The effectiveness of the Act in reducing the number of out of control dogs/dog attacks in Scotland.

The majority of cases we deal with are when a dog is involved in an “altercation” with another dog; these could be broken down into further categories:

- **Serious:** one or more dogs receive serious injury requiring veterinary treatment.
- **Minor:** one or more dogs receive minor or no injury requiring veterinary check.
- **Concern:** a dog behaves aggressively towards another dog but there is no contact.
- **Unreasonable:** Neighbour disputes and disagreements between dog owners.
- **Serious, other animal:** where a dog or dogs caused serious injury to a domestic pet other than a dog, for example killing a domestic cat or other animal.
Other cases involve bites or attempted bites on Adults and children; these can be categorised also as follows;

- **Serious, long term risk;** one or more dogs have been able to bite a person puncturing skin and may result in long term injury, mark or mental trauma.
- **Serious;** one or more dogs have been able to bite a person not puncturing skin but causes bruising and or mental trauma.
- **Alarm;** where a dog or dogs behaved in an aggressive manner as to cause fear and alarm and may have attempted to bite a person.

In dealing with dog control cases since 2010 I have not seen a reduction in cases being reported to myself and colleagues, in fact I would suggest that each year we have seen more cases being referred to us, this is for two reasons;

1. As more and more of the public become aware of the legislation the more they will report issues that previously would have gone unreported. Before 2010 there was no recording of dogs being “out of control” other than ones dealt with by police under the dangerous dogs act. Nobody knew what the number of incidents involving dogs being “out of control” were as no legislation was in place requiring council involvement and no records kept anywhere.

2. Despite the Control of dogs Protocols being produced recently and signed by police Scotland, COSLA, etc. This has completely failed to ensure that serious cases are fully and inclusively dealt with by Police Scotland and more recently we have had increases where the police have referred cases direct to the council or have told the public that they would not deal with a serious case and advise them to report concerns to the council. (Please refer to example below under the “Any other issues”).

Where some control measures taken with dog owners (which may consist of advice, or a control notice) we have helped to help prevent the same dog and owner from being involved and an “out of control” incident.

Where we found dog owners remorseful and upset at what their dog had done, we often found that this was the “wake up call” required to ensure a responsible dog owner takes measures to prevent a repeat in future.

This is not always the case and if a control notice is in place and breached it would not be uncommon for additional breaches to occur involving the same dog and owner or other control complaints regarding the same person but with a different dog.
Any breach might be considered a failure with control measures but due to the justice system/protocols/police it takes all too long for a case to go before the court, by which time further incidents may happen involving the same dog and owner.

A current case example:

Two years ago a dog was considered to be out of control after killing a neighbour’s domestic pet, the same dog soon after attacked one or more cats. The owner was served a control notice.

Late in 2017 the control notice was breached at least twice and dealt with by the police. The owner is now going to be in court for the breaches this autumn 2018 many months later. During this time the dog has breached the control notice repeatedly. So the control notice has made no difference AND the latest breach involved the death of another cat. If stronger measures were available to local authorities and police or SSPCA the other incidents would not have happened and another person’s cat would not be deceased.

• How well you think local authorities are carrying out their duties under the Act;

Local authorities under the legislation have to have at least one person authorised to investigate and deal with dog control complaints. This role has been allotted mostly to staff who were already dealing with stray dogs as a dog warden. (This is another statutory duty as every council has to offer a stray dog service between 9-5 Mon-Fri), Police Scotland through legislation are duty bound to accept stray dogs handed in to them out of hours and at weekends. However this was an additional task to all councils and no budgets increases were expected in carrying out this role.

This failed to recognise that statements are required to be taken, home visits to identified dog owners and in many cases this has to be done out of hours, incurring increased mileage, time and costs.

With cuts to services and staff numbers dog control cases may take longer to deal with and the delays risk further issues involving the same dog and owners and with serious cases not being dealt with by the police greater risk to the public in some cases.

I would add that dealing with dog control cases is stressful at times, dealing with victims and their expectations of fast service of “justice” and preventive action, followed by the owners of the dogs that are being accused of allowing their dogs to be out of control and in some cases their attitude of “resistance or denial” or failing to accept that they had allowed
Consider allowing for the reintroduction of a licence scheme and this would allow for suspension of a dog ownership licence and without having to wait up to ten months for a case to go before the court.

Getting a dog licence should be by completion of a questionnaire regarding dog care, chipping, dog control and behaviour, the cost of application a one off cost per dog for the life of the dog perhaps) and issued by local authority to be cost balance re the set up and administration.

• **What challenges you feel local authorities face in carrying out their duties under the Act;**

Deliberate avoidance and obstruction, serving a control notice and ensuring it is upon the dog owner. A dog owner may choose to obstruct the serving process, provide inaccurate names, address etc. May choose to refuse entry to an address, refuse to talk about the dog involved, mislead the investigating officer with regards the owner, refuse to make the dog available to check the microchip or fail to identify the dog involved if they have more than one of the same breed etc. Adding the offence of obstruction would deter a lot of this.

The Police MUST be allowed to issue control notices so they can deal with cases out of hours, serious cases under the dangerous dogs act and while a case progresses be able to serve a temporary control notice.

No national database of dogs under control notices prevents dogs that are subject of control notices from being effectively monitored. Some move to other areas of Scotland or even within a few miles but cause problems but dealt with by different police or councils and staff who are unaware of the dog history. A national database would instantly resolve this and allow all Authorised staff (similar to DVLA checks) be able to check the history of a dog. Perhaps enhance this for dog chipping and stray dog issues and legislation, this would be ideal and help prevent bad dog breeding habits as some dogs across Scotland may be traced back to a particular breeder.

When the Control of Dogs Scotland Act 2010 was introduced the Scottish Parliament provided guidance notes to accompany the legislation. This includes a referral to the creation of a national database for all dog control cases; this was ideal and would have been beneficial to all enforcement agencies. The national database was never created and the resulting issues are regular, time consuming, and a failure in ensuring that police and local authorities have the information required in order to ensure both the Dangerous Dogs Act and control of dogs’ legislation is effective. We often receive emails or other enquiries from police asking if a dog, address or person is known to us for dog control complaints. This is not ideal and we may not know of the dog or person if they have moved to the area but do have previous dog control issues in another area of Scotland.
The police will prosecute a person under the dangerous Dogs Act for bites to people and serious life threatening injuries but they would require knowing of any dog control issues to support their case, without a National database they have no quick and reliable way of knowing of a dog's history. The police in each area of Scotland may well have to make numerous enquiries with different councils particularly in the central belt, a national database would have been far more effective and it is still the best option for recording dog control cases.

We also have cases where dogs have been given to people outside the local authority area and we have to try to locate their address, to try to find out who in that area is authorised to contact to let them know that a dog or owner with a control history is now in their area. Again a national database would have made this very easy and reliable.

Create a national database and consider whether the re-introduction of a dog licence could fund this, with dog chipping and the independent chip registration companies perhaps there is a solution within current databases. Either way a national database would save time and speed up control cases, especially for dogs that have control notices in place that have then been dealt with by police under the dangerous dogs act with immediate access to a history in support of any serious cases.

There remains no recognised qualification for authorised staff to obtain and no national register of approve dog behaviourist and trainers. Local authorities cannot provide a local list and cannot be seen to recommend one over another. This makes referring dog owners to seek training to help bring dogs under control not easy, in addition some dog trainers do not want to the responsibility of retraining a dog in case it relapses and they are then involved or help responsible.

A current case involves a dog killing a neighbour's cat, the cat injuries meant it was eventually euthanised but the bill to the victim is high. The legislation does not include any recovery of costs from the dog owner which is acceptable but perhaps needs to be looked at and given consideration.

The dog control legislation allows for a control notice to be served on the dog owner but this information cannot be shared with victims who regularly ask for updates and expect to know “that justice has been done”, perhaps another reason why any breaches could be dealt with by way of a fine.

For dog chipping legislation, the Scottish Assembly “backed off” from allowing fines for not having a dog microchipped, if the fine had been an option and at a level higher than the costs of having a dog microchipped the likelihood would be that to negate the fine people would have had their dogs chipped within 28 days. The dog control legislation should consider making it an offence to fail to provide confirmation of ownership and that a dog is chipped, by provision of paperwork or allowing the dog to be scanned for verification purposes, this could be part of “obstruction” if introduced and a dog “owner” fails to provide either.
If there are any weaknesses in the Act or any specific changes you would like to see; Note; some of these suggestion and comments may currently not be part of the dog control legislation but this may be a good opportunity to enhance the legislation to DOG CONTROL as more preventative than reactive.

1. Add the offence of “obstruction”
2. Allow Police Officers to issue “Standard Control Notices” as part of dealing with dangerous dogs. (Requires dogs to be muzzled OR on leads in public).

Interim Dog Control Notices:

Police Scotland will deal with dogs that are subject to the Dangerous Dogs Act but as it takes many months to have a case heard in court they either have to go to the cost of seizing a dog and kennelling it at huge cost, or they have to leave the dog with its owner but then ask the Local Authority to serve a control notice either permanently or as an interim measure to try to prevent further issues. This means that the police have to share the evidence with the authorised officer or that same authorised officer has to take another statement from witnesses, these risk differences in statements, time delays and once a notice is served monitoring and more administration and costs to the local authority.

Suggestion: Allows police officers to serve interim dog control notices upon dog owners so that;

1. They can avoid seizing dogs unless absolutely necessary.
2. Can issue a control notice at the time of investigating a case
3. Can be aware of any complaints of breaches before it goes to court, providing further evidence of the inability of the dog owner to adhere to its control conditions
4. Saves local authorities from having to be involved days or weeks after an incident
5. Saves local authorities from duplication once the police are involved
6. Prevents risk of complications associated with sharing of statements or evidence whilst a case is being put to the Fiscal.

3. Creation of National database to help police and councils
4. Amend the section requiring dogs to be chipped within 14 days as the appeal system gives 28 days for appeal AND the chipping legislation makes this requirement possibly out of date. Perhaps give 28 days or 14 days to prove chip registration details for phone/address etc. are up to date.
5. Add the option to issue a fixed penalty for minor breaches of a control notice
6. Make all DCN’s automatically expire after a determinate period of time where no further complaints are made regarding the same dog being out of control.
7. Look at a proper qualification or register for dog trainers and or licencing system for anyone providing training or obedience training as a business. (self-financing through a one off or annual licence).
8. Look at dog walking services to ensure there is a maximum number of dogs permitted to be walked on or off lead at any time by one person over 16 yrs of age, Dog walking services can walk a large number but these cannot be controlled at the same time safely.
9. Look at “monitoring” where breaches of control orders is a criminal offence and require police to prosecute all cases of breaches of control notices as
this is a criminal offence and police Scotland are better equipped to ensure this is done effectively.

10. Look at introduction of allowing councils to limit access to guide or assistance dogs and working dogs (working sheep dogs and police dogs for example) unless on a lead to places such as children’s play parks, sports pitches and or where there are livestock present where there are no direct barriers between the dog, it’s owner and the livestock, this would enable real time protection for sheep and other animals. Local authorities could then introduce “dogs on lead only zones” too if required. Once again allowing for a fine for breaking such a rule or the issue of a control notice if the case is serious.

11. Convictions for breaching a notice: With cases of breaches going before the courts we have had cases with fines of just £40, this includes where a dog was involved previously in the dangerous dogs act and a dog control notice was served. The breach was serious but a £40 appears to be very low, other cases have involved less serious breaches and fines of £120 AND a ban from owning or keeping a dog for 12 months, however on this occasion the dog owner simply gave the dogs to their partner who was at times living at the same address with yet further complaints that we were frustrated about as the dogs were legally owned by the partner.

Consider whether an authorised officer or police officer can as part of control notices place a restriction on anyone keeping the same dogs at an address OR have the facility to require the landlord or owner to have permission to keep the same dog at an address. (Note; the short secure tenancy agreements generally in place require tenants to ensure pets are kept without annoyance to neighbours, but we know this is not enforced and landlords are resistant to using the tenancy agreements to withdraw permission to have a dog or other pets).

• Any other issues relating to the Act you wish to bring to the attention of the Committee.

I have very recently received an email from a police officer, he had tried twice to report a dog owner under the dangerous dogs act where a dog had caused serious injury to a person and on both occasions the Crime Management service of Police Scotland rejected the officer’s attempts and told him to pass it to the council. (I will not attach a photo of the injury as I think it is not appropriate in this submission).

A second very recent case in April a dog owner was successfully prosecuted under the dangerous dogs act and fined, this was after a child was bitten on the stomach last year. Just two weeks after the court fine the same dog bit a 16 yr. old girl, this girl was the sister of the child bitten last year. No police action was taken after the second incident and the case referred to the council.
**Dogs at home:**
Every year a number of visitors to home with dogs are placed at risk, they may be courier services, medical staff, carers, postal staff, council staff and many others. They might well not be aware that a dog or dogs are owned at that address. We have had cases reported for dog control including community wardens being chased and bitten by dogs that are unsupervised in the owner’s garden. Any visitor to any property perhaps should expect the dog owner to be aware of the risks of dogs being protective at the home and we could prevent risks to visitors with the following:

Consider whether all dog owners should have a sign at the door or garden entry to alert visitors that a dog is likely to be in the garden or have access to the front door, this may need new legislation or perhaps it could be added to the dog control legislation. It is helpful for crime prevention too. At very little cost visitors can be prewarned and perhaps avoid risk by choice. For postal staff, leaflet canvassers etc. then for dog control a requirement to have a barrier between the main door, letter box and or other rooms might be worth considering this could include a cage where practicable to ensure anyone placing a hand through a letter box, or entering a garden where a dog might be is forewarned and can be safe whilst carrying out their employment duties.