

ASB and Dogs

Who let the dogs out??

The UK's leading 'pet' retailer, established in 1991 now has over 150 stores nationally, employs in excess of 2,700 people and is estimated to be worth £2.1 billion annually. Its official, the UK has gone pet mad and dogs in particular have become valid/valued members of our society, they serve their humans by being companions, carers and guards but when faced with mistreatment or neglect they can become damaged goods.

Complaints in relation to dogs not surprisingly include constant barking, fouling on footpaths, allowing dogs to intimidate individuals, not keeping dogs on leads and dogs which are considered dangerous by virtue of, for example, an attack on another dog or on a person.

Historically, the Government has implemented numerous measures to tackle the problem of irresponsible dog owners including:

- ❖ A dog licence scheme (abolished in 1987)
- ❖ The Environmental Protection Act 1990
- ❖ The Dangerous Dogs Act 1991
- ❖ The Dangerous Dogs (Amendment) Act 1997.

These measures are extremely effective but are fundamentally worthless without enforcement and Local Authorities now play a primary role in this.

Responsible Ownership

Dog owners have what is known in legal terms a 'strict liability' for their dogs, meaning that a keeper of a dog will be held responsible for the actions of that dog where, for example the dog causes damage or nuisance. There are some exceptions to this general rule and there can be the existence of contributory blame apportioned to the injured party, but essentially there are criminal sanctions in place to deal with owners who neglect their responsibilities.

However, there are civil remedial actions, which can be used as effective tools to tackle the problem not least because the civil standard of proof is a 'balance of probabilities' and is lower than the burden attached to criminal cases of 'beyond reasonable doubt'.

Under the Dangerous Dogs Act 1991, it is an offence to own and keep pit bull terriers, Japanese Tosas, Dogo Argentinios and Fila Brazilierto unless the dog is on the Index of Exempted Dogs and comply with the following requirements. Dogs must be:

- ❖ Neutered
- ❖ Identifiable by a tattoo and/or microchip
- ❖ Placed on the Index register
- ❖ Kept on a lead and muzzled when in a public place
- ❖ In addition, the owner must have insurance.

Dealing with problem dogs and problem owners

The Clean Neighbourhood and Environment Act 2005, which came into force on the 6th April 2006, introduced powers to deal with dangerous dogs.

In a public place:

- ❖ A dog can be seized if it appears to be dangerously out of control.

When accompanied:

- ❖ The owner or a person in charge at that time will be held to have committed a criminal offence if there are reasonable grounds that the dog will injure someone. Offences of this nature are punishable by a fine or imprisonment or both.

ASB for Dogs (and Owners)

A nuisance dog can also be a small part of a big problem. In these situations the ASB powers can prove effective tools. Essentially an anti-social dog can be dealt with in the same way as anti-social neighbours by the use of existing anti-social behaviour remedies, namely the Anti Social Behaviour Injunction (ASBI) and the Anti Social Behaviour Order (ASBO). The benefits of ASBI's in particular are that they are quickly obtained and are punishable by committal to a county court for sentencing upon a breach.

With the remedies and powers, which are available today, nuisance and dangerous dogs can be controlled with ease and irresponsible dog owners can be easily held accountable.

Yolanda Dann – Legal Assistant