



Department
for Environment
Food & Rural Affairs

The Rt Hon Michael Gove MP
From the Secretary of State for Environment, Food
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OFFICIAL SENSITIVE

Lesley Griffiths AC/AM
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23rd May 2019

Dear Lesley,

Thank you for your letter of 6 March regarding the Dangerous Dogs Act 1991 and related issues. I apologise for the unacceptable delay in responding.

I am grateful to you for sharing the meetings you have had with Cllr Dilwar Ali, Julie Morgan, AM and David Joyce of the Communication Workers' Union. Your letter is timely as we are taking forward many of the recommendations made by Environment, Food and Rural Affairs Parliamentary Select Committee (EFRA) in their 2018 report "Controlling Dangerous Dogs". The Parliamentary Under Secretary of State for Food and Animal Welfare, David Rutley, attended a further EFRA inquiry in February which covered dangerous dogs, and a recent Westminster Hall debate on the Government's response to the EFRA report.

The Government is committed to protecting public safety and to tackling the irresponsible ownership of dogs. There are a number of laws that the police and local authorities can use to both prevent dogs becoming dangerously out of control and respond appropriately when incidents occur. Defra officials engage with police, local authorities and interested stakeholders on these matters, and it is helpful to hear what issues have been brought to your attention.

The research by Middlesex University, to which you referred in your letter, is expected to complete by the end of the year. The initial literature review will complete soon and the researchers have begun their stakeholder engagement. We await the findings of the research, which will determine next steps. Defra officials will discuss the findings in detail with the devolved administrations following the completion of the research.

The Government reformed the powers available to tackle anti-social behaviour, including where this involves dogs, through Anti-social Behaviour, Crime and Policing Act 2014 ('the 2014 Act'). The 2014 Act provides local areas with a range of flexible tools and powers that can be used to respond quickly and effectively to anti-social behaviour. These include Community Protection Notices (CPN) which can be used by the police or the local authority to deal with ongoing problems or nuisances which are having a persistent or continuing and detrimental effect on the quality of life of those in the locality. CPN could be used to address incidents such as an owner failing to control their dog or prevent it from causing nuisance to people or other animals. Other relevant tools in this context include the Public Spaces

Protection Order (PSPO), which councils can issue to stop people committing anti-social behaviour in a public space. PSPO could be used deal with dog-related anti-social behaviour in public spaces by, for example, ensuring that people walking their dogs keep them on a lead. It is for local areas to decide how to best use these powers depending on the individual circumstances. The 2014 Act also introduced the Community Trigger to give victims of persistent anti-social behaviour the ability to demand a formal case review where a locally defined threshold is met, enhancing local accountability.

The Home Office keeps the powers under review through a national Anti-social Behaviour Strategic Board which brings together a range of partners, including the Welsh Government, and representatives from key agencies to consider their effectiveness and identify any emerging issues. In relation to concerns that community resolution and police cautions may be being used inappropriately in aggravated dog attacks, we will discuss with the police and local authorities in our regular engagement.

On police enforcement and prosecutions, I appreciate that it must be highly frustrating for the Communication Workers' Union to see successful prosecutions on cases that the police and potentially the Crown Prosecution Service have considered but not taken forward. However, it is an operational decision for individual police forces and for the Crown Prosecution Service to determine the strength of the case and whether it is in the public interest to prosecute. The CWU may wish to discuss these cases with the relevant police forces to understand why they were not taken forward.

I am not aware that section 10 of the Dangerous Dogs Act 1991 needs amending. I am also not aware that there have been issues arising as a result of the case of *R v Robinson-Pierre* [2014] 1 Cr App R 22. This case clarified that section 3(1) of the Dangerous Dogs Act 1991 required some act or omission on the part of the defendant, with or without fault, which had to some degree caused or permitted the dog to be dangerously out of control. I would be grateful if your officials provided further details on how this case is being misinterpreted by the Courts to their Defra counterparts and we will look into this further.

Thank you again for your letter and for raising these important issues.

With every good wish,

Yours,
Mich

Michael Gove