New laws tackle irresponsible dog ownership

Police and local authorities in England and Wales will have new legal powers to tackle irresponsible dog ownership from 20 October 2014. These early intervention measures are intended to enable the authorities to take actions aimed at preventing a future dog attack either on a person or another animal.

The tools available to the police and local authorities vary depending on the seriousness of the issues. Alongside educational programmes for schools and dog owners aimed at understanding and accepting the responsibilities of dog ownership there are:

Acceptable Behaviour Contract (ABC)
Non-statutory measures such as warning letters, meetings and ABCs will be used to address issues early and reduce the need for more formal measures. These enable the authorities to engage with individual owners about their dog’s inappropriate behaviour and can require a number of conditions to be met. Whilst a breach of an ABC is not an offence, any breach can be used as evidence for further legislation.

Community Protection Notice (CPN)
The CPN is a low level statutory notice and can be used when an owner is failing to control their dog that is causing nuisance to other people or animals. A CPN can be used when an ABC has failed to bring about the required improvement, or if the behaviour is:

- having a detrimental effect on the quality of life of those in the locality
- persistent or continuing in nature
- unreasonable

A written warning has to be issued before issuing a CPN so the dog owner has an opportunity to address the problems identified.

A CPN can be served on the dog owner or the person in charge of the dog or both if, for example, the owner leaves the dog in the care of someone who is unable to control the dog.

Requirements included in a CPN are aimed at preventing or reducing the detrimental effect of the behaviour identified in the notice. They must be reasonable and have specific timescales. Requirements could include, but are not limited to:

- Keeping a dog on a lead
- Muzzling the dog
- Neutering the dog
- Microchipping the dog
- Attending suitable training classes or seeking advice from a behaviourist
- Repairing fencing and securing the property to prevent dogs straying
- Installing a letter cage to prevent attacks on postal workers
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It may also be required to prohibit a dog owner from doing certain things for example:

- Prohibiting dog and owner from entering certain areas
- Not allowing the dog to be exercised in certain areas at certain times
- Prohibiting certain people from having charge of the dog

A breach of a CPN is a criminal offence and could result in a fine of up to £2,500 for an individual dog owner.

**Injunction**

In more serious cases a CPN may not be appropriate so an injunction enables more formal action to be taken. Examples may be where a neighbour is using an aggressive dog to intimidate residents or a dog has seriously injured or killed another animal. Of course it may be that other dog-specific legislations such as the Dangerous Dogs Act 1991 or the Dogs Act 1871 are more appropriate.

**Public Space Protection Order (PSPO)**

As well as measures to deal with individual dog owners, local authorities are able to deal with persistent anti-social behaviour that adversely affects other people using the same public space such as parks, town centres or rural footpaths.

PSPOs replace the Dog Control Orders and may require for example:

- Dogs to be excluded for certain areas (such as a children’s play area)
- Dog faeces to be picked up by owners
- Dogs to be kept on leads
- A restriction on the number of dogs walked by one person at any one time

Arbitrary restrictions such as banning specific breeds of dog would be regarded as a misuse of the legislation.

Where PSPOs will affect dog walkers, the local authority should consult with them and should ensure suitable alternative locations are available for dogs to be exercised without restriction if access is being restricted in certain areas.

**Advice for Dog Owners**

- Ensure you are able to keep your dog under control around people, dogs and other animals. If you have any concerns contact your local dog training club or a qualified behaviourist
- If family or neighbours walk your dog or look after him when you are away, make sure they are able to control the dog when out in public
- If you use a dog walker, find out how many dogs they walk at one time and how they control the dogs
- Be aware of any PSPOs in your local community