

January 2013

BVA-BSAVA Response to the draft Anti-Social Behaviour Bill

1. The British Veterinary Association (BVA) and the British Small Animal Veterinary Association (BSAVA) welcome the opportunity to comment on the Home Office's Consultation on a New Anti-Social Behaviour Framework, which we note includes a number of proposals which will impact upon the control of dogs.
2. The BVA is the national representative body for the veterinary profession in the United Kingdom and has over 13,000 members. Its primary aim is to protect and promote the interests of the veterinary profession in this country, and it therefore takes a keen interest in all issues affecting the veterinary profession, be they animal health, animal welfare, public health, regulatory issues or employment concerns.
3. The BSAVA is the largest specialist division of the BVA and of the veterinary profession. It represents approximately 7,500 members, the majority of whom are in general practice and have an interest in the health and welfare of small animals, namely dogs and cats.
4. Although in principle we support measures to tackle the social causes of the problems of dog control, we do not believe that these problems, and the threat to society proposed by dangerous dogs, can be solved simply through changes to anti-social behaviour legislation.
5. We have a number of comments in relation to particular elements of the Bill.

Public Spaces Protection Orders

6. Dog Control Orders (DCO's) have been in place since 2006 and are now well recognised and understood. It is our understanding that these orders are effective where Councils have the resources to enforce them.
7. The introduction of Public Space Protection Orders (PSPO's) could cause confusion with the general public. Current DCO's have no time limit, but the new PSPO's are limited to a period of 3 years. It is therefore unclear as to what will happen to existing DCO's under the new legislation; this should be considered.
8. DCO's currently cover only a limited number of circumstances (i.e. failing to remove dog faeces, not keeping a dog on a lead, not putting and keeping a dog on a lead when directed, exclusion of dogs from certain areas, limitations on the number of dogs in a certain area), however with PSPO's no limits apply. While a lack of detail as to what can be included could be seen as a positive step in allowing discretion, it could also lead to inconsistency and failure to consider appropriate measures. We therefore think that it would be necessary to develop guidelines to inform local authorities of the provisions that could be selected, backed up by supporting

evidence of how likely they are to be effective, and clear information to the public and dog owners in particular. We would question, in the current climate of austerity, if Government/Local Authorities have either the time or resources to develop such guidelines and provide adequate and appropriate training.

9. From the perspective of effective dog control, we do not see the need or benefit in repealing these orders and replace them with PSPO's.

Community Protection Notices

10. We have repeatedly called for the introduction of Dog Control Notices to tackle irresponsible dog ownership. These notices are now being used in Scotland and Northern Ireland and are being proposed in Wales. We believe that these notices, targeted to specific elements of dog control would be more effective in encouraging responsible dog ownership than a Community Protection Notice. It would also provide a consistency of approach to the problem throughout the UK and avoid confusion when requirements are likely to differ in England from the other countries.
11. It is not clear how circumstances where a dog causes nuisance could be dealt with using a Community Protection Notice, especially given that the action leading to its issue must have a detrimental effect on the quality of life. Offences such as barking are already effectively dealt with under the Environmental Protection Act 1990.

Additional Comments

12. We are concerned by the suggestion in paragraph 152 of the Explanatory Notes to the Bill that the person responsible for supervising compliance with a criminal behaviour order could be a dog trainer. It is unlikely that any such supervision could extend beyond simply providing evidence that a person had completed a course of training.
13. We feel that dog specific legislation, some of which is already in place, is much better placed to deal with dog issues than the general provisions of the draft Anti-Social Behaviour Bill.