

## **Dog control powers**

Under the Anti-social, Crime and Policing Act 2014 a number of powers were created to address the problem of irresponsible dog ownership.

Some replace existing powers while others are new. All are designed to give greater flexibility in tackling irresponsible dog owners and incidents involving dogs. The Act also amended Part 7 of the Dangerous Dogs Act 1991 to extend the offence of a dog being “dangerously out of control” to all places, including private property where the dog has the right to be and to make explicit that an attack on an assistance dog is an aggravated (more serious) offence. These powers include Acceptable Behaviour Contracts (ABCs), Community Protection Notices (CPNs), and Public Spaces Protection Orders (PSPOs).

### **The powers and working dogs:**

These powers should not pose a problem for responsible dog owners including those using dogs in connection with shooting and hunting activities. It is important to note that ABCs are not legally binding and non-statutory; that CPNs can only be imposed where behaviour is unreasonable and persistent; and that PSPOs are not considered as being capable of applying to the normal activities of working dogs. The guidance on the use of PSPOs includes the following text, agreed between the Countryside Alliance and Defra to ensure that there is no ambiguity regarding PSPOs and whether they apply to working dogs.

### **PSPOs and Working Dogs:**

Having a reasonable excuse is a defence for failing to comply with requirements under a PSPO, much like under Dog Control Orders. Local authorities should consider the applicability of this defence in cases involving working dogs or consider exempting working dogs from the application of PSPOs where appropriate, for example where they have previously been able to operate in areas subject to a Dog Control Order. PSPOs are not intended to restrict the normal activities of working dogs and these activities are not envisaged to meet the threshold for the making of a PSPO. There is no reason why a properly conducted hunt should fall foul of these new powers, nor should these be capable of being used by those hostile to hunting or other activities involving working dogs if the law and accompanying guidance is followed. Clearly, were a hunt or working dog owner to repeatedly cause nuisance to an individual or community through out-of-control dogs then action may be taken, but the same would have been the case under previous anti-social behaviour laws. A summary of some of the provisions is given below. For full details [click here](#).

### **Acceptable Behaviour Contracts (ABCs)**

These are not legally binding and non-statutory agreements which are designed to enable local authorities to address problems associated with dogs and to try and persuade an irresponsible owner to reform. The guidance suggests that ABCs can be used where behaviour could escalate into more serious incident but does not currently meet any statutory thresholds for formal powers.

### **Community Protection Notices (CPNs)**

These are designed for “low-level” incidents including failing to control a dog and includes causing nuisance to other people or animals. However, such behaviour has to “be having a detrimental effect on the quality of life of those in the locality; be both “persistent and continuing” and “be unreasonable”. A written warning must be issued before a CPN is issued. This is to allow the owner of the dog the opportunity to address any concerns before a CPN is issued. Breach of a CPN is a criminal offence.

### **Public Spaces Protection Orders (PSPOs)**

PSPOs will replace and allow for similar restrictions as Dog Control Orders. They can be used to exclude dogs from certain areas or require dogs to be on leads etc. The guidance on these new powers states that “having a reasonable excuse is a defence for failing to comply with a PSPO”; that “PSPOs are not intended to restrict the normal activities of working dogs” and that “these activities are not envisaged to meet the threshold for the making of a PSPO.