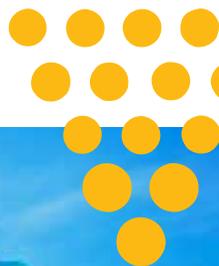




CORNWALL
COUNCIL
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Responsible dog ownership

Information and guidance on
the laws of dog ownership.



Current laws affecting dog ownership

At present the main laws affecting dog owners are:

- The Animal Welfare Act 2006
- Anti-social Crime and Policing Act 2014
- Environmental Protection Act 1990
- Control of Dogs Order 1992
- Microchipping of Dogs (England) Regulations 2015
- Dangerous Dogs Act 1991
- Dogs (Protection of Livestock) Act 1953
- Dogs Act 1871

The Animal Welfare Act 2006

From April 2007 a change in animal welfare law means that it is not only against the law to be cruel to an animal, but that you also have a duty of care to ensure that all the welfare needs of your animals are met. This applies to any living vertebrate animal.

The Act says that an animals welfare needs include:

- A suitable environment in which to live (how it is housed)
- A suitable diet (what it eats and drinks)
- Being able to behave normally
- Any need it has to be housed with, or apart from, other animals (this is dependent on the species of animal)

- Protection from pain, suffering, injury and disease. The duty of care (the need to provide for an animal's welfare) applies to animals for which a person is responsible. A person is responsible if he or she is:

- The owner of the animal
- In charge of the animal e.g. the owner of a boarding kennel
- A parent or guardian of a person under 16 who is responsible for the animal
- A person can be responsible for an animal on a temporary basis, for example, looking after a friend's animal whilst they are on holiday.

If a person is found to be committing an offence an Improvement Notice can be issued by RSPCA Inspectors or authorised officers of the local authority.

An Improvement Notice specifies where the person is failing in their duty of care and how they can rectify the situation. Failure to comply with an improvement notice can lead to criminal prosecution.

If you are found guilty under the Act you can be fined, sent to prison, have your animals removed and/or be disqualified from keeping animals in the future.

The Animal Welfare Act 2006 has increased penalties for the most serious offences. The maximum penalty is imprisonment for up to 51 weeks, or a fine of up to £20,000, or both.

Reports of welfare concerns should be made to the RSPCA by telephoning **0300 123 4999**.



Dog fouling

You must clean up after your dog in any public place.

Public Space Protection Orders made under the Anti-Social, Crime and Policing Act 2014 make it an offence not to clear up if your dog has fouled on land that is open to the air and to which the public are entitled to have access (with or without payment). This includes, but is not limited to, footpaths, pavements, beaches (throughout the year), parks, playgrounds, football pitches and roads.

The law states that being unaware of the fouling or not having suitable means for removing the faeces are not reasonable excuses.

Roundworm (*Toxicara Canis*) eggs contained in dog faeces pose a risk to children if the faeces is not removed. The eggs can survive for up to two years on the ground and although the worm cannot complete its life cycle in a human host, ingested eggs can cause serious conditions, particularly in children. The eggs hatch in the gut and the larvae can migrate to various organs including the liver, eyes and brain. It is estimated that around 100 cases of infection in humans are diagnosed each year. Contagion has been linked to nausea, asthma, epilepsy and in rare cases vision problems.

Eggs in fresh faeces are not infective as they take about two weeks to develop and therefore pose no health risk to those cleaning up after their dog. Regular worming of your dog is the best prevention.

Like most counties, Cornwall has issues with dog fouling. Popular areas to exercise dogs can experience areas of heavy fouling. This includes cycle paths and disabled access routes, which means the wheels of prams, bicycles and wheelchairs may become contaminated. Bagged dog waste must be disposed of in dog bins, general litter bins or taken home for disposal. Fixed Penalty Notices for littering can be issued to anyone disposing of bagged dog faeces inappropriately.

The Anti-Social, Crime and Policing Act 2014 empowers local authorities to implement Public Space Protection Orders after appropriate consultation. These orders can:

- Exclude dogs from certain areas
- Enforce 'dogs on lead' areas
- Allow the service of Fixed Penalty Notices to those that fail to remove their dogs faeces
- Any dog owner should be aware that the majority of dogs initially foul within the first few minutes of exercise and should ensure the dog is in view at all times and that they have sufficient bags to remove the faeces.

Cornwall Council's Dog Welfare and Enforcement Team, along with other council officers and Police Community Support Officers are authorised to issue Fixed Penalty Notices to offenders. Daily patrols operate, and Fixed Penalty Notices are regularly issued to those who allow their dog to foul a public place and fail to remove the dogs faeces.

At present the Fixed Penalty is £100 and if this remains unpaid a court may impose a maximum fine of £1,000.00.

Please take responsibility for your pet and consider the health and safety of others (including other dog owners). People do not want to step in, smell or see piles of dog faeces when out on a walk or put their children at risk of infection. If you have an ongoing problem with dog fouling, please contact the Dog Welfare and Enforcement Service. When reporting a problem, it would be helpful if you are able to provide any of the following information:

- Name and/or address of offender
- Type of dog and time of day that problems occur
- Registration number of a vehicle used by the offender.

You can report dog fouling online at: **www.cornwall.gov.uk/reportdog**

If you have a 'one off' fouling issue please report this to the Street Cleaning Team.

Stray and lost dogs

Your dog must not be allowed to roam unattended. New legislation means that from September 2008 the local authority now has sole responsibility for stray dogs. A dog may be treated as a stray if it is roaming freely and not under the control of any person. Such dogs may be seized and detained by Officers of the local authority. Many stray or lost dogs are secured by the public and then passed to the Council's Dog Welfare and Enforcement Officers. If a dog's owner cannot be immediately traced the dog will be kennelled by the Council until it can be reunited with an owner. In some areas of Cornwall there remains an element of a "latch-key dog" culture, where dogs are put out and return home at will. These dogs frequently foul the same areas when out, e.g. back lanes, grass verges, farm land and neighbouring gardens generating significant concerns for residents and a large number of complaints to the Dog Welfare and Enforcement Service.

All dogs seized or passed to the Dog Welfare and Enforcement Service are subject to charges upon reclaim by the owners. For current fees and charges please refer to the Cornwall Council website or contact your local Information Service. Please note that dogs will not be released to their owner unless the full fees and charges have been paid.



- If a stray dog remains unclaimed (or the fees and charges have not been paid in full) after 7 clear days, the dog becomes the property of Cornwall Council
- Cornwall Council works with animal welfare organisations to re-home all healthy, non-aggressive, unclaimed stray dogs.

If you find a dog you **must** return the dog to its owner if known, or, pass the dog to the Dog Welfare and Enforcement Service advising them of where and when it was found. (if unclaimed by the owner) or you may be committing an offence.

The Dog Welfare and Enforcement Officers will not collect dogs that have not been secured by the finder.

Dangerous dogs

Your dog must not bite or frighten people

Under the Dangerous Dogs Act 1991, four breeds of dog are banned in the UK. These are the Pit Bull Terrier type, Japanese Tosa, Dogo Argentino and Fila Brasileiro.

A later amendment to the Act means that any dog can be regarded as “dangerously out of control” on any occasion when there are grounds for concern that it would injure any person, whether or not it actually does so. If a dog bites someone, it will be presumed to have been dangerously out of control. This applies to all types of dog regardless of breed type or size. The police have responsibility for dealing with dangerous dogs.

You must control your dog near livestock

The Dogs (Protection of Livestock) Act 1953 means that if a dog worries livestock on agricultural land, the owner or person in charge of the dog would be guilty of an offence. It is enough for a dog to run among livestock and cause them alarm. The Police have responsibility for dealing with livestock worrying.

The definition of livestock includes cattle, sheep, horses and poultry. Offences under this Act may be dealt with through criminal or civil proceedings.

Dog on dog aggression

Some owners will be affected by dog on dog aggression if their pet is attacked or bitten by another dog. Unfortunately there is no current legislation to enable the us or the Police to deal with such matters unless the attack involves an assistance dog which the Police may be able to investigate. This is a civil issue and legal advice should be sought.

Identification

Dog tags

Your dog **must** wear an ID tag when in a public place. Under the Control of Dogs Order 1992 every dog, whilst in a public place, must wear a collar with an ID tag or plate giving its owner’s contact details. The law states that this does not apply to dogs when involved in certain work, e.g. Police dogs, or dogs trained by a registered charity.

The need for a tag is **not** replaced by implanting a microchip.



Microchipping

It is a legal requirement for all dogs over the age of 8 weeks to be microchipped under the Microchipping of Dogs (England) Regulations 2015.

Microchips are a permanent form of identification and have resulted in stolen dogs being returned to the rightful owner, sometimes long after disappearing. If your dog gets separated from you and is involved in an accident, a microchip allows owner identification and enables veterinary staff to make decisions in regard to any necessary treatment beyond basic first aid.

When your dog is microchipped, up-to-date owners contact details must be stored on a national database against the microchip number. All dog wardens, vet surgeries and animal welfare organisations will scan a found dog for a microchip as a matter of course.

If you move home or if your dog has new owners you must ensure that the national database is updated with the correct information.

If you require any advice or information with regard to dog fouling, identification, dog barking issues or you have lost or found a dog please contact the Community Protection team on **0300 1234 212**.

Comments, Compliments and Complaints

We want to hear from you if:

- You have a suggestion on how we might improve services
- You would like to compliment us on a job well done
- We have fallen short of your expectations
- We have fallen short of the standards we set ourselves in dealing with your complaints

How to tell us your views

In person, by calling into our Information Service buildings and many of our offices during working hours.

By post:

Comments, Compliments and Complaints

Cornwall Council

County Hall

Treyew Road

Truro

TR1 3AY

t: **0300 1234 100**

e: **comments@cornwall.gov.uk**

Contact us

To report dog fouling online go to:

www.cornwall.gov.uk/reportdog

If you have any comments or queries please email Community Protection:

communityandenvironmentalprotection@cornwall.gov.uk

Or call us on:

0300 1234 212

If you would like this information in another format or language please contact:

Cornwall Council, County Hall,
Treyew Road, Truro, TR1 3AY

e: equality@cornwall.gov.uk

t: 0300 1234 100