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

The Control of Dogs (Scotland) Act 2010 cannot prevent an initial dog attack from occurring, it gives local authorities a means to seek prevention of a further attack by that dog through the service of a Dog Control Notice (DCN). Since the Act came into force in 2011, we have seen an increase in the number of investigations regarding aggressive/out-of-control dogs undertaken each year. Possible reasons for this include, that the number of out of control dogs is actually increasing, that there is a greater awareness of the 2010 Act now so a higher percentage of incidents are being reported to us, and that incidents previously investigated and actioned by Police Scotland are now being referred to the local authority. Also, with the recent rise of social media, there has been an increase in the 'broadcasting' of dog attacks etc. online, resulting in a notification to our Animal Control Officers, something that may not have happened in the past. The increase in the number of investigations has subsequently resulted in an increase in the number of DCN’s issued each year. Compliance with the DCN should be sufficient to prevent the dog from being out-of-control or attack again, however the requirement to regularly monitor the increasing numbers of DCNs is resource intensive.

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

Dundee City Council is fully aware of the powers available to us under the 2010 Act and believe that we are carrying out these duties in a suitable manner. We are active in investigating complaints and will take the course of action deemed appropriate depending on the circumstances of the incident, what information is available to us, and our assessment of the dog involved. This may include issuing warning letters, serving dog control notices, or even making a summary application to the sheriff under Section 9 of the 2010 Act for an order to destroy a dog if the service of a DCN would be insufficient to prevent a further attack by that dog.

While the 2010 Act provides local authorities with regulatory provisions to help reduce the number of out of control dogs, no financial assistance has been provided to local authorities to help apply these new powers. Over the years since the introduction, the number of dogs on which a DCN has been issued has gradually increased with each then requiring routine
monitoring. While we are very active in dealing with complaints received regarding aggressive / out of control dogs, the proportion of an authorised officer’s time spent monitoring DCNs and recording such work has also increased.

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

Section 4 of the 2010 Act requires for local authorities to share information with the Police, Scottish Ministers and other local authorities, however does not place the same requirement on Police Scotland to share information with local authorities. The number of incidents referred to ourselves from Police Scotland has increased, so in order for us to be able to promptly conduct investigations / take any necessary actions, we would welcome any information obtained by Police Scotland during their investigations of dog incidents to be required to be passed to ourselves.

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

The Control of Dogs (Scotland) Act 2010 will not prevent dog attacks from taking place in the first instance, they can only prevent further attacks by that dog if a DCN is issued and subsequently complied with.

Formal action for not complying with a DCN requires that a report be submitted to the Procurator Fiscal for their consideration. While in some cases this may be appropriate, having an option to issue a Fixed Penalty Notice (FPN) for offences such as failing to micro-chip or neuter (if applicable) the dog within the set time frame could reduce the time spent by authorised officers issuing reminder letters and potentially also the Procurator Fiscal’s time considering reports. As per the Dog Fouling (Scotland) Act 2003, the ability to issue a FPN on the evidence of one witness would be welcomed.

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

Individual dogs changing ownership via social media / through online marketplaces, rather than via dog kennels / rehoming charities is more commonplace these days. As a result of this, dogs not suitable for certain households, i.e. due to a lack of space, or the presence of children or other animals, can be brought in to such households unregulated. Dogs that are aggressive, known to bite, or are unwell could also be changing ownership by such means. The introduction of a formal means or mechanism for assessing the suitability of introducing a dog (at purchase or transfer of ownership) into a new environment may reduce the risk or likelihood of a dog incident occurring.