

Department for Environment, Food and Rural Affairs

Guidance on Dog Control and Welfare for Police and Local Authorities

January 2018

Contents

Introduction/ context	1
Survey results	1
Roles & Responsibilities	1
Dog microchipping.....	2
Local Environmental Awareness on Dogs – LEAD ©.....	2
Acceptable Behaviour Contract.....	3
Public Spaces Protection Orders (PSPOs)	4
Table 1: Summary of Responsibilities & Powers for Dog Control and Welfare	5
Further guidance.....	6

Introduction/ context

1. In 2017 Defra surveyed police and local authorities in England and Wales on their approaches to dog control and welfare and in particular measures and policies to reduce dog attacks. This document brings together the results of the survey, sets out and makes recommendations on examples of good practice and gives a steer on respective responsibilities for police forces and local authorities to work up in partnership.

Survey results

2. There were a number of positive comments about the new anti-social behaviour powers, stating that these had been very helpful as they provided more wide-ranging and flexible powers. Use by both police and local authorities of such statutory measures as the Community Protection Notice to tackle dog control was generally low. Even so, many enforcers noted they use non-statutory intervention measures, such as warning letters, “come to notice” letters or acceptable behaviour contracts to tackle incidents, especially of a minor variety, before resorting to statutory interventions, which were often not then needed.
3. Several respondents commented on the importance of agencies - principally police and local authorities, but also social housing providers - working together and the success of the **LEAD** initiative (Local Environmental Awareness on Dogs – see below). It was felt that improved partnership working has helped and that there had been an improvement in the guidance available.
4. Reference was made to a lack of certainty in some areas over the split of responsibility between police and local authorities with respect to dog control issues. Varying degrees of enforcement of the Animal Welfare Act 2006 or engagement on dog control between local authorities was highlighted as an issue. Resourcing was identified as a challenge against a background of a high number of cases.
5. Half of the police forces that responded to Defra had a policy in place for dealing with dog attacks or dog bites. As noted in existing guidance, Defra advises all police forces to have a clear policy in place in relation to dangerous dogs.

Roles & Responsibilities

6. The overriding message from the survey is that **partnership working** between authorities can be beneficial and initiatives such as Local Environmental Awareness on Dogs (LEAD) provide a helpful structure to encourage cooperative approaches while helping in the management of ‘Risk’ and with Safeguarding.

7. Within that framework **police are the lead enforcer where an incident concerns a suspected criminal offence** such as under the Dangerous Dogs Act 1991 involving a suspected prohibited dog (e.g. pit-bull terrier) or a dog dangerously out of control. At the other end of the scale, **local authorities** are solely responsible under the law for providing a **stray dog service**. This includes the requirement to provide for an acceptance point where finders can take stray dogs outside of normal office hours.
8. Within that range of examples there are a host of dog related incidents such as nuisance dogs, excessive barking, and dogs running loose where increased partnership working can help. In general local authorities may wish to lead on dealing with and following up on such incidents as they relate more to stray dogs and statutory nuisance controls. To help them tackle these issues, the full range of measures to combat anti-social behaviour are available and which are detailed below.
9. Where a dog attack has occurred or an offence suspected under the Dangerous Dogs Act 1991 or where a dog is worrying livestock then, as noted above, that will be a police matter given the possibility of criminal offences having been committed under the Dogs (Protection of Livestock) Act 1953 and the seriousness of the incident.
10. **Table 1** summarises the split of responsibilities between police and local authorities. This information is based on intelligence gathered in the survey but responsibility may vary from one area to another.

Dog microchipping

11. The successful implementation of compulsory **dog microchipping** (estimated 90-94% compliance in Britain) has led to a reduction in stray dogs, because dogs can now be more quickly reunited with their owners and do not spend time in local authority kennels.
12. **Local authorities** have powers under the Microchipping of Dogs regulations to take enforcement action against keepers of unchipped dogs and have powers to seize and chip dogs at the owner's expense. We would not expect police to routinely use these powers although they can do so where unchipped dogs come to their notice for other reasons.

Local Environmental Awareness on Dogs – LEAD ©

13. LEAD is a police-led initiative adopted by a number of forces and local authorities to encourage responsible dog ownership of all breeds of dog and to nip issues in the bud before they escalate. It seeks to provide advice to the public on dog issues, improve dog safety and dog welfare. LEAD also helps with the management of 'Risk' and through early engagement and intervention helps in with Safeguarding.

How does LEAD work in practice?

14. Police assume the role as lead of the partnership. In all cases where an irresponsible dog owner or keeper comes to the attention of the police or the local authority, contact is made, regardless of whether a statutory offence has been committed. The police will send a tailored “Coming to Notice” letter addressing the issue often on joint local authority/ police headed paper. Where the owner/keeper lives in social housing, a copy is also sent to the housing provider who, through quality standards, will follow up within 7 working days. The letter is accompanied by a LEAD pack, which includes, the Good Citizen Guide from the Kennel Club, literature with information on the breed of their dog from Battersea Dogs and Cats Home, the RSPCA dealing with care, training and welfare and information on socialisation, and park etiquette local bye-laws, the Dangerous Dogs Act etc.
15. Should the dog’s behaviour or irresponsible owner/keeper come to notice again, a second letter is hand-delivered. If the dog owner is a social housing resident, then a joint visit is made with police and the housing provider. Preventative measures are put in place by way of Acceptable Behaviour Contracts. The Housing Provider may remind them of, or enforce, their tenancy agreement and continued anti-social behaviour could result in permission to have a dog/pet on the property being withdrawn or even repossess the property.

Acceptable Behaviour Contract

16. As the second letter is sent, an **Acceptable Behaviour Contract** – a voluntary agreement between the police and the individual – can be sought. If this is declined, the police (often the ASB unit) will normally monitor the dog’s behaviour for at least six months.
17. Continued anti-social behaviour could result in a formal statutory notice being sought: either a **Community Protection Notice (CPN)**, a **Criminal Behaviour Order (CBO)**, a Contingent Destruction Order on conviction under the Dangerous Dogs Act 1991 or an appropriate Order under **Section 2 of the Dogs Act 1871**. Further detailed guidance and information on these measures is available (see Practitioner’s Manual on dealing with Irresponsible Dog Ownership linked below.) CPNs and CBOs can also be issued in their own right and not always as part of a LEAD initiative or as a follow on from an ABC.
18. In summary, police forces and local authorities adopting the LEAD initiative:
 - record all incidents involving undesired dog behaviour including dog attacks on people and animals; dog welfare and dog fouling. This is important to create a documented history should enforcement be necessary
 - share report of incidents with the local authority/ local police/ registered social landlords and vice versa

- encourage owners (if a social housing resident) to register their dog with their housing provider
- arrange dog roadshows and/or community outreach often in liaison with national or local charities that offer dog advice and free or discounted dog micro-chipping – many police forces, particularly those with a high proportion of dog related incidents, already undertake such outreach.

19. Eastleigh BC and Hampshire Constabulary have taken ABCs one step further with the introduction of specific **Dog Behaviour Contracts**. These are simple voluntary agreements that could be offered to owners of dogs causing issues, rather than taking formal enforcement action. Dog behaviour contracts are used to remedy the immediate concerns of local residents and secure longer-term improvements in dog ownership that could prevent issues from recurring.

20. Each contract is tailored, but can include conditions relating to muzzles, fencing, microchipping, neutering and training. All contracts include timescales for meeting conditions and a formal end date.

21. Dog behaviour contracts appeal to dog owners because they remove the threat of more formal court action. The contract provides the opportunity to engage with the owner in a less confrontational manner, making them more open to changing their behaviour. See: <https://www.local.gov.uk/eastleigh-borough-council-tackling-fear-created-dangerous-dogs>

Public Spaces Protection Orders (PSPOs)

22. Local authorities also have powers to issue PSPOs to restrict persistent anti-social behaviour in a public place. These can help reduce incidents by placing restrictions on dogs in certain areas. The powers replaced local authority powers to issue Dog Control Orders. PSPOs are used to tackle lower level anti-social behaviour and can include provisions to restrict dogs or require dogs to be on leads in certain areas, and for owners to pick up after their dog. Comprehensive guidance is available to local authorities on PSPOs, including by the LGA: https://www.local.gov.uk/sites/default/files/documents/10.4%20-%20PSPO%20guidance_03_1.pdf

Table 1: Summary of Responsibilities & Powers for Dog Control and Welfare

Situation/ measure	Police	Local authority	Shared/Joint working
Offences under the DDA91: prohibited dogs and dogs dangerously out of control	Yes	No	
Dog worrying livestock: criminal offence under the Dogs (Protection of Livestock) Act 1953	Yes	No	
LEAD initiative	Yes	Yes	Yes
ASB controls (except PSPOs) – CPN, CBO	Yes	Yes	Yes
Orders under the Dogs Act 1871 with respect to a dog not kept under control	Yes	Yes	Yes
Nuisance dogs, excessive barking and dogs running loose	Not normally / under local agreement & LEAD	Yes	
PSPOs	No	Yes	
Dog microchipping	No	Yes	
Providing a stray dog service	No	Yes	

Further guidance

As noted above previous guidance issued by Defra on dog control and welfare is still relevant – namely: Dangerous Dogs Law “Guidance for Enforcers” in 2009:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69263/dogs-guide-enforcers.pdf

and the Practitioner’s Manual on Dealing with Irresponsible Dog Ownership in 2014:

<https://www.gov.uk/government/publications/dealing-with-irresponsible-dog-ownership-practitioners-manual>

These give further detailed advice on the principle statutory interventions – the Dangerous Dogs Act 1991, the Dogs Act 1871, anti-social behaviour measures and the Dogs (Protection of Livestock) Act 1953.

Defra has proposed revisions to the licensing system for dog breeding and pet vending, which should lead to more focused enforcement of these activities by local authorities and better controls on the supply of dogs, as well as more focus on enforcement of pet travel and puppy imports.

Further information on the **LEAD initiative** is available from:

**PC Heath Keogh 567ZT - LEAD Initiative SPOC and Dog Legislation Officer,
Community Intelligence, Wildlife Officer**

Safer Sutton Partnership – Metropolitan Police Service

MetPhone 730660 | Telephone 020-8649-0660

1st Floor, Room 1.046

Sutton Police Station

Carshalton Road West

SM1 4RF



© Crown copyright 2018

You may re-use this information (excluding logos) free of charge in any format or medium, under the terms of the Open Government Licence v.3. To view this licence visit

www.nationalarchives.gov.uk/doc/open-government-licence/version/3/ or email

PSI@nationalarchives.gsi.gov.uk

This publication is available at www.gov.uk/government/publications

Any enquiries regarding this publication should be sent to us at

Animal.welfare@defra.gsi.gov.uk