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 in itself cannot prevent the number of “out of control dogs / dog attacks” it is up to the owners to be more responsible in taking control of their dogs. The Act helps Local Authorities deal with incidents once they have occurred however it sadly does not prevent them from happening in the first place.

Since the legislation came into force there has been an increase in the reported number of incidents occurring. There could be a number of reasons for this including 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, and that incidents previously investigated and actioned by Police Scotland are now being referred to the local authority. I cannot foresee a reduction in the number of dog incidents anytime soon.

What would be helpful is if the Scottish Government amended the legislation to make it easier for Local Authority staff to enforce it and also to provide funding to Local Authorities so that they can employ the required number of staff to allow them to enforce it properly.

The general public are not aware of the act (although as time passes their awareness is increasing) If the Scottish Government could make the public more aware of the responsibilities people have as dog owners this would be helpful in trying to reduce the number of out of control dogs. I help to run training courses for the general public to make them aware of the Act and their responsibilities under it and the feedback that we get are that people are totally unaware what they are allowed /not allowed to do with their dogs.

Even more useful would be if owners of any potentially new dogs were required to attend training for themselves and their new dog in order to increase their knowledge about their responsibilities as a dog owner.

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

It completely varies across Scotland. Some Local Authorities are excellent at enforcing the legislation whilst others do not have the proper staff in place to enforce it effectively and / or are not utilising their powers under the act. It makes it a postcode lottery as to whether or not appropriate action is taken if your dog is involved in a incident.

No financial assistance was provided to Local Authorities from the Scottish Government to enforce the legislation and many Local Authorities are under huge financial pressures, sadly dog control is one of the first areas to be cut as it is not seen as high priority. As the
number of incidents increase this puts a further burden on Local Authority staff and they simply do not have the time to cover all their required duties.

Also the wording under the act makes it very vague as to the qualifications / experience of the member of staff to be enforcing the legislation – sadly this means that people who have had little or no contact with dogs are out there enforcing the legislation and advising others how to control their dogs.

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

- Local Authorities have not been provided with adequate funding to ensure the correct staff are in place and have the time and ability to enforce the legislation correctly.
- The legislation does not go into enough detail about the level of qualification / experience required by the member of staff – therefore this varies significantly from one Local Authority to another.
- If the Scottish Government has up to date figures on the number of DCN issued – you will be able to see the vast variance across the country. It is postcode lottery if you have a good / experienced officer dealing with your complaint or not.
- Police Scotland are not consistent across the country in the way that complaints are dealt with and the level of assistance they provide Local Authority staff with.
- If the offending Dog Owner co-operates with the Local Authority the Act is relatively straight forward to deal with, however if the offender chooses not to co-operate – authorised staff have no powers. The Scottish Government should amend the legislation to be in line with the Dog Fouling Scotland Act where by it is an offence not to provide your details to the authorised officer. Also allow authorised officers access to the DVLA database so that names and addresses of offenders can be obtained.
- Procurator Fiscal services have made request for Dog Control Notices to be served however when these notices are breached the Procurator Fiscal service is not taken them forward.
- Monitoring of the notices needs to be done by two officers as the breach of a notice is a criminal offence and requires two witnesses – this provided resource difficulties in councils where there is only one authorised officer.
- The legislation needs to be amended to allow authorised officers to issue fixed penalties above £100 for minor breaches of a DCN – ie not getting dog chipped, not attending training etc – finding the courts are not taking these cases forward so the owners not taking the notice serious and this leaves the authorised officer in a very difficult position.
- It has been found on several occasions that the dog owners solution to the problem when served with a DCN is just to get rid of the dog. The owner then goes on and gets another dog. Problem with this is if the owner has caused the problem in the
first place with lack of training etc. There is then the potential that they will re-create the problem with the new dog and the problem with the old dog has still not been solved.

- Information sharing between Local Authorities and the police is a problem. Local Authorities can share information with the police under the legislation but there is no requirement for the police to share information. Members of the public are sometimes having to provide two statements, this is time consuming for them and the authority. It tends to depends which police officer you speak with as to whether or not they are happy to share statements – lack of consistency.

- If a Dog Control Notice is Breached and it is a serious attack that has taken place, Authorised Officers should have the power to seize that dog with the assistance of Police Scotland.

- If there are any weaknesses in the Act or any specific changes you would like to see;
  - Introduction of Fixed Penalty Notices for minor breaches ie not getting dog chipped / not attending training etc
  - Make it an offence under the act for obstruction (a notice cannot be served unless you have the name and DOB of a person)
  - Make it a requirement under the Act to inform the Local Authority if a person re-homes the dog to another owner, make it that they must advise the Local Authority of the name and address of that new owner.
  - Change the legislation so that Police Scotland must share information/ statements with the Local Authority when they pass a complaint over.
  - Allow the Local Authority to refer a case to the courts (even when the dog has been rehomed) in the hope of banning the person from future ownership of pets. - It has been found on several occasions that the owners solution to the problem when served with a DCN is just to get rid of the dog. The owner then goes on and gets another dog. Problem with this is if the owner has caused the problem in the first place with lack of training etc. There is then the potential that they will re-create the problem with the new dog and the problem with the old dog has still not being solved.
  - Sadly the vast majority of people who are served a DCN do not have the money to undertake the requirements of a DCN, therefore a lot of the breaches for not getting dog chipped, not going to training etc are due to lack of money.
  - Police Scotland and the COPFS seizing dogs that need to be seized. On many occasions they will leave the dog in the domain of the public as long as a DCN is in place but this is where by that dog has undertaken a serious attack – I can only assume this is due to the cost of kennelling the dog until the court case is heard. Local Authorities regularly receive requests from the Procurator Fiscal service to serve a DCN on dogs whos owners await prosecution under the DDA. There is a suspicion that this is to avoid kennel costs whilst the owner is awaiting trial.
• Any other issues relating to the Act you wish to bring to the attention of the Committee.

The increase in the number of dogs changing homes so readily – mainly assisted by social media and online market places. Dogs that are potentially dangerous or have previously attacked are so readily exchanged hands through these means.