

**Name of meeting:** Cabinet

**Date:** 19 September 2017

**Title of report:** Dog issues - Joint working protocols with West Yorkshire Police and Kirklees Prosecution Strategy

**Purpose of report:**

This report is to seek approval for the following protocols covering operational management of dog offences between ourselves and West Yorkshire Police and how we as an Authority will deal with dog related offences to ensure a consistency of approach and that appropriate and proportionate measures are put in place.

1. Responsibility protocol for Dog Offences between West Yorkshire Police (WYP) and Kirklees Council (KC)
2. Kirklees Prosecution Policy (Dog Offences)

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u>	No
The Decision - Is it eligible for "call in" by Scrutiny?	Yes
Date signed off by Strategic Director & name	Naz Parkar - 11.09.17
Is it also signed off by the Service Director, Finance, IT and Transactional Services?	Debbie Hogg - 06.09.17
Is it also signed off by the Service Director, Legal Governance and Commissioning?	Julie Muscroft - 07.09.17
Cabinet member portfolio	Cllr G Turner Cllr M Khan - Corporate

Electoral wards affected: All

Ward councillors consulted: No

Public or private: Public

## **1. Summary**

There are a number of pieces of legislation that relate to dogs. These protocols set out the operational agreement between WYP and KC over who will take responsibility, investigate and if appropriate put in place either sanctions or prosecute for dog related offences.

### **1. Responsibility protocol for Dog Offences between West Yorkshire Police and Kirklees Council (Appendix one)**

The responsibility protocol details the legislation, sets reporting pathways and defines the responsible party between ourselves and WYP.

This is intended to cut down operational duplication and give a defined edge to responsibility going forward. WYP are producing a similar document based on this local arrangement to be introduced across the force

#### **1.1 Kirklees Prosecution Policy (Dog Offences) (Appendix two)**

This policy supports the protocol by detailing what the Council's response will be for dangerous dog offences which we are responsible for (Dog on Dog and Dog causing fear and apprehension).

This would be applied in conjunction with the general public interest matrix (Appendix three) for prosecutions to give an overall outcome guide.

## **2 Information required to take a decision**

2.1 The attached documents (Appendices 1 and 2) to this report, set out the suggested protocols to both joined up working with WYP and how we as an Authority will deal with dog related offences to balance proportionate response with public safety.

2.2 The protocol with WYP is to clearly set out lines of responsibility for both parties to prevent duplication of work and to allow clear reporting pathways for the public and stakeholders.

2.3 The policy on dealing with dog offences by the Authority is to ensure that the Authority take into account the offence committed and balances that against public safety.

## **3 Implications for the Council**

### **3.1 Early Intervention and Prevention (EIP)**

Dealing with dangerous dogs and other dog related offences quickly and efficiently will improve the actual and perceptual safety of the district, which sits within the priorities of the PCC and the Council.

### **3.2 Improving Outcomes for Children**

There is no direct link, however managing risk and tackling offences of this nature will naturally positively impact on the children as part of the community.

### **3.3 Reducing demand of services**

By defining the reporting and investigation process to the relevant party this will reduce duplication and unnecessary work. The prosecution policy will also allow officers to focus on the more serious offences so freeing up resource to do so.

### **3.4 Financial, Legal and Other Implications**

There are no financial concerns over the adoption of these items. It may be that it will result in a slight decrease in workload with a rationalisation of response and responsibility.

There are no legal implications beyond the facts that this works within a legislative framework and is a joint working document between partner organisations.

## **4. Consultees and their opinions**

### **WYP - Dog Training and Protective Services:**

One thing that seems to have occurred is that DEFRA will not be giving access to the list of owners to Local Authorities; this seems to be a recent decision. In view of this, maybe add information sharing agreement to cover all the Local Authorities and ourselves, that way we can forward the list on to you all. I know we've spoken as a group and individually before on this but it removes any doubt."

### **KNH**

Are pleased with the report and are keen to be fully engaged with the process.

### **Partner Authorities in West Yorkshire**

Feel it would be a good idea and they have taken a copy of Kirklees Council policy to review and make comments. No comments received to date.

### **ASB Strategy and Performance Group**

Agree this fits with the Kirklees Partnership Plan.

**5. Next steps**

- 5.1 Complete the formal adoption process with West Yorkshire Police for the dog offences protocol and adopt the strategy on dog offence prosecutions within the enforcement guidelines.

**6. Officer recommendations and reasons**

To approve the formal adoption process with West Yorkshire Police for the dog offences protocol and adopt the strategy on dog offence prosecutions within the enforcement guidelines

**7. Cabinet portfolio holder recommendation**

The Corporate portfolio holders, Councillor Graham Turner and Councillor Musarrat Khan endorse the report and have asked for the report to proceed to Cabinet to request approval of the formal adoption process with West Yorkshire Police for the dog offences protocol and adopt the strategy on dog offence prosecutions within the enforcement guidelines.

**8. Contact officer**

Sam Connelly  
Streetscene Action Team Supervisor  
[sam.connelly@kirklees.gov.uk](mailto:sam.connelly@kirklees.gov.uk)  
(01484) 221000

**9. Background Papers and History of Decisions**

Not applicable.

**10. Service Director responsible**

Joanne Bartholomew  
Service Director, Commercial, Regulatory and Operational  
[joanne.bartholomew@kirklees.gov.uk](mailto:joanne.bartholomew@kirklees.gov.uk)  
(01484) 221000

## **Appendix 1 - Protocol on dog related offences between Kirklees and West Yorkshire Police**

This protocol sets out the working arrangements between Kirklees Council and West Yorkshire Police for the responsible party to action dog related offences. This principally covers two main pieces of legislation in the control of dogs and dog related offences and sets out the legislation for the offences covered and what the expected responses should be.

The Dangerous Dogs Act 1991 (DDA)

<http://www.legislation.gov.uk/ukpga/1991/65/contents>

The Anti-social Behaviour, Crime and Policing Act 2014

<http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted>

These make provision for tackling injury to humans and animals, and fear caused by dogs as well as controls on the dogs as regards fouling, rules governing being on a lead etc...

<https://www.gov.uk/control-dog-public/overview>

This protocol is intended to clearly delineate responsibility for dealing with offences, and provide a pathway to the relevant authority.

### **Offences.**

Dog dangerously out of control – this can be separated into three parts

- Dog attacking a human – this would be a Police lead response – and would be any incident where a dog attacked a person
- Dog on Dog – This would be a local authority lead response – this can be an aggravated offence if it involves an assistance dog.
  - This will be investigated, with the person in charge of the dog being held responsible.
- Dog causing fear and apprehension – This would be a local authority lead response.

**Banned breeds** – these are identified within the act

Pit Bull Terrier

Japanese Tosa

Dogo Argentino

Fila Brasileiro

This is a police responsibility to identify and deal with any banned breed. The council do not have any officer eligible to formally identify such dogs.

## Stray dogs

This is managed by a commissioned service partner on behalf of the council, and it is a statutory duty allocated to the council under legislation. To report a captive stray contact 01484 502216.

*The issues below are covered under public space protection orders from the 3<sup>rd</sup> April 2017 and enforced by the council; however any authorised officer can supply details for the council to issue a fixed penalty for this offence (£75) maximum fine upon summary conviction £1000.*

The council have a commissioned enforcement partner who undertakes directed intelligence lead patrols to help effect behavioural change by means of fixed penalties. Reports of dog fouling incidents are collated and areas of high incidence are provided to this team who will target patrols there to help tackle the issue.

**Dog fouling** - failing to collect the dog fouling of your dog whilst in a place the public have access to, with specific exclusions for moorland, marshland and woodland.

There is now a further offence of failing to have a suitable means to collect dog fouling whilst in charge of a dog, this will be similarly enforced.

Individual dog fouling reports will not be actioned beyond being added to the intelligence unless there is specific information provided including details of responsible party, pattern of the offence (location, time of day and details of dog) allowing a targeted patrol. *Kirklees web site and the scripting at Kirklees Direct will reflect the changes so people reporting dog fouling issues will be aware of the changes.*

The street cleansing department will remove dog fouling as part of its normal scheduled operations. Any litter bin can be used to dispose of dog fouling, it is requested it is suitably bagged.

Dogs on lead; it is an offence to not have your dog on a lead:

- on Kirklees maintained road and pavements
- in car parks
- on bowling greens
- on allotments
- in cemeteries and crematoria
- on sports grounds when sports activities are taking place
- at Castle Hill between 1 March and 31 July (because of ground nesting birds)

Dog exclusion areas:

Dogs are excluded from certain fenced areas such as children's play areas, paddling pools, multi-use games areas (MUGAs), skate parks, tennis and ball courts.

Dogs on a lead on instruction:

- A) Wilton Park
- B) Beaumont Park
- C) Greenhead Park
- D) Crow Nest Park
- E) Ravensknowle Park

**In order to report these offences please use the details below**

Offence	Responsible agency	Contact details
Dog on human	WYP	101
Dog on dog	KC	01484 414739
Dog causing fear and apprehension	KC	01484 414739
Banned breed	WYP	101
Dog Fouling willing to give statement	KC	01484 414739
Dog Foul – wants it clearing up (Cleansing)	KC	01484 221000
Dogs off leads - non-captive stray	KC	01484 414739
Dogs within exclusion zones	KC	01484 414739
Dogs not being put on lead on request	KC	01484 414739
Dog welfare issues	RSPCA	0300 123 4999
Report lost dogs	commissioned service partner	01484 502216
Arrange collection of a captive stray	commissioned service partner	01484 502216

## **Appendix 2 - Policy on Dog prosecutions**

There is a protocol in place between the Council and West Yorkshire Police who will undertake investigations and prosecutions over dog related offences.

This sets out both what offences are covered, under which legislation and who is responsible for their enforcement.

It does not set out the Council's response protocols on how the offences that it is responsible for will be dealt with.

It is propose that this response is formalised to make the system clear and transparent, and that this will provide guidance to officers in these cases.

The proposal is that there will be a three tiered approach

1. No further action
  2. Advisory Behaviour Contract (ABC)
  3. Prosecution.
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1. The offence is trivial and effectively is unacceptable behaviour from a dog with the owner taking reasonable steps in the care and management of their dog.
    - This will result in no further action, however a note will be kept on file.
  2. The offence results in small scale material harm, however the owner could not reasonably have foreseen this, and the dog has not been involved in any previous incident
    - This will result in a ABC, which has no consequence for breach, this may include agreeing to keep the dog on a lead at all times, or muzzled at all times in a public place.
  3. There was material harm, or significant presented risk from the incident, and /or the dog has previously been involved in an incident that there was fault attached to it from.
    - There will be a prosecution (subject to the public interest test) and on conviction an order that the dog be destroyed will normally be sought.



STATEMENT TO ACCOMPANY REQUEST FOR  
SENIOR MANAGER TO SIGN A LETTER  
REGARDING SIMPLE CAUTION

	<b>File Reference:</b>	WK/201617072
<b>Name of Offender:</b>		
<b>Address: Environmental Services, Flint Street, Fartown, Huddersfield</b>		
<b>Brief Details of Offence</b>		
<b>Justification for Simple Caution (see over) Detail relevant reasons for a caution</b>		
<b>Summary of Case</b>		
<b>Team Manager's Signature:</b>		

# SIMPLE CAUTION DECISION-MAKING PROCEDURE



