

Appendix 1.



# Animal Enforcement Policy

## Table of Contents

<b>Dog Enforcement Policy</b>	<b>3</b>
Stray dogs	3
Dog Identification Tags	4
Microchipping of Dogs and Cats	4
Public Spaces Protection Orders for Dog Control	5
Antisocial Behaviour: Control of Dogs	6
<b>Animal Licensing and Animal Welfare Enforcement Policy</b>	<b>8</b>
The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018	8
Reports of Unlawful Activity	9
Breach of licence conditions and obstruction of inspectors	9
Zoo Licensing	10
Offences under the Zoo Licensing Act	10
Dangerous Wild Animals Licensing	11
Offences under the Dangerous Wild Animals Act 1976	11
<b>Animal Welfare Act 2006</b>	<b>12</b>
Offences under the Animal Welfare Act 2006	12
<b>Repeat Offences</b>	<b>15</b>
<b>Identification of Offences and Information Sharing.</b>	<b>15</b>
<b>Contact Details</b>	<b>16</b>

# Dog Control Enforcement Policy

## Stray dogs

Section 149 of the Environmental Protection Act 1990 makes it a requirement for every local authority to deal with stray dogs. The Council provides a service during normal office hours, Monday to Friday, 09:00 - 17:00.

Members of the public can report lost and found dogs to the Council. The Council will record contact details for any person reporting a lost or found dog in order to enable reunion as soon as reasonably possible.

The Council will collect tethered dogs from a member of the public after a minimum of three hours of it being reported. All stray dogs will be checked for a collar and tag, and thoroughly scanned for a microchip by the officer to try to identify the rightful owner. Where it is not possible to reunite the dog to the keeper, the dog will be collected by the Council's appointed kennelling contractors, and they will keep the dog at the kennel location for a minimum of seven days unless the owner reclaims the dog.

If the owner becomes known to the Council, the owner will be served with a 'Notice of Seizure' giving details of the dog's whereabouts and the action they should take to retrieve it. Any dog seized by the council that is in need of veterinary treatment will be taken at the earliest opportunity to a vet and given treatment to relieve suffering. An owner reclaiming a dog will be asked to provide both proof of identity, proof of address and proof of ownership of the dog and will be required to pay all outstanding charges (including any veterinary costs) before collecting the dog.

Under section 149 of the Environmental Protection Act 1990, if the dog has not been collected by its owner within seven days the Council is permitted to sell or give the dog to a person or establishment who will take care of the dog, or to euthanise it.

Where a stray dog does not have a collar with a name and address on it, or a microchip, the officer will take action in compliance with the following sections in this document.

## **Dog Identification Tags**

Article 2 of The Control of Dogs Order 1992 makes it a requirement for every dog while on a highway or in a place of public resort to wear a collar with the name and address of the owner inscribed on the collar or on a plate or badge attached to it.

### **Offences**

Where an authorised officer receives a report, or comes into contact with a dog, that does not have a collar with a name and address the officer shall issue a written warning to the owner or person in charge of the dog to advise them of the legal requirements and penalties for non-compliance. A reasonable timescale will be given to the owner to ensure compliance.

Under the Environmental Protection Act, where the dog owner has failed to comply with a written warning, the dog will be regarded as a stray and the Council is permitted to seize and detain the dog. Under the Animal Health Act 1981, the Council is permitted to prosecute the dog owner.

Exemptions shall be applied in accordance with The Control of Dogs Order 1992.

## **Microchipping of Dogs (and Cats)**

Under Section 3 of the Microchipping of Cats and Dogs (England) Regulations 2023 it is compulsory for all dogs in England over the age of eight weeks and cats over the age of 20 weeks to be implanted with a microchip and their keepers details registered on an approved database. Where a dog/cat is bought or given to a new owner, the new owner must update the keeper details registered on the database.

### **Offences**

An authorised officer will scan a dog if it comes into the Council's possession. If the dog is not microchipped or the keeper's details are not up to date, the officer shall issue a notice to the owner or person in charge of the dog to advise them of the legal requirements and penalties for non-compliance. A timescale of 21 days will be given to the owner to comply with the notice.

Under the Microchipping of Cats and Dogs (England) Regulations 2023, where the owner has failed to comply with the notice, the officer may take steps for the dog to be microchipped without consent of the owner and recover costs for doing so or consider prosecuting the dog owner.

Exemptions shall be applied, as stated within the Order.

## **Public Spaces Protection Orders for Dog Control**

Section 59 of the Anti-Social Behaviour Crime and Policing Act 2014 (ASBCP) gives a local authority the power to make a public spaces protection order if satisfied that;

- Activities carried on (or likely to be carried on) in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, and;
- is, or is likely to be, of a persistent or continuing nature, is, or is likely to be unreasonable, and justifies the restrictions imposed by the notice.

In East Devon the Control of Dogs Public Spaces Protection Order (PSPO) and Seashores and Promenades Public Spaces Protection Order (PSPO) states the requirements relating to:

- Removing dog fouling.
- Keeping dog(s) on lead on roads and pavements.
- Putting dog(s) on lead by direction from an authorised officer.
- No more than six dogs to be walked at the same time.
- Dog on lead areas and dog exclusion areas.

The PSPOs are available on the Council's website.

Authorised Officers patrol public areas within East Devon for the purposes of ensuring that dogs are under suitable control, ensuring compliance with the PSPOs and in response to specific complaints.

## **Offences**

Section 67 of the ASBCP makes breach of a PSPO an offence which may be dealt with by prosecution or Fixed Penalty Notice (FPN).

Where an authorised officer witnesses an offence or receives a report from a member of the public about an incident(s) where there is a breach of a PSPO, the officer will consider the reliability of evidence and make a decision regarding the most appropriate action. The options are:

- Issue a verbal or written warning to the person in charge of the dog.
- Issue a fixed penalty notice to discharge liability to conviction of the offence.
- Prosecution.

The following will be taken into account when making this decision:

- The Council's Key principle to wherever possible deal with any compliance issue by seeking to negotiate a resolution before resorting to more formal enforcement action,
- If there are any aggravating factors (e.g. the dog has demonstrated anti-social behaviour when not under control).
- Expectation of the owner's knowledge of the PSPO (e.g. there is an expectation that all dog owners know to clear up after their dog, but may not know the specific times or locations of dog exclusions areas).
- The attitude of the owner.
- Whether this is the first time the owner has been witnessed breaching the PSPO or has received previous informal warnings.
- The number of breaches (e.g. fouling off the lead in a dogs on lead area).

Exemptions apply as stated within the current Control of Dogs PSPO and the Seashores and Promenades PSPO.

The orders are in place for a 3-year period after which they are subject to review in accordance with the process specified in the legislation. Consideration of additional requirements may be included in the Order during the review period following receipt of evidence demonstrating anti-social behaviour.

## **Antisocial Behaviour: Control of Dogs**

The Anti-Social Behaviour Crime and Policing Act 2014

Part 1; Injunction, Part 2; Criminal Behaviour Order, Part 4; Community Protection Notice.

## **Offences**

Authorised officers will carry out partnership working with the police, social landlords and other agencies to deal with anti-social behaviour involving dog(s). Where an authorised officer witnesses an offence or receives a report from a member of the public or partnership agency, the officer will take action in accordance with the Environmental Health Enforcement Policy.

Informal action may include verbal or written warnings, Acceptable Behaviour Contracts or mediation. Formal action may include Injunction, Criminal Behaviour Order or Community Protection Notice. Formal action will be carried out in accordance with the legislation and associated Home Office Guidance.

A separate policy exists for the enforcement of Anti-Social Behaviour.

## **Dangerous Dogs Act 1991, Section 1: Possession of an illegal breed.**

### **Section 1 Dangerous Dogs Act 1991**

Where an authorised officer receives a report of a banned breed from a member of the public or partnership agency, the authorised officer will advise the reporting person(s) to report this information to Devon and Cornwall Police. The Memorandum of Understanding between Devon and Cornwall Police, the RSPCA and the Local Authorities in East Devon states that the Police have primary responsibility for the Dangerous Dogs Act 1991.

Where an authorised officer observes a possible banned breed, they will report this information to Devon and Cornwall Police for further investigation. Devon and Cornwall Police are responsible for confirming the typing of banned breeds.

## **Dangerous Dogs Act 1991, Section 3: Dangerously out of control dogs and other dog related offences.**

Section 3 Dangerous Dogs Act 1991; Dogs Act 1871; Dangerous Dogs Act 1989

Where an authorised officer receives a report of a dog dangerously out of control in a public place, the authorised officer will advise the reporting person(s) to report this information to Devon and Cornwall Police.

Dogs worrying livestock, dogs being used for illegal purposes such as poaching, control of guard dogs should also be reported and investigated by Devon and Cornwall Police.

## **Animal Licensing and Animal Welfare Enforcement Policy**

East Devon District Council has a statutory duty to regulate a number of animal licensing functions. This policy works in parallel with the Animal Licensing Policy.

## **The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018**

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (LAIA) makes the requirement for certain activities involving animals to be licensed with the local authority for the area in which they live. These regulations are made under section 13, The Animal Welfare Act 2006.

The following activities require a licence under these regulations:

- Selling Animals as Pets (pet shops, cat breeders, small animal breeders or private sales of animals)
- Boarding of Dogs in Kennels
- Boarding for Cats (Catteries)
- Breeding of Dogs



- Dog Day Care (Commercial dog day care premises)
- Home Boarding for Dogs (dogs accommodated during the day and/or overnight in a domestic home environment)
- Hiring out Horses (where horses, donkeys or hybrids are being ridden)
- Keeping or Training Animals for Exhibition (Cat cafés, confetti ponies, animal assisted education or therapy, petting farms, mobile bird of prey displays, mobile animal displays)

## **Reports of Unlawful Activity**

Reports of animal activities taking place without an appropriate licence will be investigated by the Council.

The Council operate a stepped enforcement approach. In the first instance, The Council will make contact with the alleged perpetrator of the unlawful activity to notify them of the need to apply for a licence. The activity should cease until such time as a licence is granted.

Failure to make an application for a licence and cease the operation of the activity will result in the Council launching a criminal investigation into the operation of the activity. Where sufficient evidence of an offence is gathered, consideration will be given to the issuing of a penalty notice under The Animal (Penalty Notices) Act 2022 or preparing a file for prosecution.

Prosecution for offences of unlawful trading can carry penalties of imprisonment not exceeding 51 weeks, a fine, disqualification (keeping, owning or influencing the keeping of animals, transporting or arranging the transport of animals, dealing in animals), disqualification from holding licences and revocation of any licences held.

## **Breach of licence conditions and obstruction of inspectors**

Offences of breaching the conditions of a licence or obstructing inspectors from carrying out their statutory duties can include, the issuing of a penalty notice under The Animal (Penalty Notices) Act 2022, or prosecution which may result in a fine, disqualification (keeping, owning or influencing the keeping of animals,

transporting or arranging the transport of animals, dealing in animals),  
disqualification from holding licences and revocation of any licences held.

All allegations relating to the unlawful activity of an animal related business, or non-compliance with the conditions of an animal activities licence are investigated by the Council.

The Council will not investigate complaints relating to the service a customer has received from an animal business unless the allegation demonstrates a specific infringement of the businesses licence conditions or where it has affected the welfare of the animal(s).

## **Zoo Licensing**

The Zoo Licensing Act 1981 makes a requirement for premises which display non-UK/ non-domestic or conservation-sensitive species to the public for 7 days or more of the year with or without the payment of a fee. This may include premises where such species can be viewed from a public place even if the premises is not specifically open to the public or the public are not invited on to the premises.

These regulations do not apply to circuses or premises licensed for Selling Animals as Pets.

## **Offences under the Zoo Licensing Act**

Offences under this act include:

- Operation of a zoo without a licence
- Failure without reasonable excuse to comply with any condition attached to a zoo licence.
- Obstruction of an inspector or any person duly authorised for the purposes of acting pursuant to this act.
- Failure without reasonable excuse to comply with a zoo closure direction.
- Failure without reasonable excuse to comply with an inspectors request for information under section 16E(3)
- Disposal of animals without the agreement of the Council or not in accordance with a plan drawn up under section 16E(2).

- Failure to display the zoo licence, or a copy of it at each entrance to the zoo.

The Council operate a stepped enforcement approach. In the first instance, The Council will make contact with a representative for the alleged unlawful activity to notify them of the need to apply for a licence, where an operator does not hold one.

The Council have powers under this act to issue a zoo closure direction where a zoo operator fails to comply with their licence conditions, directions or in the event that a premises does not hold a licence at all.

Penalties for offences can include the issuing of a Penalty Notice under The Animal (Penalty Notices) Act 2022 or if prosecuted by a court then an offender may be liable to a fine upon conviction, the level of which is dependent upon the offence committed.

## **Dangerous Wild Animals Licensing**

The Dangerous Wild Animals Act 1976 requires keepers of certain animals that are considered wild, dangerous, or exotic, to hold a licence issued by their local Council.

The animals which require a licence to keep are outlined in the schedule of the Dangerous Wild Animals 1976.

The provisions of this act do not apply to any dangerous wild animal kept in a zoo which is licensed under the Zoo Licensing Act 1981, kept on a premises which is licensed for the Selling Animals as Pets under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 or kept on a premises which is regulated under the Animals (Scientific Procedures) Act 1986.

## **Offences under the Dangerous Wild Animals Act 1976**

Offences under this act include:

- Keeping an animal under the schedule of the Dangerous Wild Animals Act 1976 without holding a licence to do so.
- Failure to comply with a condition of a Dangerous Wild Animals licence.
- Obstruction of an authorised person in the exercise of their power of entry or inspection under section 3, Dangerous Wild Animals Act 1976.

Councils may consider issuing the following penalties for offences under this act which may include the seizure and disposal of animals without compensation, the issuing of a Penalty Notice under The Animal (Penalty Notices) Act 2022 or upon summary conviction, a fine, revocation or disqualification of any relevant licences held.

## **Animal Welfare Act 2006**

The Animal Welfare Act 2006 places a legal duty upon every person responsible for the care of a vertebrate animal to ensure their welfare needs are met and that they are not allowed to suffer.

Animals which are covered by the Animal Welfare Act 2006 are defined within section 1 of the act. The act does not apply to invertebrates.

## **Offences under the Animal Welfare Act 2006**

The Animal Welfare Act 2006 makes offences for a number of activities which are considered animal cruelty, as well as offences for the use of animals in a business without an appropriate licence and failing to meet the care and welfare needs of an animal.

The following table outlines the offences which apply under the act and the responsible authority for the investigation of such offences:

Section of Animal Welfare Act 2006	Description of offence	Authority Responsible for the Investigation	Penalties
Section 4	Unnecessary suffering	Police or RSPCA, supported by the Local Authority where possible.	A fine, Imprisonment (up to 5 years), deprivation, disqualification, forfeiture of equipment used in offences and orders to revoke a licence or disqualify a person from holding a licence.
Section 5	Mutilation	Police or RSPCA, supported by the Local Authority where possible.	A fine, Imprisonment (up to 5 years), deprivation, disqualification, forfeiture of equipment used in offences and orders to revoke a licence or disqualify a person from holding a licence.
Section 6	Docking of dogs' tails	Police or RSPCA, supported by the Local Authority where possible.	A fine, Imprisonment (up to 5 years), deprivation, disqualification, forfeiture of equipment used in offences and orders to revoke a licence or disqualify a person from holding a licence.
Section 7	Administration of poisons	Police or RSPCA, supported by the Local Authority where possible.	A fine, Imprisonment (up to 5 years), deprivation, disqualification, forfeiture of equipment used in offences and orders to revoke a licence or disqualify a person from holding a licence.
Section 8	Fighting	Police or RSPCA, supported by the	A fine, Imprisonment (up to 5 years), deprivation, disqualification, forfeiture of

		Local Authority where possible.	equipment used in offences and orders to revoke a licence or disqualify a person from holding a licence.
Section 9	Duty of persons to ensure welfare	RSPCA and the Local Authority	A fine, Imprisonment (up to 51 weeks), deprivation, disqualification and orders to revoke a licence or disqualify a person from holding a licence.
Section 11	Transfer of animals by way of sale or prize to persons under 16	RSPCA and the Local Authority	A fine, Imprisonment (up to 51 weeks), disqualification and orders to revoke a licence or disqualify a person from holding a licence.
Section 13	Licensing or registration of activities involving animals	The Local Authority	A fine, Imprisonment (up to 51 weeks), disqualification and orders to revoke a licence or disqualify a person from holding a licence.

The Council will investigate offences under section 13 of the Animal Welfare Act as outlined in the 'Animal Licensing' section of this document.

Offences under section 9 of the Animal Welfare act will follow a stepped approach, beginning with education and support for the person in charge of the animal to remedy any issues identified. Should this first step be unsuccessful, the steps needed to remedy the issues and meet the animal welfare needs will be outlined in a formal improvement notice under section 10 of the Animal Welfare Act 2006.

Failure to take the necessary steps detailed in the improvement notice and where the welfare of the animal continues to be compromised by an individual or business, the Council will consider issuing a penalty notice under The Animal (Penalty Notices) Act 2022 or prepare a file for prosecution by the Court. The

course of action to be taken will be decided based upon the level of harm, culpability, and intent of the offence.

Allegations of offences under sections 4, 5, 6, 7 & 8 should be reported to the RSPCA in the first instance who are the primary organisation dedicated to investigating these offences in partnership with the Police. The Council will support these investigations where they can, unless the offence is first identified by the Council, in which case the Council will lead on the investigation of the offence.

## **Repeat Offences**

The Council takes a zero-tolerance approach to repeat offences where an alleged offender has been warned previously about their activity or prosecuted for an offence under these regulations in the past. In such cases, the Council will initiate a criminal investigation.

## **Identification of Offences and Information Sharing.**

Where the Council becomes aware of a criminal offence or fraudulent activity being committed, the information will be shared with the department, organisation or authority responsible for the investigation for such offences. There is a lawful reason for sharing data where it relates to the prevention and detection of crime. Full Information about how we process data is detailed in the Councils Privacy Notices.

## Contact Details

Environmental Protection Team

Environmental Health



East Devon District Council

Blackdown House, Border Road, Heathpark Industrial Estate,  
Honiton, EX14 1EJ

DX 48808 Honiton

01404 515616

[eastdevon.gov.uk](http://eastdevon.gov.uk)

   [eastdevon](#)

To request this information in a different  
format or language phone 01404 515616  
or go to [eastdevon.gov.uk/contact](http://eastdevon.gov.uk/contact)