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

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

Very varied across local authority areas with no real consistency in how the function is carried out e.g. dog wardens in some areas and environmental health staff in others. We don't think the number of dog control notices issued is necessarily a good measure in how well a local authority is carrying out its duty; perhaps looking at the number of investigations carried out would give a better overall picture and would put the number of Dog Control Notices (DCNs) issued into context.

Some local authorities seem happy to issue DCNs in great volumes, but the follow up monitoring is carried out once per year to ensure the dog is still at the address, but not carrying out regular spot checks to see that owner is in compliance with the content of the DCN.

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

The introduction of this legislation placed an additional role/responsibility for local authorities without additional funding for the necessary resource to carry it out.

There is a general lack of resource within local authorities. However, there is specifically a lack of resource in terms of staff with the necessary dog behaviour experience to go along with the enforcement element required – this is a very specialised role.
The monitoring of DCNs varies widely across local authorities - again a lack of consistency. Some carry out a check once per year to see if the dogs still lives at the known address, whilst others carry out spot checks throughout the year to ensure compliance with the terms of the DCN issued.

There are an increasing number of referrals to local authorities from Police/ Procurator Fiscal for dogs that have caused serious injury to a person, where the case has either been “No Pro’d” or failed for some reason. This is often inappropriate as the control of dogs legislation was designed to be proactive, i.e. where concerns are raised about a dog’s behaviour, controls can be put in place to prevent an attack, rather than trying to deal with the aftermath of a dog attack.

There is a definite lack of knowledge / understanding by Police/ Procurators Fiscal (possibly Sheriffs too) of the process that the local authority goes through in carrying out their assessment of the dog, the evidence available and then the follow up monitoring.

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

We would include a charge for obstruction within the legislation. We have had a few cases whereby we’ve been unable to assess the dog with a view to issuing a DCN because the dog had been moved by the owner but who wouldn’t then provide any detail of its whereabouts.

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

There appears to be a lack of desire to take prosecution cases under The Dangerous Dogs legislation but instead, downgrade it to local authorities to issue DCNs when this is not necessarily appropriate e.g. dogs that have been seized for attacking people and causing injuries whereby the person has had to attend or be admitted to hospital as a result.

Clearer guidance with clarity over roles of local authority and roles of the Police, or at the very least, a re-launch of the guidance document originally produced.
In addition, there is a lack of recognition that failure to comply with a dog control notice may mean a report to the Procurator Fiscal, i.e. a case could go round in circles where there has been an attack, the police refer to the fiscal, the fiscal refers to the local authority, the local authority refers to the fiscal for non-compliance with a DCN.