



Department
for Environment
Food & Rural Affairs

www.gov.uk/defra

Tackling irresponsible dog ownership

Draft practitioners' manual

Annex A - D

October 2013

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Welsh Government

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Annex A

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Quick Guide: Community Protection Notice

Community Protection Notice		CPN & Dogs
What is it?	Low level notice issued to stop anti-social behaviour	For tackling irresponsible dog ownership e.g. dog out of control, persistent dog fouling
Who can issue it?	<ul style="list-style-type: none"> Police officers Police Community Support Officers (if designated by Chief of Police) Local authority officers Registered social landlords (if designated by the council) 	Non-specialist officers should consult with those with understanding of dog issues e.g. specialist officers/DLOs or external agencies – ABTC/KCAI can advise
What is the test?	Behaviour has to: <ul style="list-style-type: none"> be having a detrimental effect on the quality of life of those in the locality be persistent or continuing in nature be unreasonable 	This test covers a wide range of incidents involving dogs including dogs straying , dogs showing signs of problematic behaviour such as non-responsive to calls, potential aggression problems
Who can be issued with a CPN?	<ul style="list-style-type: none"> An individual over the age of 16 A body 	For under 16s, non-stat measures should be considered, or if appropriate issuing the parent/guardian with a CPN
Requirements before issuing a CPN?	<ul style="list-style-type: none"> Issue a written warning giving reasonable time for the behaviour to stop Provides the opportunity to identify behaviour. It allows officer to explain the consequences of non-compliance. It also acts as a safeguard against the power being used inappropriately.	Allows dog owners to address issues first if they were unaware of the potential problems e.g. a dog that exhibits separation anxiety and consequently is non-responsive. Owner could undertake training
What can a CPN do?	<ul style="list-style-type: none"> Require an individual to do certain things Prohibit an individual from doing certain things Make an individual take steps to achieve a specific result Requirements must be reasonable. Unreasonable requirements are grounds for appeal	Including requirements to <ul style="list-style-type: none"> Microchip/ neuter/muzzle/ keep dog on a lead Attend training classes Attend behavioural classes Put up signage Officers should consult those with expert knowledge e.g. DLOs/ABTC/vets/other trained officers
What happens upon breach?	<ul style="list-style-type: none"> Officers can choose to issue a FPN (£100) OR Bring a prosecution for breach Breach is a criminal offence Max £2500 fine for individuals / £20,000 fine for bodies	It is unlikely that in dog cases a FPN will be appropriate as it will not address the cause of the behaviour
Right to seize property?	Court can issue a forfeiture notice on breach	Seizing a dog is a significant step, unlike other property, and should be carefully considered. Seizure is unlikely given the low level nature of a CPN
Can a CPN be appealed?	<ul style="list-style-type: none"> Yes, within 21 days of being issued CPNs can be challenged if, for example, requirements are unreasonable or the behaviour did not occur. 	Public safety is paramount, but officers should consider welfare impact of requirements on the dog(s).

Quick Guide: IPNA

Injunction to Prevent Nuisance and Annoyance		IPNA & Dogs
What is it?	A civil court order to prevent anti-social behaviour and address causes	For higher level incidents e.g. intimidation, attacks on other animals
Who can apply for it?	<ul style="list-style-type: none"> • Police (including British Transport Police) • Local authorities • Social landlords • NHS Protect and Public Health Wales • Environment Agency and Natural Resources Wales • Transport for London 	Non-specialist officers should consult with those with an understanding of dog issues e.g. specialist officers/DLOs or external agencies – ABTC/KCAI/vets can advise
What is the test?	Individual has: <ul style="list-style-type: none"> • Engaged or is threatening to engage in conduct capable of causing nuisance or annoyance to any person and • The court considers it is just and convenient to grant the injunction 	There may be some overlap with CPNs. Officers can decide which measure is appropriate based on the facts of the case , including the engagement of the individual. The IPNA may cover attacks on other animals or other threatening if not covered by the DDA 1991
Who can be issued with one?	<ul style="list-style-type: none"> • An individual over the age of 10 	For under 18s, Youth Offending Teams should be consulted
Requirements before applying?	<ul style="list-style-type: none"> • Consider a case in support of your application meeting the balance of probabilities • Application to county court for over 18s and youth court for under 18s 	Evidence gathering will be helped by speaking to other residents etc. who may also have been affected but not reported or reported to other agencies. Officers should also be clear about outcomes and clarify with those with understanding e.g. vets/colleagues
What can an IPNA do?	<ul style="list-style-type: none"> • Require an individual to do certain things • Prohibit an individual from doing certain things • Make an individual take steps to achieve a specific result Requirements must be reasonable	Including requirements to <ul style="list-style-type: none"> • Microchip/ neuter/muzzle/ keep dog on a lead • Attend training classes • Attend behavioural classes • Prohibit access to certain areas at certain times Consultation with appropriate experts e.g. Dog Legislation officers /ABTC/vets/other trained officers
What happens upon breach?	<ul style="list-style-type: none"> • Breach is contempt of court • Not a criminal offence • Over 18s: max 2 years imprisonment/unlimited fine Under 18s: supervision order/detention order in serious cases	<ul style="list-style-type: none"> • No power of seizure
Can an IPNA be appealed?	<ul style="list-style-type: none"> • Yes , Over 18s to the High Court • Under 18s to the Crown Court 	

Quick Guide: Criminal Behaviour Order

Criminal Behaviour Order		CBO & Dogs
What is it?	An order obtained for convicted offenders to prevent and stop ASB and address causes	Serious and continuing ASB with dogs
How to apply?	<ul style="list-style-type: none"> Only the prosecutor (CPS usually) alongside a criminal case Police/local authorities can request the prosecution to apply Hearing will be during or after sentencing for the criminal conviction in the same court 	<ul style="list-style-type: none"> The convictions does not necessarily need relate to the ASB for which an Order is sought Comprehensive files on ASB involving dogs would aid the prosecution in making a case
What is the test?	<ul style="list-style-type: none"> Civil burden of proof, although courts may follow McCann judgment and use criminal ¹ Court must be satisfied that the individual has engaged in behaviour that caused or was likely to cause harassment, alarm, or distress <p>AND</p> <ul style="list-style-type: none"> That making the Order will help prevent ASB 	<ul style="list-style-type: none"> A CBO should not be used where the DDA1991 or other legislation is more appropriate Cases involving dogs may be intimidation, dogs trained to be aggressive, dogs used for other criminal activity, other cases where if left unresolved pose a risk
Who can be issued with one?	Anyone convicted of a criminal offence	
Requirements before applying?	For applications for under 18s, prosecutors must consult the Youth Offending Team Consider the individual or agency responsible for supervising the CBO	<ul style="list-style-type: none"> Requirements in CBOs must be supervised. Where the CBO relates to ASB with dogs, suitable supervisors may be DLOs or animal welfare officers
What can a CBO do?	<ul style="list-style-type: none"> Make prohibitions Make requirements 	<ul style="list-style-type: none"> Compulsory training- seek advice Limiting the dogs an individual can own Prohibiting access to certain areas at specific times Microchip/neuter/muzzle – seek advice
How long does a CBO last?	<ul style="list-style-type: none"> Under 18s: 1-3 years Over 18s: Min of 2 years – indefinitely 	<ul style="list-style-type: none"> Requirements must be reasonable over the period of time and should aim to address the cause of the behaviour if impacting on the dog
What happens upon breach?	<ul style="list-style-type: none"> Summary conviction: 6 months imprisonment/unlimited fine/both Indicted conviction: 5 years imprisonment/unlimited fine/both 	<ul style="list-style-type: none"> No power of seizure
How is a CBO appealed?	<ul style="list-style-type: none"> Youth/Magistrates Court – full case reheard in Crown Court Crown Court – point of law appeal to High Court 	

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¹ See page XX of the Practitioners' Manual for further information

Quick Guide: Public Spaces Protection Orders

Public Spaces Protection Orders		PSPOS & Dogs
What is it?	An order to restrict persistent anti-social behaviour in a public space	PSPOs will replace and permit similar restriction as DCOs
Who can make a PSPO?	<ul style="list-style-type: none"> District, county, unitary authorities Common Council of City of London London borough councils Council of Isles of Scilly 	<ul style="list-style-type: none"> Unlike with DCOs, parish, town or community councils cannot make PSPOs due to the wider nature of the power Officers from these councils can enforce PSPOs if designated by the lead authority
What is the test?	<ul style="list-style-type: none"> Activities carried out in a public place are having, have had or will have a detrimental effect on the quality of life of those in the locality AND Activities are persistent, unreasonable and justify the restrictions imposed by the notice 	<ul style="list-style-type: none"> This test will cover the same activities which were prohibited under DCOs, but also provide flexibility for local authorities to vary as necessary Test also negates the need for multiple notices in one area eg DCOs and alcohol control zones near a children's play area
Requirements before?	<ul style="list-style-type: none"> Consult the Chief Officer of Police Consult appropriate community representatives i.e. those affected by the restrictions 	<ul style="list-style-type: none"> No requirement to publish in local newspaper, although this remains good practice Where PSPOs affect dogs and dog owners, local authorities must consult representatives <p>The Kennel Club may be able to help cascade information to relevant people www.thekennelclub.org.uk/kcdog</p>
What can a PSPO do?	<ul style="list-style-type: none"> Make prohibitions or requirements to prevent or reduce the detrimental effect of the activity 	<ul style="list-style-type: none"> Exclude dogs Require faeces to be picked up Dogs on lead Restrict number of dogs walked by one person
How long does a PSPO last?	<ul style="list-style-type: none"> For three years 	<ul style="list-style-type: none"> No new DCOs can be made after the Act is law Authorities have up to three years to convert existing DCOs to PSPOs
Requirements after?	<ul style="list-style-type: none"> Internal reviews of PSPOs at least every three years, at which point they can be renewed, revoked or altered Good practice to put up signage SoS will publish regulations on making PSPOs 	<ul style="list-style-type: none"> Authorities will be able to review whether existing requirements are improving dog control and having the desired effect
What happens upon breach?	<ul style="list-style-type: none"> On summary conviction – level 3 fine (£1000) FPN – maximum £100 	<ul style="list-style-type: none"> This will work as per DCOs, however maximum fine is now increased to £100
How is a PSPO challenged?	<ul style="list-style-type: none"> High Court within six weeks by an interested person 	<ul style="list-style-type: none"> Clear appeals process for PSPOs

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FAQs

Community Protection Notice

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 receiving a Community Protection Notice?

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- 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 i.e. 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

See page XX for an example written warning

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 done
 - 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 e.g. 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.

Injunction to Prevent Nuisance and Annoyance

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
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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.

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How long will an area be subject of a Public Space 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 Space 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

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 Officers
- Where this experience is unavailable, organisations should develop communications lines with local welfare organisations who will be able to provide advice on requirements
- The ABTC (Animal Behaviour Training Council) and Kennel Club Accredited Instructor Scheme may also be able to advise

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 import 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>

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Scenarios

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 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 euthanized. 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 recurring 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 Blue Cross and ACPO.

Scenario 5 Multiple dogs being walked

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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 level3 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 police officers responding to calls about the dog, finding it, kennelling it and returning it to its owner prevent the officers from tackling 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 e.g. 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 e.g. 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 in a Magistrates' court 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 court order is contempt of court and carries a maximum sentence of 3 months imprisonment.

Alternatively, the local authority could choose to apply for an injunction to prevent nuisance and annoyance, 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.

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 e.g. 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 his child and has been spoken to previously and asked not to bring his dog near to the school gates, however he has 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.

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Scenario 11 Dogs threatening others

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. The local authority may consider making a Public Spaces Protection Order, which specifically prohibits the irresponsible dog owners from being able to use the area to intimidate others. Consideration should also be given to addressing the behaviour of the individual owners by the issuing of Community Protection Notices or Injunctions to Prevent Nuisance and Annoyance given the high 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.

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Annex B

Example notice inclusions

Microchipping **Page 21**

Neutering **Page 22**

Muzzling **Page 23**

**Keeping a dog on a lead/
Restricting Access** **Page 24**

Educating the dog owner and dogs **Page 24**

Welfare Concerns **Page 25**

Requirements of the Owner **Page 26**

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Example notice inclusions

Officers may include reasonable requirements and prohibitions under an Acceptable Behaviour Contract, Community Protection Notice, Injunction to Prevent Nuisance and Annoyance, and a Criminal Behaviour Order. The underlying cause of the behaviour may be addressed through case-specific inclusions, which is especially important for dog incidents which may be driven by a plethora of reasons. Below are examples of possible interventions and considerations before issuing a notice. The suggestions are not an exhaustive list.

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 1 March 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 if the owner/keeper of the dog is not eligible for free or discounted microchipping 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? Eg – 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 some local RSPCA branches 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. This is a veterinary procedure and can only be done by vets. As well as removing the possibility of breeding from the specific dog, there are a number of other reasons why neutering may be appropriate. In some circumstances, neutering can reduce the aggressive behaviour associated with mating such as fighting, marking territory, straying etc. Many welfare organisations support the neutering of family pets, given the high number of dogs that are already in rescue centres and euthanised each year. There are a number of questions before neutering is considered:

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- What behaviour are you trying to address? Will neutering help address that specific behaviour?
- Have you checked if the dog is already neutered?
- Have you consulted with an officer working in this area eg a Dog Legislation Officer and/or dog warden?
- Have you consulted a vet and/or a qualified dog behaviour expert? There are possible negative implications of neutering too.
- If the dog is aggressive, have you discussed with a vet and/or a qualified dog behaviourist causes for the aggression –etc?
- Have you explained to the owner/keeper why neutering would be beneficial?
- Can the owner/keeper afford to neuter the dog?
- Are there provisions in place for those who cannot afford to neuter? Check welfare organisations' offers eg Dogs Trust offer discounted neutering to low-income families. Some local authorities also provide this service 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 branches 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

Requiring a dog to be muzzled when in certain places and at certain times may reduce the risk of biting, but will not address the root cause of the problem. In some cases muzzling can be used as a temporary measure and is not a substitute for seeking to address the underlying behaviour, where other actions may assist. It is paramount that when including a muzzling requirement, you discuss the reasonableness of the requirement and any welfare impacts for the dog with a veterinarian/qualified dog trainer/behaviourist. Thus, it may be suitable to require a dog to be muzzled while the cause of the adverse behaviour is addressed through other means.

- Has the dog displayed aggressive behaviour (snarling, growling)? Is it directed at humans or other animals?
- Has the dog previously bitten, caused injury or reasonable fear of injury? Is it more appropriate to pursue a case under the Dogs Act 1871 or the Dangerous Dogs Act 1991 **NB:** Injury does not need to be caused for a non-aggravated offence under section 3 of the DDA 1991.
- Will you be requiring the owner/keeper to address the cause of the aggressive behaviour? How will this be done?
- Have you informed the relevant Dog Legislation Officer/Dog Warden for advice and to aid enforcement?
- Have you consulted with a vet and/or a qualified dog trainer/behaviourist?
- Can the owner/keeper meet the cost of the muzzle?
- Are you limiting muzzling to specific places where there is a problem e.g. on the street, not in open spaces, in dog parks where other dogs are near etc?
- Has the dog worn a muzzle before? If not, is it necessary to provide time for the dog to adjust to wearing a muzzle?

Keeping a dog on a lead / Restricting Access

There may be instances where a dog owner has caused alarm by failing to keep their dog(s) under proper control and allowing the dog(s) to intimidate other users of, for example, a park. It would be reasonable to require an owner to keep their dog under control and in some circumstances request that the dog is kept on a lead at certain places or times eg when in busy areas, in a town centre, near a children's play area etc or at busy times (In such circumstances a static lead of less than three metres should be used – extending leads do not provide sufficient control over a dog). The requirement should not be so limiting to prevent the owner from adequately exercising their dog.

- What behaviour are you trying to correct? Will restricting when the dog can be off the lead aid in preventing future anti-social behaviour?
- Are there any other issues that need addressing e.g. aggressive dog, owner not in control? What can be done to address these?
- Do the restrictions still provide adequate time for the dog to be exercised properly and allow the owner/keeper to meet the five needs of the dog as outlined in the Animal Welfare Act 2006?
- Is this a common problem? Would it be more appropriate to put in place a Public Spaces Protection Order (formerly Dog Control Order)?
- Have you consulted the relevant Dog Legislation Officer / dog warden? This will also help enforcement and partnership working.
- Have you consulted with a vet and/or dog trainer/behaviourist?
- Is the owner able to control the dog on a lead? He may need to attend dog training classes if not. ADTC and the KCAT scheme amongst others should be able to provide details for qualified dog trainers.
- Is there a specific lead that fits the dog best? Have you sought professional advice on the most appropriate type of lead?

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Educating the dog owner and the dogs

In many instances, irresponsible dog ownership and a dog's poor behaviour are caused by lack of knowledge and poor training. Where an owner has been served with a notice, officers should consider whether some form of training would be beneficial in preventing a recurrence of the issue. Training requirements may range from basic ones, such as requiring the individual to watch a short film on responsible dog ownership or attending a talk at a local welfare organisation, to more intensive requirements, such as attendance at training classes² or seeking advice on correcting behavioural problems. The animal welfare sector can provide further information on recommended corrective training methods.

² PDSA report 2012 demonstrates that attending dog training classes helps to reduce the initial development of dog aggression

Officers may specify a time by which the training must be completed. Such classes could correct problems such as an over-excitabile dog that cannot be kept under control, a dog that barks continuously because of separation anxiety, aggressive dogs etc. In such examples, diagnosis and behavioural modification will be necessary and where such expertise is not present in an authority, it should be obtained through qualified dog behaviourists. Dog Legislation Officers, the ABTC, the KCAI scheme and welfare organisations will be able to signpost to such people. If there is a significant problem with poorly trained dogs in an area, officers should be familiar with the training classes that are available locally and of a good and reputable standard. Indications of standard may be achieved through trainers that are registered with the ABTC or accredited through the KCAI scheme. Officers should not recommend training methods – this is for a qualified professional such as a vet, dog behaviourist/ trainer to assess and carry out. Officers should ensure that the costs are reasonable for the individual and consider alternative options if they are not eg working with other organisations to provide access to reduced classes. It may be worth reminding the owner of the significant financial commitment involved in keeping a dog.

- What is the behaviour you are trying to prevent? Is the owner/keeper adding to the problem?
- Would dog training classes for the owner be beneficial?
- Are there dog training classes in the area (which the individual can access) of a good standard? provided by a qualified dog trainer (eg registered with ABTC/KCAI accredited)
- Can the owner/keeper afford the cost of dog training classes?
- Can the owner afford the cost of having a dog? They should be aware of the implications, for example it costs a minimum of £16,000³ for the lifetime a small dog
- Can the issuing authority meet the cost of the classes?
- Are there subsidised or free classes on offer by a qualified dog trainer/behaviourist or the option for these to be subsidised by an organisation?
- How long must the training last?
- Does the class interfere with any work or studies being undertaken by the individual?

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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.

³ <http://www.rvc.ac.uk/act/Media/Default/Factsheets/Buying%20a%20dog.pdf>

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 e.g. instructions for postal worker to follow

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Annex C

Good Practice Examples

Acceptable Behaviour Contracts	Pages 28 - 36
Education	Pages 37- 38
Partnership Working	Pages 39- 41
Training	Page 41
Useful Contacts	Pages 41 - 44

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Example 1: Wandsworth Borough Council Acceptable Behaviour Contract



ACCEPTABLE BEHAVIOUR CONTRACT

[Redacted area]

THIS CONTRACT is made on _____

BETWEEN Wandsworth Council Parks Police and Dog Control Service

AND xxxxxxxxxxx xxxxxxxxxxxxxxxxxxx

ADDRESS: xxxxxxxxxxxxxxxxxxx xxxxxxxxxxxxxxxxxxx

M.D.W.L Number: 44

D.O.B.

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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.
3. I will not approach or speak to Mr Sxxxxxxxxl, a gentleman previously known to me, when in any Wandsworth Park or Open Space.

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 dependant 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:

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DATE:

SIGNED:

Dog Control Officer

DATE:

WITNESSED

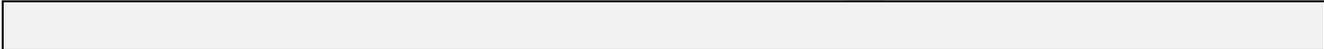
SIGNED:

DATE:

Example 2: LEAD project in Sutton Acceptable Behaviour Contract



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:**

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.....**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 to amount 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

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WITNESSED

SIGNED: POLICE OFFICER

DATE:

SIGNED: HOUSING OFFICER

DATE:

SIGNED: OTHER

DATE (please state title)

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 to the following conditions of this contract (see conditions agreed, examples given below).

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- 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

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POLICE OFFICER

PRINTED NAME

SIGNATURE

DATE

PARTNER OFFICIAL

PRINTED NAME

SIGNATURE

DATE

Agency Reference Number:



Example 1: 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, e.g. 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.

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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 *i.e. chipping number*

Name (please print):

Address:

Property type (please tick)

House Flat Maisonette Private Garden

Signature: _____

Date: _____

This document has been archived.
A newer version is available.

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

This document has been archived.
A newer version is available.

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 and Cats Home's Bully Breeds Campaign

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

Bully Breeds 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 Breeds project, please contact info@battersea.org.uk

Kennel Club Safe and Sound Scheme

The Safe And Sound Scheme promotes the safe interaction between children and dogs <http://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.

This document has been archived.
A newer version is available.

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

ACPO, Nottingham Police, West Midlands Police 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 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.

This document has been archived.

A newer version is available.

Lambeth Council, Lambeth Living, Met Police and Battersea Dogs and 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.

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

Kennel Club and Local authorities: Promoting responsible dog ownership

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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.

<http://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

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

The Kennel Club has teamed up with Whitehill & Bordon and HCC 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.

Training

The Kennel Club Accredited Instructor Scheme (KCAI Scheme)

The KCAI is the only nationally recognised accreditation of dog trainers, providing a high quality and standard of training from accredited instructors and those working towards accreditation (www.thekennelclub.org.uk/kcai). In 2010, the Scheme achieved City and Guilds recognition. It is currently the only scheme in the UK to give an external, independently verified qualification to its members providing a checkable standard for dog owners and offices.

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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.

Useful organisations

- **Animal Behaviour Training Council** <http://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.

- **British Veterinary Association** <http://www.bva.co.uk/default.aspx>

The BVA, formed in 1952, is the national representative body for the UK veterinary profession. They represent the views of the profession, develop policy and lobby. They currently have over 13,500 members.

- **Battersea Dogs and Cats Home** <http://www.battersea.org.uk/>

Battersea Dogs & Cats Home was established in 1860, Battersea has three sites - in Battersea, Berkshire and Brands Hatch, Kent. Battersea aims to never turn away a dog or cat in need and helps to reunite lost pets and re-home those that can't be reunited.

- **Blue Cross** <http://www.bluecross.org.uk/>

Blue Cross opened its first animal hospital in 1906 in order to provide care for sick and homeless animals. Blue Cross currently has 4 veterinary hospitals and 12 re-homing centres around the country.

- **Dogs Trust** <http://www.dogstrust.org.uk/>

The Dogs Trust was founded in 1891 during the first Crufts show, where it was known as the National Canine Defence League. It is now the largest dog welfare charity in UK and cares for c.16,000 dogs per year. Dogs Trust have 18 rehoming centres, the most recent in Loughborough was constructed to be as sustainable as possible.

- **The Kennel Club** <http://www.thekennelclub.org.uk/>

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The Kennel Club was founded in 1873 by 13 gentlemen who wanted to ensure there were a consistent set of rules governing the popular new activities of dog showing and field trials. The Kennel Club started registering dogs in 1880 and now has over 200,000 dogs registered with them.

The Kennel Club also runs the Kennel Club Accredited Instructor Scheme, which provides the only recognised qualification for instructors. Further information is available from their website.

- **Local Government Association** www.local.gov.uk

The LGA is a politically-led, cross-party organisation that works on behalf of councils and provides the national voice of local government. 412 local authorities are members of the LGA in 2012/2013. The 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/>

The National Dog Warden Association provides a forum for animal control officers and dog wardens to exchange ideas and solutions. The NDWA also promotes the work of dog

warden services through a variety of means, including 'Dog Warden News' and underlines the importance of appropriate training for dog wardens. Anyone with responsibility for the control and care of dogs in the community can apply to be a member. Further information can be obtained from

- **PDSA** <http://www.pdsa.org.uk/>

In 1917, the People's Dispensary for Sick Animals of the Poor, as it was then known opened its first centre in London in order to provide free veterinary care for pets and working animals of owners who could not afford private care. Today, the mission statement continues to be to provide free treatment and promote responsible pet ownership. Over a year, PDSA provides more than 2.4 million free treatments to sick and injured pets and more than 360,000 preventative treatments. PDSA may be able to provide free services to those in need and can provide educational information and advice.

- **RSPCA** <http://www.rspca.org.uk/home>

The RSPCA was formed in 1824 to prevent cruelty, promote kindness and alleviate suffering to all animals. The RSPCA have experience in the Animal Welfare Act 2006 and may be able to offer advice.

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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, 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

The Dogs Act 1871, despite its age, is still used by enforcers in cases involving dangerous or out of control dogs.

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Section 2 of the Dogs Act 1871 allows police local authorities, or individual members of the public to lay a complaint with a Magistrates' Court that a dog is dangerous and not kept under proper control. The court may then make any order it considers 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 by the owner, such as muzzling a dog and keeping it on a lead at all times when it is in public.

This 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 people, and may be used where a dog attacks another animal.

Any complaint laid is a civil action, so whilst there are no powers for enforcers to seize or retain the dog pending the case being finalised at court, the authorities only need show a civil burden of proof, that is the balance of probabilities, for action to be taken, and there is a power for the court to require the person with custody of the dog to deliver it up should destruction be ordered.

Dangerous Dogs Act 1991

The Dangerous Dogs Act 1991 Act was passed following a number of dog attacks on people, which did not result in prosecution. This Act will usually be used by the police, although local authorities also have some powers under the Act. It is important to bear in

mind when using the Act, that the intention of Parliament was the protection of people and public safety.

Section 1

Section 1 of the 1991 Act prohibits the ownership, breeding, sale, exchange, or transfer and advertising of certain types of fighting dogs. There are currently four dogs prohibited in the UK (the Pit Bull Terrier, the Japanese Tosa, the *Dogo Argentino*, and the *Fila Brasileiro*). Anyone found in possession of a prohibited type of dog is liable for prosecution. Prosecutions are brought forward based on the physical characteristics of the dog. The dog can be seized and is usually destroyed. A conviction under section 1 of the 1991 Act carries a maximum penalty of 6 months imprisonment or a level 5 fine or both.

An exemption scheme was in operation for a short period of time following the commencement of the Act to permit some owners to retain their dogs. A wider exemption scheme was introduced in 1997, with the Dangerous Dogs (Amendment) Act 1997, which granted the courts discretion over the destruction of dogs found not to pose a danger to public safety. Exempted section 1 dogs must be registered on the Index of Exempted Dogs ("the Index"). A dog placed on the Index, is required to be kept in compliance with the strict requirements of the exemption scheme including,

A certificate to enable the owner to retain such a dog;

Dog to be neutered;

Dog permanently identified with a radio collar and an electronic transponder);

Insurance against the dog injuring third parties;

Dog to be muzzled, on a lead in public places; and

Not left in the charge of a person under the age of 16.

When dealing with a potential prohibited dog, it may be helpful to contact the Index of Exempted Dogs (IED) for advice and guidance at an early stage on 020 7238 1506 or dogsindex@defra.gsi.gov.uk

Section 3

Under section 3 of the 1991 Act, it is a criminal offence to allow your dog or any dog under your charge to be dangerously out of control in a public place or a place where it is not permitted to be. Section 98 of the Anti-social Behaviour, Crime and Policing Act extends the applicability of section 3 to **all** places including private property where a dog is permitted to be. This addresses a number of high profile and on occasion, fatal, dog attacks on private property that could not result in a prosecution because they were not covered by the current law.

The Act provides an explicit exemption from prosecution in a householder case 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, a dwelling eg a home. In such circumstances, no offence will have been committed. 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 intention of the trespasser should not be considered, as a dog cannot differentiate between trespassers with good or bad intent. The exemption does not apply outside a dwelling ie there is no exemption where a dog is dangerously out of control in relation to a trespasser in the garden, outbuildings or other areas of the property. This is because of the increased possibility of a trespasser outside a dwelling not being of malign intent. It will allow for potential prosecutions in cases where, for example, a child wanders into a garden or a neighbour enters an outbuilding to return borrowed equipment and is injured or has a reasonable fear of injury from a dangerously out of control 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.

Section 98 of the Anti-social Behaviour, Crime and Policing Act also creates an aggravated offence where a dog is dangerously out of control in relation to an assistance dog, as defined in section 173 of the Equality Act 2010, which is set out below;

Assistance dog means – **This document has been archived.
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(a)

a dog which has been trained to guide a blind person;

(b)

a dog which has been trained to assist a deaf person;

(c)

a dog which has been trained by a prescribed charity to assist a disabled person who has a disability that consists of epilepsy or otherwise affects the person's mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects

(d)

a dog of a prescribed category which has been trained to assist a disabled person who has a disability (other than one falling within the paragraph (c)) of a prescribed kind

Enforcers will need to ensure that the purpose and extent of the definition is applied appropriately. The definition below, taken from "The Airport Protocol for Entry of

Assistance Dogs under the Pet Travel Scheme”, published by the Animal Health and Veterinary Laboratories Agency (AHVLA) on behalf of Defra, Scottish Government and Welsh Government provides further guidance on the application of the definition. The document can be accessed from <http://www.defra.gov.uk/ahvla-en/files/guid-pt28.pdf>.

“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

The 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.”

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 has 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.

A dog can be regarded as dangerously out of control when it causes fear or apprehension of injury, regardless of whether or not it goes on to do so. Where a dog has attacked another animal, intentionally set upon or otherwise, if the owner or a bystander was in fear of their own safety, there may still be grounds for a prosecution under section 3. Where there is injury, it should be treated as an aggravated offence.

Although local authorities are able to act under this legislation, section 3 cases are usually dealt with by the police. A conviction under section 3 of the Dangerous Dogs Act 1991 carries a maximum two year penalty or an unlimited fine or both and the court may issue a

disqualification order, preventing the defendant from owning a dog for a specified period of time. The Government consulted on increasing the penalties in August 2013. The way forward will be announced shortly.

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. Where a dog has been deliberately set upon someone, that is, used as a weapon, the Offences Against the Person Act 1861 should be used. There have been successful prosecutions for Grievous Bodily Harm, Actual Bodily Harm and common assault where a dog was used to inflict injury. The CPS will be able to advise when it is appropriate to follow this route.

Access the Offences Against the Person Act 1861:

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

The Control of Dogs Order 1992

This statutory instrument requires dogs to wear a collar and tag giving the name and address of the owner when in a public place. Failure to comply with this direction is an offence under the Animal Health Act 1981 and such dogs may be seized by a local authority officer under section 149 of the Environmental Protection Act 1990 regardless of whether a person is in charge of the dog. Access this legislation:

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

Access the Environmental Protection Act 1990:

<http://www.legislation.gov.uk/ukpga/1990/43/section/149>

Guard Dogs Act 1975

Only section 1 of the Guard Dogs Act 1975 is still in force. It regulates the use of guard dogs by ensuring that all guard dogs are in the control of a competent handler whilst being used and at all times, even when off lead. A guard dog cannot be allowed to wander freely without an accompanying handler. 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 5 fine.

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

Dogs (Protection of Livestock) Act 1953

This legislation provides an offence in circumstances where dogs worry livestock (cattle, sheep, goats, pigs, horses and poultry) by, for example, attacking or chasing animals or being off the lead. Livestock worrying can be a significant problem in rural areas. The

welfare of the livestock can be compromised regardless of whether the animals are attacked. For example, dogs chasing ewes can cause them to miscarry. Severe physical damage or distress to the animals or loss of lambs also carries severe financial implications for farmers. If convicted, a dog owner can face a level 3 fine and the court may make a compensation order. A farmer has the right to stop a dog, by shooting if necessary, to prevent or stop the worrying of livestock under 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>

Legislation on Breeding

Breeding of dogs in the UK is currently regulated by the Breeding of Dogs Act 1973 as amended by the Breeding and Sale of Dogs (Welfare) Act 1999. It is an offence to be in the business of dog breeding and not be licensed. Local authorities may determine, based on the facts of the individual case, whether an individual is in the business of breeding. However, as an absolute maximum limit, in any case where five litters a year or more are bred, the breeder must be licensed. Breeders obtain a licence from their local authorities and will be inspected to ensure the premises are suitable and the dogs are well kept. A person guilty of an offence under this Act is liable on summary conviction to three months imprisonment or a level 4 fine or both.

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Wales is bringing forward additional legislation on breeding in the coming year and practitioners should ensure they are aware of the changes.

Clean Neighbourhoods and Environment Act (CNEA) 2005

Under the CNEA 2005, local authorities cannot put in place any new regulations under the Dogs (Fouling of Land) Act 1996, but existing ones may remain.

Under the 2005 Act, local authorities have sole responsibility for stray dogs. Local authorities are required to provide a stray dog service during usual office hours and where practicable, an out of hours reception point. After holding a stray for seven days, local authorities may destroy or re-home a dog.

The Dog Control Order available under the CNEA 2005 is repealed by the Anti-social Behaviour Crime and Policing Act. For situations that require restrictions in public places, local authorities should use the Public Spaces Protection Order detailed from page 37 of the Practitioners' Manual.

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.

The Animal Welfare Act 2006

The Animal Welfare Act 2006 significantly modernised and reformed the law on animal welfare. It ensures that the welfare of companion animals is protected to the same level as farm animals and clarifies that owners are responsible for ensuring that the welfare needs of animals in their care are met through the five welfare needs

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

Under section 9, prosecutions may be brought for offences such as causing unnecessary suffering (s4), activities related to animal fights (s8) and failing to meet any of the five needs stated above (s9). Convictions carry a maximum penalty of 6 months imprisonment or a £20,000 fine or both and the court may make a disqualification or deprivation order.

Officers may wish to consult the RSPCA who have extensive experience in using this Act.

Access the Animal Welfare Act 2006:

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

Access Defra Guidance to Inspectors issuing s10 Improvement Notices:

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

Codes of Practice on the welfare of dogs may also be of use

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 (UK):

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69390/pb13333-cop-dogs-091204.pdf

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 on 1 March 2015 in Wales and on 6 April 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.

The Community Trigger

The Community Trigger, included in the ASBCP 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.

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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/uploads/system/uploads/attachment_data/file/207468/community-trigger-trials-report-v4.pdf)

Standard Scale of Fines

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

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