

Environment, Food and Rural Affairs Committee

Oral evidence: Dangerous Dogs: Breed Specific Legislation, HC 1040

Wednesday 27 June 2018

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Members present: Neil Parish (Chair); Alan Brown; John Grogan; Dr Caroline Johnson; Sandy Martin; David Simpson; Julian Sturdy.

Questions 108 - 239

Witnesses

I: Deputy Chief Constable Gareth Pritchard, Lead for Dangerous Dogs, National Police Chiefs Council; Inspector Patrick O'Hara, Dog Training School and Status Dog Unit, Metropolitan Police Service; and Mark Berry, Chairman, National Companion Animal Forum.

II: David Joyce, National Health, Safety and Environment Officer, Communication Workers Union; and Guy Smith, Deputy President, National Farmers Union.

Written evidence from witnesses:

[National Companion Animal Focus Group](#)

[Communication Workers Union](#)



Examination of witnesses

Witnesses: Deputy Chief Constable Gareth Pritchard, Inspector Patrick O'Hara and Mark Berry.

Q108 **Chair:** Good morning. I am sorry we are thin on the ground. We have two members of the Committee in Strasbourg and two on an HS2 Committee. We are a little bit short in numbers. We are hoping one or two other members are going to come in a minute, but I can assure you it is not because of a lack of interest that they are not here. We are very keen to see you. Please could you introduce yourselves?

Mark Berry: Good morning, Chair. My name is Mark Berry. I am the principal environmental health officer with Stockton-on-Tees Borough Council. One of the functions I look after is the animal welfare service. I am also currently chair of the National Companion Animal Forum, which is a body that represents local authority views on companion animals.

Deputy Chief Constable Pritchard: I am Gareth Pritchard, deputy chief constable for North Wales Police and the national policing lead for companion animals and dangerous dogs.

Chair: It is nice to see you again.

Inspector O'Hara: Good morning, Chair. I am Patrick O'Hara, inspector for the status dog unit at the Metropolitan Police, and I also have a responsibility for dog training here in London.

Q109 **Chair:** Thank you very much, gentlemen, for coming this morning. I will start off, first of all, to you as the police. Is the Dangerous Dogs Act working effectively and what do you see as the main objective of the Dangerous Dogs Act?

Deputy Chief Constable Pritchard: It is partially effective. It has been in place quite a long time. It has changed the behaviour in many regards in terms of criminals having status dogs and providing a danger to society. But obviously society has changed, patterns of behaviour have changed and you can see that fashions in dog ownership have changed. The Dangerous Dogs Act 1991 is very specific in its remit and clearly at the time was passed through. Section 3 is workable and effective, but clearly we are seeing changes in behaviour in dog ownership.

The 2014 Act, with the sentencing changes, private places and assistance-dog protection, enhanced things. We have worked very closely to implement that. We have more training for our dog legislation officers. We work closely with the Crown Prosecution Service. They sit with us on the working group and give us advice about how professionally our experts go to court, give their evidence and use the provisions of legislation.

Q110 **Chair:** I realise, as the police, it is your job to enforce the law as it



stands. Naturally, we will go on in a minute to talk about whether the breed-specific legislation is effective, because breeds are changing all the time. We will talk about that a bit more. As for enforcing it, what interests me is that with the breed-specific provisions we seem to target particular breeds, but the question really is how you deal with those other dangerous dogs that are outside the breed. If you look at a lot of the dog attacks recently, they have not necessarily been by your breed-specific dogs.

Deputy Chief Constable Pritchard: No. We have sought to work closely with the CPS and to write impact statements about the effect of the attack, whatever the type of dog, on the individual and the community. We have developed that across the country. Paddy can talk about the courts in London where there is clearly a significant volume and there are dedicated courts, which, with their knowledge and the pure specialism they have developed, can use the sentencing and the powers and have more expertise. That has assisted us.

Moving forward, we support the research of DEFRA. We want to see best practice across the world. We are interested in seeing how the law can develop. It is a point in time, but on this journey we do need to look at options, and we are interested in supporting the research and looking at other options to see what might be a more effective way in the future. No Minister would just repeal BSL immediately. There would be concerns about the impact of that. But we want to be part of a longer-term solution. That would be very welcome in the community.

Q111 **Chair:** I am sure Alan, later on, will ask you one or two questions on the situation in Scotland, because they seem to be moving slightly away from this and taking less notice of the actual breed of the dog. This is what we are particularly interested in. Patrick, would you like to comment?

Inspector O'Hara: When many people think about the Dangerous Dogs Act, they forget to split it down into the two strands that it has. One is the prevention strand, which is about preventing improper people from owning dogs that have a potential capability and capacity to cause more damage. In particular, those dogs were designed for a function, to do a special thing or to do a certain thing, and they behave in many respects in a different way, particularly when put under pressure. There have been some studies, particularly at the school of veterinary science at Tufts University in the United States, which have indicated that fighting dogs bite differently; they behave differently. They tend to latch on, tear and shake. The damage they can do is much more than perhaps other dogs that may be larger in size or of a similar breed.

The second thing is section 3 of the Act. As Gareth has said, in terms of policing, that is very much a workable piece of legislation that allows us to deal with any dog. That includes dogs of a prohibited nature that come to notice for biting people. That bit of legislation kicks in and allows us to deal with that. I very much agree with the sentiments of the deputy chief



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constable. Broadly speaking, section 3 is there and we are very happy with that. There is perhaps some work to do on section 1.

Q112 **Chair:** With a dangerous dog we are very hard on the dog, and in some ways we have to be, because the dog is dangerous, but largely it is the people who are dangerous. You can make any dog vicious if you treat it in the wrong way and, in fact, if you train it to be dangerous. Without leading you too much, are we sometimes not tough enough on those who are perpetrating this crime? Basically, it is a crime to make a dog vicious, and that is what they do. That is the bit I am particularly concerned about.

Inspector O'Hara: The type of dog is certainly one factor that leads it to bite, but it is not the only factor, and there are a number of other external influences that will determine and impact upon that. It is probably the easiest factor to manage and control, one might suggest, because it is very difficult to look at a dog in its environment, across the board very holistically, and then to influence and prevent that behaviour without some sort of a wide-scale grassroots education programme that brings that up.

If I look at bites in London, very few of them come about because of a dog deliberately being set on someone. That is a very niche market, as it were, when I look at dog bites. Most of the bites that come to the fore are essentially user influenced: where someone has failed to take sensible and careful action that could have prevented a bite from happening in the first place. There is no doubt that a large proportion of that culpability will sit with the owner.

Q113 **Chair:** What is the percentage of bites that take place outside the home and the number inside the home? Do you have those figures or not?

Inspector O'Hara: No, I do not have those figures. I can report, not only from London but from my colleagues in other forces across the country, that we are seeing a significant increase in bites due to the 2014 amendments, which essentially made it an "any place" offence. We are being referred, for example, bites from hospitals. When a child presents at A&E, some hospitals will send those reports to us for investigation under the safeguarding umbrella. It is really important that we do so. We have had some referrals in from schools where a child, for example, has turned up with scratches on their arm, marks on them and suchlike. It is very, very important that we are able to intervene in those cases. There is no doubt that the 2014 changes have led to bringing us into that private space, which enables us to safeguard more.

Q114 **David Simpson:** Good morning, gentlemen. Has the existing breed-specific legislation reduced the ability of gangs to obtain dangerous dogs for fighting or other criminal activity?

Deputy Chief Constable Pritchard: Overall, we have seen a reduction. Gangs will change their behaviour. Clearly, our concern with gangs is about moped crime and county lines drug supply. Gangs are very flexible



and very dynamic. Generally, there has been a move away from using the status dog and the dog as a weapon. They have found more lucrative ways of making money. The acute nature of that problem has been reduced. Other breeds have been used by gangs at times as a weapon or a way of intimidation. Whether their trade is drug supply or anything else, they use fear, and fear can take many forms. Therefore, the use of dogs is a tactic, but it is not as prevalent as it was years ago. Clearly, Paddy in London would have more of an insight.

Q115 David Simpson: In Northern Ireland, dog fighting was massive in certain parts of my constituency, which was the Banbridge area. In County Down, it was fairly rife with dog fighting, and then the legislation was changed. In Northern Ireland, the penalty went from a fine of £5,000 to a fine of £20,000. There was one case in 2017, which was a notorious case in the courts, of a guy who was found guilty of it. There is a lot of money to be made out of this, whether it is through drugs or whatever. There are certain people who are involved in dog fighting—I will not go into it today—who are making a lot of money.

Are you sure that the legislation we currently have, and what has happened over the past number of months, will continue that trend of reduction? It is a bit like drugs. If you find the guy doing it, he moves to another part of the country. It is the same with dog fighting. It moves about, because it is so lucrative. Are you sure that what we have currently is doing the job, or do we really need to enforce that even more with stiffer penalties and prison sentences?

Deputy Chief Constable Pritchard: On the point you make about it being lucrative, we have been working with HMRC. It has set up a two-year taskforce because of the lucrative nature of puppy farming and the importation of animals. Therefore, there is a lot of money to be made. We would use Proceeds of Crime Act legislation at times when we can prove the criminality. We say to the offender, "Where did you get these resources and assets?" This is why the Crown Prosecution Service is on the working group. It is about the dog legislation officer being the expert at court and giving clear evidence. It is about hopefully bringing the impact statement to the Crown Prosecution Service at the start to understand that this is not just a small incidence in a locality; it is wider. We have to show the aggravating factors that are there, because the 2014 Act gives us wider sentencing powers, and we have not seen those used to the level that Parliament gave us.

We have had some sentences. In the case of a death it goes to 14 years. There are some major sentences there. In the working group, we have worked on showing the impact not only of that incidence, but data from the local hospital and the community to show the wider impact assessment of that incidence, which can be downplayed when it is looked at in isolation.

Q116 David Simpson: Do you need more co-operation from the judiciary?



Deputy Chief Constable Pritchard: The London courts are a good example here. When people have that expertise and they understand the seriousness of the case, that is best practice and they understand it. If you turn up to the bench and try to explain the legislation and what is available, that is more difficult. It is professionalising and getting more experienced. The London example is excellent, where we are getting better sentences. We are also getting better justice. Therefore, the animals are not kennelled for a long period of time, and that is a major benefit for animal welfare. That is one of the things we would like to see. In many cases, the police have targets to move cases through court and produce files very, very quickly. Maybe not in London, but in other parts of the country it takes an excessive period of time, which is bad for animal welfare. The costs of keeping the animal are excessive as well.

Q117 **David Simpson:** The secret of a lot of it is moving it as quickly as possible. What we experienced in Northern Ireland prior to 2014 was that, when dog fighting gangs were brought before the courts, they walked. They got a slap on the wrist and they knew they were going to get that. Since 2014, things have changed dramatically. But it is still there. It is still an ongoing sore. It is a bit like the drugs. It will always be there.

Deputy Chief Constable Pritchard: It is difficult to evidence how much money is being made by some of this illegal activity. Therefore, you have to seize the vehicles and the accounts to try to give a more holistic picture of the amount of money people are making.

Inspector O'Hara: We are not seeing too much activity around dog fighting here, in terms of activity coming to police notice that I am aware of or that has been flagged up. It has always been said, however, that that was probably harder to get away with in London because of the built-up population: somebody would know and somebody would call it in. I have not seen significant evidence that dog fighting still persists here in England and Wales, although anecdotally the League Against Cruel Sports has done some research, most recently in the last couple of years, indicating that it very much is an underground activity.

I would suggest that those types of dog are definitely still out there, albeit we have seen a reduction in the numbers that are coming into animal hospitals and suchlike from dogfights on the street. I cannot recall being referred one of those cases for quite some considerable time now.

Q118 **Chair:** The NPCC's written submission states that large bull breeds pose a similar risk to public safety as dogs on the banned list. Would you advocate extending the ban to other large bull breeds or imposing certain restrictions on their ownership? I went to Battersea Dogs Home yesterday and I saw a mastiff that had been running around loose and stray. It was a perfectly good-tempered dog, but it was very large. This is the issue. We then went to see another dog. I am not going to mention the name, because it is still being inspected as to whether it is a pit bull, based on how much pit bull it has in it. It is also a very good-tempered dog, but as



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the police you have to decide whether that dog lives or dies. You measure its nose; you measure the size of its head. It is all very bizarre in my view.

I am not criticising the police, because you have to enforce the law, but are we going to ban all large breeds of dog? What are we going to do? Terriers have nasty tempers, but of course they are not quite so big. Jack Russells can bite quite nicely, but we call them snappy dogs when they are smaller. I want to know where we go forward. As the police, would you like to see more dogs on the list or would you prefer a more flexible system where we could look at the deed and the temperament of the dog? I am not convinced that a dog is dangerous just because of its breed.

Deputy Chief Constable Pritchard: No, we would not advocate putting other breeds on the list. We would prefer to look at the research DEFRA is doing and at different ways of dealing with the risk that the animal may pose. We would not advocate extending it. It is about establishing the research, the best practice and the impact assessments. There are plenty of examples across the world, although we have not looked at them in detail, of how we can manage that risk and how society can deal with that effectively. We would not want to extend it. We would want to look at research, because the breeding changes. Going back to my earlier point, we would not want to put further specific legislation in place or advocate that, because I do not think it helps. Things will move on. There are other breeds. It is developing at quite a pace. We would favour something that looked at the Act.

Q119 **Chair:** You would favour looking at the Act again, would you?

Deputy Chief Constable Pritchard: Yes.

Chair: I suppose, quite obviously, this is my next question to you. If you do not want to add dogs to the list, should the list of dogs be there in the first place? This is an interesting issue. Was it a kneejerk reaction at the time? Like I said, if you look at the statistics, it is not these breed-specific dogs that have been causing the problems. If you do not want to add to the list, do you want to subtract? I am probably leading you now. Would you prefer not to have breed-specific legislation?

Deputy Chief Constable Pritchard: It depends on what the alternative is to manage that risk. We would like to move away from a specific list, but not just repeal it and leave it. There are still issues of risk in our society and our communities.

Q120 **Chair:** What would you like done, then? This is getting to the nub of the issue. I can accept that in some respects repealing the dog-specific legislation is difficult, but what none of us wants to see is a dog like the one I saw yesterday, which was very moving because it was a perfectly good-tempered dog, put down because the measurement of its head, the size of it and what it looks like are wrong, yet the temperament is there.



Deputy Chief Constable Pritchard: As I said earlier, we are looking at other examples from across the world. I do not have one way that I could submit to you this morning that would be a preference, but clearly there are different ways of managing the risk that the dog poses. Should the dog be insured? What training has it had? There is a huge gap in the training that is available to people when they acquire a dog and their knowledge of what the dog's behaviour is. The history of the dog is an important factor, as we know from many deaths.

I do not have the complete answer, but I am saying that we are looking at wide-ranging options. We are happy to support the research by DEFRA and others to see what could be done.

Q121 **Chair:** I must not second-guess our report but, when we put our report together, without leading you too far, could we say that you, the police, would like the Dangerous Dogs Act to be looked at again and for more research to be done to come up with a better solution? Would that be leading you too far?

Deputy Chief Constable Pritchard: We would clearly welcome further research to understand what would be best practice—what would manage the risk to our communities—and to look for a long-term plan to change the legislation. That would be welcomed in communities and by forces. We have canvassed dog legislation officers before coming here today. That move would be welcome, but obviously we deal with the impact of the attacks. We understand it and we are dealing with it day by day. Therefore, there is still a risk and a concern in the community.

We could look the attacks at the moment on livestock, which have grown hugely. In two-thirds of the cases, the owner is not even there; the dog has escaped. You see many cases of real concern. We would look at some of the cases where we could have some restorative solution. For many minor speed offences, you go to a speed-awareness course. In terms of some low-level offences, there could be some training.

Q122 **Chair:** You mean a dog awareness course or some kind of training.

Deputy Chief Constable Pritchard: Yes, there could be specific training. It would have to be agreed, accredited and signed off. It is not an easy option, but we could do other things to enhance the skills of individuals and we should mandate it. We do it for other types of offence; we could do it for this.

Q123 **Chair:** It is interesting, because I had a neighbour who had four big dogs. She took them for a walk. They were off the lead; they got in with some sheep and they were chasing the sheep. They were not actually going to harm the sheep, but the sheep were in lamb and it does them a lot of harm. I do not think she really understands what it was all about. You cannot blame the dogs. If you get two or three dogs together, they find it very amusing to chase the sheep around. It is entertainment. Sheep will run when they see a dog.



Leading on from dangerous dogs—perhaps Mark and Patrick can comment, too—it is very difficult in life, because you cannot really say, “You can only have a certain size of dog,” but there is no doubt when you see people sometimes they have far too large a dog for what they can cope with and manage, perhaps because of where they live. How do we get that out there and say to people, “Be a bit careful about the type of dog you have with your lifestyle, your size of flat or living accommodation”? This is alongside actually managing and feeding that dog, because some of these large dogs must cost an absolute fortune to feed. What more can we do there to link the lifestyle and the person to the type of dog they should have? Who wants to tackle that one?

Inspector O’Hara: I would like to see some regulations around the rehoming of dogs, particularly through rescue centres and charities. That is particularly key. One of the fatal attacks in Essex was a dog that—

Chair: Hang on a minute. If David leaves, we are not quorate. We are getting another member in, so I have just asked David to stay. Carry on, Patrick.

Inspector O’Hara: Rehoming regulations are something I would certainly welcome, which the charity sector could sign up to. At the moment, we see a lot of behaviour in the charity sector where it is all about the dog and not about the right fit for that dog. That is really, really key. People need to understand their limitations, but they also need to understand their liabilities when they want a dog. Owning a dog is a privilege. It is a privilege that happens to millions of people throughout the UK, but with that privilege come responsibilities.

If we are able to do something at source, where people get dogs from, there is a great opportunity to educate people at that particular point. That might go some way towards normalising people’s consumer behaviour. They feel they can just pick a dog off the shelf and have it, just like ordering something from the television that will arrive tomorrow. I know there is work already going on in that regard around breeding legislation, animal activities and stuff. But there is an opportunity to extend that into the rehoming sector.

Q124 **Chair:** You only need a television programme or something that gets a lot of coverage with a certain type of dog on there, and everybody decides that is the type of dog they now want. Then the price shoots up, everybody starts to breed them, sometimes not particularly well, and the whole thing snowballs. It is quite difficult to control. I just do not know how we go about saying to people, “Be a little bit careful. By all means have a dog, but have a dog that suits your lifestyle”.

Inspector O’Hara: I can remember that my father bought a dog from a charity a number of years ago; it was a charity in Northern Ireland. He went to look at the dog in kennels. He picked the dog he liked. He chatted at length with the person in the charity, and he did not walk away with that dog the same day. Before he got the dog, the charity



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people came to his home. They inspected that he had fences. They talked and had a real conversation with him about his lifestyle and whether he would be able to manage that dog. There is already good practice out there. That was maybe eight or nine years ago. It is something that we could replicate across the sector, either through good practice guidance or statutory regulations to make sure that it happens and that there is due diligence going on within the charity sector.

I am aware of a case in London from only 10 days ago where a dog bit somebody down in south London. It was being walked by someone who was fostering the dog on behalf of a charity. The very next day the dog was returned to the charity and appeared back on the website for sale. Would I have confidence that the charity would disclose that incident to a prospective new buyer? I am not sure I would, and it is really important that any prospective new owner of a dog is made aware of its history and temperament.

Clearly, we are not going to catch everybody in that. There is backstreet breeding; there are underground sales and suchlike. That will always be the case. There will always be a loophole or a section of society that you do not get. But, if you can catch the vast majority, that would be welcome.

Q125 Chair: There is an old adage: the law works for the law-abiding. In some ways, it is a bit like that with dog breeding. Those who abide by the law will do so, and those who decide to go outside the law are going to be more difficult.

Before we leave this question to the police, going back to this dog that is in Battersea, somebody from the police will have to go and take measurements of this dog to try to work out whether it has pit bull in it and what sort of percentage of pit bull it might have in it. It is nothing to do with the temperament of the dog, just its physical attributes. Do you feel this is a very good method? It is also an awful lot of responsibility for the police officer who has to go along there and decide whether that dog lives or dies.

Is there not a better way of doing it? I am just going to throw the ball into your court, really. I am not criticising you, because, as I said, you are adhering to the law as it stands, but it is a very odd way to do this. I am a farmer. "Is this a Hereford? Is it a Friesian? I am going to measure the head and the nose of the cow, and try to work out what is in it." It is not an exact science, is it?

Deputy Chief Constable Pritchard: No, it is about the risk, and that is where we need to be headed. What is the risk? There are a number of those dogs on the index of exemption, which is fine. We want to focus more on the risks the animal poses, its history and its behaviour. We would support a move to a different assessment, but there will still have to be some restriction. We cannot just say, "Do not do those measurements and do not do those checks." What restrictions are we



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going to put in place on dogs that we believe pose a risk? What kind of index registration and what kind of training do they require?

If we understand the risk, we have to try to mitigate that risk in some way. That will put restrictions on the general public, and somebody will have to pay for some of that training or whatever is required. There is a balance there, in moving to a different structure.

Q126 **Chair:** I suspect it will sometimes depend a bit on the attitude of the police officer who comes along to look at that dog. What sort of training do officers go through to make sure you look at the temperament of the dog and do not just make an arbitrary decision? People might say, "That looks like a pit bull; it measures like a pit bull; it has too much pit bull in it; it has to be put down." There is a lot of discretion here, is there not? What about if you are not feeling too good in the morning? I do not want to be too hard on you. It is all about one person looking at that dog and making a decision. How do you train officers to do this?

Inspector O'Hara: Officers are trained by way of a dog legislation course. It used to be a seminar, but it has very much been professionalised and brought into the College of Policing as best practice. There are only three training centres in the country that currently train that, and those are the forces that typically deal with the most cases. For an officer to qualify to go out and subsequently do that job, the officer has to be externally assessed by somebody else in another force.

We used the American Dog Breeders Association standard, as published in the *Pit Bull Gazette* volume 1, issue 3, 1977. That is the guide that has been accepted in the courts ever since 1993 with the case of *R v. Knightsbridge Crown Court, ex parte Dunn; Brock v. DPP*. That essentially cemented in stone the criteria that we would use for assessing whether a dog fell within the definition of a pit bull-type dog.

We have to acknowledge that this not a breed identifier. This is a confirmation standard to look at whether the dog conforms to the physical and behavioural characteristics of a dog of the type known as a pit bull terrier. The notion that you can simply pull out a breed standard, as you would for a German shepherd, and then compare that to the same kind of thing you look at in a pit bull is not necessarily correct. Within that particular case, it was presented that the dog was not a pit bull but a mongrel that closely resembled a pit bull. There were a number of cases that preceded that High Court judgment, and they regarded as highly significant the fact that the dog did resemble a pit bull terrier and were not able to accept the evidence that it was in fact a mongrel.

It is not a case of taking a couple of measurements of the head. There are around about 54 points that you look at in a dog to see whether it has those conformational standards of a dog of the type known as the pit bull terrier. It is a much more involved procedure than perhaps has been explained to you.



Q127 **Chair:** Would you consider it foolproof?

Inspector O'Hara: There is an element of subjectivity to it, as in any test with an individual sat looking at something. But it is down to that officer to justify their decisions by way of a subsequent court process that is likely to follow.

Deputy Chief Constable Pritchard: We have a small number of DLOs, who are the experts for the service. There are around 100 such officers nationwide. It is not any police officer who is doing this; they are specially trained officers who have to adhere to College of Policing standards. I just want to give you that reassurance that it is not an arbitrary decision.

Inspector O'Hara: If I could quote some figures around that, the last time I checked, the Met sees around 180 pit bulls a year. Out of those, we sent a third of them back as being not of type. They would be dogs that have been taken in by frontline officers responding to complaints from members of the public and so on. When one of our dog law specialists looked at it, they were of the view that that dog did not meet the required standard and it was sent home again.

Q128 **Chair:** You took in 180 and 30 you decided were not of the pit bull type?

Inspector O'Hara: No, we sent home 60, a third.

Q129 **Chair:** But then two thirds were put down? Is that right?

Inspector O'Hara: No, two thirds went on to go through the court process, and the results of those will vary case by case.

Q130 **Chair:** I suppose it depends on the court, but when they go through the court process what sort of percentage of dogs are then reprieved?

Inspector O'Hara: The vast majority of dogs that come through the court process will end up being registered and put on the index of exempted dogs.

When we looked at it, a number of dogs were put to sleep, generally because of the dog's behaviour or temperament, or because the owner was not a fit and proper person. A larger number of owners went through the process and were found to be fit and proper people; the dog was found to have an okay temperament; and then they just did not bother. They left the dog languishing in police kennels for two months, whereupon the destruction order had to be activated, because they failed to complete the registration process. The vast majority of dogs, certainly those that come to our notice, will go back on to the index of exempted dogs with preventive control measures for their future.

Q131 **Chair:** This seems to be the problem with trying to rehome dogs that may have a percentage of pit bull in them. If there is an owner who is linked, the dog seems to be able to be saved more times than not, but if you have a dog that comes in that is of a pit bull type, from Battersea,



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Blue Cross or wherever, they have to ask you to come along and look at this dog. If you decide it has too much pit bull in it so it is a dangerous breed, that dog has to be put down because they cannot rehome it. There is nobody to speak up for that dog through the process. This is a particular issue that we need to deal with.

Inspector O'Hara: That is the legislation as it is written.

Q132 **Chair:** That is right. I am not criticising you; I am just saying that this is where it is.

Inspector O'Hara: On a point of principle, we would go by the view: nice dog, nice person, no problem. We would be reasonably happy, with some degree of relaxation, about whether a home could be found for that particular dog that did not cause us a problem.

Q133 **Julian Sturdy:** How big of a problem are dangerous dogs to the local authorities? What challenges are involved in tackling this issue for them? What is the relationship between local authorities and police forces in sharing information about potential dangerous dogs?

Mark Berry: When you specifically mention dangerous dogs and local authorities, are you talking about dogs that are not in section 1?

Julian Sturdy: Yes.

Mark Berry: The picture is patchy up and down the country. There are certain local authorities that will not deal with or investigate potentially any dangerous dog or nuisance dog-related problem. That could be for a number of reasons. It could be because their stray dog service is outsourced, and the service does not cover that; it just deals with literally the statutory requirement to pick up and deal with stray dogs. There is an element of a pepper pot service up and down the country. Ultimately, that needs addressing.

In my local authority, we deal with a lot of the low-level incidences. We use the Dogs Act 1871. Even though it is from 1871, it is an efficient piece of legislation for dealing with minor incidents. We use the community protection notice powers, and we have done section 3 prosecutions as well. The problem is that, ultimately, it is about clear roles and responsibilities between the local authority and the police. Yes, there are some very good examples where that works really well between different police forces and different local authorities, but equally there are some—

Q134 **Julian Sturdy:** Can you share some of those? What is a good example?

Mark Berry: The lead example, which is quoted in the latest DEFRA guidance document that came out in January of this year, is a model that ideally needs to be mandatorily put in place up and down the country. As officers have touched on, the issue around that is one of resources. That is resources for the police, but it is also resources for the local authorities.



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You can talk round the houses about legislation. Does it need consolidating? Does it need changing? Ultimately, any legislation is only as effective as the resources available to enforce it. That is a serious issue.

Q135 **Julian Sturdy:** Is there an issue around prioritisation in certain local authorities, then?

Mark Berry: Yes. Again, because local authorities are very different from police forces; each of those organisations has its own various priorities, for obvious reasons. As I say, for me, it is about getting a consistent approach on strategy going forward. Again, if we are looking at amendments to breed-specific legislation, the evidence quite clearly shows that a ban does not work. But to repeal some of the breed-specific legislation, there needs to be something in its place that works on a much more proactive basis.

Q136 **Julian Sturdy:** What about sharing information? It is the Dogs Trust that came back with its evidence and said that the sharing between local authorities and police forces over dog bite incidents could be improved.

Mark Berry: I would agree, especially from a local authority perspective, in terms of trying to deal with low-level complaints and trying to be on the front foot with community protection notices. To deal with that, you are potentially looking at it not being a first offence but a repeated action. If that information is being recorded in different sources and there is no clear chain of communication, or if that information is not even being recorded because it is not something that either party thinks is their responsibility, the system falls down at that point.

Q137 **Julian Sturdy:** There are areas where it can fall through the middle, basically?

Mark Berry: Currently, it can fall through at the reporting stage, but it can also fall through because, if we as the local authority serve a community protection notice, the community protection notice is not recorded anywhere.

Q138 **Julian Sturdy:** You think it should be?

Mark Berry: If that person then moves to another local authority area or another police force, how are they aware that the community protection order is in place? There is no current audit trail. For me, one of the key issues of looking at the legislation, in terms of changing legislation, is about making better use of the resources that are currently out there.

Q139 **Julian Sturdy:** Would you agree with that comment about the audit trail?

Deputy Chief Constable Pritchard: There are a couple of points there. The dog warden service has reduced considerably. Therefore, the knowledge on the ground has been less. To be fair to local authorities, we are asking them for information about child sexual exploitation, mental



health, domestic abuse, modern slavery and county lines drug supply. We get the pushback, "How many priorities do the police have?" We are asking for a lot, to deal with vulnerable people. The sophistication of information sharing on high-risk cases is pretty good, but when we look at this, because you have fewer dog wardens, it is not as strong as we would be on, say, domestic abuse or children at risk. There is a huge focus on that and we are sharing information every single day about it. I do not think it is at that level. DLOs would meet dog wardens across north Wales, and there would be exchanges there, but clearly there is a lessening of the dog warden service. There is some good practice, but, to be fair, we are asking for a lot of information and sharing a lot of information on a lot of priorities. The relationship is good, but in terms of priorities it is not at the top.

Inspector O'Hara: There are two things for me. A dog that is dangerously out of control and causes injury to a person or an assistance dog is a recordable and notifiable offence. That basically means that, if one was to get prosecuted, you would have photographs, fingerprints and DNA taken and you would be put on the police national database.

Q140 **Julian Sturdy:** Wherever you moved, it would be there?

Inspector O'Hara: Wherever you moved, they would be able to see that. That would follow the offender around the country wherever they went. If somebody was to be arrested or dealt with and not charged, for example, but was subject to being on a crime report for a dog dangerously out of control that caused injury, again there is a national system called the police national database. Even if there was no judicial outcome in terms of them going to court, there would be a record of the investigation they were subject to.

Where it perhaps falls down in that regard nationally is that, if a dog is dangerously out of control and attacks another animal but does not injure a person or an assistance dog, that is neither recordable nor notifiable. There is a varying level of who takes that responsibility on. Is it the police? We have typically dealt with our statutory responsibility around that recording aspect, which is set by the Home Secretary. That lower-level "dog versus other animal/dog" scenario has in the past been increasingly pushed towards the local authority to deal with as a nuisance case. There are differences in how you deal with a dog incident and whom you go to, right from the point of reporting.

Q141 **Julian Sturdy:** What about attacks on livestock, then? If a dog is found to be attacking sheep, for example, how is that recorded?

Inspector O'Hara: That should be a matter for the police, because you need the chief constable's dispensation to prosecute.

Q142 **Julian Sturdy:** That should not fall through? That is what you are saying?

Inspector O'Hara: It should not fall through.



Deputy Chief Constable Pritchard: There needs to be more recording of that on a comprehensive basis. There is a lot of work ongoing about understanding the impact and the financial cost of some of these huge losses. There is a piece of work going on with DEFRA to quantify that fully and to improve recording standards on that, which has not been on such a structured basis in the past.

Q143 **Chair:** Gareth, can I just go back to you on a point you made? The Americans have done quite a lot of research on this, and they have found that, in households with aggressive dogs and dogs being mistreated, very often there are problems of mistreatment within the family as well. How much are we linking the situation where there are problems with dangerous or vicious dogs and how those dogs have been treated back with the way they might be treating people within that household? Is there a link now?

Deputy Chief Constable Pritchard: Yes, at the working group over a period of time we have talked with public protection officers about that information sharing. The intelligence may come from a health visitor or home help that there are children in the house and that there are significant risks. Yes, we do link that together. If somebody is violent to people, they could well be violent to animals. We make that link very quickly. I feel that is addressed, yes.

Q144 **Chair:** You think we are reacting better to it than we did?

Deputy Chief Constable Pritchard: We are. We are, because we are dealing with vulnerable people, whatever the causes of that vulnerability and whoever the perpetrators are. We are in a better place.

Q145 **John Grogan:** My apologies, gentlemen, for being in and out. I am on the Northern Ireland Affairs Committee, and by chance we have the Chief Constable of the PSNI next door this morning, on a historic day for British and Irish policing, with his deputy being appointed Commissioner of the Garda Síochána this morning.

I have been listening carefully and I want to ask about possible ideas for monitoring dogs that pose the greatest risk to the public. Some people have suggested a centralised dog bite registry. Is there any difference in the behaviour of dogs that are microchipped and not microchipped? Are those that are microchipped more likely to behave well? Has any research been done on that?

Deputy Chief Constable Pritchard: You go back quite often to the owner, the person who wants to comply, who gets the dog microchipped, who will keep their details updated, and who will look after the dog and the welfare of the dog. People will comply. There are a minority who do not comply, which causes us a real concern. Some people will not microchip, will not get the training and will not look after the welfare. Like everything else in society, it splits into two camps. Microchipping has had a very high compliance level and that has been advantageous in stray



dogs and dogs that we have been able to get back home, but clearly there are elements of society who will not comply.

Inspector O'Hara: On microchipping, the Met will take in roughly about 1,100 dogs a year. That is not just all for dangerous dogs stuff. That includes strays that the local authority will not or cannot deal with. It also includes animal welfare reasons and other such stuff. We are seeing a fairly significant uptake in microchipping. The larger problem with regard to microchipping is not the fact that the dog has been microchipped, but that the details are out of date and not recorded, or it is in one of several different databases, which you have to trawl through to find out the details. Microchipping of itself is not indicative of anything other than that a dog has been microchipped.

Mark Berry: From a local authority point of view on microchipping, for the last three years we have done a report with Battersea trying to look at local authorities' enforcement of microchipping and levels of compliance with the microchipping regulations. Local authorities take a light-touch approach in terms of generally just dealing with dogs that come through their hands as stray dogs. The figures reflect that, in that only about 60% of dogs are microchipped. For probably 50% of the 60% that are chipped, the details are incorrect, which is a huge issue.

We spend a lot of time trying to deal with that. The microchipping arrangements work, in terms of serving 21-day notices either to get a dog microchipped or, more importantly, to have the details brought up to date. The problem with bringing the details up to date is that, ultimately, we have prosecuted a number of people on at least two occasions, and there is no default position in those details; they are still out of date.

Q146 **Chair:** Going back to microchipping, at Battersea yesterday, they corroborated that quite a lot of the dogs are microchipped but largely the information on the microchip is not accurate. It is good to get the dogs microchipped, but I always knew this was going to be the biggest problem of all. Again, the law-abiding will make sure their dogs are completely up to date and the microchips are up to date. Those who choose not to will make sure that, while they may be microchipped as a puppy, after that, what is on the microchip is largely fictitious, if anything is on the microchip other than where it came from in the first place. If you have a car or something like that, you have to follow it and to make sure it is registered and its owners are reregistered. Why can we not do something similar with a dog?

Mark Berry: In reality, the only way you will get much higher level of compliance with that is by linking it to a similar thing like a car registration—that is, an annual dog registration or a lifetime dog registration.

Q147 **Chair:** It is partly cost? What is the issue?



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Mark Berry: It seems to be the appetite from Government, in that dog licensing or dog registration is not something they want to re-look at.

Q148 **Chair:** If we are not careful, with the dog licence, it will be the case that the legal person will go through the dog licensing and everybody else will ignore it.

Mark Berry: Ultimately, it falls back to the will and the resource to enforce whatever scheme you are going to put in place. If you do not have that resource to enforce it, it will be ignored by the percentage of society that do not comply with other pieces of legislation.

From a local authority point of view, if we get a stray dog that is microchipped and the details are correct, we spend a lot more time dealing with that dog than if it came in with no microchip. If it comes in with no microchip and no collar or tag, it just sits in a kennel and we have to wait for the owner to come to us. If we get a dog in with a microchip that has details on it, my officers can spend two or three hours visiting, phoning and trying to trace what we feel is—

Q149 **Chair:** Yes, I suppose you can trace it back to the original owner and then you have to—

Mark Berry: That person says, "I got rid of that dog four months ago." It is in our interest to enforce those regulations. To me, this is about looking holistically not just at dangerous dogs but at all the legislation that ties in with companion animals. The regulations are failing hugely in identifying breeders. Breeders are deliberately avoiding having their details recorded. Not every breeder but a significant amount are deliberately avoiding having their details recorded as the breeder of that dog.

Q150 **Chair:** If I am an unscrupulous dog owner and I decide to sell my dog over the internet, sell it for cash or whatever, no penalty will be put against me if I do not reregister that dog to the new owner?

Mark Berry: If you are a breeder, the legal onus is on you to have that dog microchipped before it is sold or before it reaches eight weeks old.

Q151 **Chair:** If you do not, what happens?

Mark Berry: This is the difficulty with the breeder scenario. We provide a free microchipping surgery every fortnight in association with the Dogs Trust, which provides the chips for us. We get a number of people who ring us up to say, "I have just purchased a puppy and I need to get it microchipped." Our first response is, "It actually should already be microchipped and it should just be a case of you changing the details into your name." But certain unscrupulous breeders are advising the owners that it is easier for them. This is probably for lots of reasons. They are probably not providing puppies whose welfare has been neglected. It is about those breeders not wanting to be identified, probably for reasons to do with income tax and HMRC.



Q152 **Chair:** That is right. If you a registered breeder, the local authority has some comeback, does it not?

Mark Berry: Yes, if you are licensed.

Chair: If you are not, there is very little action it can take. I imagine the police cannot really take any action, can you?

Deputy Chief Constable Pritchard: The compliance issue is wider than just microchipping. When you look at the index and the requirement to have insurance, there is quite a low compliance rate there. We have taken people to court. It is seen as a very low-level issue. On the index, that is a gap. Getting compliance is really difficult. We have taken people to court. There is no sanction and, therefore, we do not do it that often any more. To get the compliance, you put the structure in place. Whether it is a fixed-penalty ticket or whatever structure is in place, there needs to be something to persuade the people who do not want to do it to comply. That is a real weakness.

Q153 **Chair:** That is a real problem. It is the nub of the problem, as far as I can see. Like I said, there is an element of society—it is probably not where all the dangerous dogs are, but it is where there is a potential for dangerous dogs to be—who are the ones who will not have those accurate microchips, because they do not want them linked back to them. This is a real issue. Should the courts take it more seriously? Is that what you are saying? Should there be more of a penalty? What is the solution?

Deputy Chief Constable Pritchard: If we are headed to not being so breed specific and we are going to have different structures for different risks, that has to be complied with, does it not? That alternative methodology of dealing with that risk has to have real structure and real compliance. There has to be an understanding that failure to comply will mean you end up in court, with a fixed penalty or suchlike. We have tried this in different ways with the microchipping and the index. There is still a percentage who just do not comply. That is the nervousness about pulling away from the section 1. What structure is robust enough and strong enough to maintain public safety?

Q154 **Chair:** At the moment, it is not working as well as we would like, anyway, is it?

Deputy Chief Constable Pritchard: No.

Chair: Thank you. That is a very good point.

Q155 **Julian Sturdy:** Mark, in answer to my earlier question you touched on community protection notices. I just wanted your view on whether you would support the introduction of a dog control notice. Going further, the issue on that would be whether local authorities could properly manage a dog control notice and the costs of it going forward. This is what I am trying to get at: if you did support that, is it something that could be implemented by local authorities at the moment?



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Mark Berry: Firstly, there is a bit of a misunderstanding around this. You are referring to dog control notices, which are in place in Scotland.

Julian Sturdy: Yes.

Mark Berry: Community protection notices, apart from a few little differences, are very similar to dog control notices. The major issue for me is that community protection notices come under the auspices of a piece of legislation whose name has no relevance to dogs. There is a consequence to that. There are issues, in that local authorities and staff within local authorities are potentially not fully aware of what that legislation can be used for. Ultimately, a community protection notice can achieve similar controls to a dog control notice in Scotland.

Q156 **Julian Sturdy:** Would you say that you would stick with a community protection notice there, but you would probably want a better awareness within local authorities about how they can use them?

Mark Berry: The Committee has looked at this in terms of the bigger question of consolidation of dog legislation per se. If that was something that was going to be done, it would probably make sense, ultimately, for the powers that exist under community protection notices to be specifically labelled under dog legislation. As they stand, with community protection notices we can issue a warning notice first. From experience, we have found that the warning notice in itself usually has the desired effect. They are a useful tool.

From a local authority point of view, as I touched on earlier, they are a useful tool for dealing with some of the low-level stuff, such as where you have dogs repeatedly straying out of the property. It is not an offence to allow your dog to stray. Some people would argue that maybe that should be changed, but we can use community protection notices to deal with that element. While that dog is out straying, it may be acting aggressively at the same time. In effect, you are killing two birds with one stone.

They are a useful tool. They rely a bit on the fact that you need the resource to gather that information in the first place, which is quite resource intensive. But the whole ethos of that and what everyone really wants to know is that you are trying to deal with incidences before they become serious. That dog that escapes from a garden may go on, depending on its nature and how it has been brought up, to create a serious life-threatening injury for someone. Do you have the resourcing element to come to the front end, rather than dealing with the reactive end of an incident? Maybe that, linked with the review of the legislation, is where we need to be focusing.

Q157 **Julian Sturdy:** From that, I am gathering that you would be quite happy to stick with the community protection notice?

Mark Berry: The powers that are there are okay. In an ideal world, yes, you would probably consolidate the various bits of legislation under one



umbrella, because it may make it clearer to dog owners, but it may help make it clearer for enforcement bodies as well.

Q158 Chair: Mine is on education. Education programmes are widely cited as a key to reducing dog attacks. In practical terms, how would these be run? How could you ensure that it is not just, again, the conscientious dog owner who attends? The argument of getting into schools, getting good animal welfare and the way we handle our dogs is a good one, because some families would not be treating their dogs well. But how do we get to the wider public and how do we get to those who do not really want to be given the other side of the story, because they are blatantly being cruel to their dogs?

Deputy Chief Constable Pritchard: There are a number of options here. Education is linked to training. As an alternative disposal, given the volume, we need to mandate that, and that the owner of the dog has to pay. That is what we do with other offences. That is another option. There is an issue here. You need to enhance your skills about treating the dog, about the welfare. That is the way of keeping people outside the criminal justice system, if they attend and get signed off by not just anybody, but somebody who has the skills, can accredit the training and can ensure compliance.

There are other ways of making those who are reluctant to educate themselves be educated and have the skills. It works for other offences. It can be linked to CPNs; it can be linked to other structures. We are fairly serious about this. We are not just saying, "Education, take it or leave it." We have to have some mandating there. If they fail to comply, we take it further, into the criminal justice system.

Q159 Chair: Take the analogy of driving. If you are doing 110 mph down the motorway, you are not going to go on a speed awareness course.

Deputy Chief Constable Pritchard: No, you are not.

Chair: You are going to have your licence taken away from you. If you are doing 32 or 33 mph in a 30 mph limit, you will probably be offered a speed awareness course, not that I know anything about these things, I hasten to add.

Julian Sturdy: You seem quite knowledgeable.

Chair: Yes, "probably too knowledgeable," is the answer, Julian. Seriously, it would pick up those who perhaps are being inadvertently cruel, find life challenging and what have you. That would definitely help there, so we could use that process. How do we pick up the really nasty people in society? There are not that many of them, but they are out there, and they are just not going to co-operate, are they? If you send them on an animal welfare awareness course, I am not sure it will do them any good.



Deputy Chief Constable Pritchard: No, but, if they do not attend, that shows to the court that we have sought to educate, to inform and to advise.

Q160 **Chair:** Yes, so it ratchets up?

Deputy Chief Constable Pritchard: There is a ratchet-up there. As in ASB, we give people the opportunity; the situation does not improve. These days, the police officers turn up with bodycams, they get the information, the court can see the conditions of the dog when they arrive, what the fence is, what the attitude is. There are now different ways of capturing that evidence that we can show the Crown Prosecution Service. We will try with the reluctant to engage, but we need to have that clear escalation.

Q161 **Chair:** From a local authority point of view, do you see that linking in quite well?

Mark Berry: Education is a huge issue, specifically if you are trying to go to a much more proactive approach. As Gareth touched on there, there is an element of dog owners who are negligent, in that they deliberately do not want to comply, but we have all probably dealt with or come across dog owners who are just ignorant, in that they do not understand their own dogs. We have all been in a park when a dog is belting towards you and the owner is 300 yards away shouting, "It will be fine; it will be fine; it will not harm you." Those people need some education themselves, because they do not understand their own dogs. They are not deliberately trying to be non-compliant or anything.

One of the issues, linking back to CPNs, it that a CPN does not allow you to send or refer someone to dog training. This is the difficulty with that. Where does someone who wants to learn, wants to comply and wants to address the behavioural instincts of their dog go for that? First, there are not a great deal of easily available avenues and, secondly, there is the cost. The cost is very prohibitive to the vast majority of society. Unless there is some kind of infrastructure, a bit like designated speed awareness courses, that people can be referred to, that element starts to fall down and not work properly as well.

Deputy Chief Constable Pritchard: Owning a dog is a privilege. You have to have the skills and, therefore, you have to pay to acquire those skills. If the dog is bigger and poses more risk, we have to get to a situation where you have the skills to deal with that. The resources are short, so we would look for people to pay for that course. It is an accredited course, so that is where it has to come. It might be unfair to some; I get that, but we need the resources to get the skilled people to provide the training and accredit it.

Q162 **Chair:** Without being too politically incorrect, you have part of society who work by shouting and belting things, and that is the solution to everything in life, be it people or animals. That is the section of society we have to try to get to, if we can. It is not always easy because they



have probably been brought up to think that is the way to deal with the situation. You see it when you are out, and you see it all over the place. The trouble is, if you are belting that dog when it does not need to be treated in that way, it then starts to become more vicious; it becomes more nervous. The whole thing is literally a vicious circle, is it not?

Deputy Chief Constable Pritchard: We have seen, when we have had the attacks on livestock, that the owners are not there. It is neglect, ignorance, not understanding the welfare issues or the loss. These are not all bad people, but they have let their dogs go loose. They need to be held to account for those actions, whether that is through training or whatever. There are different options that we should offer.

Q163 **Chair:** People need to be reminded that they are responsible for the dog. If the dog is straying, it is potentially going to cause problems.

Inspector O'Hara: It might be slightly late once a dog has come to notice. Arguably, the better option would be to go before the dog comes to notice, and perhaps it is made a prerequisite as a part of ownership.

Q164 **Chair:** Now you raise an interesting point. Do we send people on dog awareness courses before they have the dog? It is an interesting one.

Inspector O'Hara: I do not know how that would be enforced to start with, but it is very much part of the debate that should be considered.

Chair: Yes, it is an interesting one.

Q165 **David Simpson:** You may have touched on this question, but I had to go out for another meeting so I apologise for that. Could you explain how the local environmental awareness on dogs initiative works?

Inspector O'Hara: The LEAD scheme was started in around 2012 following a fatal dog attack in London. Essentially, media coverage came out about the dog attack and it was suggested that different people had complained about the dog before, yet nobody, either in the police or the local authority, seemed to have a record of any previous complaints around the dog. LEAD is essentially a partnership initiative. It is led by the police. It started in Sutton under PC Heath Keogh. It enables the local authority and the police to go together into cases of concern.

From then, if a dog comes to notice but the threshold does not meet a criminal offence and it is anti-social behaviour, they would seek to educate by sending somebody out a letter along with a responsible dog owner pack. If the dog then comes to notice on a second occasion, they would seek to see whether there are other remedial options that they could use.

One of the successes I am aware of from LEAD is that, from 2011 to 2016 in just this one London borough, they have issued nearly 300 letters to people advising and educating them accordingly. Out of those, there has been a fairly high success rate, in that people have not come



back to notice again within that timeframe thereafter. We are talking about a 95% success rate from interventions.

Q166 **David Simpson:** Why have all the authorities not taken it on?

Inspector O'Hara: It is widely promoted and it has recently been cited, not only by DEFRA but by previous Ministers, as good guidance. It is there as a tool for local authorities and the police forces to use.

Q167 **David Simpson:** Are all the local authorities implementing it?

Mark Berry: No, unfortunately. Again, a lot of these examples of good practice rely very much on one or two individuals in the various organisations, who, in effect, make that good practice work. It is similar for regional groups, regional forums. You only need sometimes an officer or an individual to move and all that partnership work can fall apart. That is one of the key issues. There could perhaps be some kind of enforcers network implemented that mirrored LEAD. Again, it has to be resourced appropriately, because the results from LEAD speak for themselves, but it is resource intensive to go out and interact with these people, dog owners, at an early point.

Q168 **David Simpson:** The point is that, if it was resourced properly, more local authorities might take it on. Is it down to resources, basically?

Mark Berry: Undoubtedly, in the last three or four years within local authorities and probably similarly in various police forces, there are issues of resource and priorities.

Inspector O'Hara: The other thing to bear in mind is that LEAD came in in 2012, but in 2014 we had the Anti-Social Behaviour, Crime and Policing Act, which gave us statutory warning letters and community protection notices. In many respects, LEAD was the forerunner for that legislation that came in thereafter. They may not be using LEAD in name, but they probably are using LEAD in principle.

Q169 **David Simpson:** Okay, we will go to the next question, then. What actions are the police taking to address animal welfare concerns raised by the seizure and kennelling of suspected section 1 dogs?

Deputy Chief Constable Pritchard: We clearly seek to limit the time that we have those dogs in our possession. We are frustrated about how long we keep those dogs and how many adjournments we have at court. We have a structure to ensure the welfare of the dog and the checks of the dog in kennels. There have been some cases where dogs have been held for a substantial period of time and this is where, with an issue like the London courts, we expedite it through much more quickly. We want to get to a resolution, to early justice, to limiting the dog welfare concerns very, very quickly. We have a structure around that. The working group ensures compliance and checking. We seek to limit the time that we have these dogs in kennels, and I am sure Paddy can develop how he does it on a practical basis.



Q170 **David Simpson:** Just before Paddy comes in, could you also give us a detail of the process behind the seizure, the kennelling and the destruction of the dogs? What is the process?

Inspector O'Hara: A seizure can happen in many ways. I can only speak for the Met experience here, really, as opposed to what happens elsewhere in the country. In the Met experience, the vast majority of seizures are done by way of a search warrant rather than as a direct response to an incident, although a number of those do happen when officers are called straight to there. We will generally follow a process whereby, if we can engage with the owner, we will invite the owner to put the dog into the van for us, rather than us having to use any kind of force on the dog. Should we then have to resort to that, where possible, we will start with a slip lead to walk the dog out and then, if we have to escalate that use of force higher than that, we will do so. Generally, the only other options we would seek to use would involve what is otherwise known as a rigid lead, just to keep the dog at bay while we are moving it from A to B.

I give officers in the Met who are involved in dangerous dog seizures four days' training, all around dealing with different dogs, putting them into vehicles, taking them out of vehicles, closing them down in a yard, for example, and being able to do that. Often, even in the most difficult sets of circumstances, officers will go in with cut-up hot dogs and try to goad and coax the dog to where we want it to be, so we can do it with a minimum amount of stress and intervention. I can probably dig up some figures just to show you what that looks like in the last six months, perhaps, so we can provide some reassurance with regards to that.

From there, the dog will go to an authorised kennel facility. It is appropriate to say that it is a huge financial expenditure for the Met, so I can have different standards here from other forces in the country because it is contracted, it is very much paid for and there are other standards. If I am in a smaller, perhaps more rural force, I may only be kennelling five or six dogs, so, if I am in that position, I do not have any bargaining power or any buying power with regards to what I get.

All dogs that are seized by police are kept in registered boarding establishments. They are kept in plain sight. They are the same kind of place as you put your dog into when you go on holiday. We just might have a separate wing off to the side. It is in a similar, if not identical, build. All those facilities have to have a licence from their local authority and they are going to have to comply with the animal activities licence when it comes in later this year, which cements welfare standards in place.

The vast majority of forces will have regular veterinary checks on a dog. For example, for me in London, when a dog comes into kennels it is usually seen by a vet within two to three days, sooner if we can make that happen. It gets a vet check once a month thereafter, and more frequently if needed. That whole kennelling and welfare process is



essentially subcontracted out to the kennel operators, so they assume the risks and the rewards of it. When my officers go down to look at the dogs, to examine them and to check on them, they will be regularly making sure that there are no problems at all. The vet also has a direct line, to circumvent any issues that they highlight when they are at the kennels. It is a pretty rigid regime, although, that being said, the veterinary aspect of it does not necessarily happen anywhere, but I know of no dog that has been denied any veterinary intervention should it be required, because that is the responsibility of the kennel operator.

Q171 **David Simpson:** How do you decide that, ultimately, a dog has to be put down?

Inspector O'Hara: That is done pretty much by virtue of the court test, and that comes under section 4 of the Dangerous Dogs Act. The court has to apply a test, which essentially is, "Is the owner a fit and proper person? Is the dog a danger to public safety?" They will look at the dog, its temperament and its past behaviour, and they will also look at any other relevant circumstances that they feel appropriate with regard to that. It is generally a court order that will put the dog down.

Q172 **Chair:** As the law stands at the moment, if you are a policeman and you are walking down the road, and that dog is perfectly good tempered but you believe it to possibly be a pit bull-type dog, is the onus on you to do something about that, or can you wait for the behaviour or actions of that particular dog before you take action? What is your legal responsibility as far as the Act is concerned?

Inspector O'Hara: If the dog is alleged to be a prohibited dog, it requires investigation. The behaviour of the dog at that material time is actually irrelevant when it comes to it. We look at the dog: "Is the dog a prohibited dog?" First and foremost, that is the question we ask.

Q173 **Chair:** Therefore, the dog is guilty until it can prove its innocence. Normally, in our society and in our law, the dog would have to commit some sort of offence before it was taken in. I am not arguing that you are wrong in your actions, but, as the law stands at the moment, as you walk down the street and you see a dog that looks like, and could be, a part pit bull, you have to take action. Is that how it stands?

Inspector O'Hara: If the officer who came across that was so strongly of the view that it was a prohibited type, they would perhaps take action. They might not take action at that point in time if they were not too sure because, generally, frontline officers are not trained in the identification of dogs. We have had occasions where they would take some photographs of the dog, they would send them across and we would have a look at it remotely by way of a screening guide, but, to be fair to the dog, it is always appropriate to look at it in person to see whether it may be a prohibited type or not, as the case may be.

Q174 **Chair:** This is the real crux of the issue. At the moment, we are taking in dogs, and causing a lot of cost and a lot of heartache to the dog. The



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more you put the dog in a kennel for a period of time, taking it away from its owner, the more likely it is to become worse tempered than when we started. It almost becomes self-fulfilling, if we are not careful.

Inspector O'Hara: No, I am not sure I agree with that entirely, or at all, in fact. Like I said to you before, in the past, we have taken in 180 dogs throughout the course of a year. They would be looked at within a day or two by one of my staff, maybe longer, depending on the demand. If the dog is not asserted to be a pit bull-type dog, it will be sent home again. It is a fairly rapid process, in fairness: a couple of days or a few days.

Q175 **Chair:** That is right, but, if it becomes a matter of a court case, the dog can be in kennels for months, can it not?

Q176 **Inspector O'Hara:** The dog can be in kennels for months. There is an exemption scheme or an interim exemption scheme, which allows on certain occasions, subject to the chief officer's delegation, a dog to be sent home pending the conclusion of court proceedings. That is available to a lot of forces across the country that choose to use it. I do not particularly use it unless exceptional circumstances apply in London, because we can get cases into court relatively quickly. That whole burden is not a particular problem for me.

Deputy Chief Constable Pritchard: There is a responsibility on the police officer to uphold the law. In terms of public safety, 31 deaths have been recorded since 2005. That is very much in our minds, as are serious injuries. It is our duty, and we see it as our duty, to act on any information and intelligence, and to make proportionate investigations into it. I take your point, but there is an expectation on us.

Q177 **Chair:** As the law stands at the moment, you have to take action, do you not?

Deputy Chief Constable Pritchard: We have to take action.

Q178 **Chair:** It would be interesting to look, of the number of incidents that happen, at how many were of a pit bull type and how many were not, because I suspect a lot were not.

Deputy Chief Constable Pritchard: Yes.

Chair: I understand where you are, and it is not that I am criticising you for your action. I am just saying that that is something we need to look at as far as the law is concerned if we are going to make a difference on the temperament of the dog: the deed, not the breed, which we have been trying to drill down on.

Deputy Chief Constable Pritchard: We need intelligence from our colleagues to make the informed decision. We are upholding the law. There is a lot of pressure on us to do that and not to allow something that poses a threat. We have SLAs with Guide Dogs. We work with the Royal Mail Communication Workers Union, when there are willing people there to come forward. We are in the business of saving people's lives, stopping serious injury and dealing with a range of other things in a



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proportionate, effective and relatively quick manner. We try to take that proportionate approach.

Chair: That is the balance in the Act, and that is what we are looking at through this inquiry.

Q179 **Sandy Martin:** Deputy Chief Constable Pritchard, you agreed that it was not necessarily section 1 dogs that were always involved in some of the deaths and serious injuries. Not being anecdotal about this, for the time being, is there any statistical analysis to show whether there has been a reduction in the number of deaths and serious injuries from section 1 dogs as a result of the Act?

Deputy Chief Constable Pritchard: We would concede that any dog can be dangerous in different circumstances. This specific piece of legislation needs to be developed to deal with the acts. We are focused heavily on pit bulls and we have a process there. We have the index of exemption that allows those dogs to stay, but we want to focus more on the action, so we are interested in moving that and developing it. As we have discussed, we have put restrictions in place. When those are not complied with, when there is no insurance compliance, we are relatively powerless in terms of the index, as we have heard on microchipping. To move away from it without something well structured and enforceable is quite difficult.

Q180 **Sandy Martin:** My point is that I would not want to impugn the motives of the people who put in the Act in the first place, but, so far as you know, there is no statistical analysis to show whether a breed-specific Act, which is what we are dealing with here, has had an effect in reducing the number of deaths and serious injuries caused by dogs of that breed. If it has not, any subsequent Act would need to not be breed specific, I would suggest.

Deputy Chief Constable Pritchard: We have talked about the status dogs and the problem in the 1990s, where that was a dog used to intimidate and cause fear, used by gangs. We believe that has reduced. The fashions of dogs change. People buy different dogs. The breeding has changed, but we still need to focus on the serious injuries. We are interested in the DEFRA research and the development, and looking at alternative ways across the world. We are interested in the literature review and any options. It is not just about getting rid of BSL; there has to be something in place that is enforced, strong and clear to the community.

Inspector O'Hara: Pit bulls are still the leading dog in fatal dog attacks, or they are certainly disproportionately represented in the top couple, since we have looked at that since 2005.

Chair: We can look at the figures.

Q181 **Dr Johnson:** I cannot believe that there are not any statistics. Surely, before making any changes, we need to look at how many of this breed



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of dog caused attacks before and how many did more recently, and see if that makes a difference. It surprises me that they are not available. I just want to come to your point about the issue of these people walking around with a dog to intimidate people, which they can do to a lesser extent now because that breed of dog is not available to them. Would you anticipate that, in the event that those breeds became available to buy and have as a pet again, that would resurge and you would get people using dogs in that way again?

Deputy Chief Constable Pritchard: I am not sure. The criminal will adapt their ways and not stick with one tactic. In terms of the drugs supply, the violence and the intimidation used to enforce their ownership of territory. At one point, dogs were a favourite tactic in many localities to do that, but it has changed. It is difficult to predict how any changes would be interpreted. The status dog issue is not as prevalent as it was, say, 15 to 20 years ago.

Q182 **Dr Johnson:** Does that tie up time-wise with the change in the law?

Deputy Chief Constable Pritchard: I think it does, because we would target organised crime. We would look at any tactic to enforce the law. Maybe we could not enforce on drug supply, so we would look at violence, intimidation, disqualified driver, possession of a dog. We will look at it on a comprehensive basis. They have adapted their tactics and we do not see it being as prevalent as it was years ago, but it is very much a moving feast.

Q183 **Dr Johnson:** It has taken away from the criminals a way of intimidating people, although they find another one?

Deputy Chief Constable Pritchard: Yes. They find different ways and they constantly adapt.

Inspector O'Hara: There are a couple of cases that are worthy of mentioning when it comes to section 1 dogs. The first one is R v. McElhill, and that was a couple of years ago in Notting Hill. We had some information to suggest that Mr McElhill had a number of prohibited dogs on the property and we went in via a search warrant to look at those dogs. In fact, we found that he had 33 dogs on the property. He was operating a guest house out of Notting Hill, and it was only reported to us after people had seen him coming and going. There were very, very significant animal welfare issues around that. Only a couple of his dogs turned out to be section 1 dogs in the end, but the vast majority of the dogs that we took off him were deprived of ownership into our care after he was convicted of, principally, the welfare stuff.

Secondly, there was the case of R v. Howard, which was a north London case where Mr Howard was not only breeding and training difficult dogs, but he had a number of pit bulls in his possession, throughout multiple properties on an estate. He was causing major, major issues around there, not only to police officers who were policing it; the local community were up in arms as well. Again, there were various issues



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around him, but principally the only way we were able to get to him was by section 1 of the Dangerous Dogs Act and a warrant to go in and seize the dogs that were there. We uncovered a whole host of other dogs in his possession that were being trained to bite people, and we were able to bring welfare prosecutions for those other dogs that were in his care as well. He subsequently received a ban from being in the area and from associating with certain people, and he was moved out of north London to somewhere else.

By removing that tool, you should be very, very careful that you will restrict the police's ability to therefore take other action where perhaps the evidence that we have would not be quite strong enough to support activity in that area.

Chair: We have to be a little careful with time now, because we have another panel to come.

Q184 **Julian Sturdy:** Gareth, we have heard that some police forces have clear policies on ensuring interim exemption orders, while others do not tend to use them. Why is there that discrepancy and what can we do to change that?

Deputy Chief Constable Pritchard: There are concerns about the strength of the index and the risk that that poses, so that is assessed on a force-by-force basis. We try to get consistency at the working group in the interpretation of that. There have been lots of discussions with DEFRA about the index. Risk is managed by each chief constable, but we advocate using the index as good practice with the right structures in place, and we will continue to seek consistency on that.

Q185 **Julian Sturdy:** Is there a role for the guidance to make sure that different police forces follow the right protocols, or is it just about the way they are going through their process?

Deputy Chief Constable Pritchard: It is about the interpretation of the process. A lot of it is prioritised based on the risk that those dogs pose. When there is, for example, an insurance lapse in my force, that will be followed up. In some cases, it will be somebody who has just forgotten, but in other cases we will do the research and we will be in there very quickly, because we will understand the risk. We will seek to continue to improve the consistency and continue our discussions with DEFRA. In terms of non-compliance, it needs to be enforced to a better extent. We are frustrated that, when we take the no insurance cases to court, we are not getting the sanctions to persuade people to maintain that insurance.

Q186 **Chair:** Naturally, as far as the Metropolitan Police is concerned, you have a much greater concentration of people and dogs, so you are able to have trained officers. To what extent can police forces across the country have enough trained officers to know whether it is a pit bull type, or what sort of dog it is? You have so many things to deal with as a police force, and I imagine that it must be quite stretched in some police authorities across the country.



Deputy Chief Constable Pritchard: We would want to deal with a lot of issues with the beat officer, the local PCSO, the community officer, through early resolution. The legislation is complex, which does not make that easy. In terms of issues like the LEAD initiative and CPNs, we try to use them quickly, so if somebody is displaying bad behaviour outside a school at 3 o'clock we want the PCSO to deal with that and give that advice very, very quickly. Through our command and control structures, we look at the risk. The higher the risk, the more likely it is to be referred to a dog legislation officer who will look at the specialist nature that is required. A lot of times, we will seek to use the LEAD initiative and put the warning letters out, and look at the history of the dog and the individual to make that assessment.

Q187 **Chair:** What sort of training is there? Naturally, I like animals. I have dogs and I have a fairly good idea as to what type of breed something is when I see it, but a lot of police officers may not be particularly interested in dogs and animals. Do they get any training at all on this legislation? We have legislation, rightly or wrongly. To what extent does the average PC, community policeman or police officer have any training?

Deputy Chief Constable Pritchard: The first point of call is the control room. There is contact, and the questions are asked. It is far more in detail than it was years ago. We take a lot more time on the call to understand the history and whether we are going to deploy to that situation, because we deal with a lot of calls—

Q188 **Chair:** You can photograph as well, I suppose?

Deputy Chief Constable Pritchard: We look at that, to make that assessment. If it is of concern, we would go to the dog legislation officer. If it is perceived to be a low-risk issue, it would be the community officer.

Q189 **Chair:** Would the average force have a dog legislation officer?

Deputy Chief Constable Pritchard: Yes.

Q190 **Chair:** I suppose it is probably just one?

Deputy Chief Constable Pritchard: It would be a small number, whereas in the bigger forces there are dedicated units with dedicated supervision. That is the whole point of the working group, to make sure there is consistency for those legislation officers to improve the standard of their skills, their development and make sure that professionalism and expert status are maintained, so they need to display the competence and maintain it going forward. Going back to your question, there is that initial core assessment: "Do we need the expert or can we deal with it quickly and effectively?" If we could simplify the legislation, that would assist going forward in the long term.

Q191 **Chair:** You are saying some simplification of the legislation would be very useful, as far as you are concerned as a police force?

Deputy Chief Constable Pritchard: Yes, it would.



Q192 **Chair:** You are quite happy for that to be on record, are you?

Deputy Chief Constable Pritchard I am.

Q193 **Chair:** Right, good, because this is something that will be part of our report, I suspect.

Inspector O'Hara: Every force has access to a dog legislation officer. As Gareth said, there are about 100 or just over 100 in the country. That is England and Wales. Overlaying that, it is important to say that we have the national police dangerous dogs working group and there are regional leads within that. If I am, for example, in the Yorkshire area, the regional lead for that would be West Yorkshire Police, and there is a contact in there that an officer from those forces could go to if they were having particular thoughts or issues around the Act or enforcement. It is not uncommon for me to take calls from forces, regardless of what region they are in, if they have particular ongoing court cases, or for advice and stuff like that. There is an overarching support network on top of the beat bobby, the dog legislation officer and the national working group.

Q194 **Dr Johnson:** One of the things we have heard about in terms of dangerous dogs and dog tax is the life-changing injuries that some people can receive, the ongoing care needs that some of these people have to endure and the costs, both to them and their family, that that can create. They cannot reclaim that very easily from people. How would you feel about them either being able to put a claim through the criminal justice system as costs for their ongoing care or being forced to have an insurance policy?

Deputy Chief Constable Pritchard: In terms of the serious injuries, that goes back to the earlier point about impact statements being taken. It is about not only the evidence in the case, but the impact on that family and the long-term nature, so the Crown Prosecution Service takes those aggravating factors into account when it decides on the charging and the court can hear about not just the evidence or what happened but the long-term impact of that. There would be the aggravating factors that we would present to the court, to allow them to use their sentencing abilities under the 2014 Act. Any understanding of costs could be brought into that.

When you are looking at dogs that have power and the ability to cause significant injury, insurance would be a good option, but that clearly needs to be complied with and enforced. If we are looking at alternative models and there are certain high-risk dogs, there could be that insurance, but it needs to be better complied with than it is at the moment on the index.

Q195 **Dr Johnson:** Presumably, the people most likely to have the dangerous dogs that bite somebody are the people least likely to pay for insurance?

Deputy Chief Constable Pritchard: Yes. You can get attacks within the private place; you can get dog attacks within the home, can you not?



Dr Johnson: Yes.

Deputy Chief Constable Pritchard: I would not say that that would be across the board, but, understanding the privilege of owning a dog and what that dog could do, and understanding the third-party implications of that, I believe insurance would be appropriate.

Q196 **Dr Johnson:** Do you agree?

Inspector O'Hara: I absolutely agree, but the only thing I would say is that an insurance policy for a section 1 dog can cost as little as £26 a year, so it is not cost prohibitive to have that policy or put it into place. There are only two providers nationally that provide it.

Q197 **Chair:** What would £26 of insurance pay for?

Inspector O'Hara: It would be third-party liability. I am not sure, but I do think it covers much else, over and above that. Of course, if I get my insurance policy, go out and take the dog off its lead or muzzle, or I do not comply with that, the insurance policy is worthless because the insurance is not going to pay out for those significant injuries. Taken by the letter, a dog that is on a lead and muzzle should not cause injury requiring a claim to be made in any event. I have yet to see it, because a dog that is registered on the index with a valid insurance policy has yet to be involved in a significant incident, certainly on private premises, but it would be interesting to see how that came about and what kind of claim could potentially be made, if there were one to be made.

Q198 **Dr Johnson:** If somebody at the moment receives a serious injury from a dog and is able to identify whose dog it is, what ability do they have to reclaim the costs of their ongoing care from the dog owners?

Inspector O'Hara: It would be down to the court to make a means-tested assessment and apply a compensation award. Generally, compensation awards are prioritised in the court so they would go first. That depends on the offender's ability to pay, because typically compensation awards have to be discharged within a short time, normally a year. It is very difficult, if you have really significant ongoing care bills, for somebody to meet those costs indefinitely.

Q199 **Dr Johnson:** At the moment, it is really inadequate?

Inspector O'Hara: I would say so, yes.

Chair: It is something the public need to be very conscious of.

Dr Johnson: We have a case written in here where there is a postwoman who was attacked by a dog and she got £1,000 compensation, but she needs ongoing care for a long period. It is clearly not enough.

Q200 **Chair:** We have Mr Joyce coming to talk about postal workers in a minute. We will probably put that to him as well. It is a real problem where real injuries have been sustained. You make an interesting point, Patrick, that naturally the court will look at the income of people



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involved. People ought to have been made aware, and hopefully this hearing will help people to be made more aware, of the liability they also have with a dog.

Q201 **Sandy Martin:** Blue Cross has told this Committee previously that there are five or six different pieces of legislation, which do not always necessarily work well together. The Local Government Association has called for all the legislation around dangerous dogs to be consolidated. Can I ask each of you in turn, starting with Mr Berry, in words of no more than three syllables and within a short period, to say what the main benefits of consolidating this legislation would be?

Mark Berry: Ultimately, if there is going to be a review of the existing legislation, consolidating all the various elements addressed in it would make complete sense from an enforcement perspective and, as the Chair touched on there, for the dog-owning public, so they clearly understand the roles and responsibilities that they have through ownership of a dog. For me, it is something that makes complete sense, but ultimately, whatever legislation is consolidated, there needs to be the appropriate resource to enforce it, and enforce it effectively.

Chair: Is the LGA making reference to Government and to DEFRA on how it could be consolidated?

Sandy Martin: There is no reason Mr Berry would know that.

Chair: Okay.

Deputy Chief Constable Pritchard: It is complex. We want swifter justice that assists the victim, and addresses the offender and the animal welfare issues. It is a specialism in the police because it is so complex. We want a lot of things dealt with by the beat officer, quickly and effectively, to identify the risk and deal with it appropriately. On our working group we have many force solicitors, who have a huge role in this, because of the complexity of the legislation. Our preference would be to get swifter justice for all concerned, and to give the beat officers a better understanding of their opportunities to deal with those issues of concern on their patch.

Inspector O'Hara: I would agree absolutely with that standardisation across the piece, whether it is a dog attack on sheep, a dog attack on a person or a dog attack on an assistance dog. There are some notable differences.

Q202 **Chair:** And whatever the breed?

Inspector O'Hara: Whatever the breed, absolutely, yes. There are some notable differences. Let us take, for example, a livestock attack by a dog. The police only have the power to seize the dog for the purpose of identifying the owner. That is it. We have to give it back at that point in time. If the dog had chased and bitten another dog or a member of the public, we could seize that dog, remove it and start to think about proceedings. It is a minefield, depending on the statute.



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Q203 **Chair:** You make an interesting point. The farmer is within their rights to shoot the dog if the dog is viciously attacking the livestock, yet you, as the police force, even if that dog has been viciously attacking livestock, still have to hand that dog back.

Inspector O'Hara: That is correct.

Chair: It is an interesting point you make.

Inspector O'Hara: There are other bits and pieces. We talked about dog control notices earlier on. Perhaps that might be a vehicle for replacing the 1871 Dogs Act, by taking those cases out of court and administering them locally. There are still discrepancies between section 1 and section 3 dogs. The automatic position is destruction for a section 1 dog, whereas a section 3 dog that has bitten somebody has the option of being deprived and rehomed. Again, they could be standardised into one series of outcomes.

Q204 **Sandy Martin:** With one single Act, you could repeal things like the 1871 Act, put it all in one place and make it coherent?

Inspector O'Hara: The big problem with it is the quite large volume of case law that comes with it. The Dangerous Dogs Act is 10 sections of one Act of Parliament. It is not a complicated document by any stretch of the imagination. It is about the interpretation of the various case laws that overlay that.

Q205 **Chair:** I have one quick question to both of you police officers, as far as your police dogs are concerned. You will be using them to enforce the law. You might be using them to stop somebody. To what extent do you have to comply with the law, and to what extent are you liable if the dog gets the wrong person or whatever?

Deputy Chief Constable Pritchard: The use of a police dog is the use of force. Therefore, it complies with any use of force that we use, and we would have that assessment through our professional standards department. If we caused injury, we would consider referral to the Independent Office for Police Conduct. Clearly, that is a use of force. It would have to be proportionate and justified in law, and there would be an assessment of the proportionality of our actions if a police dog were to injure somebody, as there would be with a Taser, a baton strike or any other use of force. That would be similar.

Q206 **Chair:** If, for argument's sake, you send a dog into some premises to try to get out a villain who might be in there, if there happens to be somebody else in there who you did not realise was in there, what is the situation if the dog attacks them? Are you still liable under legislation?

Deputy Chief Constable Pritchard: The person in charge of the operation would have assessed the risk in sending that individual. There are other tactics that we could deploy to get that person out, so that would be examined in detail. The use of the dog handler, whether it is in terms of working with the firearms team or apprehending the offender, is



a tactic and has to be assessed by the tactical commander of that situation. That is assessed and any use of force has to be justified.

Q207 **Chair:** I take it you would take great care in training your dogs.

Deputy Chief Constable Pritchard: Yes, a substantial amount of time is taken on training and the dog handler is an expensive resource. Unfortunately, it has been cut back across the country. With the dog handler, the dog, the vehicle and the training, it is an expensive resource, but we have to maintain that standard, which is important for our legitimacy in using dogs and the use of force by a dog.

Q208 **Chair:** Gentlemen, thank you very much. You have been very forthcoming this morning. Like I said, we are looking in this inquiry not only at perhaps scrapping dog-breed-specific legislation, but at ways we can amend it. The evidence you have given us this morning has been really, really useful. I thank you for being as open as you have been. We will dismiss you now, and you can go about your work for the rest of the day. Thank you very much for appearing before us.

Examination of witnesses

Witnesses: David Joyce and Guy Smith.

Q209 **Chair:** Good morning. I know both of you quite well, so it is good to see you both here this morning. I am going to open up with the first question, which will be to both of you. Then, David, if it is all right with you, I am going to let Guy answer the next three questions. Do not worry, David: you will then get a real bite of the cherry, because we will come back and give you our full attention. It is just that Guy needs to escape for another meeting, so that it is why I am going to deal with it like that. Would you like to introduce yourselves briefly for the record, please?

Guy Smith: I am Guy Smith, deputy president of the National Farmers Union. You can now ignore my unfortunate note asking to be let out early. I am all yours, so please do not let me rearrange your proceeding

Chair: All right then. That is fine. We will carry on with the normal order, but I have been busily reorganising it for you.

David Joyce: My name is David Joyce. I am the national health and safety officer of the Communication Workers Union, representing 250,000 workers in the communications industry. The main interest groups are Royal Mail and Parcelforce employees, and, to a lesser degree, BT. I will finish by saying that I am sad to announce that the CWU is the No. 1 stakeholder in this subject matter, as we represent the largest number of dog attacks victims collectively in the United Kingdom with over 3,000 of



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our members attacked or injured by dogs every year. I will go into more detail as the meeting progresses.

Q210 **Chair:** I appreciate you coming today because naturally, in my previous role, when I was chairing the all-party parliamentary group for animal welfare, I had many dealings with you and the union over the amount of risk you take when you go legitimately about your work to deliver letters. We will be really happy to hear from you. Guy, later on, you are going to talk about farming and the aspect of dog attacks on livestock. First, as a fairly straightforward question to both of you, can you explain what impact dog attacks can have on workers and rural communities? It will be for both of you. I will start with you, Guy, on the rural communities side of it, and then I will go to David.

Guy Smith: Anecdotally, talking to members, as I do—46,000 farm businesses—this appears to be getting to a more serious situation. It comes across my desk more than it used to, but I do not have rigid statistical analysis to prove this. I would refer you to a report by NFU Mutual, our sister organisation, which said this spring that claims figures show the cost of dog attacks on livestock reported to NFU Mutual rose by 67% across the UK between 2015 and 2017. The average cost of a claim rose by 50% to nearly £1,300. The number of incidents reported to NFU Mutual shows only part of the picture, as not all farmers have insurance in place to cover livestock worrying and, based on claims to us, we estimate the cost to agriculture was £1.6 million last year. That would be 2017.

I am sure, Chair, that your Committee is also aware of a report by the NPCC, which was produced in February, where five constabularies were processed in a slightly more detailed way. They suggest the situation is not getting worse, but, as we know, we do not have rigorous statistical analysis of this. Maybe we need to and maybe this is something we should all look at going forward.

Q211 **Chair:** Funnily enough, on that last point, that was my supplementary to you. When NFU Mutual is looking at dog attacks, to what extent are these stray dogs or dogs off a lead? These are two quite separate situations.

Guy Smith: Indeed, that is an excellent point. Again, they did not break that down statistically, but, in the survey they did, they said that 80% of dog owners exercise their pets in the countryside, with over 60% letting them roam off the lead. Almost 7% of owners admitted that their pets had chased livestock in the past.

However, if you go back to this document, where there was some analysis from various constabularies, it is clear that the majority of livestock-worrying cases are done when the owner is not present. This is a dog escaping from a property where it is domiciled, being involved in worrying or killing livestock, and maybe returning and the owner being oblivious to what had happened. We had the notorious case in West Sussex—Chichester—two years ago where 116 sheep suffocated to death.



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We still do not know which animal was responsible or what the exact circumstances were. We can only guess that an animal came in and did not savage the animals, but herded them and suffocated them.

As I look more at this situation, I realise that we have intelligence gaps that we would do well, between us all, to try to fill in.

David Joyce: Postal workers face an unacceptable risk to their safety at work caused by out-of-control dogs. Annually, 3,000 postal workers are attacking and injured by dogs. That is around seven every single day, 43 every week. Of the cases that occurred last year, 500 are very serious injuries, physically and psychologically, with life-changing or permanent disabling injuries as a result of those cases. In some cases, there are months of surgery and rehabilitation. Some of those never make full recovery; some are not able to continue to work in the job of postman or postwoman after the dog attack. Three of those attacks in the last 12 months could have ended in fatalities if it was not for good samaritans stepping in at a crucial time. Attacks in Boston, Newquay and Wrexham in particular could have ended as fatalities had it not been for the intervention of others who were present, luckily, at the time.

We are lucky not to have had an employee killed by a dog to date. I wake up every morning in fear that this might well be the day that I get the phone call to say a postman or postwoman has lost their life. We have come pretty close, so it remains the biggest concern for us, and the biggest risk that postal workers face.

From that, I am sure it will not surprise you to know that we in the CWU believe that the law is not working. It does not work for us. It is not delivering the results and protections for our people that it should do, and there needs to be some change. Members of the Committee will have received the CWU *Dog Attacks on Postal Workers* booklet, our latest edition, which we update regularly. You will have been able to see and read about the 30 example cases that we have put in there, giving you some ideas of the type of injuries that our members suffer on a daily basis.

Following the seven-year Bite Back campaign, the Dangerous Dogs Act 1991 was extended in 2014, as we know. It was extended to cover private land, which was our aspiration. It took us seven years to achieve that. That has resulted in more prosecutions. The disappointment now is the lack of enforcement and confusion in the courts over section 10(3) of the Dangerous Dogs Act. I will go into the detail later.

Chair: We will come on to that in a minute, yes.

David Joyce: There has been a substantial debate about the effectiveness of the legislation. Within the CWU, we have discussed this.

Q212 **Chair:** We will talk about the enforcement of it, but has the fact that the legislation has changed made the situation better?



David Joyce: To a degree, it has enabled us to reach out and start prosecuting the owners of the animals that are responsible for attacks on private property. It has actually increased, but 82% of the attacks on postal workers occur between the garden gate and the front door. It is very important that the law was extended to apply everywhere, right across the United Kingdom. However, in spite of the fact that the tools are there to do the job and deliver the results, that remains the case.¹

Q213 **Chair:** Let us make it absolutely clear. As soon as a postman enters the property through the garden gate, you are then responsible for the dog. Is that right?

David Joyce: The owner is responsible for the dog everywhere.

Q214 **Chair:** That was the issue on private property, was it?

David Joyce: Yes.

Q215 **Chair:** This is the situation now, when they enter through your gate into your garden, because some people do not really realise this?

David Joyce: That is a key issue. It is a key point that I was going to make later on, and perhaps it is worth making it now. More people know about the smoking ban than know about the dangerous dogs legislation and dog control. These are people who are becoming dog owners, many of whom should not be dog owners at all, unfortunately. Just to finish off, 40 people have died in dog attacks since 2005. Records are not kept. These statistics were produced as a result of our own research and studying. The number of attacks has also risen yearly and hospital admissions for dog bites have increased by 76% since 2005, and 80% in Scotland since 2005. They are now running at 7,500 hospital admissions a year as a result of dog injuries. That is a huge cost to the NHS, apart from the personal cost to the victims of dog attacks. None of these costs is picked up by the irresponsible owners, of course, who caused that situation to arise in the first instance.

Your own terms of reference state, Chair, that the Government are responsible for protecting the public from dangerous animals, so it is essential that dog control and enforcement work effectively. In our view, that is not happening at the moment. The CWU wants to see further changes to the law to make it clearer, simplified, consolidated, and we want to see it applied on a strict liability basis, as was the original intention.

Chair: I will stop you there, David. I am going to bring in David as well, because we are going to carry on about the penalties and sentencing now.

Q216 **David Simpson:** In relation to the whole penalties issue, are the existing

¹ Note from witness: For clarity, this sentence would better read 'However, in spite of the fact that the tools are there to do the job and deliver the results, lack of enforcement remains the case'.



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penalties and sentences that we have doing enough to prevent dog attacks? Are they working?

David Joyce: The problem is that the range of penalties that we now have in place in the legislation is sufficient to deal with the issue, if only the courts would actually use them. We have had two rounds of guidance issued by the Sentencing Council for England and Wales, and we lobbied for that guidance because, incredibly, there had never been any guidance issued to the courts on how to sentence these cases when they have come before both the magistrates' court and the Crown Court. Despite two lots of guidance being issued by the Sentencing Council, we still find a huge disparity in the penalties and sentences handed down court to court across the UK.

As an example of this, unfortunately, 20 to 30 postal workers have their fingers bitten off every year, simply through pushing mail through the letterbox. We had one conviction in Romford, which ended with a fine and costs of £9,000. A very similar case in another part of the country ended with a fine of £200, so there is no consistency there. We would like to see the sentences and ancillary orders that are available to the courts fully utilised, so that people know that, if they are going to be irresponsible, they are going to be prosecuted and they are going to be brought before the courts, and they will not only be faced with the penalties that the court can hand down; they will actually be faced with the penalties that the court does hand down.

Q217 **David Simpson:** The point you make is that, on two occasions, documents have been given for the courts to understand all the circumstances. Despite that, is there a lack of understanding or priority when it comes to the courts dealing with this? Is it so far down the pecking order that the courts do not take it seriously?

David Joyce: That is the case. Yes, we believe that is the case. Our concern has been growing greatly. With the pressure on police resources, and we have all seen the figures—there are now 22,000 fewer police officers on the streets than there were in 2009, and pressure on police budgets, as there is everywhere—we are seeing dog control slipping down the order of priority. It is not a priority for a number of police forces. Of course, there are over 50 different police forces in the UK and we have to deal with all of them.

As an example, I can tell you that in the Met, West Midlands and Merseyside, they will prosecute every single dangerous dog offence that comes before them. At the other end of the scale, as an example, in Norfolk and Suffolk they will not prosecute any. They will not prosecute any. In two recent cases, two members, in separate incidents, had their fingers bitten clean off and the police force will not prosecute. We have taken it right through the internal appeals procedure. We have appealed right up to senior police officers to convince them there is a prima facie case to be prosecuted. These are serious aggravated section 3 offences that must be prosecuted and they said, as far as they are concerned, it



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does not pass the evidential test and they are not going to prosecute. We are left with the situation where we fall back on private prosecution as the last option.

You will find this interesting. I struck an agreement with Royal Mail that, where either the Crown Prosecution Service or the police force, whichever it may be, decides for whatever reason not to prosecute, it will take a prosecution itself. It has taken 20, and all 20 have succeeded in convictions under section 3. You saw the leaders of the National Police Chiefs Council sitting here today, and they work very closely with us. We are trying to develop a prosecution protocol with them. They agree that all those cases should have been prosecuted by the police and cannot understand why they were not, but the fact is they were not.

Chair: It is up to the individual force to decide?

David Joyce: Indeed, it is up to the individual force to decide whether it is going to prosecute and whether it is going to follow the National Police Chiefs Council guidance. This is a problem that we wrestle with—not only inconsistency from police enforcement, but the courts as well.

Q218 **Chair:** Could you give us the figures in writing, please, of where the good forces are and where the not so good are?

David Joyce: Yes, you have the good, the bad and the indifferent.

Chair: We will not necessarily make a film about it.

David Joyce: Life is full of surprises. You get one that you think is not going to do and it does, and you get one that you think is going to that does not.² It does not help.

Chair: No, it does not.

Q219 **Sandy Martin:** I have various questions. First, as somebody who has the delight of Suffolk Constabulary as my local police force, I would be pleased to hear about any incidents that you believe the Suffolk police should be prosecuting and I will approach them on your behalf. I am happy to do that. As somebody who is proud to have been asked and enjoyed doing A Mile in My Shoes, the initiative to see what it was like being a personal deliverer for one day, I was very taken with the process that you use and, in particular, with the issuing of a notice, which needs to be done on a regular basis if you believe there is a dangerous dog in the house. Do you believe that it should be part of the regulations or the way in which the Post Office operates that anybody who has a dangerous dog, or what is perceived to be a dangerous dog, in their house can be informed that the post will no longer be delivered to them until they have done something about it?

² Note from witness: This sentence refers to the difficulty in predicting prosecutions.



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David Joyce: We do that. Neil will know that, in 2007, the number of attacks on postal workers peaked at 6,500. That year, we had two near fatalities, one in Sheffield and one in Cambridge. At that time, we sat down with Royal Mail and said we need to do something ourselves, whatever we can to drive down those numbers, so we changed the whole approach. We changed the whole way in which we instructed, informed, trained and supervised the delivery workforce of 95,000 postmen and women who are out on the streets every single day. The change was that they were instructed to go to a zero-tolerance approach. Therefore, their instructions were that, if they came across premises where there were dogs on the loose or there was a situation that they believed may be a risk, they were not to attempt to complete the delivery and they were to return the mail to their office and report it to the manager.

If we have incidents at certain locations, whether they are addresses or groups of addresses, we will suspend the mail. The mail will be suspended until such time as we assess the risks as safe to recommence deliveries. We do not like doing that. We pride ourselves in the level of delivery we provide for the public. It is the best postal service in the world. Every single member of the public is entitled to get their mail delivered to their door—30 million addresses, six days a week, 52 weeks of the year. That is what we want to deliver. However, we have situations where we do not get the co-operation of individual customers who are dog owners. In those cases, we suspend deliveries until such time as we can have their co-operation. If we cannot, they remain suspended.

We introduced the new Walk Risk Assessment Platform. We introduced walk logs, where we try to log where every problem incident area is and we work very closely together on trying to drive down the risks, and avoid, prevent and eliminate those risks. That has resulted in a 50% reduction. Since 2007, we have come down from 6,500 attacks to 3,000, but we have now plateaued. We seem not to be able to drive it down any further and I can give you some pointers as to why that is.

There is a huge change in the make-up of the mail that we carry. We all know about e-retail and, now that everybody is buying more and more goods on the internet, as they are every day, we have seen a reduction in ordinary mail, but an increase in packets and parcels, and a boom in signed-for guaranteed deliveries. That means that postmen now have to knock on the door, ask a person to open the door and hope that, when they open the door, a dog is not standing there, standing behind or with them, and they have taken the precaution of placing it in another room in a secure place before they open the door. Unfortunately, that is not the case. What happens is that the door is opened and, in no time at all, a dog comes charging out defending its family and territory, and it attacks the postman or the postwoman. Hence, the figure I gave you earlier, Chair, as 82% of attacks are occurring between the garden gate and the front door.



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That is the problem we have now and we cannot do it all on our own. We have put in a huge effort to try to drive down the numbers and we can take a lot of credit from what we have achieved in driving down those numbers, but now the law has to start working for us. In certain areas it is not doing that.

We work closely with Deputy Chief Constable Pritchard and Inspector O'Hara, and they are very helpful. You mentioned this earlier and we have cases that we refer to them, and I have to say that they have turned a number of cases around by approaching senior officers in various police forces. It does not always work, but it is an option we use. There is a good relationship and we hope to have a national protocol agreed with the NPCC, ourselves and Royal Mail in the not-too-distant future, so we can have a uniform approach to how cases should be dealt with, because there is no co-ordinated approach to how these matters are dealt with. Where we have them, dog legislation officers are very helpful and effective. Those forces that have them have been very good in turning around a number of cases that their local bobby does not know how to handle, to be quite frank. If they have a dog legislation officer, we can refer to them. They come in and take over the case. They take over prosecution and again we can succeed. There is a lot of work we have to put in to make the law work.

Q220 Sandy Martin: Can I ask you this very briefly? We have heard about people who have been seriously injured and have to live with conditions as a result of dog attacks, but there does not seem to be any mechanism for those people to claim any compensation. If they have gone through the courts, very often the people who owned the dog did not have any way of paying that compensation. Would you support a compulsory third-party insurance system, as we have with motor vehicles? Clearly if you are injured by a motor vehicle, your insurance will be paying out.

David Joyce: Absolutely. The only thing we did not achieve when we drove our Bite Back campaign in 2007 and changed the law in a number of areas—the only thing we could not convince the Government to do—was to introduce compulsory third-party liability insurance. We believe that should be in place. The other thing was that the Government scrapped Criminal Injuries Compensation Scheme payments for the victims of dog attacks. That took away our fund of last resort. We have our own lawyers who take personal injury litigation claims for damages against the owners of dogs that inflict serious injuries on our members. Sadly, it depends who the owner is as to whether you will actually get compensation.

Again, I can give you an example of the two cases that were near fatalities in 2007. One of our members was attacked by two Rottweilers owned by a multimillionaire. He was not able to carry on as a postman and he received a six-figure sum in compensation. The other one was attacked by two dogs owned by a drug dealer, who subsequently was put in prison for nine years for various other offences. He got absolutely zero and that is not right. In those cases, we used to be able to go to the



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Criminal Injuries Compensation Scheme. We would not get a lot, but we got something. That was scrapped and it left us with nothing. If the owner is a so-called man of straw, in legal terms, you get nothing.

There was a big debate at the time and the *Daily Mail* was saying it would cost every owner £600 to insure their dog. I can tell you that, if you are a member of Dogs Trust, it costs you 50p a week to have £1 million of third-party liability cover, or 25p a week if you are a pensioner. It costs less to have the third-party liability insurance in place than it would to feed the dog for a week, so we certainly support that. There is a scheme in place for the victims of road traffic accidents, and indeed exposure to asbestos historically. There are funds of last resort in place for victims of those types of injury, but not as far as dog attack victims are concerned, so we support that.

Q221 Chair: We are partly looking at breed-specific legislation at the moment. I am interested in it being more the deed of the dog than the breed. I imagine, as far as postal workers are concerned, you are just worried about whether the dog is dangerous irrespective of breed. Is that the case?

David Joyce: Yes, I am glad you have given me the opportunity to set out the position of the Communication Workers Union on breed-specific legislation. I want to stress that the CWU does not support breed-specific legislation. The vast majority of attacks on postal workers by dangerously out-of-control dogs are not by banned breeds. Postal workers are attacked by every different breed and sundry. We found very quickly that any animal can be aggressive if it has a bad owner. The problem is firmly on the other end of the lead, with irresponsible owners. Our organisation is pro-dog; we are anti-bad dog owner. Some people simply should not be owners of dogs.

I will repeat that figure again: 82% of the 3,000 attacks occur between the garden gate and the front door. It does not really matter if you have a tyrannosaurus rex in that house; if the owner has it under control and has placed it in a secure place, the attack will not take place. No, we do not support BSL. We do not think it has been of benefit to anybody. It has been a distraction and it has taken us away from concentrating on exactly what you said—on the actual deed.

Q222 Chair: The attacks are from dangerous dogs themselves, irrespective of what breed they are. That is very useful. We will take up your issue on insurance and third-party liability. I suspect Guy will have the same issue in a minute. I think that is something that Government need to look at again, because you quite rightly make the point that £26 is not a fortune paid over a period of time. Very often people will pay an awful lot more for designer dogs and all sorts of things, and they are not necessarily looked after.

David Joyce: Indeed, and, if you spend the day as a postman, as you said you are going to, you might want to buy a pair of running shoes.



Q223 Chair: I do not always spend time as a postman, but we do, from time to time, deliver leaflets through doors and a number of people have lost the ends of their fingers and various things through this process, so it brings it home to us. I am sure postmen have an issue where they go to a door and it is not just whether the dog bites you or not. They are frightening, because some of these dogs remain absolutely silent until the moment you push something through the letterbox. All of a sudden, they rush at the door and you jump out of your skin. I imagine postal workers, after a while, work out which houses have which dogs.

David Joyce: Chair, you have mentioned another very important point, because we had a case turn on the judge's interpretation of whether a dog would stay silent or not when a postman approached a front door and started to push mail through. He made a decision based on that that was wholly wrong. We know that some dogs will make a hell of a lot of noise; others will stay completely and utterly silent. In the cases where postmen and women had their fingers bitten clean off, of which there are a number of photographs in the booklet you have all received, the dogs remained absolutely silent. They are not stupid; they are intelligent animals. They know this person comes to the premises every day, on their territory, making a lot of noise, so they will wait until they have their opportunity to have a go at the postman or postwoman. They will wait there in silence. The postman might rattle the door a bit, think there is nothing there and push the mail through. The next thing he feels is teeth sinking into his hand. It is very important. It is not the case that they make and kick up a racket when you approach the door to put mail or your election leaflet through.

Q224 Chair: You are very keen to have third-party liability insurance in place. As far as the law is concerned at the moment, you do not support breed-specific legislation; you just want dangerous dogs dealt with, but, as far as the law on prosecution is concerned at the moment, you largely think it is probably okay. You just believe that it is not being well enforced. Is that where you stand?

David Joyce: It is not being well enforced. There are some flaws in the law. Most people will be aware of the Robinson-Pierre judgment. That, combined with the misinterpretation of section 10(3), has created turmoil in the courts for us. It has led to bigger problems than we had previously, so we think 10(3) needs to be looked at and revised, because the definition is far too complex and difficult to apply. Indeed, some senior judges have expressed how it is a difficult statutory formulation to interpret and apply in the courts, so it is badly in need of attention in that particular area.

It has gone a step further in Scotland, where they are applying the "one free bite" rule now, believe it or not. You will also remember when Lord Taylor, the Minister of the day, at my request made a statement from the Dispatch Box that the "one free bite" rule would not apply to the law. He also thankfully said that attacks through letterboxes would be a criminal offence. Here we have Scotland, with 640,000 dogs, applying the "one



free bite" rule. If you look at the statistics, as I did yesterday when I was up there speaking to the Minister concerned, they are atrocious. Look at the number of prosecutions, convictions and control notices issued. They are absolutely abysmal. That needs to be addressed as well. It is linked to the interpretation of section 10(3).

Q225 Dr Johnson: Talking about posting things through letterboxes, I, like most people around the table, will go out and deliver leaflets at different times. I was advised by my postman to carry a wooden spatula, a cooking spatula really, and to post the leaflets through with that. That has been bitten a few times but, thankfully, my fingers have not. Do you provide anything like that?

David Joyce: Yes, but I have not brought one with me.

Q226 Dr Johnson: How widespread is their use?

David Joyce: It is called a posting peg. It is not wood; it is actually plastic. I first presented it to Royal Mail in 2003 and it was not interested. In about 2010, it said it would be introduced as a statutory piece of personal protective equipment, and now thousands of them are purchased wholesale on a regular basis. They are provided to our delivery offices and they are given to delivery postmen to use.

It is a tool that can assist. It does not suit every type of mail. For example, flimsy mail pieces, such as what we call door-to-door unaddressed mail leaflets, just crumple up if you put it in and push it through. Of course, other wider, bigger packets, for example a DVD, will not fit in. They do and can use it, but you cannot use it for every single type. They are supplied to help reduce the number of attacks, but you could not use it on every single address and letterbox.

In the time that I have been doing this job, I have met quite a number of inventors, entrepreneurs and people who have come up with the perfect solution to stop dog attacks. A senior manager at Royal Mail and I decided to spend two days to allow all these people to come before us and present all these weird and wonderful solutions. I will not go into detail, Chair, but none of them worked. We stuck with the posting peg, because it can deal with a proportion of the mail, but it cannot deal with everything, so it does not solve the problem.

This week is Dog Awareness Week, by the way. It is the fifth annual Dog Awareness Week, which we run jointly with Royal Mail. One of the messages we give to owners when we put post cards, posters and leaflets out—we have a lot of support from the media—is, "If you have a dog that attacks the letterbox, please buy a letter cage and put it on the back of the door. They cost £10 to £15. You can buy them from Amazon or Argos, and it will prevent your mail from being nosed up and it will stop the postman or postwoman losing their fingers." There are basic, simple solutions like that. If you cannot fit a cage, fit an outside box. They are not that dear either.



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When we suspend the mail, one of the things we say to the owners is, "How are you going to overcome this problem?" We offer these solutions and a lot of them say, "Okay, I will fit the cage or the outside box." If they want to allow the animal to continue to run around inside the premises, we say to fit a post box at the perimeter of their property. There are a number of opportunities for solutions that we work with customers to offer, but we still have people who do not want to exercise any level of responsibility or co-operate at all and they are the ones who present us with the problems, and we end up with a serious injury.

Q227 Chair: Thank you for making those points, because, naturally, we are in public this morning and I am hoping people will take more notice. I know again from pushing leaflets that, if you have letterboxes right on the ground and then brushes and everything in them, it is almost impossible to get anything through the actual door. It will all be screwed-up, as you quite rightly say. I sometimes wonder, by the time you have pushed a screwed-up leaflet through the door, if you are actually doing any good. It is probably quite the reverse. There is this issue that people want a certain amount of security from their letterbox, but, as you say, if they have a container behind it, it gives protection to those delivering mail, postal workers in particular, but anybody who might legitimately be delivering mail to that house. Thank you very much.

Guy, it is your turn to be grilled. What changes to the current legislation are needed to tackle livestock worrying? It is quite a simple question, really.

Guy Smith: Chair, as you know when it comes to livestock worrying, there is pick-and-mix plethora of statutes from the Animals Act 1971, the Dogs (Protection of Livestock) Act 1953, the Criminal Damage Act 1971, the Dangerous Dogs Act and the Anti-social Behaviour, Crime and Policing Act 2014. I can commend—and I am teaching my grandmother to suck eggs—the APPG that you were part of, Chair. It is an excellent report and it makes specific recommendations.

Just to reiterate, it said the current maximum penalty for an offence under the Dogs (Protection of Livestock) Act 1953 is set at level 3, or £1,000, which does not allow flexibility for persistent or repeat offenders. The penalty needs to be more of a deterrent, so this group requested a review by the Ministry of Justice of sentencing under the Act. You also make recommendations to the Sentencing Council.

We are aware, and it is made blindingly obvious in the report, that the biggest issue with this is the fact that very few cases get to court or prosecution. North Yorkshire Police, looking at the period 2013 to 2017, recorded the number of livestock killed by dogs as 280 and recorded the number of livestock injured at 292. Of 329 recorded cases, there were only nine court convictions and three police cautions, and 156 of those cases had insufficient evidence. In other counties of the five that were looked at, the situation was worse. In Cornwall, there were 322 incidents of livestock worrying between May 2014 and August 2017. There were



305 livestock killed, 229 injured and, of those, only one charge and one caution, and again 140 cases had insufficient evidence.

Q228 Chair: Can I ask you, Guy, about even these very few cases that actually get to court? Is there any sensible compensation? I do not think people today realise the value of sheep. You are probably talking at least £100 to £150 a ewe. If the ewe is in lamb, you are talking £200 to £300. It is nothing for a dog to injure a number of sheep greatly. They can abort and all sorts of things can happen. Sometimes, people do not understand the liability they could have from their dog worrying sheep and livestock, and also the values concerned.

Guy Smith: There is civil liability in this situation that farmers can pursue, but their preference is to use their insurance, which most of them do. I do not have enough intelligence to know how many farmers have this insurance cover, but I suspect it is the majority. In terms of prosecution, it is clear the police are exasperated when an animal is involved repeatedly. They feel that, if they had greater powers to either destroy the dog or confiscate the animal, this would be an ultimate threat that may get people to take it more seriously.

Q229 Chair: That was interesting. We took evidence just now and I was asking the question that, if an animal has been seen to worry livestock, the police have to hand that dog back to the owner. That is an interesting situation. Had it bitten another dog, a guide dog or whatever, or had it injured a person, they would keep that dog. That is where we need some tightening of the legislation.

Guy Smith: I agree. We need more comprehensive legislation to cover livestock worrying, in which the powers of the police are made clear. I am also aware that there is a considerable problem getting these cases to court and evidence-gathering, which also needs to be looked at. Only a small handful of cases get to the point of prosecution. You are right that the farmer has the right of civil prosecution, but again there is an evidence problem, which probably makes insurance the better route to go down for the farmer who has suffered the damage. Just to reiterate, 15,000 sheep a year are killed by dogs or dogs cause their death.

Q230 Chair: Just keeping on the subject of sheep for the moment, having kept a lot of sheep in my time, I do not think the general public necessarily realise that the dog does not have to bite that sheep, especially with a ewe heavily in lamb. If they chase them around the field, they are very likely to abort those lambs at the very least. Then there is the case of them suffocating in a huge heap or huddle of sheep. People just think their dogs are out there playing with the sheep. Some dogs probably think that is what they are doing, but they are causing so much damage in reality.

Guy Smith: You make an excellent case, Chairman, and you have a very good knowledge of agriculture. I do not need to remind you of most of it. However, we raise this point about being breed specific and that is a good



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point. Obviously some animals have the physical capability and instinct to savage other animals, whereas others do not. That can perversely make the problem worse. You talk to dog walkers and say, "Why did you let that animal off the lead?" They say, "Well, it is not one of those dangerous dogs. It is a labrador." They think it has gone and played with livestock, but you and I know that there is an instinct in the animal to cause stress to sheep, cows and other sorts of livestock.

As you know, Chairman, a sheep is one of those peculiar animals that can be very robust and resilient when left to its own devices on a hillside, but very easily spooked, stressed or caused to abort by strange situations such as thinking a predator is in amongst it. Those are the indirect consequences of sheep worrying. As I am sure we may get to, there is a clear education issue here, in terms of making people aware that all breeds of dogs can potentially cause the death or indirect death of a farm animal.

Q231 Chair: Do NFU Mutual and others have figures on how many cases of livestock worrying are caused by stray dogs let from the house for various reasons or dogs from people who have inadvertently let the dogs off the lead while going through livestock. Do you have those?

Guy Smith: No, I do not. One thing I will do is to go back to the Mutual and ask further questions. I know that these things can sometimes be blocked if they are deemed to be commercially sensitive or they do not garner that information. That the majority of cases appear to be in the absence of the owner is taken from this NPCC report, which is alarming. In most cases where animals are killed, the owner is not even aware the dog was running wild and free, and worrying animals.

Q232 Chair: If we could reinforce to people what they were doing, a lot of people would stop their dogs if they realised the potential loss to livestock there could be. Others would take more notice if they realised the penalties and financial penalties they might be liable for, if we can get that information out there. Are DEFRA and Government doing enough? To put the ball in your court slightly, is the NFU doing enough to educate people on their liability?

Guy Smith: I will break that into two, if I can, Chair. The situation for police liaison is getting better. We are having better dialogue with the police, and there is a new NPCC priority delivery group for livestock, which rather unfortunately met in the grip of the Beast from the East at its inaugural meeting, but intends to meet going forward. We welcome that; it is a step in the right direction. Chair, as you know, rural crime is a difficult nut to crack sometimes and we always call for intelligence sharing between constabularies, across counties. I know we are not looking at hare coursing today, but to my mind it is still dangerous dogs attacking animals that the farmer takes care of.

Chair: And it is a long season as well, is it not? Very often the hares can be breeding.



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Guy Smith: Exactly. We know good police liaison and intelligence is a good way to take this forward, which is what we wish to do. In terms of educating, advising or having conversations with members of the public, we are quite proactive. We supply signs to go in fields to remind people not to take their dog off a lead in a field where there are sheep, cows or other livestock.

Again, I come back to the dilemma that, if most attacks are not in the presence of the owner, you have to go beyond the dog walkers to people who may not be so aware of the situation. I am not quite sure how you reach out to those people. We would like to see more cases going to court, because then local papers pick them up. If they involve fines, it sends out quite a strong message to people who may be oblivious to their animal being a threat to local livestock. As we know, there are many ways you can try to inform, educate and enlighten people, but they are often more easily said than done.

Q233 **Chair:** Do you think that we as a Government can, through DEFRA, do more in schools? I know it is always very difficult to bring things on to the curriculum, but where can we go on this one?

Guy Smith: You make an interesting point, Chair. I remember as a lad, or probably a little older, the country code used to be advertised on the television. The Countryside Commission used to have a budget to promote it. You wonder where people get to hear about the country code now, and understand that rural areas are different from urban areas in the way that people or their dogs behave. Maybe there is a case for DEFRA spending more on advertising for something that, as we said, costs our industry £1.6 million a year. That is only the direct damage; it does not pick up the indirect damage of aborted or stressed livestock.

Q234 **Chair:** You cannot altogether prove that sometimes, especially if it is a little while after the attack might have taken place.

Guy Smith: Exactly. It is difficult to identify damage in terms of pounds and pence, but we know there is a minimum figure of 15,000 sheep and £1.6 million of extrapolated insurance claims.

Q235 **Chair:** Going back to the current police enforcement and penalties, are they sufficient to tackle dog attacks? Are you reasonably okay with the law, or do you think it needs to be changed? Where are you on that one?

Guy Smith: The APPG reported that the main statute, the Dogs (Protection of Livestock) Act 1953, has a maximum fine of £1,000, which in this day and age is not adequate.

Q236 **Chair:** It is not adequate, is it? It is just not enough. Even with that, you were saying there are very few cases that are taken to court.

Guy Smith: Exactly, and as a dog lover the last thing I would want to inflict on anyone is the destruction or confiscation of their dog. However,



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there comes a point where that is best for every person affected by an out-of-control, undisciplined, badly trained animal.

Q237 Chair: I had some dog worrying about 20 years ago. We used to go out at night to try to find where the dog was coming from, and we found that a number of people just let their dogs loose at night. The trouble, when you let your dog loose at night, is your dog then has the potential to meet up with other dogs. As soon as there is a group of them, they are even worse than one dog on its own. Is it out of lack of education? Is it lack of knowledge? Where can we go on this one?

Guy Smith: You are right. People do not appreciate that, by instinct, dogs are pack animals that predate on prey species, of which the sheep would be one. It is just the way they are. There is clearly an evidence problem here, in the way so few cases come to court. In most cases, it is not clear which animal was responsible. There is some preliminary work on DNA being done. It is interesting, but I am sure there are some practical limitations to it that I do not understand. With the combination of DNA tracing and the new chipping legislation, where you could swab a dead or injured sheep and link it back to a dog, we are clearly looking at new, interesting evidence trails that could start to bite on this problem, where we are struggling at the moment.

Q238 Chair: That could make a real difference. You may not have a position on my final question. With this inquiry, we are not just looking, however serious it is, at postal workers and livestock worrying. We are particularly looking at breed-specific legislation. I prefer the deed of the dog rather than the breed of the dog. Does the NFU have a particular position on that, or is it just interested in what is happening with dangerous and out-of-control dogs?

Guy Smith: We do not think it is about breed-specific dangerous dogs, as per the Dangerous Dogs Act. Perversely, it can often be the case that a breed that the owner thought was safe, benign or non-dangerous is still a threat to livestock. That goes back to education and people understanding that, potentially, all dogs will worry or kill livestock, and they do not have to savage them to kill them. They can kill them through stress, herding them, suffocating them and so forth.

Q239 Chair: I sometimes wonder whether the breed-specific Dangerous Dogs Act almost lulled people into a false sense of security, so they would say, "I have a Labrador, a collie, a Jack Russell or whatever, and my dog cannot possibly do these things." They can, especially if they get together with other dogs, which is the point I was making. Every dog has the potential to chase something if it runs away. This is the bit that seems as obvious as the nose on your face, but it does not seem to always get through, does it? Is there any last point you would like to make on that?

Guy Smith: It would be good to have an analysis of what breeds of dog are involved. We would be a lot wiser then. However, we know anecdotally that a spectrum of breeds of dog is involved in this, and not



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just the usual suspects of Rottweilers, Alsatians and pit bulls. This is part of the education. Indeed, that can make it worse if people think, "My dog is not one of those dangerous dogs that I am always reading about in the papers. Therefore, I do not need to control it. It is a nice, cuddly, benign animal." It is not when it is in a field of sheep.

Chair: That is exactly the point. Thank you very much for that. Both Guy and David, thank you for your very good evidence. It will be part of our report. We just have to make sure that we look at the legislation we have and see if we can enforce what is there better. In particular, third-party liability is an interesting point that has been made by both of you this morning. Generally speaking, we have had some very good evidence, so thank you again for coming. Thank you for being patient and waiting, and I am glad, Guy, you did not have to go charging off as it turned out, so thank you. Thank you both, Sandy and David, for hanging on, because we have had lots of other meetings on this morning. As you can see, it has been quite a challenge to keep us quorate; we need three Members to be quorate. Thank you very much.