce the PSPOs if designated by the issuing local authority.

The PSPO identifies the public space as a restricted area and:

- prohibits specified things being done in the restricted area
- requires specified things to be done by persons carrying out specified activities in that area, or
- does both of the above

### **PSPOs and dogs**

PSPOs can be used much as Dog Control Orders have been. Primarily, they allow local authorities to better control how public land is used by dog owners and balance this with wider uses of the area. The PSPO permits local authorities to address a number of issues in one Order for the same area, eg preventing alcohol and dogs in a children's play area, which previously would have needed two instruments.

## Signage

It is good practice for signs to be erected on the perimeter explaining the restrictions or requirements that are in place and the area to which they apply. Where a PSPO applies to dog fouling it may not be feasible to post copies of the order on the land, but signs warning the public that it is an offence not to clear up and properly dispose

of dog faeces should be placed at regular intervals. Where Orders are made that apply only at certain times of the day or year, signage should indicate this.

As best practice, local authorities should seek to place temporary information in areas where a consultation is currently underway. This will notify those most likely to be affected by any possible future restrictions or changes.

## Consultation

Before making a PSPO, a local authority must consult the chief officer of police and the local policing body for the police area that includes the restricted area. This should be done formally but local agreements should be sought to enable the process. The local authority must also consult the landowner and whatever community representatives it thinks appropriate.

### Consultation and Dogs

Where a PSPO will affect dog owners or walkers eg by restricting access to all or certain parts of a park, the local authority should consult with them. This can be done through engaging with working groups, as well as locally organised pet groups and national organisations, such as the Kennel Club who will have a network of contacts.

Consultation may include, but is not limited to:

- Parish Councils
- Local dog societies
- Local animal welfare organisations
- Local veterinary practices
- Local professional dog walkers
- Local residents groups
- The Kennel Club and/or KC Dog (a free information network for dog owners see: [www.thekennelclub.org.uk/kcdog](http://www.thekennelclub.org.uk/kcdog))

Unlike with Dog Control Orders, there is no requirement to advertise details of a PSPO consultation in a local newspaper. However, as best practice, local authorities should where possible seek to do so, or investigate a suitable alternative, that will reach local dog walkers who will be most affected by any new restrictions.

### **Case Study: North Hertfordshire District Council consulting dog owners**

The council planned to consult on Dog Control Orders within the district, following a number of local dog-related issues – namely dog fouling and dogs being out of control in public spaces. Through holding a number of community engagement events with the help of the Kennel Club, the council were able to communicate with local dog owners and received advice on effective alternatives to introducing restrictions. The guidance given by the Kennel Club, including the benefits of community engagement rather than restricting access for all dogs, enabled the council to review plans. These plans are still currently under review. Similar engagement could be undertaken when local authorities consider making PSPOs that will affect dog owners.

### **PSPO requirements and prohibitions: dog-related problems**

A PSPO can:

- exclude dogs from designated areas (eg a children's play area in a park);
- require dog faeces to be picked up by owners;
- require dogs to be kept on leads;
- restrict the number of dogs that can be walked by one person at any one time; and
- put in place other restrictions or requirements to prevent any other activity that is considered to have a detrimental effect on the quality of life of those in the locality, or is likely to have such an effect.

A PSPO may only prohibit or impose requirements that are reasonable to prevent or reduce the detrimental effect from continuing, occurring or recurring. When considering what prohibitions or positive requirements to include in the PSPO, it is good practice to seek advice from a suitably trained person such as a police dog handler or local authority dog warden, as certain requirements can have a detrimental effect on the welfare of dogs. Restrictions that are arbitrary and unreasonable – for example ones that target particular breeds of dog – would be open to challenge and are regarded as a misuse of the legislation.

### **PSPOs and large areas**

Local authorities may wish to issue one PSPO for a large area, potentially town or borough-wide, to prevent dog fouling, which can plague communities and often features highly on lists of residents' concerns. Such Orders may be made where there is suitable evidence that the statutory tests have been met, that is activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

Whether the threshold has been met will be locally determined based on the facts of the issue in that area.

### **PSPOs and Working Dogs**

Having a reasonable excuse is a defence for failing to comply with requirements under a PSPO, much like under Dog Control Orders. Local authorities should consider the applicability of this defence in cases involving working dogs, or consider exempting working dogs from the application of PSPOs where appropriate, for example where they have previously been able to operate in areas subject to a Dog Control Order. PSPOs are not intended to restrict the normal activities of working dogs and these activities are not envisaged to meet the threshold for the making of a PSPO.

Local authorities are best placed to consider the most suitable requirements to include in any new PSPO that is issued, based on their knowledge of both park areas, park users and the local community. The following example demonstrates an innovative solution to address a local problem using bye-laws. Authorities have a similar degree of flexibility under PSPOs.

## **Local responses to local issues: Wandsworth Borough Council**

Wandsworth Borough Council has developed a unique bye-law that assists the council in managing the growing dog walking industry developing in its parks and open spaces. Anyone who wishes to walk more than 4 dogs (under a current Dog Control Order) in any of their parks and open spaces must obtain a licence to do so. There is no cost in obtaining a licence, and licences are only granted for walking in the five big parks and commons. Although the maximum number of dogs that can be walked on a licence is eight dogs, all new licence holders begin with five or six. An increase of numbers on a licence is then considered after written application, and a blemish-free record. Wandsworth currently have 49 active licence holders in the borough.

An example of the application can be found at:

[www.wandsworth.gov.uk/downloads/file/877/application\\_form\\_and\\_guidance\\_notes/432](http://www.wandsworth.gov.uk/downloads/file/877/application_form_and_guidance_notes/432)

A similar scheme could be put in place under a PSPO without the need to use additional bye-laws.

The order can also be prescriptive about the time in which certain activities can take place. For example, a local authority may require dogs to be kept on the lead near a school around the time of the school day starting or finishing.

Requirements and prohibitions within a PSPO may:

- apply to all persons, or only to persons in specified categories, or to all persons except those in specified categories.
- apply at all times, or only at specified times, or at all times, except those specified, and/or
- apply in all circumstances, or only in specified circumstances, or in all circumstances except those specified.

A PSPO must:

- Identify the activities that are having a detrimental effect on the locality (the first condition);
- Explain the effects of the offences; and
- Specify the period for which the PSPO has effect.

## **Considering Animal Welfare**

When considering a PSPO that would restrict dogs and their owners, local authorities should ensure there are suitable alternatives for dogs to be exercised without restrictions. Under the Animal Welfare Act 2006, owners must provide for the welfare needs of their animals, including the necessary amount of exercise each day. Local authorities should be aware of the publicly accessible parks and other public places in their area which dog walkers can use to exercise their dogs without restrictions.

## **Maximum number of dogs under a PSPO**

When setting the maximum number of dogs able to be walked by one person, the most important factor for authorities to consider is the maximum number of dogs which a person can control; expert advice is that this should not exceed six. Authorities should also take into account the views of dog owning and non-dog owning residents within the area to which the Order will apply, to establish what they consider to be an appropriate maximum number taking into account all the circumstances in the area. Key factors will include whether children frequently use the area, if the park is heavily populated etc.

## **Exemptions**

A local authority should consider whether certain people and their dogs should be exempt from the restrictions or requirements of a PSPO. For example, disabled individuals with registered assistance dogs may be exempt from PSPOs.

For further advice on exemptions, please refer to a person whose ability to move 'everyday objects' is affected. A copy of the relevant guidance is available on the Gov.uk website:

<https://www.gov.uk/government/publications/disability-equality-act-2010-guidance-on-matters-to-be-taken-into-account-in-determining-questions-relating-to-the-definition-of-disability>

## **Duration of PSPOs**

PSPOs can be put in place for up to three years. Following the three years, the PSPO must be reviewed to ensure it is still necessary. If the local authority is satisfied that the PSPO will continue to prevent:

- occurrence / recurrence of the detrimental activities identified in the Order; or
- an increase in the frequency or seriousness of those activities after that time

The PSPO can be extended for up to three years. There is no limit to how many times a PSPO can be reviewed or extended.

Before extending a PSPO, the local authority must first consult:

- the chief officer of police, and local policing body for the police area that includes the restricted area;
- the landowner; and
- any community representatives the local authority thinks it appropriate to consult, such as local veterinary practices

Any DCOs made by Parish Councils, or other bodies designated by the Secretary of State that do not have the power to make PSPOs, will need to be reviewed by the local authority in whose area the DCO is located.

### **Challenge to the validity of an Order**

PSPOs can be challenged in the High Court by any interested person within six weeks of an Order being made. An interested person is someone who lives in, regularly works in, or visits the area of the PSPO. This means that only those who are directly affected by an Order have the power of challenge.

Interested persons can challenge the validity of a PSPO on two grounds. They can argue that the council does not have power to make the Order, or to include particular prohibitions or requirements. In addition, the interested person can argue that one of the requirements (for instance consultation) has not been complied with.

When the application is made, the High Court can decide to suspend the operation of the PSPO pending the verdict in part or in totality. However, this would be a decision made on a case by case basis by the court. The High Court has the ability to uphold the PSPO, quash it, or vary it.

It is also possible for an interested person to challenge the validity of a PSPO where it is varied by a council; such a challenge must be brought within 6 weeks of the variation.

To reduce the likelihood of challenges to PSPOs that are made, local authorities should consider that the requirements and prohibitions are reasonable, such as they do not have an adverse effect on the welfare of the dog. Much like with DCOs, if a PSPO restricts access to land used to exercise dogs, it would be reasonable that there is sufficient other land available for exercise without restrictions.

## Offences

A person will commit an offence if, without reasonable excuse, they do something which is prohibited by a PSPO; or fails to comply with the requirement of a PSPO. This could mean a dog walker failing to remove and properly dispose of dog faeces, or allowing their dog to be off a lead outside permitted hours, or exceeding the number of dogs one person is permitted to walk.

It is not an offence to fail to comply with a prohibition or requirement that the local authority does not have the power to include in a PSPO.

On summary conviction, the maximum penalty for breaching a PSPO is a fine not exceeding level 3 on the standard scale, which is currently £1,000.

## Fixed Penalty Notices (FPN)

A constable or authorised person (ie local authority officer or a person delegated by the relevant local authority) may issue a fixed penalty notice (FPN) to anyone he or she has reason to believe has breached a PSPO. The FPN will give the person 14 days to pay the fine. During that time no proceedings can be taken against the person.

The FPN must:

- Give reasonably detailed particulars of the circumstances alleged to constitute the offence;
- State the period during which proceedings will not be taken (14 days);
- Specify the amount of the fixed penalty (not more than £100);
- State the name and address of the person to whom the fixed penalty may be paid;
- Specify permissible methods of payment.

The FPN can specify two amounts: a lower one if paid within 14 days and a maximum higher amount of £100.

## Variation

A local authority may vary an existing PSPO by:

- increasing or reducing the size of the restricted area;
- altering or removing a prohibition or requirement included in the PSPO, or adding a new one (eg an existing requirement for dog walkers to pick up dog faeces could be followed up with a requirement that all dogs should be on leads).

The area of a PSPO may be varied in relation to the area to which it applies only if the activities meet the threshold test; that is that the activity/ies have a detrimental

effect on the quality of life of those in the locality or that if the activity/ies continue, it is likely that they will do so. The activity must also be of a persistent or continuing nature, be unreasonable and justify the restrictions imposed.

A PSPO may only be varied by altering or removing a prohibition or requirement that will prevent or reduce the detrimental effect of the activity.

Before making a variation to a PSPO, the local authority must consult the chief officer of police and the local policing body that includes the restricted body. They must also consult any community representatives the local authority thinks is appropriate to consult.

A PSPO that is varied must be published in accordance with regulations made by the Secretary of State.

Where a PSPO is discharged, a notice identifying the PSPO and stating the date on which it ceases to have effect must be published in accordance with regulations made by the Secretary of State. As a matter of best practice, local authorities may also wish to inform those in the local area that the Order is to be discharged, perhaps through notifying the respondents to the original consultation and using temporary signage.

## Highways

Before making an order that places restrictions over a highway, local authorities must:

- notify potentially affected persons of the proposed Order;
- inform those persons how they can see a copy of the proposed Order;
- notify those persons of the period within which they make representations about the proposed Order; and
- consider any representations made.

## Categories of highway over which public right of way may not be restricted

PSPOs cannot restrict the public right of way over a highway that is a special road, a trunk road, a classified or principal road, a strategic road, a highway in England of a description prescribed by regulations made by the Secretary of State, or a highway in Wales of a description prescribed by regulations made by the Welsh Ministers.

The definitions of the following terms can be found in 'Classified road', 'special road' and 'trunk road' section 281(1) of the Highways Act 1980 – 'classified road', 'special road' and 'trunk road'. 'Highway' is defined in section 328 of the same Act. 'Principal road' is defined in section 12 and 13 of the same Act. 'Strategic road' is defined in section 60(4) of the Traffic Management Act 2004.

## Transitional arrangements

Existing Dog Control Orders can remain in place but need to be reviewed three years after the coming into force of the Anti-social Behaviour, Crime and Policing Act 2014, in accordance with the new requirements of PSPOs. Any Dog Control Orders that are to remain will become PSPOs after those three years.

Existing designations under the Dogs (Fouling of Land) Act 1996 are not affected by the introduction of PSPOs, however, as before, no new designations may be made under this repealed Act. It is recommended that local authorities keep these designations under review and consider subsuming them into PSPOs where appropriate.

See the general information on ASB for the full detailed requirements of PSPOs available at <https://www.gov.uk/government/publications/anti-social-behaviour-crime-and-policing-bill-anti-social-behaviour>

The Secretary of State for the Home Department will make regulations on how the PSPO shall be published.

## Partnership working

Anti-social behaviour often requires a multi-agency approach as the cause and effect of the behaviour can fall across various areas of responsibility. In addition, victims are less interested in which agency addresses the issue, than having the issue addressed effectively. The same is true of incidents involving dogs that cause concern to individuals in the community. The Clean Neighbourhoods and Environment Act 2005 gave sole responsibility for stray dogs to local authorities. The police usually deal with issues of dangerous and prohibited dogs under the Dangerous Dogs Act 1991. Irresponsible dog ownership can encompass both sets of issues and potentially also involve welfare issues under the Animal Welfare Act 2006.

In areas where there is a significant problem with dogs, agencies should nominate a lead agency that will co-ordinate efforts and inform other appropriate agencies of new notices issued etc. Authorities could also form a working group to facilitate information sharing and collaboration. This would allow agencies to design innovative, cost effective and locally-specific solutions, to encourage more responsible dog ownership and help to create enforceable requirements. Including other experts in any working group, such as welfare organisations, veterinary practices etc. would allow irresponsible dog ownership to be dealt with in a context of better education and understanding for the public and practitioners about dogs and dog owners and the triggers for undesirable behaviour with dogs, which will contribute to enforcement and demonstrate the necessity of early intervention in preventing the most serious dog incidents.

### **Case Studies: Multi-agency working**

The West Midlands Police, Blue Cross, NFU Mutual, and ACPO, have held a series of puppy socialisation days across the country to socialise puppies with horses and a wide variety of animals, and raise awareness of the increase in dog attacks on livestock.

Blue Cross, British Horse Society, and ACPO, launched the 'Look at it from my point of view' campaign, offering advice to dog owners and equestrians' alike on responsible ownership and riding. This was successfully launched at CRUFTS 2012.

The Kennel Club and the Forestry Commission have worked together over the past ten years to develop a proactive and welcoming approach to managing dog access to woodland in Great Britain. The Kennel Club and Forestry Commission are marking their ten years of partnership by refreshing the partnership and guidance on managing dog walking in advance of a promotional campaign in 2014 focused in England and Wales. Ultimately, the partnership aims to encourage responsible dog walking to visits to woodlands in England and Wales. (Natural Resources Wales and Hampshire County Council are also involved in this 2014 project).

Anti-social behaviour involving dogs may first come to the attention of an officer who does not have in-depth experience of dog behaviour and control. Where practical measures can be undertaken that do not affect the dog, such as repairing fences or installing a letter cage, it is reasonable that practitioners require this without recourse to further advice.

In cases where practitioners are considering requirements which could have a direct impact on a dog's welfare, such as muzzling, neutering, prohibiting access to certain space etc., the practitioner should seek further advice (ie Dog Legislation Officer, veterinarian, qualified dog trainer/behaviourist) to ensure the requirements are reasonable, that they will address the behaviour they seek to prevent, and that there are no adverse consequences on the welfare of the dog.

Through the local working group or a similar arrangement, all relevant agencies, including the police, the local authority and welfare organisations, should identify a point of contact as a source of advice on dog welfare for professionals working outside of welfare.

The police have trained Dog Legislation Officers. These officers and the relevant Dogs Unit may be able to provide advice in a timely manner.

A local veterinary practice may be able to advise or recommend qualified specialists in the area. ABTC includes information on qualified specialists who may be able to assist or provide advice/training - [www.abtcouncil.org.uk/](http://www.abtcouncil.org.uk/)

A locally developed multi-agency working group involving behavioural and welfare professionals may be a suitable forum to consider such cases.

(See Annex C for further examples of multi-agency working)