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

It is difficult to provide clear statistical evidence to determine what the position would have been if this Act had not been implemented.

However the Act has been effective in closing a gap that previously existed in the legislative framework. In Renfrewshire many of the cases referred are from the Police who have reached the ‘end’ stage of their investigations into dangerous dogs. Very few dog on dog attacks would ever be considered under the Dangerous Dogs Act unless there was a history of serious and repeated behaviour. The legislation also appears to act as an effective deterrent and to promote responsibility amongst the majority of dog owners – especially where it is applied as one of a number of potential enforcement responses to promote responsible dog ownership.

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

In Renfrewshire the Council has 2 officers that work as Animal Wardens and have primary responsibility for taking enforcement action in relation to this legislation. The issue of control of dogs, and responsible dog ownership are of significance to the local community and associated issues including dog fouling and welfare issues and regularly raised and addressed across all communities.

Most local authorities have control over housing stock where the resident must seek permission to home a dog. Locally, in Renfrewshire partnership working and the development of Responsible Dog Owner pledges have been supported by Housing Managers and Officers who are willing to revoke permission should the tenant refuse to engage.

Effective enforcement also relies on good partnership working with Police Scotland at a Divisional level. Maintaining close working with the Police and pursuing cases under the most appropriate legislation (either Dangerous Dogs Act or Control of Dogs Act) ensures a more complete and effective response to promoting and supporting responsible dog ownership in the area.

• What challenges you feel local authorities face in carrying out their duties under the Act;
At present the Act does not compel an individual to give the Animal Warden/ Council Officer their details when they are enforcing this legislation. This can lead to challenges in identifying and pursuing individuals that are possibly in contravention of the Control of Dogs Act.

At present the outcome of a Dog Control Notice is not publicised. Should the notice command the owner to always muzzle the dog for public safety reasons the Council cannot, at present let the public know. Its strength depends on the authorised officer making an observation and periodically visiting the area. If the notice was a public document, the public, could report the owner for not adhering to the notice. This would act to provide reassurance to the public that appropriate action had been taken as well as a further deterrent for dog owners.

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

The issues raised in relation to the question above should be considered.

Consideration should be given to compelling an individual to give the Animal Warden/ Council Officer their details when they are enforcing this legislation. This has been particularly effective in other Acts where there is a specific offence of not giving details, such as section 8B of the Environmental Protection Act.

Consideration should be given to publicising the outcome of a Dog Control Notice. This would help support the experience of enforcement officers, that legislation which is 'self-policing' is more effective. Legislation, such as the smoking ban (Smoking, Health & Social Care Act (Scotland) 2005) the individual is offered a fine in Section 2 but Section 1 has greater sanction for allowing the Act of smoking to occur in the first instance. Again, Section 7 of this Act makes it an offence not to provide details to an authorised officer (without reasonable cause). With wider general awareness of the Dog Control Notice amongst the general public and of its terms, ongoing enforcement and compliance would be more effective.

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

It would be beneficial for the committee to consider providing additional guidance around ensuring a consistent approach across Scotland about where the Control of Dogs Act ends and where the Dangerous Dogs Act begins. At present, many local authorities will not pursue a case where the dog has punctured the skin of a victim. These types of instances are put to the police to consider a case under dangerous dogs. On occasion however, a reported police case can be dropped due to insufficient evidence and therefore no further action is taken – in these circumstances greater consideration should be given to referring cases back from the Police to the Local Authority for action under the Control of Dogs Act to be considered.

In Renfrewshire we have tried to implement this by taking on cases that the police have been unable to pursue and subsequently have issued a Dog Control Notice. This appears to be a useful approach - but is not consistently applied across all local authority areas.

Another area where a Scotland wide approach might be beneficial would be to ensure that where a dog owner moves to another local authority they be required to
notify the new authority area of the Dog Control Notice for them to consider the circumstances and if relevant reissue a Dog Control Notice based on the previous case. In many cases this has not happened and subsequently dogs become difficult to trace.