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

A Whilst the legislation allows officers to investigate concerns raised regarding ‘out of control dogs’ we do not have a baseline to compare whether the it has made a difference in terms of reducing the number of attacks. Statistically, until 2017 there was a continued increase in the reporting of incidents. The public appear to be aware of the alternative to reporting to the Police.

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

A Falkirk Council investigates all concerns raised under the Act even though a number of areas in the legislation are open-ended. Compared to other Local Authorities we are probably somewhere in the middle in terms of the way that we deal with and then monitor under the Act. One area of concern is that the authorised officer should be to be experienced in the area of dogs and dog control; however this isn’t quantified within the Act.

Due to our continued management of the Act we are probably now in a fairly good position in this regard. What challenges you feel local authorities face in carrying out their duties under the Act.

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

A Challenges include, not being able to inform the reporter of the outcome of the investigation and monitoring of the dog when a notice is served on the responsible person. Responsibility for the Act was added to Falkirk Councils Community safety Team as they had investigatory experience, but they didn’t have dog behaviour/handling knowledge or experience. Another challenge comes from a lack of support and knowledge from Police Scotland and a lack of support from the Procurator Fiscal (PF). The latter hasn’t affected us yet but via our network there have not been any successful prosecutions for a breach of Dog Control Notice (DCN) to date. In terms of Police Scotland, we are fast becoming a ‘dumping ground’ for all manner of dog attacks including bites on people. It appears to be due to the lack of support for both Police and Councils from the PF and issues with Dangerous Dog legislation.

If there are any weaknesses in the Act or any specific changes you would like to see

A Weaknesses in the Act – Some concerns detailed above and the fact that there is currently no punitive measure available for people/offending dog owners who will not engage with authorised officers. This should be treated as a separate offence much in the way that refusal to provide details under Dog Fouling Scotland Act currently is.

Any other issues relating to the Act you wish to bring to the attention of the committee

A There remains a disparity between microchipping law (14 days) and DCN appeals (21 days)