

REPORT FROM: Assistant Director Operational Services

TO: EXECUTIVE

DATE: 20th MARCH 2025

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OPERATIONAL SERVICES PROHIBITED TYPES AND DANGEROUS DOGS POLICY

PURPOSE OF REPORT

To secure Members approval of the Operational Services' Policy, which will cover the actions to be taken when a straying prohibited type or dangerous dog is to be detained.

RECOMMENDATIONS

- (1) That Members recommend adoption of the Prohibited Types and Dangerous Dogs Policy and the report be sent to Council for approval

REASONS FOR RECOMMENDATIONS

- (1) To ensure that the policy can be communicated to staff and applied consistently in the future
- (2) To ensure there is transparency in decision making and the actions of those dealing with prohibited types or dangerous dogs are supported by the Council as they work to protect our local environment

ISSUE

- 1) The Council currently has no policy covering the handling of stray or detained prohibited type or dangerous dogs. The provision of a written policy will ensure there is transparency and consistency in our decision making, which will support the Council's authorised officers to protect our local environment.

- 2) The policy aims to assist Officers in providing relevant legislation and evidential and public interest considerations and by clarifying the options open to the authority applicable to prohibited dogs and dogs dangerously out of control.
- 3) The primary legislation for such cases is the Dangerous Dogs Act 1991 although other provisions are addressed under a selection of legislation. The Dangerous Dogs Act deals with dogs which are bred for fighting alongside other restrictions that have been imposed on dogs which present a serious danger to the public.
- 4) As of December 2023, it became illegal to own or possess an XL Bully dog in England and Wales unless you have a valid Certificate of Exemption.
- 5) It is illegal to rehome, sell or transfer ownership of XL Bully dogs. It is illegal to abandon an XL Bully dog or allow it to stray
- 6) Should prohibited types or dangerous dogs be abandoned or left to stray Local Authorities have sole responsibility for dealing with stray dogs under s68 of the Clean Neighbourhood and Environment Act 2005 (CNEA). Arrangements are in place for the Council to meet its statutory obligations when there is no concern regarding the breeding or behaviour of the detained dog
- 7) Prohibited types and dangerous dogs which have recently included XL Bully type dogs have been detained on the Authority's behalf by third parties in the interest of animal welfare and public safety. Unfortunately, the Authority like most neighbouring Authorities has no agreement with any kenneling provider which would cover the keeping of prohibited type or dangerous dog for seven days after seizure.
- 8) Should the Authority obtain the means to kennel a prohibited type or dangerous dog for seven days then as explained in paragraph 5 the Authority could not re-home, sell or transfer ownership of the animal resulting in euthanasia being required.
- 9) The policy document provides the reader with an understanding of the primary legislation used by Officers, how the legislation is used in cases involving prohibited types and dangerous dogs, the Council's approach to joint working with other agencies and ultimately the document provides information on what Officers will need to consider for the welfare of the animal and those impacted by its behaviour.
- 10) The Policy seeks to provide clear guidance to those having to make decisions on the welfare of animals suspected or confirmed as being prohibited types or dangerous dogs. The policy sets out proportionate actions and deals with extreme cases where euthanasia before seven days should be considered to avoid suffering.

IMPLICATIONS

Policy: Links to Priority 2 within the Corporate Plan. Encourage and foster community pride for a safer, cleaner and greener environment and protect our parks and local environment by taking pride in our green spaces and surroundings.

Financial: None arising directly from this report. DEFRA have provided £2400 of New Burden funding to assist in covering kenneling, medical and resourcing costs. We await invoices for recent cases.

Legal: None arising directly from this report. Implementation of the policy ensures decisions are consistent, transparent and accountable and made in accordance with legal requirements and guidance.

Risk Management: Formalising the policy reduces the risk of authorised officers' decisions being challenged.

Health and Safety: None arising directly from the report.

Sustainability: None arising directly from the report

Community Safety: None arising directly from the report.

Equality and Diversity: The policy recognises the need to ensure that any regulatory activity and enforcement action is fair and objective and has regard to relevant corporate equality and diversity policies.

APPENDICES

Operational Services Prohibited Type and Dangerous Dogs Policy December 2024.