

**REPORT TO THE CABINET MEMBERS FOR CULTURE &
LEISURE AND CLEAN STREETS, RECYCLING &
ENVIRONMENT**

UPDATE REPORT FROM THE ALL PARTY COUNCIL GROUP CARING4K9S

Reason for the Report

1. To update the Cabinet Members on the work of the All Party Council Group (APCG) and to make recommendations on current issues related to dog ownership, dog related safety and dog welfare.

Background

2. The APCG Caring4k9's first met on 24th May 2018 with the following Members: Councillors Dilwar Ali, Fenella Bowden, Graham Hinchey, Norma Mackie, Mary McGarry, Rod McKerlich, Bablin Molik and Kanaya Singh. Councillor Dilwar Ali was appointed as Chair and Councillor Mackie as Deputy Chair and Secretary.
3. The following Terms of Reference were agreed:
 - To raise awareness of and encourage responsible dog ownership in Cardiff;
 - To reduce dog attacks on children and adults in public places including parks;
 - To reduce dog fouling; and
 - To rescue all pets in relation to animal welfare.
4. During the past year the APCG has:
 - Met 5 times in the past year and held a half day conference attended by 37 people;
 - Had input at meetings and at the conference from Cardiff Dogs Trust, Cardiff Dog Owners, concerned residents, C.A.R.I.A.D., Cardiff Dogs Home, the Communication Workers Union, Lesley Griffiths AM, Cllr Huw Thomas, Shared Regulatory Services and have also visited Cardiff Dogs Home;
 - Has successfully proposed a motion asking Cardiff Council to support the call for urgent action to ban the sale of puppies by pet shops and all commercial third party dealers; and
 - Attended and spoken at Environmental Scrutiny Committees on the PSPO.

Issues

THE PSPO on Dog Control and related Scrutiny Reports

5. As Cabinet Members are aware, following extensive consultation and scrutiny, the following proposals are to be taken to Full Council for approval:

The introduction of a Public Space Protection Order for Dog Controls under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 be approved to include:

- The prohibition of dog fouling in all public spaces owned and/or maintained by the Council.
 - The requirement for a dog owner to have a means of clearing dog fouling.
 - The exclusion of dogs in all enclosed playgrounds and schools, which are owned and / or maintained by Cardiff Council.
 - The requirement that dogs are kept on a lead within all cemeteries owned and/ or maintained by Cardiff Council.
 - A requirement allowing authorised officers to give a direction that a dog(s) be put and kept on a lead if necessary
 - The fixed penalty notice charge for a breach of a Public Spaces Protection Order for dog controls, as set out above, is set at £100.
 - The dog controls will be exempt for persons who have a disability that affects the person's mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a registered charity and upon which the person relies for assistance.
6. The APCG welcome most of the proposals but were not unanimous on the decision not to ban dogs from marked sports pitches. While understanding the reasons that the ban was not included, there was a consensus that measures put in place to reduce fouling on marked sports pitches should be robust and regularly monitored.
 7. The APCG also had concerns that there would need to be a large increase of "Authorised Officers" to be effective in giving direction to put a dog on the lead. While this can be effective to control the behaviour of dogs it does not cover the effects of dogs running off the lead on 'nervous dogs', who are frightened by other dogs and can become aggressive in their presence.
 8. Owners of 'Nervous Dogs' will, generally, keep their dogs on the lead but control can be difficult if other dogs are running free. Some adults and children are also nervous of dogs, especially if they run up to them and jump up at them.
 9. The Dangerous Dogs Act 1991 besides stating that 4 specific breeds of dogs, usually used for fighting, are required to be muzzled and on leads in public places and bans their resale or being given away, also made it illegal for any dog to be out of control in a public place. This was amended by the Antisocial Behaviour, Crime and Policing Act 2014 to include private properties. A dog is

deemed out of control if it has injured someone or if someone is worried that it might injure them.

10. There are an average of 3.7 deaths per year in England and Wales due to dog attacks. Statistics show that 8,140 people were admitted to hospital in England between April 2017 and March 2018 as a result of dog bites or strikes, 1,046 being under 9 years old ². All breeds of dogs were involved in the attacks.
11. Dog training is not compulsory for owners and is often taken up by the more responsible owners.
12. The House of Commons Environment, Food and Rural Affairs Committee on Controlling Dangerous Dogs, Ninth Report of Session 2017–19 found that “the current approach to dog control is plagued with deep structural problems. Improvements to public safety that simultaneously safeguard animal welfare can only be achieved through an open-minded engagement with new strategies. This will require time, commitment and political courage”. They called on the Government to:
 - “Immediately remove the prohibition on transferring a banned dog if it has been behaviourally assessed by experts and found to be safe. This would prevent the needless destruction of friendly animals that could be safely rehomed;
 - commission an independent evidence review to establish whether the banned breeds/types present an inherently greater risk than any legal breed or cross breed;
 - commission a comprehensive review of existing dog control legislation and policy, with a view to developing an alternative model that focuses on prevention through education, early intervention, and consistently robust sanctions for offenders;
 - ensure all future strategies are developed with a full and transparent commitment to evidence-based policy-making. If the independent evidence review concludes there is insufficient evidence to support the Government’s position on Breed Specific Legislation, this aspect of the law should be revised;
 - introduce mandatory training and education courses for minor dog offences, similar to speed awareness courses for drivers;
 - support wider dog awareness training for schoolchildren, and run a targeted awareness campaign for dog owners and the general public on safe human dog interaction;”
13. The APCG would welcome the adoption of these recommendations and also those below.

We would recommend that:

- a) Consideration be given to training PCSOs, park employees and volunteers as “Authorised officers” to be able to give direction that a dog be put on a lead.

- b) That any education includes consideration for nervous dogs so that they put their dogs on their leads when a nervous dog is identified. This could include developing a system where nervous dogs can be identified e.g. a certain colour of lead. There could also be identified times when, to allow nervous dogs or nervous adults and children to use parks etc., that there be identified times when all dogs should be on leads.
- c) Dog Control Notices, as implemented in Northern Ireland, allow early intervention by local authorities or police if they had concerns about a particular dog owner whose dog has been found to be “out of control”. This could include keeping the dog on a lead in public, muzzling the dog in public, securely confining the dog when not under control, neutering males, microchipping, enforced training and education with consistently robust sanctions for offenders.
- d) We would also recommend that there be one point of contact for reporting dog incidents. It was felt this should be Cardiff Council. This would enable more accurate data capture to inform future measures.

Reducing Dog Fouling

- 14. The PSPO consultation identified that people feel very strongly about reducing dog fouling and both the Environmental Scrutiny Committee and the Cardiff Dog Action Group agreed that more action needs to be taken to reduce it.
- 15. While there is conflicting evidence on the effects on dog faecal contamination causing blindness and infecting wounds, it is accepted that dog fouling where children, especially, and others can be contaminated is not acceptable.
- 16. The APCG agree that schemes to make “cleaning up” easier or more acceptable to dog walkers should be introduced along with education, media campaigns, notices and enforcement.
- 17. There are various schemes including “Green Dog Walkers” involving trained dog walkers who wear armbands to remind dog walkers to clean up and who will carry extra bags to give to those without bags.
- 18. “Poo Prints” is a scheme where dog’s DNA is taken to identify fouling, and to identify dogs with challenging behaviour. Barking and Dagenham Council report that since introducing this scheme dog fouling in parks has reduced by 60%.
- 19. “Streetkleen” produce Dog Waste Bins that are designed to only accept dog waste and the waste is then used to produce energy using an anaerobic digester. Bins are advertised at £360 - £465 each dependant on size. The bags used to collect the waste are also biodegradable as there is concern that millions of plastic bags are used daily to pick up dog waste.
- 20. It is also recognised that some dog walkers are bagging dog waste and then leaving the bags on the ground or on trees and fences. The reason usually

given is that there are no bins available. Dog walkers, in the consultation and at the conference, reported that there are not enough bins available in the right areas in Cardiff.

21. It is recognised that providing evidence of dog fouling for enforcement purposes is difficult and could be very labour intensive. The introduction of DNA testing could identify the dogs responsible and then, in most cases, the owner. A system could be created so that information from volunteers, such as Cardiff Dog Action, Friends of Parks Groups etc, could identify and record persistent offenders enabling action to be taken.
22. Education on responsible dog ownership is given in some schools by the Dogs Trust and advice is given to new owners by the Trust and Cardiff Dogs Home but many dog owners are given no advice or training. Social media campaigns, leaflets or information in dog walking areas could be used to educate dog owners on picking up and disposing of dog waste, detailing suitable methods and which bins can be used.

We would recommend that:

That further consideration be given to a Dog Fouling Strategy for Cardiff that takes into consideration new technologies, adequate disposal facilities and education/information systems along with visible enforcement. This could include providing extra bins and free Bio-degradable poo bags at libraries, hubs etc.

Welsh Government Code of Practice for the Welfare of Dog Ownership including Microchipping, Licensing and DNA testing

23. The Code of Practice (COP) published in November 2018 gives good practical guidance for the care and welfare of dogs and also outlines the current legislation related to dogs and helps clarify owners' responsibilities to and for their dogs. It is not known how well this document has been advertised or if many of the dog owners are aware of its existence. There is also some very good information available from The Association of Pet Dog Trainers (APDT), The Dog's Trust, Battersea Dogs Home, the RSPCA and other animal agencies
24. Training for owners and their dogs is not regulated. Dog charities recommend that all training should be by motivating the dog by using kind, fair and effective methods and suggest that trainers should be members of the Association of Pet Dog Trainers.
25. We would agree that dog owners should be identifiable and microchipping is already law. Unfortunately, we have been advised by the Cardiff Dogs Home, that a large number of dogs they take in are not chipped and they often do not have the required collars and tags either. We are aware that there is a view that dog licenses should be introduced but, we feel, as do the Cardiff Dogs Home, that this will create a lot of administrative work, would be difficult to enforce and the irresponsible dog owners, that should be identifiable and are not having dogs chipped, are less likely to buy the Licences either. This will put further cost onto the responsible owners who are now microchipping and training their dogs.

26. DNA testing could be very effective in identifying the last registered owner, in relation to enforcement and identification if lost. It would be less intrusive than microchipping and could be performed before the dog is given to a new owner. Dog training vouchers could also be purchased at the same time along with a one off fee to register the dog with the council, similar to changing car ownership. The breeder/seller and new owner could be required complete an online form and pay the fees.

We would recommend that:

The Cabinet Members consider suitable methods of ensuring dogs can be identified and that the owners have effective information and dog training.

Progress on Banning Third Party Commercial Sales of Puppies and Kittens

27. The Welsh Government currently completed a consultation on the banning of third party commercial sales of puppies and kittens.
28. Currently, puppies or kittens can either be purchased via a third-party seller, directly from a breeder or from a rescue/rehoming centre. Commercial third-party sellers are those who are licensed pet sellers; in Wales they will hold a license under the Pet Animals Act 1951. There are concerns commercial third-party sales lead to poorer welfare conditions for the animals, compared to when people buy direct from the breeder. According to estimates, between 40,000 and 80,000 puppies and kittens are sold via third party sellers each year. Shared Regulatory Services recently had a successful prosecution of a third party seller in the Vale who was fined £46,000.
29. The Consultation states “The introduction of the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014 led the way in the UK in addressing welfare concerns at licensed dog breeding establishments. The Regulations provide for licensing of breeding premises with three or more breeding bitches. However, we do not wish to stand still and will be looking to review our Regulations to ensure they meet the high standards we are expecting. In particular there are still concerns about the welfare standards at some licensed breeding premises and also in the enforcement of the Regulations. The findings from this consultation will help shape future changes but we cannot pre-empt what those changes will be at this point” – The Consultation will ended on the 17th May 2019.
30. The APCG have responded to the consultation and welcomed Cardiff Councils response to the Council Motion asking the Leader to write to Lesley Griffiths AM, supporting Lucy’s Law.

References

1. The Office of National Statistics – Deaths by Dog Bites in England and Wales 2005 -2015
2. www.statistics.com – Hospital admissions in England due to dog bites or strikes 2017/2018 Anti-Social Behaviour, Crime and Policing Act 2014
3. Anti-Social Behaviour, Crime and Policing Act 2014
4. The Dangerous Dogs Act 1991
5. The Animal Welfare (Breeding of Dogs)(Wales) Regulations 2014
6. The House of Commons Environment, Food and Rural Affairs Committee on Controlling Dangerous Dogs, Ninth Report of Session 2017–19.
7. Welsh Government Code of Practice for the Welfare of Dog Ownership Code of Practice 2018