Control of Dogs (Scotland) Act 2010

Submission From: the Kennel Club and Scottish Kennel Club

The Kennel Club and Scottish Kennel Club welcomed the Control of Dogs (Scotland) Act 2010 and in particular, the focus of the Act on the ‘deed not breed’ of the dog and the extension of the Act to cover attacks on private property. We believe that the Act itself could be effective. However we are unconvinced that it is being utilised properly.

In February 2017 the BBC reported that emergency admissions to Scottish hospitals after a dog bite rose 80% in 10 years\(^1\). There were 363 cases in 2005-2006, compared with 652 admissions in 2014-2015. Of all NHS boards to provide figures on dog bites (50%), they showed the rate of dog bites to be over 4,000 a year.

Although this still remains a very small proportion of dogs in Scotland (according to figures from the Pet Food Manufacturers Association there are around 650,000 dogs in Scotland\(^2\)), it is disappointing that only 290 Dog Control Notices have been issued to deal with these incidents when they do occur – particularly as they appear to be on the rise. The minority of irresponsible dog owners give responsible dog owners a bad name – and an element of what the Kennel Club and Scottish Kennel Club most welcomed about the Control of Dogs Act was the power provided to local authorities to target individual irresponsible dog owners, regardless of the type of dog they owned, rather than tar all dog owners with the same brush.

We believe that the Control of Dogs Act could be effective if more people were aware of it – both members of the public and enforcers of the law, and provided local authorities have the resources and personnel available to carry out their powers under the Act.

**Issues/challenges regarding the current Act**

We do not believe that significant further amendments or extensions to the Control of Dogs (Scotland) Act 2010 are necessary at this stage, but that the current provisions should be better enforced. Examples are as follows:

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\(^1\) [https://www.bbc.co.uk/news/uk-scotland-38925705](https://www.bbc.co.uk/news/uk-scotland-38925705)

1. Dog Control Notices

Relatively few Dog Control Notices have been issued (290) in comparison to the number of dog bites/strikes/attacks that have been reported – not to mention the number of ‘nuisance’ dogs who may not have bitten yet, but that have irresponsible owners. The Act provides preventative powers which are not being properly used.

It is possible that many people involved in dog bite related incidents are unaware of the Act and so fail to report their experiences to local authorities. It is also very possible that members of the public and local authorities are aware that the measures in the Act can be used preventatively to target irresponsible dog owners before an incident occurs. It is also likely that local authorities are under resourced in terms of dealing with reports as they come in.

We would like to raise awareness amongst Scottish local authorities of the Local Environmental Awareness of Dogs (LEAD) initiative. This is an initiative introduced by the Metropolitan Police but which could equally apply in Scotland.

Launched in 2011, LEAD is a Sutton Borough, police-led initiative to engage with all dog owners of all breeds and types of dog encouraging responsible dog ownership. The concept of the LEAD initiative is to identify problem dog owners at the earliest opportunity, share intelligence, and use appropriate interventions to reduce the risk of serious incidents in the future. A key aspect of the scheme is that information is logged every time the dog owner comes to the attention of an enforcement body. This information is then shared with all the relevant bodies, such as the police, local authority and social housing authority as appropriate.

On first instance the dog owner is sent a letter enclosing details of the incident (such as dog fouling, out of control dog etc); that the details have been shared with the other enforcement bodies; and the owner is provided with information on responsible dog ownership, including where advice and help can be sought.

If the dog is involved in a second incident the owner is visited in person by an enforcement officer, the intervention at this stage will be dependent on the nature of the prior incidents. LEAD is now being used as a model for police and local authorities in a number of other boroughs and local authorities across the UK and we would encourage local authorities in Scotland to follow suit.

2. Dog Ownership Courses

It is our view that for lower/middle level offences of irresponsible dog ownership, keepers of the dog concerned should be required to attend a course on dog behaviour/training in order to prevent a more serious incident occurring in the future. Similar to speed awareness courses and driver awareness courses, designed to help motorists who have committed a low level offence prevent causing a serious accident in the future, it is our view that consideration should be given to developing standardised courses on dog behaviour and training.

This is a measure that is permitted under the Control of Dogs Act if somebody is issued with a Dog Control Notice but there is little evidence to suggest this is taking place or whether the law allows for a variety of courses to be developed to deal with a range of offences – for example on responsible dog ownership (at a lower level of offence) and on dog training and dealing with dog aggression (when the offence is slightly more serious).
The aim of the course would be to educate the owner/keeper of the dog which behaved aggressively about how to spot signs of aggression, how to train and socialise a dog properly, and of factors that can cause aggression in order to prevent more serious incidents occurring in the future.

Just as motoring courses are offered by the police via organisations such as the AA, similar courses could be run by professional dog trainers and behaviourists and could be coordinated by the various animal welfare organisations and charities working on this issue.

3. A National Database of Dog Control Notices

The Act provides powers to Scottish Ministers to establish, maintain, operate, manage and control a national database of dog control notices – a Scottish Dog Control database - in order to keep abreast of Dog Control Notices issued and permit a local authority to share information so disclosed with other local authorities, Scottish Ministers and the police. The information recorded on such a database would be valuable to enforcement agencies, and could also gather useful data which could help to inform preventative strategies and reduce dog bites. However no such database has been established as far as we are aware. This may be because the power to do so is by order exercisable by statutory instrument and subject to affirmative resolution procedure, and following consultation with local authorities and external stakeholders.

We believe that to better aid education and prevention a central database of serious dog bite incidents should be set up as a priority. In order for prevention strategy to be effective more analysis must be done on the dogs and people involved and the circumstances surrounding serious dog bite incidents with the involvement of behaviour experts as well as the police. This would then help inform education policies on dogs. Recent research published by Westgarth C, Brooke M, Christley R in the Journal of Epidemiology and Community Health in February 2018 determined that victim personality requires further investigation and potential consideration in the design of bite prevention:

“To better understand dog bites, future research should attempt to explore the circumstances of dog bites, the nature of the injury and victims’ perceptions and impacts on them. It is essential that previously assumed risk factors are reassessed as this study has revealed that prior beliefs, such as bites typically being from familiar dogs, are contested……If UK or elsewhere hope to reduce dog bite incidence, it is essential that risk factors are accurately assessed in order to impose effective and well-informed dog policies in the future”.

At present there is a lack of detailed data to explain why dog bite related incidents may occur in order that prevention measures can be put in place. In order to aid this understanding, more data would need to exist – for example, on the medical and behavioural history of the individual dog involved, what were the circumstances surrounding the incident, what was the behaviour of those involved, and the connection between dog behaviour and the severity of bite inflicted. Research suggests there are a range of factors that may contribute to dog biting incidents and dog-related fatalities, though each incident is specific to the circumstances. Better investigation of dog bite incidents would result in greater understanding of the potential triggers which could assist in preventing such incidents occurring. At present there is little incentive to gather data relating to dog biting incidents since the focus of legislation is solely on prosecution and incidents of dog aggression are categorised on a purely numerical basis instead of being considered a public health issue on which doctors or health care workers can offer advice.
In addition to this, when a serious dog bite incident occurs, the dog involved is often either seized or immediately put to sleep. As a result very little research is able to be done into the cause of such incidents as investigation is done by police authorities. Access by independent defence experts, veterinarians and behaviourists to either the dogs or people involved, is usually hugely delayed owing to the legal process. Little, if any data is kept of outside influences such as the weather, the housing of the dogs concerned, reports of loud or unusual noises etc, that could have caused the dog to panic such as children screaming or shrieking in excitement. Criminal profilers and psychologists are used to determine motives for crimes committed by humans, yet investigating authorities are usually unqualified to determine the cause of an incident based on the behaviour of a dog. Rarely is the advice or support of a qualified person sought, and there is no incentive to do so.

In our view a central reporting system should be established – as permitted by the Act, with a mandatory requirement for police, hospitals, behaviourists and veterinarians to input the data. The database would not necessarily have to be run by Government but would require a degree of Government support in order to ensure it was used.

Information which would be of use would include:

- the circumstances surrounding the dog bite
- signs of provocation
- adequacy of child supervision
- breed or type of dog
- sex of animal
- spay/neuter status
- behavioural and veterinary history of the dog, including incidents of prior aggression
- whether the dog was restrained at the time of event, and how
- patients’ previous histories of dog bites
- length of dog ownership by dog’s handler
- location where dog bite injury occurred
- disposition of dog afterwards
- physical factors
- environmental factors

These circumstances should be taken in to account as well as the behavioural assessment and should be interpreted accordingly.

**Monitoring the Effectiveness of Dog Control Notices**

Section 4 of the Act places a duty on a local authority to monitor the effectiveness of and enforce all notices issued by authorised officers appointed by them. This requires ongoing monitoring of dog control notices to assess whether the steps specified are effective in bringing the dog under control. We are unsure as to whether this is happening and also whether it may be too burdensome for local authorities. We would suggest a cost/benefit analysis of this requirement as it might be that it is preventing local authorities issuing Dog Control Notices.

**Other considerations**

We believe that the principle of ‘deed not breed’ should be extended and that the list of banned breeds across the UK should be repealed. However we understand that it is not possible for the Scottish Government to do this and so have left our arguments for this out of the consultation response.
We believe the Control of Dogs Act provides adequate powers to local authorities in order to tackle irresponsible dog ownership and that it is not being properly enforced. We would not therefore propose extensions to the Act at this stage but in order to support the legislation we believe that better education and awareness has a key role to play.

Many dog bite incidents involve children – however there is no formal education in schools about how to understand dog behaviour (even though many educational tools are readily available). Similarly there is no formal support offered to victims of dog aggression in order that they can understand how this can be prevented in the future, by either doctors or vets providing medical attention to the dogs or victims.

There are many sources of education for children, put together by an array of animal welfare organisations and charities. Other more formal education schemes include the Kennel Club Safe and Sound Scheme which focuses on staying safe around dogs. The programme plans canine accompanied school visits, background information and free resources for teachers. Teachers' notes and downloadable material are available free of charge. The website also includes a series of educational factsheets, outlining the Safe and Sound code, including some key 'safety positions' and why these should be adopted. The scheme is approved for use in schools and it is our view that it should be taken up in every school. Other such schemes also exist that are suitable for inclusion on the national curriculum but there is no requirement for schools to make use of these.

**Dog licence**

Whilst we understand the obvious appeal of a dog licence as a means to generate a revenue stream, in practice, judging by the lack of success of the dog licence in other countries, and previously in the UK, we do not believe this would be a sensible way forward.

Fundamentally any of the potential benefits put forward to support the re-introduction of dog licensing are inherently twinned with the proportion of dog owners who license their dogs. This impacts upon the level of revenue generated, who shoulders the financial burden, the cost of enforcement, and finally its usefulness in promoting responsible dog ownership. When the dog licence was abolished in Wales, Scotland and England in 1987 less than 50% of dog owners licensed their dogs.\(^3\) Northern Ireland has retained the dog licence, though in 2015 we estimated only 30-40% of dogs were licenced.\(^4\) This is broadly in-line with previous estimates from 2013.\(^5\)

There are considerable administrative and enforcement costs in running a dog licensing scheme, a sizable proportion of funds raised (possibly all) through licensing will not deliver any benefit in promoting responsible dog ownership.

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\(^5\) [http://www.publications.parliament.uk/pa/cm201213/cmselect/cmenvfru/575/575we06.htm](http://www.publications.parliament.uk/pa/cm201213/cmselect/cmenvfru/575/575we06.htm)