


Dangerous Dogs

23 January 2023  Angela Williams

There have been some reports in the press recently about dogs attacking either people or other dogs. The increasing number of dog attacks is partly down to the number of American Bully dogs. There is a petition to have them added to the banned list of dogs.

The law governing dogs classed as 'dangerous' is contained in the Dangerous Dogs Act 1991. There is also detailed guidance by DEFRA, which has been produced in partnership with the Association of Chief Police Officers, representatives from local authorities, and the RSPCA.

Generally, it is the police who take proceedings against owners of dangerous dogs. Under S3 of the 1991 Act, it is a criminal offence to allow ANY dog to be dangerously out of control in a public place or a place the dog is not allowed. The definition of "*dangerously out of control*" means the dog is causing fear or apprehension to a person that it might injure them. If an injury does occur, the offence is aggravated.

If a dog is dangerously out of control, the owner can be fined an unlimited amount and/or be imprisoned for up to six months; owners may not be allowed to keep a dog in the future and the dog may be destroyed. If a dog injures a person, then the owner can be sent to prison for up to five years and/or fined. If the dog is used to deliberately injure someone, then the charge can be malicious wounding. Allowing a dog to injure an assistance dog can result in a prison sentence of up to three years and/or a fine.

Local authorities can also take proceedings against the dog owners. Liaison with the local police will assist, with each police service having a strategy and policy for dealing with these dogs, to include identifying secure kennels to be contracted by the police to hold dogs seized.

Local authorities have sole responsibility for stray dogs under S68 of the Clean Neighbourhoods and Environment Act 2005. This act also gives authorities powers, through dog control orders, to place restrictions on access to open spaces or to prevent such access, and the power to make owners keep their dogs on leads. For those who do not comply, the authority can issue a fixed penalty notice.

Dog control orders are seen to work well for dogs causing a nuisance within communities. It is helpful to have clear policies on dog control, including the sanctions which you will impose if, for example, tenants in housing association properties fail to adhere.

Acceptable behaviour contracts and anti-social behaviour orders can also be effective if members of the local community are using their dogs to intimidate or threaten; again, close liaison with the local police will be needed.

Nottingham City Council has an order in place restricting where dogs can be unleashed; failure to comply with this order makes a dog owner guilty of a criminal offence.

Some authorities have formed what are known as BARK — Borough Action for Responsible K9s. For example, Croydon has a BARK in conjunction with the local police and RSPCA. These forums help to tackle issues with dogs, from irresponsible ownership to the mistreatment of dogs. These groups visit local schools to talk about ownership and responsibility and care.

Dog ownership boomed during lockdown, so it is wise to have clear policies in place to help dog owners and to deal with any issues. Many authority websites have specific pages for dog issues, including forms to complete to notify the authority of a stray. After collecting a stray dog, it should be housed in a kennel until the owner is found. If no owner can be found, then the authorities often work with the local rescue charities to rehome the stray. Some authorities also have dog warden teams who work with the local community.

The Caterham incident has led to an action plan being drawn up by the local authority. Please speak to Angela Williams if you will be reviewing your risk assessments or reporting on limiting the number of dogs to be walked by professional dog walkers under your dog walker licensing scheme.

Contact



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