



Department
for Environment
Food & Rural Affairs

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Dealing with irresponsible dog ownership

Practitioner's manual

Annexes A - D

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This document is also available on our website at:

<https://www.gov.uk/government/policies/protecting-animal-welfare/activity>

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FAQs

Community Protection Notice (CPN)

Who is able to issue a Community Protection Notice?

- Local authority officers eg dog wardens, animal welfare officers, anti-social behaviour teams
- Police Officers and Police Community Support Officers
- Some registered social landlords if authorised by the local authority

How long does a Community Protection Notice last for?

- A notice can last for a defined amount of time as determined by the issuing officer
- Alternatively, a CPN can last indefinitely so that the behaviour is corrected and the issuing authority may discharge the notice once it is no longer considered to be necessary
- For example, a CPN requiring an owner to fix a fence could be in place for two weeks, by which point if the fence was not fixed a breach had occurred. If the terms were met, the notice would be discharged. A CPN requiring an owner to take reasonable steps to ensure their dog is better socialised may last indefinitely and until the issuing authority is satisfied that the outcomes have been achieved.

Are there any age restrictions on someone receiving a Community Protection Notice (CPN)?

- A CPN can be served upon anyone aged 16 years or older
- Where an individual under the age of 16 is engaging in anti-social behaviour that would warrant the serving of a CPN, officers should consider alternatives such as an Acceptable Behaviour Contract or a Parenting Contract. For more information of the parenting contract please see the Home Office guidance available at <https://www.gov.uk/government/publications/anti-social-behaviour-crime-and-policing-bill-anti-social-behaviour>
- In more serious cases, it may be appropriate to serve a CPN on a parent/guardian for failing to prevent the ASB committed by their child

What information needs to be included within the written warning?

- The written warning must make clear that if the individual does not stop the behaviour that is meeting the CPN threshold, they may be issued with a CPN
- Authorities may wish to also include—
 - the behaviour that is having the detrimental effect as this will aid in any later appeals by making clear what needed to be done in order to avoid the CPN being issued
 - the time by which the behaviour is expected to have changed in order to provide a clear understanding of when the CPN might be served

- the potential consequences of being issued with a CPN ie potential sanctions on breach. This informs the recipient of the consequences and may also act as an incentive to change behaviour before a formal CPN is issued

Is there a recognised form to be used for the issuing of a written warning?

- There is not a prescribed written warning form. Authorities may respond to the situation in hand as necessary
- It is possible to include the written warning as part of correspondence where the problem is ongoing and there is already engagement eg in a letter or included in an Acceptable Behaviour Contract
- It is also possible for the written warning to be a standard form of words, adaptable to a specific situation – for instance a tear off slip with space for the issuing officer to write in the behaviour that needs to stop

Is there a recognised form to be used for the issuing of a CPN?

- There is not a prescribed form the issuing of a CPN however officers should include
 - Details of the behaviour that is having a detrimental effect
 - That the behaviour is considered to be unreasonable
 - The details of the written warning (when it was served, date by which it had to be complied with)
 - Any prohibitions and/or requirements included in the notices and date by which they have to be met
 - Potential sanctions for breach of the notice
 - The details of the individual being issued the notice
 - The details of the issuing officer and authority
 - How the individual can appeal the notice

Can the person appeal against the issuing of a Community Protection Notice?

- Yes, anyone issued with a CPN can appeal the notice within 21 days of it being issued. Appeals are heard in a magistrates' court. The CPN should provide details of the process of appeal. Any requirements to do specified things or to take reasonable steps to achieved specified results are suspended during the appeals process. Prohibitions stopping the individual from doing certain things remain in place.
- An appeal can be made on the following grounds
 1. The test was not met because
 - The behaviour did not take place
 - The behaviour did not have a detrimental effect on the quality of life of those in the locality
 - The behaviour was not persistent or continuing
 - The behaviour is not unreasonable
 - The individual cannot reasonably be expected to control or affect the behaviour
 2. Any of the requirements were unreasonable

3. There is a material defect or error with the CPN eg failure to provide a written warning
4. The CPN was issued to the wrong person

Would a dog owner or person who has day-to-day charge of the dog who has been served with a Community Protection Notice still be liable if someone else was in charge of their dog at the time of an incident?

- Potentially. The CPN must be served on the person who has engaged in the anti-social behaviour, which would mean the notice would have to be served on the individual in charge of the dog at the time.
- However, it may be appropriate to consider serving a notice on the owner/keeper as well if their allowance of an inappropriate person to take charge of the dog is also having a detrimental effect on the quality of life of those in the locality.

Injunctions

Who is able to apply for an Injunction?

- Police (including the British Transport Police)
- Local authorities
- Social landlords
- NHS Protect
- Environment Agency and Natural Resources Wales
- Transport for London

How long does an injunction last for?

- Injunctions can last indefinitely for adults
- Injunctions can last for a maximum of 12 months for under 18s

Which court issues an injunction?

- Applications for injunctions against adults are made to the county court
- Applications for injunctions against under 18s are made at the Youth Court

Are there any age restrictions on someone receiving an injunction?

- Injunctions can be granted for any individual aged 10 or over.
- Applications for those under the age of 18 must be made in consultation with the local Youth Offending Team

Criminal Behaviour Order (CBO)

Who is able to apply for a Criminal Behaviour Order?

- Only the prosecution can apply for a Criminal Behaviour Order

- The local authority or the police can request that the prosecution apply for a CBO on their behalf
- The requesting authority should provide the necessary evidence

How long does a Criminal Behaviour Order last?

- A CBO for an adult lasts for a minimum of two years up to an indefinite period
- For under 18s, a CBO must last between one and three years

Which court can issue a Criminal Behaviour Order?

- The CBO will be heard where the criminal offence is heard. This may be a Crown or Magistrates' court or a youth court where the individual is under 18

Are there any age restrictions on someone receiving a Criminal Behaviour Order?

- Anyone being tried for a criminal offence (aged 10 or over), can have a CBO issued

Public Spaces Protection Order (PSPO)

Who can make a Public Spaces Protection Order?

- District councils will lead
- County councils where there is no district council
- Borough councils
- Common Council of the City of London
- Council of the Isles of Scilly

Parish, town or community councils cannot make PSPOs.

How long will an area be subject of a Public Spaces Protection Order?

- PSPOs can last for up to three years, at which point they must be reviewed
- Councils can choose to renew, vary or cancel the Order at the review. Variation of the Order would require consultation.

Can the public appeal to an area being subjected to a Public Spaces Protection Order?

- Any interested person (someone who lives in, regularly works in, or visits the restricted area) can appeal a PSPO within six weeks of it being made in the High Court
- Any challenge must be because
 - The council did not have power to make the order, or to include particular prohibitions or requirements, or
 - One of the requirements (e.g. consultation) had not been complied with (see <https://www.gov.uk/government/publications/anti-social-behaviour-crime-and-policing-bill-anti-social-behaviour>)

Dispersal Power

Who is able to issue a Dispersal Power?

- A dispersal power can be put in place by a police officer of Inspector or above. A direction power can be issued by a police constable or a community support officer

What is the maximum amount of time that a dispersal power can last?

- A directions power can remain in place for a maximum of 48 hours

Are there any age restrictions on someone subject to a directions order?

- A direction can be given to anyone who is or appears to be over the age of 10.
- A person who is or appears to be under the age of 16 can be taken home or to a place of safety.

Is there a recognised form to be used for the issuing of a direction?

- There is not a prescribed form for the written direction
- The notice should specify the locality to which the direction relates and for how long the person must leave the area. The officer can also impose requirements as to the time by which the person must leave the locality and the route they must take. The officer must also tell the person that failure to comply, without reasonable excuse, is an offence unless it is not reasonably practicable to do so. The information should be provided as clearly as possible and the officer should ensure the person has understood it.

An example template of a written direction can be found in the Home Office guidance on available at <https://www.gov.uk/government/publications/anti-social-behaviour-crime-and-policing-bill-anti-social-behaviour>

Can a person appeal about being issued with a direction?

- There is no right of appeal against a direction but officers may not give a direction that prevents the person from accessing their home or prevents them from attending premises where they are employed, in education, receiving medical treatment or required by a court order.

General

Who is deemed to be a suitably trained individual to offer advice on restrictions that affect the welfare of a dog?

- A suitably trained person may be found within the authority and could include Dog Legislation Officers or Animal Welfare Inspectors/ Dog Wardens
- Where this experience is unavailable, organisations should develop communications lines with local welfare organisations who will be able to provide advice on requirements

- See Annex C for list of organisations who can advise, including the ABTC (Animal Behaviour Training Council) and Kennel Club Accredited Instructor (KCAI) Scheme

Where a court needs to receive evidence that any requirement is both suitable and enforceable, who is able to provide that evidence?

- This will generally be the issuing officer or a representative from the issuing authority. In dog cases, it is likely to be Dog Legislation Officers, animal welfare officers, dog wardens and occasionally housing association officers that have regular contact with the individual.

What happens if a person subject to one of the relevant powers no longer owns the dog for which they received a notice/ injunction?

- Regardless of whether the owner has transferred the dog, it may be necessary to maintain an existing notice/injunction if the behaviour is likely to recommence, if for instance they take on a new dog
- It is at officers' discretion as to whether a power remains in place, should be varied or discharged. A varied notice could require the individual to notify the authorities if they acquire another dog.

Where will it be recorded that a person has been subject to any of the relevant Anti-Social Behaviour powers?

- Any injunction issued should be recorded on the Police National Computer
- Criminal Behaviour Orders will also be recorded on the PNC
- For CPNs, authorities should liaise with each other and keep a record for monitoring purposes

How can a person who is issued with a Community Protection Notice be prevented from handing their dog to someone else and the anti-social behaviour continuing?

- The officer can make it a requirement of the notice that the individual notifies the authorities if the dog is transferred, sold or gifted. Failure to do so would be a breach of the notice. This will also allow the authorities to monitor how the new owner is caring for the dog.

How should authorised officers deal with the issue of contested ownership, in cases where it may be difficult to pinpoint the owner of the dog or person who has day-to-day charge of the dog?

- Officers should issue the notice on the person engaging in the anti-social behaviour. The behaviour with the dog, rather than legal ownership status is of greater importance in this situation.

Can action be taken against a person who obstructs an authorised officer in the course of their duties?

- It is an offence to obstruct a police officer under section 89(2) Police Act 1996. There is also an offence to obstruct an officer who is carrying out duties under the Closure Notice.

Are there any Data Protection issues that need to be taken into account before information can be shared between local authorities?

- Schedule 4, Part 3 of the Act details the considerations that must be applied to information sharing. The usual considerations apply, as detailed below.
- Any request for information in order to conduct an ASB case review, made to a person exercising public functions, must be met. Schedule 4 Part 3 does not authorise
 - A disclosure, in contravention of any provisions of the Data Protection Act 1998, of personal data which are not exempt from those provisions, or
 - A disclosure which is prohibited by Part 1 of the Regulation of Investigatory Powers Act 2000.
- A disclosure under Schedule 4 Part 3 does not breach
 - Any obligation of confidence owed by the person making the disclosure, or
 - Any other restriction on the disclosure of information (however imposed)

What is expected of local authorities and the police in respect of monitoring and enforcement?

- There are no obligations on authorities in respect of monitoring and enforcement. However, officers may find it useful to keep record of and share information on incidents in order to compile sufficient evidence for applying for a notice and subsequent breach where a notice is served.

Is there any guidance available that would support local authorities and authorised officers when considering how to proceed in the event of a breach of one of the powers.

- When processing a breach of the powers, officers should refer to the Practitioners' Manual for dogs or to the wider Home Office guidance on the anti-social behaviour measures available at <https://www.gov.uk/government/publications/anti-social-behaviour-crime-and-policing-bill-anti-social-behaviour>

Scenarios

These scenarios are presented as examples of possible approaches to dealing with some common incidents Practitioners may face. In considering them, Practitioners should bear in mind that a number of solutions may be possible in any given situation, and discretion should be used to tailor any response to the individual circumstances.

Scenario 1 Too many dogs on a property

In recent years, there have been serious and on occasion fatal incidents, where a number of dogs in a household has resulted in a multiple dog attack. Following these incidents, local residents frequently report feeling uncomfortable with the number of dogs in the property and cause for concern as a result of perhaps noise, odour, or the dogs being aggressive when visitors entered the property.

The new powers provide a way of addressing neighbours' concerns about the number of dogs in a property. Primarily, they provide practitioners with an avenue to open a dialogue with the owner/keeper in order to discuss the concerns. This will allow the officer to make an assessment of the claims made. It is not appropriate to use any of the powers simply because residents believe there are too many dogs in a household. However, where the number of dogs being kept by the individual is the cause of anti-social behaviour such that it meets the nuisance or annoyance test or is detrimentally affecting the quality of life of those in the locality, which may be through a number of different ways, officers will need to assess the most appropriate manner of combatting the problematic behaviour.

Depending on the severity of the behaviour and the engagement from the individual, it may be appropriate to issue an Acceptable Behaviour Contract, a Community Protection Notice or an Injunction to Prevent Nuisance and Annoyance. This would allow requirements to be placed on the owner, such as attending classes to rectify aggressive behaviour of the dog or dogs, limiting the number of dogs they can take out at one time, reinforcing perimeter fences to reassure neighbours. A failure to resolve the problems stemming from having too many dogs in one household could result in some or all of the dogs being seized and re-homed or euthanased. Ultimately the powers available in these measures could be used to require a householder to re-home some of their dogs. In all cases animal welfare experts can advise on the most suitable course of action. Such action will prevent an escalation of problems resulting in the most serious attacks.

NB: the anti-social behaviour powers should not be used to address nuisance that meets the statutory nuisance thresholds.

Scenario 2 Loose dog, threatening others

Two different local residents have reported that a loose dog has chased and tried to attack their own dogs whilst walking on a lead in a public park. They state they had their own dogs under close supervision which enabled them to take action, to prevent their dogs being attacked.

It would be possible to issue a Community Protection Notice or an Injunction to Prevent Nuisance and Annoyance in more serious cases, on the owner of the loose dog, which provides the officer with the discretion to decide upon the most suitable measure based on

the facts of the case. For instance, if the owner is willing to engage and had acted reasonably once the incident was brought to their attention, a CPN, or in a particularly low-level incident, an ABC, may be appropriate. If after further investigation it becomes known that the individual has previously had visits from other authorities for similar issues and there has been limited to no progress, an injunction. The decision will be based on the context and understanding of the specific incident.

The notices could require that the owner/keeper keeps their dog on a lead when other dogs are nearby or ensures their dog is kept under proper control preventing it from attacking or threatening to attack other dogs or causing alarm to other dog owners. Should further incidents be reported, this would be a breach of the specific notice served. Breaches could result in the dog being seized and/or the owner/keeper being banned from keeping a dog for a specified amount of time. The use of the power in such a way would also be possible with dogs persistently chasing and attacking other domestic animals. This type of incident is also covered by the Dangerous Dogs Act 1991 but only if the individuals had reasonable fear of injury themselves. If injury was caused to their own dogs, the Criminal Damages Act 1971 or the Animals Act 1971 may also apply. Finally it would be possible to seek an order under the Dogs Act 1871, perhaps alongside an injunction if thought appropriate.

Scenario 3 Dogs chasing other animals

Farmers and owners of livestock have recurrent problems with dogs off lead chasing, worrying and sometimes attacking animals. This is distressing for the farmer and the animals and has potential financial repercussions too if, for example, lambs are lost or calves have to be slaughtered. Authorities (police and local authorities, with the consent of the local police,) can pursue a prosecution under the Dogs (Protection of Livestock) Act 1953. This provides a criminal offence where owners/keepers have allowed their dogs to worry livestock. It carries a maximum level 3 fine on the standard scale.

For a more immediate and preventative measure, practitioners could use the Community Protection Notice. Depending on the facts of the individual case, the threshold test could conceivably be met given the distress to the owner of the other animal (including livestock) that has been attacked. Prohibitions could be imposed to prevent the owner/keeper from walking the dog on the farmer's land or restricting access to times where the livestock is not out and ensuring that the dog remains on a lead when in fields with livestock. Breach of a Community Protection Notice is a criminal offence with a maximum penalty of £2500 or the option to issue a Fixed Penalty Notice. It is worth noting that the CPS has a duty to consider making ancillary orders, including compensation orders where a criminal offence has been committed. This would apply for breach of a CPN.

The issuing of a notice and any subsequent breach could also be used as evidence in a prosecution under the Dogs (Protection of Livestock) Act 1953.

Scenario 4 Dogs and horse riders

Dogs off lead that attack or bark at horses with riders can be particularly dangerous, especially if the actions of the dog cause the horse to bolt and the rider is thrown off and injured. In the most serious of cases, there will be an offence under the Dangerous Dogs Act 1991 if the owner/keeper has allowed their dog to be dangerously out of control and as a result injured or caused fear of injury to the rider through alarming the horse. Alternatively, there may also be an offence under the Offences Against the Person Act

1861 if the dog was deliberately set to worry the horse and cause distress and the rider was injured (see *Dodwell v Burford 1670*). If these tests were not met, it is worth considering applying to the court for an order under the Dogs Act 1871.

For situations of less severity, it is still appropriate to seek to remedy this behaviour. The owner/keeper should be engaged by the investigating authority to discover whether the action was deliberate or not. The cause of such behaviour can on occasion be attributed to lack of knowledge about how to handle dogs around other animals. The officer will be able to ascertain whether it is appropriate to issue a Community Protection Notice for the negative effect upon riders in the community. It could include requirements such as keeping the dog on lead around horses and avoiding areas where there are horses being ridden, in addition to seeking socialisation training for the dog around livestock, such as that run by the British Horse Society working with ACPO.

Scenario 5 Multiple dogs being walked

In a local park, there have been a number of cases of dogs running loose and owners/keepers unable to bring them under control and struggling to control all dogs they are walking, even when they are on lead.

Open and green spaces can attract a wide number of users, amongst them dog walkers. In order to protect public safety, local authorities can use a Public Spaces Protection Order to limit the maximum number of dogs that an individual may walk at any one time. When deciding upon a number, authorities should base their decision upon the maximum number of dogs which a person can control, which will be affected by various factors including ability, the environment, the nature of the dogs and other users of the park. As a guiding rule, expert advice suggests this should not exceed six.

In addition, the PSPO allows local authorities to be more specific where it is felt necessary. For example, a PSPO could state that a maximum number of dogs that can be walked by an individual is six, but only three may be off lead at any one time, to increase the owner/keeper's control. Clearly if this problem is limited to only one or two individuals, it can also be addressed through a Community Protection Notice, rather than introducing restrictions which would affect all dog owners

A breach of the PSPO could be dealt with through a Fixed Penalty Notice (maximum £100) or prosecution at magistrates' court, with a maximum level 3 fine (£1000).

Scenario 6 Straying dogs

In a residential area of a small town, an owner of one dog regularly allows the dog to stray. The owner is known to the authorities, although the length of time for reuniting the dog with its owner is dependent upon which authority finds the dog and whether regular staff are working. The local dog warden has previously spoken to the owner about securing the property better and the problems that arise from allowing a dog to stray. However, the owner has failed to heed the advice and on occasion has let the dog out to wander the streets. This situation is becoming increasingly problematic as the dog is showing signs of aggression towards passers-by and other animals.

The local authority can issue the owner with a Community Protection Notice as the actions of the owner, by repeatedly allowing the dog to stray, is having a detrimental effect on those who come across the dog whilst it is straying. Additionally, the time spent by local

authority and in some cases police officers responding to calls about the dog, finding it, kennelling it and returning it to its owner prevent the officers from dealing with other issues in the community, which impacts on stretched resources. The Community Protection Notice can require that the owner takes all practicable steps to prevent the dog from straying eg securing the boundaries of the premises, and takes all practicable steps to enable quick reunification where the dog has strayed, despite all good measures being put in place eg microchipping with correct database details.

Should the owner breach the Community Protection Notice, the local authority could issue a fixed penalty notice or as is more likely in this case given the impact and repetitive nature of the behaviour, prosecute. A conviction for breach of a notice is a criminal offence and carries a maximum level 4 fine on the standard scale. The court can also issue an order to require certain things to be done that will prevent the behaviour reoccurring. In this case, it might be that the local authority microchips the dog or even that the owner gives up the dog for it to be re-homed. Failure to comply with a magistrate's court order is contempt of court and carries a maximum sentence of two months' imprisonment or a £5000 fine.

Alternatively, the local authority could choose to apply for an injunction, which whilst requiring an application to the court also carries a more severe penalty for breach and would perhaps provide a more significant deterrent and allow swifter action upon breach.

Finally there may be issues relating to the dog's welfare more generally and a potential breach of the Animal Welfare Act 2006.

Scenario 7 Working Dogs

The local authority has been notified by a family that they saw an out of control dog whilst walking through fields. The dog was apparently on its own and chasing livestock. The family believed that the dog would also approach them. Upon investigating, the officer finds that the dog belongs to the farmer and was not chasing the livestock but is a working dog. The farmer was out of sight at the time of the incident but the dog was within hearing distance of the farmer and remained within his control. In this situation, it would not be appropriate to issue any form of notice to the owner of the dog. It would be good practice to inform the complainant of the outcome of the investigation, which will demonstrate that the query was dealt with and provide an opportunity to explain the difference between family pets and working dogs. Literature from the National Farmers' Union or an animal welfare organisation would also be useful.

Scenario 8 Dogs threatening legitimate visitors

During a scheduled visit to a family, a social worker is met by an aggressive dog. The social worker feels intimidated by the dog and asks family members to put the dog in a different room, so the visit can go ahead. The dog is moved to another room for a short period before coming back in. Other family members are not threatened by the dog, but the visitor feels extremely uncomfortable as a result of the dog growling, pacing and aggressively barking in their direction.

The social worker may terminate the visit early. Some organisations will have protocols in place for such incidents eg refusing further visits, but this is not always practical and does not address the cause of the problem.

For such an incident, which has the potential to impact on the safety of those who must visit the home in the course of their work, it may be appropriate to apply for an injunction. However, if this was a first report of such an incident, an informal discussion or a Community Protection Notice may be more suitable. The facts of the case will determine the most suitable level. For example, for serious one-off cases where there is a risk of escalation leading to injury and a lack of engagement from the owner/keeper, an injunction may be more appropriate. For lower level cases, but where the behaviour has the potential to develop into something more problematic, a Community Protection Notice would be of more use. Officers should also consider whether the threshold for a non-aggravated attack under section 3 of the Dangerous Dogs Act 1991 has been met or whether obtaining an Order under section 2 of the Dogs Act 1871 is suitable.

The power used could require the dog owners to have appropriate alternative accommodation for the dog whilst official visitors are in the home eg health and social workers, police officers etc. and require the owner to address the associated behavioural problems through seeking advice and proper training for the dog so that it is well socialised.

Scenario 9 Dogs threatening people

An individual is in possession of a dog outside school gates. The dog is on a lead but is lunging and snarling at people when they pass by, causing concern to children, parents and staff and clearly having a detrimental effect on the life of those involved. The individual attends the location most days to drop off and collect their child and has been spoken to previously and asked not to bring their dog near to the school gates, however they have refused.

As this situation appears to be one that occurs on a regular basis then the power to address it needs to be one that has a more long term effect. Therefore consideration should be given to the issuing of a community protection notice to prevent the detrimental effect that the dog is having on the persons in area. The conditions imposed could simply be for the owner not to allow his dog to come within a certain distance of the school gates when the school is in use, regardless of who has control of the dog at that time. (Consider the need to prevent the owner passing the dog to another person to cause the concern)

If considering including a condition that has a more restrictive impact to the dog's welfare, such as wearing a muzzle, then expert advice should be obtained from an authorised person such as a Dog Legislation Officer and/or a veterinarian, qualified behavioural expert.

Scenario 10 Dog fouling a public space

The local authority and police receive several reports from residents that a local grassed area that is routinely used by children and families is being used irresponsibly by dog owners, who allow their dogs to foul the area and not clean up afterwards. Despite several requests to the dog owners, the situation has not improved.

The local authority should consider making a Public Spaces Protection Order, which would prohibit certain activities from taking place in a specified area or specify that certain things must be done to allow an activity to continue. Under these circumstances it might be that the area is not to be used for the exercising of dogs or that all fouling must be removed by the dog owner.

Scenario 11 Using dogs to intimidate

The local authority and police receive complaints from local dog owners that whilst responsibly exercising their dogs in a local park, members of a local gang allow what are described as status dogs to be intimidating and aggressive towards other animals and their owners.

Under these circumstances more than one power may be utilised to address the detrimental effect the behaviour is having. Should the Dogs Act 1871 not be considered appropriate, the local authority may consider addressing the behaviour of the individual owners by the issuing of Community Protection Notices or Injunctions given the higher potential for harm to individuals and the community.

Scenario 12 Use of the CBO in relation to 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 substance misuse issue and it is suspected that when intoxicated the dog is allowed 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 should request the prosecution apply for a Criminal Behaviour Order to address the control issues of the dog long term and safeguard the local community.

Scenario 13 Dogs threatening visitors and passers by

The owner of two large dogs allows them to roam freely in the front garden of his home address. The dogs are extremely territorial and aggressively snarl and growl at persons who legitimately have to attend the address as part of their employment. Local residents have complained that they have to cross over the road before passing by the front of the property for fear of the animals escaping from the garden and causing injury.

Consideration could be given to prosecuting the owner of the animals for allowing their dogs to be dangerously out of control under the Dangerous Dogs Act 1991, with further consideration being given to applying for a Criminal Behaviour Order to prevent the behaviour from continuing in the future.

Alternatively if there is insufficient evidence to warrant a prosecution then consideration could be given to applying for an injunction to prevent nuisance and annoyance.

Scenario 14 – Dogs barking

A neighbour has reported frequent barking from the dogs at the next property whenever they enter their garden. On occasion, the dogs also pace, growl and charge at the partitioning fence. The local authority has investigated the noise complaint, but it does not meet the evidence thresholds to take forward the investigation under the statutory nuisance regime. However, the neighbour is frequently unable to enjoy their garden and

action does need to be taken. Other neighbours have attested that the noise makes surrounding gardens unusable during this time.

In such a situation, where other interventions, such as informal discussion, have failed to address the issue, a Community Protection Notice could be issued to the owner of the dogs as their behaviour in allowing their dogs to act in such a way is having a detrimental effect on the quality of life of those in the locality, is persistent and is unreasonable. Requirements could be placed on the owner, such as attending classes to address the behaviour of the dogs as well as limiting the days or times the dogs spend outside, in order to provide respite to the neighbours. If the fence between adjoining properties appears weak, the CPN could require it to be strengthened to prevent the dogs escaping.

Annex B

Example notice inclusions

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Example notice inclusions

Practitioners can use a range of measures to include reasonable requirements and prohibitions that aim to prevent or reduce the effect of incidents involving dogs (equally Courts can require this in various Orders). Outlined below are possible interventions, along with identification of considerations that may mitigate unreasonable impacts on welfare.

Microchipping

Microchipping is a permanent way of linking a dog with its owner and allows the efficient reunification of owners with dogs that are lost or stray; significantly reducing the amount of time dogs may have to spend in kennels, where the owner's data is kept up to date in the relevant database. Microchipping for all dogs will be compulsory from Spring 2015 in Wales and April 2016 in England (subject to the introduction of legislation). Microchipping could address a dog that perpetually strays and may have been dealt with by various different agencies in the past.

Officers should pay due regard to the following questions when considering including a requirement to microchip a dog.

- What is the issue you are trying to address? Will microchipping help prevent or address that issue?
- Has the dog been scanned to ascertain whether it is already microchipped or not?
- Have you told the owner/ person in charge of the dog that microchipping will be compulsory from March 2015 in Wales and April 2016 in England?
- Have you explained the benefits of microchipping?
- Can you or another organisation offer low cost or free microchipping? Is this dependent on a means test?
- Do you have a list of local veterinary practices and/or approved microchip implanters so as to ensure the microchip is fitted by a trained person and the dog is registered with an appropriate database?
- Is microchipping a part of the owner's tenancy agreement? If not, should it become a condition of the tenancy agreement – See Wandsworth Council's initiative (case study box)
- Should anyone else be consulted? For example the local authority dog warden or animal welfare officer, the landlord or housing provider, the police or Dog Legislation Officer, local welfare organisations?

Case Study: Making tenancy agreements work:

In Wandsworth, all council tenants who own or keep a dog must have it microchipped and registered with the council as part of their tenancy conditions (Condition 20 http://www.wandsworth.gov.uk/downloads/file/197/tenancy_conditions) .

The council currently has a data base of c.4,000 dogs in the borough and has recently partnered with a local RSPCA branch to provide free neutering to those tenants who comply with the above tenancy conditions.

http://www.wandsworth.gov.uk/info/432/dog_warden_service/349/dog_control/5

Neutering

Neutering is the gender-neutral term used for the surgical procedure to remove the reproductive organs in male and female dogs. It can only be carried out by veterinarians. Many welfare organisations support and promote dog neutering given the high number of dogs that are already in rescue centres and euthanased each year. Neutering is a common part of the rehoming process at many rehoming centres. Practitioners may consider neutering where breeding is resulting in anti-social behaviour as meets the definitions of the individual powers. Neutering may also offer some health benefits and in some circumstances may successfully modify unwanted behaviour, but this will depend on why the behaviour is being exhibited. For example, neutering is likely to be effective in hormonally driven behaviour such as roaming in male dogs, but there is no evidence that it is effective where aggressive behaviour is a learnt response to a situation. To determine whether neutering is likely to modify the behaviour, the owner should seek the advice of their vet who may refer them to a suitably qualified behaviourist (see finding a suitable behaviourist section).

Where neutering is appropriate for preventing or reducing dog incidents and depending on the owner's circumstance, there are welfare organisations which may be able to offer discounted neutering. Some local authorities also offer this through local agreements.

Case Study: Wandsworth Borough Council and Free neutering

Building upon the success of the council's free microchipping scheme, Wandsworth then turned to neutering. Neutering dogs helps to reduce the number of unwanted dogs in the Borough and can also help to prevent certain diseases in dogs. The council works in partnership with the local Wandsworth, Wimbledon and Tooting and Balham branch of the RSPCA and provides residents with the opportunity to neuter their dogs free of charge saving them on average £250. The main aim of the scheme was to address the increasing dog population on Council housing estates.

The project is a natural progression from the registration/ micro-chipping scheme and reflects the Council's progressive and innovative approach to dog ownership on housing estates. The scheme provides residents who may not ordinarily be able to neuter their dogs the opportunity to do so and more effectively manage their household. This is positive for both the resident and the council as the dog population on the council's estates and properties can be more effectively managed.

Muzzling

Some dog owners already muzzle their dog to keep it safe or to protect the public. Where a dog has bitten, caused injury or fear of injury, there is likely to have been an offence under the Dangerous Dogs Act 1991. In such circumstances, officers should consider whether it is more appropriate to pursue a case under section 3 of the 1991 Act or under section 2 of the Dogs Act 1871. Requiring muzzling in certain places and at certain times may reduce the risk of biting, but it does not address the underlying motivation for the aggressive behaviour.

Aggression in dogs has a complex and diverse motivational basis and understanding this is important to implement a successful treatment plan. Aggressive behaviour can be a response to an underlying medical problem and so it is important that, in addition to any muzzling requirements, which may be immediately necessary, the owner consults with a vet to have this assessed. Depending on the owner's circumstances, some charities will offer discounted consultation fees to assist with this. Any costs will have to be met by the owner. The vet may refer the dog owner to a suitable behaviourist to identify the cause and develop a suitable structured treatment and management plan for the dog and owner.

Vets can advise the owner on the right type of muzzle and how to get the dog used to wearing it in a positive way. The muzzle must fit properly and securely. It must not stop the dog from panting, breathing, vomiting or drinking; a basket muzzle allows all these behaviours to be performed and is recommended.

The following resources also provide helpful tips and advice for introducing a dog to a muzzle:

www.developingdogs.co.uk/muzzle-training/

www.lifeskillsforpuppies.co.uk/muzzlevideo

www.youtube.com/watch?v=6BjPpXer8IE

Officers should make clear to owners that additional advice should be sought and may indicate appropriate sources such as the links above (consider including this information on any notice served).

Restricting Access / keeping a dog on a lead

In instances where a dog has caused alarm or frightened people and other animals through not being kept under sufficient control by the owner, restricting access to, or keeping the dog on a lead in, certain places or at certain times can be an option.

Keeping a dog on a lead can impact on the dog's ability to exercise freely and interact with other dogs. It may also inhibit natural behaviours, for example to explore and investigate and in some cases it may cause aggression in response to situations that may have been otherwise resolved. It is therefore important to consider, and where appropriate include additional requirements to avoid long term lead walking. For example, in some cases, it may be a lack of training which has led to the owner being unable to sufficiently control their dog in a public place. It would be advisable, therefore, to include a requirement for

the owner to attend an appropriate training course (see section on finding a suitable trainer), in addition to restrictions on off-lead walking would be advisable.

When requiring an owner to keep the dog on a lead, owners should be encouraged to use flat collars, harnesses and head collars for walking dogs (unless a veterinary surgeon has advised that an alternative piece of equipment should be used due to health reasons). Harnesses and head collars should be fitted appropriately and not cause irritation to eyes and lips and should be introduced gradually in a positive way. Where dogs are likely to pull or be difficult to handle, the owner should seek help and advice from a dog trainer (see section finding a suitable trainer). The use of any equipment which can cause pain, fear, injury or distress to stop unwanted behaviour eg choke/check chains, pinch/prong collars should not be recommended.

When restricting access to a particular place, the officer should consider what other open spaces are accessible to the owner so they may meet their obligations under the Animal Welfare Act 2006 and are able to exercise their dog appropriately.

Officers should also consider whether dogs off lead are a wider problem in a particular area, which would warrant the making of a Public Spaces Protection Order, rather than individually making requirements of dog owners. Discussions with other practitioners, such as local authority dog wardens, animal welfare officers and Police Dog Legislation Officers will clarify the need for a wider Order, as well as ensure more effective monitoring and enforcement of any breaches.

Finding a suitable behaviourist

In addition to any other requirements put in place to safeguard the public, it is recommended that any dog which shows aggressive behaviour should be seen by a vet. If there are no obvious medical problems which could be causing the aggressive behaviour, the dog should be referred to a suitably qualified behaviourist. Some welfare organisations can provide financial assistance for such consultations depending upon the individual's circumstances. Temporary requirements may be placed on the dog to safeguard the public until such time that the training or behaviour consultation has taken place. This should be time limited in order to safeguard the welfare of the dog in the long term.

A behaviourist works to identify the factors which have contributed to the development of behaviour problems. Their understanding of the range of factors which contribute to the development of behaviours are used to develop a structured treatment plan which is specific to the circumstances of each individual case. Behaviourist referrals are made through vets. The useful contacts section lists organisations that have the right combination of qualifications, experience, skills and knowledge and who practice in such a way that protects dog welfare, for example they work on referrals from vets only to ensure that health problems are ruled out which are particularly important in the case of aggression.

Finding a suitable trainer

As a general rule, practitioners should include a requirement to attend an appropriate training class if the dog appears to be under insufficient control through lack of training or where an owner is unable to walk the dog easily on a lead. Like behaviourists, there are a

range of dog trainers available. In choosing a trainer, only those organisations which concur with the standards as recommended by the Companion Animal Welfare Council (CAWC, 2008) should be used. They should also train in a way which protects dog welfare. See the useful contacts section for information on finding a trainer which fulfils the CAWC criteria.

In most circumstances, the owner will have to meet the cost of any such classes. Some organisations may offer discounted services depending on the owner's circumstances. This may be further explored locally.

Welfare Concerns

Where there are welfare concerns for the dog(s), officers should consult a veterinary surgeon and/ or welfare organisations, such as the RSPCA, who are familiar with the Animal Welfare Act 2006, as well as with animal welfare organisations within the local authority.

Requirements of the owner

There are a number of requirements that may successfully address the anti-social behaviour of the owner without impacting on the dog. Officers should consider whether any of these options are suitable, but should not treat this list as exhaustive. There may be other solutions more suitable to the specific problems identified in the area.

- Repairing fencing/securing the perimeter of a dwelling to ensure dogs cannot escape
- Requiring owners/keepers to keep outside space tidy and odour free
- Attaching a letter cage to prevent postal workers being bitten
- Putting up signage alerting visitors to dogs in the property and instructions for them to follow eg instructions for postal worker to follow

Summary

| Intervention | Considerations |
|--------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Microchipping and Registration | <ul style="list-style-type: none"> • Links dog to owner – can reduce time spent locating owner and re-homing • Encourages more responsible dog ownership • Must be carried out by competent person • Discounted and/or free microchipping services provided by many local authorities and charities • To be compulsory in England in April 2016 and Wales March 2015 |
| Neutering | <ul style="list-style-type: none"> • Can prevent aggressive dogs being bred from and promotes responsible dog ownership • For some situations neutering can be effective eg straying. In some cases of aggressive behaviour, neutering can also make it worse. • Owner must seek veterinary and if necessary behavioural advice for the dog to determine whether neutering will be effective for addressing the behavioural problem in the dog: <ul style="list-style-type: none"> ○ Vet assessment to ensure no medical causes of behaviour problem ○ Where dog is physically healthy, vet may refer dog to a behaviourist to help decide if neutering is helpful and if not, develop a structured treatment plan to resolve the behaviour problem. • Owner should explore opportunities for discounted consultation fees and neutering. |
| Muzzling | <ul style="list-style-type: none"> • Owner should seek vet advice to rule out any underlying medical behaviours causing the unwanted behaviour in addition to muzzling. • Vet can advise on the correct muzzle and how to get the dog used to it positively – it should fit properly and securely, allow drinking, panting, vomiting and breathing. Basket muzzles recommended. • Owner may be eligible for discounted consultation fees through charities. • Vet may refer dog to a behaviourist to develop a structured treatment plan to resolve the behaviour problem so that muzzling is no longer required. |
| Keeping on a lead/restricting access | <ul style="list-style-type: none"> • Practitioner should include other requirements to try to avoid long term lead walking i.e. training classes. • Owners should be encouraged to use flat collars, harnesses and head collars for walking dogs (unless a veterinary surgeon has advised that an alternative piece of equipment should be used due to health reasons). Choke or prong collars are not recommended. • Practitioner may wish to consider implementing PSPO if issue is widespread, rather than issuing individual notices eg near children's play area |
| Finding a suitable behaviourist | <ul style="list-style-type: none"> • Dogs showing aggressive behaviour should be referred to a vet and if there is no underlying medical problem referred to a suitably qualified behaviourist. |

| | |
|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <ul style="list-style-type: none"> • Only behaviourists with a combination of appropriate qualifications, up to date knowledge, skills and experience and which practice in such a way which protects dog welfare should be used. • See Useful Contacts for further assistance: these organisations have standards of both qualification and experience in their membership criteria to select suitable local behaviourists. |
| Finding a suitable dog trainer | <ul style="list-style-type: none"> • Practitioners may provide advice when asked. See Useful Contacts for assistance. • Only those organisations which concur with the standards as recommended by the Companion Animal Welfare Council (CAWC, 2008) should be used. They should also train in a way which protects dog welfare. • Costs will mainly be met by owners. Discounts may be available through third party organisations depending on the owner's circumstances |

Annex C

Good Practice Examples

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Example 1: Wandsworth Borough Council Acceptable Behaviour Contract



ACCEPTABLE BEHAVIOUR CONTRACT

THIS CONTRACT is made on _____

BETWEEN Wandsworth Council Parks Police and Dog Control Service

AND

ADDRESS:

M.D.W.L Number:

D.O.B.

I xxxxxxxxxxx xxxxxxxx AGREE to the following in respect of my future conduct in any public place within the London Borough of Wandsworth, specifically the environs of Tooting Bec Common:

1. I will only exercise any dogs under my control, within the sections of Tooting Bec Common (north of Bedford Hill) & Battersea Park (*where my licence permits*).
2. I will abide by all the relevant laws and bye-laws whilst walking any dogs under my control.

FURTHER I will not to do anything, which causes or is likely to cause nuisance, annoyance, or harassment, alarm or distress to anyone.

I understand that this contract will be monitored by the Council indefinitely, and that my continued benefit from holding a council issue Multiple Dog Walking Licence is dependent on me upholding this contract.

BREACH If I do anything which I have agreed not to do under this contract, the following courses of action may be taken:

1. The Police and Council can apply to the courts for an **Anti-Social Behaviour Order (ASBO)** to prohibit me from acting in a further manner as mentioned above.
2. My multiple Dog Walking Licence may be revoked
3. If the order is broken, I may be convicted, which can result in a prison sentence and criminal record.

IN ADDITION, if I break the contract and it is a criminal matter; the Police will investigate and may prosecute me.

DECLARATION

I understand the meaning of this contract and that the consequences of a failure to keep to it have been explained to me.

SIGNED:

DATE:

SIGNED:

Dog Control Officer

DATE:

WITNESSED

SIGNED:

DATE:



Undertaking.

I, V D , being the owner of "Callie" and the secure tenant of 14, xxxxxx xxxxxx xxxxxx xxxxxx xxxxxx SW15 xxx hereby gives this Undertaking that:

- 1) The regulations as stated in section 4b of the Dangerous Dogs Act 1991, are abided by at all times. In particular, that the dog be muzzled and on a lead when in public at any time, and that the muzzle is attached firmly around the dogs snout, preventing any chance that the dog could bite someone or something.
- 2) Wandsworth Council Dog Bye Laws are adhered to at all times when Callie is on Housing Land. Specifically exercising Callie away from the estate, and that all fouling is disposed of in a bin if it occurs on any council parks and open spaces, highways, and footpaths adjacent to highways.
- 3) I will have complete and unhindered control of the dog at all times.
- 4) I will prevent Callie from disturbing, intimidating, or interfering with anyone whilst in public.
- 5) I will ensure that Callie is muzzled and secure on a leash in my home whilst any council officer attends my property on lawful business.
- 6) My daughter Jxxxxxx is not permitted to be left in charge or in control of the Callie at any time.

- 7) I am the only person permitted to exercise Callie. If I am absent from home (for example on holiday), I will notify Wandsworth Council with whom and where the dog will be staying during this period of absence.
- 8) Should any of the terms of this undertaking be breached at any time, Wandsworth Council reserves the right to immediately withdraw permission for any dog to be kept at 14 xxxxxx xxx xxxxxx xxxxxx and that further action may be taken against me as the dog's owner and the tenant.
- 9) I will not acquire any further dogs without first seeking written permission from Wandsworth Borough Council.

DECLARATION

I confirm that I have agreed to the above terms of this undertaking and that the consequences of breaking the terms of this undertaking have been explained to me and may affect my occupancy of 14 xxxxxx xxxxxx xxxxxx xxxxxx xxxxxx

SIGNED: _____

DATE: _____

WITNESSED

SIGNED: _____

Example 2: LEAD project in Sutton Acceptable Behaviour Contract (Local Environmental Awareness on Dogs)



ACCEPTABLE BEHAVIOUR CONTRACT

THIS CONTRACT is made on (date).....

BETWEEN London Borough of Sutton Council,

.....Safer Neighbourhoods Team and Sutton Police.

..... (registered social landlord)

AND

NAME:

D.O.B.

ADDRESS:

.....**AGREES** the following in respect of future conduct.

- 1.
- 2.
- 3.
- 4.

FURTHERenters into a commitment with the Council, and the Police not to act in a manner that causes or is likely to cause harassment, alarm or distress to one or more persons not in the same household.

BREACH Ifdoes anything which he has agreed not to do under this contract, which the Council and the police

considers amounting to anti-social behaviour, the following courses of action may be taken:

1. The Council and or Police will make an application to the Magistrates Court for an **Anti-social Behaviour Order** to prohibit him from acting in a manner likely to cause harassment, alarm or distress to one or more persons not of the same household.
2. The Council will pursue an **injunction** and /or initiate **possession proceedings** in the County Court to ensure compliance with the tenancy agreement

FURTHER,acknowledges that:

1. Where an **Anti-Social Behaviour Order** is made by the court and breached he will be liable on conviction to a term of imprisonment not exceeding five years, or to a fine, or both.
2. Where a **Possession Order** is granted by the court, this could lead to the eviction of the tenant and his/her household.

DECLARATION

I confirm that I understand the meaning of this contract and that the consequences of breaching the contract have been explained to me.

SIGNED: PERSON AGREEING TO

DATE: CONTRACT

WITNESSED

SIGNED: POLICE OFFICER

DATE:

SIGNED: HOUSING OFFICER

DATE:

SIGNED: OTHER

DATE (please state title)



RSL Dog Permission Form

Sutton LEAD initiative

If you wish to keep a dog at your home, you will normally be required to have a private garden as well. You will be required to provide a photograph of the dog(s) with any details of trace recording methods, eg Micro chipping. You will be responsible for dog(s) that are brought into your home.

You must provide reasonable care for your pet(s), and not allow it to:

- Cause nuisance, annoyance or danger to neighbours, visitors to the property, and staff and agents.
- Cause damage to your home or any **(RSL)** owned property. If this happens you may be charged for any damage caused.
- Foul on any **(RSL)** property including communal areas. Any fouling of any area must be cleared up immediately by you, the owner or person in charge of the animal at the time.
- Be present on any **(RSL)** property without being accompanied by you or a responsible adult at all times.
- Your dog must be kept on a lead and completely under control at all times in communal areas.
- Your dog must also not be allowed to roam around the communal areas including footpaths and play areas.

You must **not**:

- Run a business from your home involving breeding dogs or boarding kennels from your home.
- Allow your home to become unhygienic. If you do not comply with the above terms and conditions, we may withdraw our permission, and you may be asked to remove the dog(s) from your home. Your friends, relatives, visitors to your home and any other person living in your home, including children, must comply with the above terms and conditions. If they do something to lead to a breach of this clause, we will consider this a breach of this agreement by you.

We may withdraw our permission at any time by giving you reasonable notice if we think the dog(s) you have has:-

- Been causing a nuisance

- Been making excessive noise
- Damaged Property
- Frightened or hurt anyone
- Been found fouling in any public/communal areas
- Been ill-treated.



If you are refused permission to keep a dog at your home you must make alternative arrangements for its accommodation.

If you, or anyone visiting or staying at your address keeps an animal, you must ensure that any faeces are picked up and disposed of correctly, including from private gardens.

To: **Housing Manager**

I would like permission to keep a dog(s) at my address.

I have the following:

I have _____ dog(s)

Description of dog(s)

Size: Small/Medium/Large

Breed: _____ Colour: _____

Sex: _____ Age: _____

Size: Small/Medium/Large

Photograph(s) (attach here)

Trace recording method *ie chipping number*

Name (please print):

Address:

Property type (please tick)

House Flat Maisonette Private Garden

Signature: _____

Date: _____ Example: London Borough of Sutton - Early engagement letter to individual with social landlord. A similar letter exists for privately housed individuals

London Borough of Sutton
Chief Executive's Group
Warren Shadboit, Exec Head of Community Safety & Youth Engagement



ZT – Sutton Police Station

To the owner of

Anti-Social Behaviour Unit
Sutton Police Station,
6 Carshalton Road
Sutton
Surrey
SM1 4RF

Telephone: 0208-649-0660
Date:

Dear (Name of Owner of Dog)

With a RSL

The Safer Sutton Partnership is targeting all forms of Anti-Social Behaviour. One of its objectives is to work with dog owners so they may enjoy their dog/s in such a way that owners are aware of their responsibilities to their pet and the wider community.

With the above in mind, I would like to bring to your attention an incident that happened with (name and breed) on, (date, time) at (location).

Please note that as we work in partnership with a number of agencies, including Registered Social Landlords. This information has therefore been shared with You may or may not be aware that as you live in social housing the actions of your dog could have implications in regards to your tenancy. As part of this process, will be contacting you within the next seven working days.

If such behaviour continues, it may eventually result in you being invited to sign an acceptable behaviour contract. The outcome of such action will mean the behaviour of your dog being closely monitored by the local Safer Neighbourhoods Team.

If you wish to discuss any areas of concern, please contact the unit on the number quoted above.

Yours sincerely,

Anti-Social Behaviour Unit



Chief Executive
Neil Roger

Example 3: Eastleigh Borough Council and Hampshire Constabulary Acceptable Behaviour Contract



DOG BEHAVIOUR CONTRACT

This contract is made on ***** until (specify either a date or the death of the dog)

Between Hampshire Constabulary and *****, the owner/keeper of ***** (specify name, breed and microchip number if applicable).

Address:

In respect of the following occurrence(s), (specify) ***** and in respect of the probable dangerous nature of ***** (dog) behaviour, I hereby agree the following in respect of future conduct (specify conditions agreed, examples given below).

- The said dog will always be kept on an appropriate lead when being walked OR in a public place.
- The said dog will be muzzled with an appropriate muzzle at all times when in a public place.
- The said dog will never be taken out other than in the presence of an appropriate person who has full control of the dog.
- The said dog will be micro-chipped and registered as such.
- The said dog will not be bred from in any circumstances.
- The said dog will be neutered.
- The said dog will not be left alone with children at any time.

Further the owner(s) of ***** enter into a commitment with the Police not to allow ***** to act in a manner that causes or is likely to cause harassment, alarm or distress to one or more persons not in the same household or commit an act of aggression against any person or animal.

Breach: If ***** does anything which has been agreed it will not do under this contract and the police consider that the act amounts to anti-social behaviour or an act of aggression to another person or animal, the following courses of action may be taken:

1. The police will make an application to the Magistrates Court for conditions to be placed on the dog, or for a Destruction Order for the dog.
2. Proceedings will be taken under the Dangerous Dog Act 1991 in appropriate circumstances.

DO NOT SIGN THIS DOCUMENT IF YOU DO NOT AGREE TO THIS UNDERTAKING

DECLARATION

I confirm that I understand the meaning of this contract and that the consequences of breach of the contract have been explained to me.

PRINTED NAME

SIGNATURE

DATE

POLICE OFFICER

PRINTED NAME

SIGNATURE

DATE

PARTNER OFFICIAL

PRINTED NAME

SIGNATURE

DATE

Agency Reference Number:

Good Practice: Education

My Message to Grown Ups – Manchester City Council

This project was developed initially with Manchester City Council, Parkway Green Housing Trust and Greater Manchester Police in Wythenshawe, Manchester.

The project followed a survey by Blue Cross in partnership with the Manchester Enterprise Academy that identified areas of concern for children and local residents. Issues identified included; anti-social behaviour with dogs, stray dogs and fouling.

Visits were made to over 1000 children initially to deliver workshops on responsible ownership and safety and children then produced poster messages on the three subjects that were taken home to parents.

Following the pilot project the initiative has been repeated in other areas of the city including Moss Side and Hulme and over 3000 children have participated.

Blue Cross RespectaBULL campaign

RespectaBULL is a workshop designed to educate and advise young people about the ownership and consequences of owning illegal breeds as well as addressing the problems and perceptions of owning dogs as status symbols.

The Education Team work with young people using a range of learning activities including quizzes, discussions, group work and videos to educate them on this important topic. We offer the workshops to schools, youth groups and other educational organisations. All Blue Cross education is offered for free and tailored to the learning needs of the group.

Last year we delivered

- **104** RespectaBULL workshops reaching **2,470** young people
- To date in 2013 we have provided **155** workshops for **4,422** young people

To measure outcomes from workshops, the individuals are asked to complete a pre and post questionnaire. Below is a sample taken from 45 questionnaires which provides a positive indication of learning.

- **76%** of students considered they had a good knowledge of law
- **83%** knew the four banned breeds

Blue Cross has confirmed that they are willing to train agencies to offer this workshop themselves. Training and support can be made available to local authorities in the future. Please contact education@bluecross.org for further information.

Education: Battersea Dogs & Cats Home's Bully Breed Campaign

Through the use of a specially commissioned film 'Bully Breed', Battersea helps people to acknowledge that animal abuse also includes the use of dogs as status dogs.

Bully Breed is a ten minute film which highlights the dangers of buying a dog off the internet and the consequences of using dogs in anti-social behaviour. This tool has been instrumental in engaging with young people in schools, some of whom are at risk from exclusion.

For further information on the Bully Breed film and status dogs project, please contact communityengagement@battersea.org.uk

Kennel Club Safe and Sound Scheme

The Safe And Sound Scheme promotes the safe interaction between children and dogs www.safetyarounddogs.org.uk/. The Scheme focuses on the educational issues connected with staying safe around dogs. The website provides facts and constructive advice for dog training clubs and teachers who wish to include a canine visit at their local school. Teachers' Notes and downloadable material are also available free of charge. The website also includes a series of educational factsheets, outlining the Safe And Sound code. The Safe And Sound Practical Award has been developed to enable children to put the skills and techniques taught through the game and other resources to work in a real environment. This practical award is being piloted through a select number of Kennel Club approved dog training clubs.

People's Dispensary for Sick Animals (PDSA) Pet Check Programme

PDSA's Community and Education team work with numerous local authorities and housing associations to identify areas of concern and to work in the community to promote responsible pet dog ownership. This includes free dog health checks and advice clinics on their mobile veterinary vehicles and tailored workshops in local schools by veterinary nurses to help tackle the issues identified.

Wood Green, The Animals Charity

The Education team have created an exciting new dog safety video that will teach children and adults about how to stay safe around dogs. This has been designed to help children become dog body language experts but is also applicable to older audiences. Topics

covered include recognising when even the friendliest of dogs need to be left alone and learning the steps to meeting a new dog safely. Think dog, stay safe!

www.youtube.com/user/woodgreen100

Stafford Council

Stafford council promote Blue Cross talks as part of their approach to encouraging responsible ownership where dog fouling has been raised as an issue. In this area trained Blue Cross volunteers visit schools and since April this year, over 1000 children have participated.

Bolton Council

Bolton Council has helped to promote Dog Safety assemblies with the support of safeguarding staff. Since April 2013, over 5000 children have received an assembly visit.

Good Practice: Partnership working

Nottinghamshire Police, Councils and RSPCA - MoU

Nottinghamshire Police, all Nottinghamshire local authorities and the RSPCA have developed a Memorandum of Understanding outlining the responsibilities of each agency and establishing effective modes of communication. Links to the MoU for reference will be provided.

Police and Guide Dogs: Protocols

The National Policing Lead on Dangerous Dogs, formerly ACPO, and Guide Dogs have drafted guidance for those dependent on guide dogs, advising them on how to report incidents of dog attacks on guide dogs. This includes advice on contacting an officer assigned to deal with the case, who will be supported by a Dog Legislation Officer, and what information to have to hand when contact is made with the police. Following consultation with Guide Dogs, DLOs nationally have received advice on dealing with dog attacks on guide dogs via the Police Knowledge website.

Lambeth Council, Lambeth Living, Met Police and Battersea Dogs & Cats Home

Battersea Dogs & Cats Home is working in partnership with the London Borough of Lambeth, Lambeth Living, the borough's largest local social housing provider, the Metropolitan Police and Tenant and Resident Associations.

This work is on a number of socially and economically marginalised estates, supporting work on reducing anti-social behaviour associated with dogs through providing advice, guidance, free microchipping and tagging.

On the Myatt Fields South estate, this included attendance at Advice and Guidance events organised by the social housing provider.

Battersea provided advice on animal welfare and responsible dog ownership, current and upcoming legal requirements affecting dogs, and microchipped and tagged the dogs that were brought to the event. Working in this way with local partners helps Battersea to engage effectively with traditionally hard to reach communities.

For further information on Battersea's partnership working in the community please contact communityengagement@battersea.org.uk

Local Authorities and the Kennel Club: Responsible Dog Owner Days

The Kennel Club has worked with a range of different agencies to help promote responsible dog ownership in local areas, including successful days held with Medway Council, Landguard Partnership of Suffolk Coastal District Council, Buckingham Community Police and City of London.

These events were successful as they all involved working with a number of different organisations which provided various services including advice on responsible dog ownership. Kennel Club representatives offered literature which would explain to the average dog owner what is required of them to be considered a responsible owner, free health checks for dogs, free/discounted microchipping services, dog behaviour counselling as well as organisations selling dog related products for profit and charity. These events are considered to be a more cost-efficient and proactive way of engaging with the local public and helping promote overall positive messages about responsible dog ownership which is ultimately what defines their success. For further information, please contact events@thekennelclub.org

The Kennel Club Good Citizen Dog Scheme and Local Authorities: Promoting responsible dog ownership

The Kennel Club Good Citizen Dog Scheme is the largest dog training programme in the UK and has been in operation since 1982. The Scheme is open to all dogs, young or old, pedigree or Crossbreed, whether Kennel Club registered or not. The Scheme is non-competitive and emphasis is placed on the standard of achievement. There are 4 levels of courses from Puppy Foundation, to Bronze, Silver, and Gold Awards. www.thekennelclub.org.uk/training/good-citizen-dog-training-scheme/

The Good Citizen Dog Scheme celebrated two major milestones in 2012, its 20th anniversary and the 400,000th pass certificate issued to a successful dog and owner. Very nearly 25,000 of these certificates have been the scheme's highest achievement for a dog and its owner, the Gold Award. To spread the message of responsible dog ownership across the UK, there are currently over 1,700 organisations administering the Good Citizen scheme nationwide. Around 250 of these are local councils. They are providing a positive community service aimed at ensuring well-behaved dogs live in society. The good work of local councils is recognised through the Good Citizen Dog Scheme Award for those who have introduced what are deemed to be the 'Most effective campaign currently being implemented by a local authority'. The first prize winner receives prize money of £3,000 to assist them to implement further activities during the coming year.

For more information, please contact gcds@thekennelclub.org.uk

Dogs Trust Responsible Dog Ownership Events.

These events are organised with Councils, the Police and other relevant local organisations. They usually take place outside community centres, in open spaces or similar environments, Though the majority of these are organised in 'Campaigns areas' (North of England, Greater London, Wales, Northern Ireland) Dogs Trust work right across the UK as needed. They offer info on dog ownership and dog care, health check vouchers (free vaccination, flea & worm treatment), dog training advice, free and low cost neutering vouchers and free microchipping. They also take a display with useful leaflets and information sheets on all aspects of dog ownership. In addition, in the Greater London area, as part of the City Dogs project they also offer agility and training days and one-to-one dog training classes.

Dogs Trust Estate Days.

Dogs Trust work very closely with local housing associations to run 'Estate Days' where they visit a particular social housing area for a day to offer free chipping and neutering vouchers and of course RDO material and info.

In addition Dogs Trust run the following:

- Nationwide Free microchipping events – to support the Government's decision to make chipping a legal requirement in 2016.
- 'Dogs in the Community' Offer for all UK Councils and Housing Associations, a package to promote responsible ownership to their social housing tenants which includes:
 - Free microchips for Councils and their local Housing Associations and help setting up their own chipping events.
 - Free microchipping training for Council/Housing association staff.
 - Free services of dog law specialist to help with any particular problems with dogs within social housing, and consider ways in which tenancy agreements and pet policies can be used to promote responsible dog ownership
 - Training for councils, police, park rangers and housing association staff covering a range of animal welfare topics such as first aid, dog warden services and community education.
- Free Educational Workshops. Dogs Trust full time Education Officers offer primary schools and early years secondary schools free responsible dog ownership workshops. They also run an education programme specifically tailored to excluded/vulnerable young people ('Taking the Lead') aimed at youth groups, young offenders and youths at risk of offending.
- Dogs at Risk free neutering vouchers for Councils – For those areas where dog abandonment is highest, they offer local authorities free neutering vouchers which can be given to those dog owners with 'Dogs at Risk' - 'repeat offenders' in terms of straying and litters, dogs with behavioural issues or for dogs that are at risk of

unnecessary destruction.

- Free/£30.00 neutering and free microchips for local authority stray dog kennels. Dogs Trust work with the majority of local authority stray dog kennels in their campaigns regions, to help them improve their rehoming procedures and to encourage them to adopt a non-destruct policy.
- Advice on Dog Control Orders.
- Free responsible dog ownership literature and poop bags available to councils, other organisations and members of the public, on request.

Whitehill & Bordon, Hampshire County Council and the Kennel Club: Innovation and proactive work

The Kennel Club has teamed up with Whitehill & Bordon and Hampshire County Council to produce an innovative and evidence-based approach to designing and strategic planning for dog ownership in new housing developments which can minimise conflict for all concerned. The access and green space design guidance for planners and developers recognises the different needs of dog owners compared to residents without dogs and takes this into consideration for dog ownership in new developments whilst ultimately reducing conflict and adding value.

Useful organisations and links

Animal Behaviour and Training Organisations

Animal Behaviour Training Council: www.abtcouncil.org.uk

ABTC is the newly formed regulatory body that represents animal trainers and animal behaviour therapists to both the public and to legislative bodies. It sets and maintains the standards of knowledge and practical skills needed to be an animal trainer or animal behaviour therapist, and it will maintain the national register of appropriately qualified animal trainers and animal behaviourists. It promotes the welfare of animals in their interactions with humans, lobbying for humane methods in training and behaviour modification, and for the education of the animal owning public.

Find a dog trainer: www.abtcouncil.org.uk/register-of-instructors.html

Find a dog behaviourist: www.abtcouncil.org.uk/clinical-animal-behaviourists.html

The Kennel Club Accredited Instructor Scheme: www.thekennelclub.org.uk/kcai

The KCAI accredits dog trainers, providing a high quality and standard of training from accredited instructors and those working towards accreditation. In 2010, the Scheme achieved City and Guilds recognition. The KCAI Scheme has been developed to be able to act effectively as an inclusive scheme that recognises the qualifications offered by a diverse number of training and behavioural organisations.

Veterinary Associations

British Veterinary Association: www.bva.co.uk/default.aspx

British Small Animals Veterinary Association: www.bsava.com/

Animal Welfare Charities

Battersea Dogs and Cats Home www.battersea.org.uk/

Blue Cross www.bluecross.org.uk/

Cats Protection www.cats.org.uk/

Dogs Trust www.dogstrust.org.uk/

The Kennel Club www.thekennelclub.org.uk/

People's Dispensary for Sick Animals www.pdsa.org.uk/

Royal Society for the Prevention of Cruelty to Animals www.rspca.org.uk/home

Wood Green <http://www.woodgreen.org.uk/>

Practitioner Organisations

Local Government Association www.local.gov.uk

LGA also hosts the **Knowledge Hub**, which allows practitioners (members and non-members alike) to post in forums for advice, feedback and facilitate sharing of good and best practice. The Knowledge Hub can be accessed from:

<https://knowledgehub.local.gov.uk/>

National Dog Warden Association <http://www.ndwa.co.uk>

Chartered Institute of Environmental Health (CIEH) <http://www.cieh.org/>

The Chartered Institute of Environmental Health is a professional, awarding and campaigning organisation at the forefront of environmental and public health and safety, and for example hosts the up to date Model Licence Conditions for Dog Breeding Establishments (see <http://www.cieh.org/WorkArea/showcontent.aspx?id=50814>).

Annex D

Other dog control legislation

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Dog control legislation

When undertaking duties under the Anti-social Behaviour Crime and Policing Act 2014, practitioners should be mindful of other legislation that covers dogs and their owners and that some powers associated with the following Acts may have been devolved to the Welsh Government wholly or in part.

The information below is not intended to be a comprehensive guidance on existing dog control legislation but is a useful reminder that there are other pieces of legislation that can help address concerns relating to dogs and dog behaviour. It also demonstrates to those officers unfamiliar with incidents involving dogs the importance of involving those with understanding of the legislation early on in any case.

For comprehensive information on the following pieces of legislation, please consult the relevant Acts and any accompanying guidance or notes. In addition, Dog Legislation Officers, animal welfare officers as well as professionals from some welfare organisations may also be able to provide advice or clarity on specific provisions.

Dogs Act 1871

Section 2 of the Act allows for a complaint to be made by any individual (including the police, local authorities, etc.) to a Magistrates' court that a dog is "...dangerous and not kept under proper control". The court may make any Order they feel appropriate to require the owner to ensure that the dog is kept under proper control, or if necessary destroyed. The court may specify measures to be taken for keeping the dog under proper control, such as muzzling and remaining on a lead when in public. It can be a particularly quick and low cost method for securing controls on an individual animal.

The legislation is not confined to incidents that have occurred in a public place, or a place where the dog does not have permission to be. It is also not confined to the dog posing a danger to public safety, and can be used where a dog poses a danger to another animal.

Any complaint laid is a civil action, so whilst there are not powers for enforcers to seize or retain the dog pending the outcome of the complaint, practitioners only need to prove the complaint on the balance of probabilities. The court also has the power to require the person to deliver the dog, should destruction be ordered and to disqualify the owner from keeping a dog for a specified period of time.

The Dangerous Dogs Act 1989 creates an offence of failing to comply with a Court Order under the 1871 Act and provides additional penalties and appeals. Breach of a court order to keep a dog under control or deliver it for destruction is liable on conviction to a level 3 fine. Anyone found in contravention of a disqualification order is liable on summary conviction to a level 5 fine. Practitioners may also consider a further prosecution under section 2 of the 1871 Act, with any breach of a previous order submitted as an aggravating factor.

Dangerous Dogs Act 1991 (as amended)

This legislation prohibits the possession of certain types of dogs and also makes it an offence for a dog to be dangerously out of control. Parliamentary intention in passing the Act was to provide for public safety.

Section 1

Section 1 of the Act prohibits the possession, ownership, breeding, sale, exchange or transfer, advertising or gifting of certain types of dogs, in particular those traditionally bred for fighting. There are currently four types of dogs prohibited in the UK; the pit bull terrier, the Japanese Tosa, the *Dogo Argentino*, and the *Fila Brasileiro*.

Prosecutions are brought forward based on the physical conformation of the dog. The dog may be seized (under section 19 Police and Criminal Evidence Act 1984 or sections 5(1) and 5(2) of the 1991 Act). A conviction for an offence under section 1 carries a maximum penalty of six months' imprisonment and/or a level five fine on the standard scale.

In 1997 an amendment to this legislation was passed which permitted the courts to allow for the exemption of those dogs which, in their opinion, did not pose a danger to public safety through contingent destruction orders (CDO) (see sections 4A and 4B). In order for such dogs to be exempted, they must comply with certain conditions within a requisite period of the CDO being granted. These conditions are:

- The dog must be neutered,
- The dog must be permanently identified with a tattoo and microchip,
- The owner must take out third party insurance for their dog (and keep it up to date),
- The dog must be muzzled and kept on a lead when in a public place,
- The dog cannot be taken out in public by anyone under 16 years of age,
- The dog must be kept securely at home, ie ensure gardens are secure, and
- The dog must be registered on the Index of Exempted Dogs and a certificate issued to the owner.

Section 3

Section 3 of the 1991 Act creates a strict liability offence to own or be in charge of any dog that is dangerously out of control. Section 106 of the Anti-social Behaviour, Crime and Policing Act 2014 extended the applicability of this offence to all places, including private property. There is an explicit exemption from prosecution in operation for 'householder cases' where a dog in a dwelling is dangerously out of control in relation to a trespasser that is in, or in the process of entering that dwelling. In such cases no offence will have been committed by the dog owner. The purpose of the exemption is to provide clarity so that owners are not prosecuted in the event of a dog reacting to a trespasser in the home. The exemption does not apply to land outside the dwelling. There is thus no exemption from prosecution where a dog is dangerously out of control in relation to a trespasser in

the garden, in or entering outbuildings or other areas of the property. This would be the case where a child, neighbour or other legitimate visitor, such as a postal worker enters onto private property.

A dog can be regarded as “dangerously out of control” on any occasion where there are grounds for “reasonable apprehension” that it will injure any person regardless of whether or not it actually does so (section 10). Where a dog has attacked another animal, if a person present at the time of the incident has reasonable apprehension that it would injure them whether or not it did so, it may be possible to consider a prosecution under section 3. Where an injury is caused (no matter how slight) it has been held that there must have been immediately prior to the injury occurring, grounds for reasonable apprehension and this is an aggravated offence.

The 2014 Act also makes it an explicit offence to allow a dog to be dangerously out of control in relation to an assistance dog (as defined in section 173 of the Equality Act 2010). “The Airport Protocol for Entry of Assistance Dogs under the Pet Travel Scheme”, published by the Animal Health and Veterinary Laboratories Agency (AHVLA) (www.defra.gov.uk/ahvla-en/files/guid-pt28.pdf) provides further guidance on the application of this definition –see box below.

Definition of assistance dog

An assistance dog is one which has been specifically trained to assist a disable person and which has been qualified by one of the charitable organizations registered as members of Assistance Dogs (UK). Assistance dogs trained by Assistance Dogs (UK) will have formal identification and have been granted certification by the Department of Health. by one of the charitable organisations registered as members of Assistance Dogs (UK).

The following assistance dog organisations are registered members of Assistance Dogs (UK): Dogs for the Disabled, Canine Partners, Guide Dogs for the Blind Association, Hearing Dogs for Deaf people, Support Dogs, Dog Aid.

Assistance dogs from other nations, when entering the UK, should meet the full membership criteria of the established international assistance dog organizations – Assistance Dogs International and Assistance Dogs Europe – or other such bodies as may from time to time be recognised. Assistance Dogs International is the accrediting body for assistance dog organisations worldwide.

Although local authorities are able to appoint officers to enforce this piece of legislation, most incidents under the 1991 Act are investigated by the police, in particular their specialist officers, Dog Legislation Officers.

A conviction under section 3 for a non-aggravated offence carries a maximum penalty of six months’ imprisonment and/or a level five fine. The Anti-social Behaviour Crime and Policing Act 2014 amended the maximum custodial penalties for an aggravated offence under section 3. The maximum penalties, in addition to, or instead of an unlimited fine, are as follows:

- 14 years’ imprisonment where there is death of a person

- 5 years' imprisonment where there is injury to a person
- 3 years' imprisonment where there is injury to an assistance dog.

The Court may issue a disqualification Order, preventing the defendant from owning a dog for a specified period of time, as well as a destruction order for the dog. The owner must be informed of any Court proceedings which may result in an Order for destruction of the dog

As before, for any prosecution to proceed, the public interest and the evidence test must be satisfied by the Crown Prosecution Service (CPS). Where a case does proceed, a householder may use common law defences such as defence of property, defence of self, prevention of crime, which the court will need to consider in deciding whether an offence has been committed. Alternatively, the defendant may submit evidence in support of mitigating factors that the court will consider in sentencing.

Dogs (Protection of Livestock) Act 1953

Under this Act, an owner or person in charge of a dog is liable for prosecution where a dog worries livestock on agricultural land. Livestock worrying is defined as: attacking livestock, chasing in a way that can be reasonably expected to cause injury or suffering (including abortion and loss/ diminution of produce), or being at large (ie not on a lead or under close control) in a field with sheep where the type of dog is not specifically exempt (section 2). For the purposes of this legislation livestock covers: cattle, sheep, goats, swine, horses and poultry.

A police officer may seize a dog suspected to be worrying livestock and if convicted of an offence under this Act then a person may be liable for a maximum level three fine on the standard scale (£1,000) and a compensation order.

It should be noted that a farmer may be able to shoot any dog worrying livestock if there are no other reasonable means for stopping the dog from doing this or if it does not appear to be under the control of any person and there are no means of ascertaining to whom it belongs (see section 9 of the Animals Act 1971).

NB: Local authorities must have the consent of the police before taking forward a prosecution under this Act.

Access the Dogs (Protection of Livestock) Act 1953:

<http://www.legislation.gov.uk/ukpga/Eliz2/1-2/28>

Guard Dogs Act 1975

Only section 1 of the Guard Dogs Act 1975 is currently in force. It stipulates that guard dogs can only be used at a premises where the handler is present and can control the dog at all times, except when the animal is secured so that it cannot roam. Where guard dogs are used, there must be signage indicating this clearly at all entrances to the premises. It is an offence to fail to adhere to these conditions, carrying a maximum penalty of a level five fine on the standard scale.

Access the Guard Dogs Act 1975: <http://www.legislation.gov.uk/ukpga/1975/50/contents>

Case Study: Northants Police and Guide Dogs

The Dog Legislation Officers at Northants Police have worked with the charity Guide Dogs to develop guidance for assistance dog handlers and keepers on how to report a dog attack on an assistance dog. Guide Dogs have disseminated the document to all handlers. The document flags key words for victims to use, which will help phone operators to realise the high priority nature of such an attack. This maximises the use of existing flagging systems in use in the police force.

Access the Dangerous Dogs Act 1991:

<http://www.legislation.gov.uk/ukpga/1991/65/contents>

Offences Against the Person Act 1861

This Act contains a number of offences in relation to assaults on people with an increasing scale of seriousness, for example maliciously wounding, causing grievous bodily harm (GBH) or causing actual bodily harm (ABH).

This Act is used where a dog has been deliberately set upon someone, and/or has been used as a weapon. Such incidents should be reported to the police for investigation as they are a criminal matter.

Access the Offences Against the Person Act 1861:

<http://www.legislation.gov.uk/ukpga/Vict/24-25/100/contents>

Control of Dogs Order 1992

This Order makes it a requirement for all owners or people in charge of dogs to ensure the dog wears a collar and tag when in public or on public highways. The address and name of the owner must be placed on the tag.

If a dog is found in public not wearing a collar and tag it may be seized by a local authority officer and treated as a stray dog (see section on Environment Protection Act 1990) and is an offence under the Animal Health Act 1981 with a maximum penalty of 6 months' imprisonment and/or a level 5 fine.

Access this legislation: <http://www.legislation.gov.uk/uksi/1992/901/contents/made>

The Governments in England and Wales will be bringing in mandatory microchipping of all dogs in 2015 and 2016 respectively.

Environmental Protection Act 1990 (as amended by Clean Neighbourhoods and Environment Act (CNEA) 2005)

Local authorities have a statutory duty to appoint an officer for dealing with stray dogs (section 149 of the 1990 Act as amended by section 68 of the 2005) and are required to provide a stray dog service during usual office hours and where practicable, an out of

hours reception point . Defra has issued guidance on this point (see paragraph 5 of <http://archive.defra.gov.uk/environment/quality/local/dogs/documents/straydogs-guidance.pdf>). Stray dogs must be kept for seven days, after which the 1990 Act allows for unclaimed dogs to be sold, rehomed or euthanased.

Best Practice: Colchester

Colchester Borough Council received an RSPCA Gold Footprint Award in 2013 for their stray dog service. The 2012-2015 responsible dog ownership strategy draws together partnership working across different agencies including the Council, Police and RSPCA. The strategy focuses on six key areas including education and awareness, partnership working, enforcement, sharing information and intelligence, community empowerment and finally by promotional activities and events. The council has invested in the animal control service and supported the officers to develop the programme of activity with resources. An aim of the strategy is to reduce the numbers of stray dogs in the Borough by encouraging responsible ownership. In addition, in order to receive the award, the council must also have a comprehensive out of hours collection service, offer microchipping at point of return to quickly re-home dogs, and engage in regular proactive work to encourage responsible pet ownership.

Dogs (Fouling of Land) Act 1996

Although this legislation has largely been repealed by the 2005 Act with regards to controls on dogs in certain spaces, local authorities may continue to enforce Orders previously made under the Dogs (Fouling of Land) Act 1996, where they were not replaced with Dog Control Orders.

Additionally, Dog Control Orders available under section 55 of the Clean Neighbourhoods and Environment Act 2005 are repealed by the Anti-social Behaviour, Crime and Policing Act 2014 and replaced with Public Spaces Protection Orders (PSPOs). PSPOs can be made by a local authority if they are satisfied of two conditions, Firstly, that activities are 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 are likely to do so. Secondly, the activity is, or is likely to be of a persistent or continuing nature such as to make the activities unreasonable and justifies restrictions. Conditions made under Dog Control Orders will be possible under PSPOs. Authorities have three years to convert remaining Orders into PSPOs.

Animal Welfare Act 2006

The 2006 Act significantly modernised and reformed the law on animal welfare. It makes provision not only for unnecessary suffering (section 4) or animal fighting (section 8) but also, for the first time, places a duty on people responsible for protected animals to take such steps as are reasonable in all the circumstances to ensure that the needs of the animal are met to the extent required by good practice (section 9). The needs are set out as:

- Its need for a suitable environment,

- Its need for a suitable diet,
- Its need to be able to exhibit normal behaviour patterns,
- Its need to be housed with, or apart from, other animals, and
- Its need to be protected from pain, injury, suffering and disease.

Codes of Practice on the welfare of dogs

To assist with the interpretation of the welfare needs, specifically for dogs, both the Welsh Government and Defra have produced dog welfare codes of practice:

Code of practice for the welfare of dogs (Wales):

<http://wales.gov.uk/topics/environmentcountryside/ahw/animalwelfare/pets/codesofpractice/081205codeofpractdogs/?lang=en>

Code of practice for the welfare of dogs (England):

<https://www.gov.uk/government/publications/code-of-practice-for-the-welfare-of-dogs>

Additionally, local authorities who have authorised officers to be ‘inspectors’ under the Act can issue statutory improvement notices (section 10) to inform individuals or organisations where they are failing to meet an animal’s welfare needs and not only what should be done, but reminding them that if they continue to fail a prosecution under section 9 of the Act may be commenced. The RSPCA issues similar non-statutory notices.

There are also various powers of seizure under this Act and a conviction under sections 4 or 8 carries a maximum penalty of 51 weeks imprisonment and/or a £20,000 fine. A conviction under section 9 of the Act carries a maximum penalty of 51 weeks⁹ and/or a fine not exceeding level five. Furthermore, deprivation and disqualification Orders can be secured from the Court as part of post-conviction powers.

The RSPCA is one of the main investigators and users of this piece of legislation, although some police forces and local authorities also use this in incidents concerning dogs. If you are considering using the Animal Welfare Act you may want to consider contacting the RSPCA for help and advice.

Access the Animal Welfare Act 2006:

<http://www.legislation.gov.uk/ukpga/2006/45/contents>

Access Defra Guidance to Inspectors issuing s.10 Improvement Notices:

<http://archive.defra.gov.uk/foodfarm/farmanimal/welfare/act/documents/int-guidance.pdf>

These Regulations prohibit any person to attach or cause to attach an electronic collar to a cat or dog, or be responsible for a cat or dog which has such a collar attached in Wales. An electronic collar is defined under the Regulations as “a collar designed to administer an electric shock”. A person who is found guilty of any of these offences on summary conviction is liable to a prison sentence of a, maximum of 51 weeks¹⁷ and/or a fine not exceeding level five.

Compulsory Microchipping

Both the Welsh and UK Government are introducing compulsory microchipping for all dogs in secondary regulations under the Animal Welfare Act 2006. Compulsory microchipping will come into effect in 2015 in Wales and in 2016 in England. Practitioners should be aware of the new legislation and advise dog owners appropriately about the upcoming changes, their legal requirements and the benefits of microchipping their dog.

Community Trigger

The Community Trigger, included in the Anti-social Behaviour, Crime and Policing Act 2014 has been designed in order to ensure that complaints about anti-social behaviour are acted upon. Local authorities, the police, local health teams and registered social landlords will have a duty to undertake a case review when the trigger is activated and the case meets a locally defined threshold. The upper limit of the threshold as set in the Act is three reports of anti-social behaviour in six months. This trigger can be activated by the same individual reporting an incident or by different people. It can also be activated by third parties, so in the case of antisocial behaviour involving dogs, it may be a local residents' group or a welfare organisation.

The authorised bodies must publish the Community Trigger procedures, including the point of contact for making an application to use the Community Trigger. This may include a phone number, email address, postal address, and/or a form which can be completed on-line.

The agency must also respond to the complainant during the process when

- the decision is made whether or not the threshold is met
- the outcome of the review
- any recommendations made as an outcome of the review.

The relevant bodies who undertake a Community Trigger case review may make recommendations to other agencies. In most instances the recommendations will be to other relevant bodies, but recommendations may also be made to other organisations which have not previously been involved. For example, it may be appropriate for a case review to recommend that a housing association is involved in the action plan to prevent future anti-social behaviour by an individual.

The legislation places a duty on the person who carries out public functions to have regard to the recommendations. This means that they are not obliged to carry out the recommendations, but that they should acknowledge them and may be challenged if they choose not to carry them out without good reason. The recommendations are likely to take the form of an action plan to resolve the anti-social behaviour.

Community Trigger and dogs

There are often reports following a severe dog attack that neighbours and residents had reported their concerns to the authorities before the most recent incident. Such reports can be made to a number of different agencies and result in duplication of work without the

issue being resolved, communities feeling ignored and the behaviour persisting, which also poses public safety and animal welfare concerns. The community trigger will permit local people to elevate a complaint that is of concern and they feel has been insufficiently resolved. In the case of dogs, this may be where a number of residents have reported an aggressive dog whose owner is unresponsive and/or threatening when questioned. It is quite possible that other residents have reported the same case to the police, the local authority and perhaps the landlord/ housing association. Upon activation of the trigger, all agencies must discuss the case and examine the actions to date. This would facilitate an exchange of actions to date and allow a new action plan to be devised involving all responsible agencies. The requirement to feedback to those who have activated the trigger will also reassure that the issue is being taken seriously and what action has been taken.

For more information on the Community Trigger, please refer to the wider guidance available at <https://www.gov.uk/government/publications/anti-social-behaviour-crime-and-policing-bill-anti-social-behaviour>.

The following document may also be of interest: Home Office: *Empowering Communities, Protecting Victims: summary report on the Community Trigger trials*, May 2013 (<https://www.gov.uk/government/publications/empowering-communities-protecting-victims-summary-report-on-the-community-trigger-trials>)

Standard Scale of Fines

| Level on the scale | Maximum Fine |
|--------------------|--------------|
| 1 | £200 |
| 2 | £500 |
| 3 | £1,000 |
| 4 | £2,500 |
| 5 | £5,000 |