

RURAL ECONOMY AND CONNECTIVITY COMMITTEE

CALL FOR EVIDENCE ON THE DOGS (PROTECTION OF LIVESTOCK) (AMENDMENT) (SCOTLAND) BILL

SUBMISSION FROM THE NATIONAL DOG WARDEN ASSOCIATION SCOTLAND

1. What is your experience of livestock worrying? What is the scale of the issue?

Our members are Dog Wardens (or similar) employed by Local Authorities. Some of those who work in rural areas are called on to assist Police Scotland when incidents of Sheep Worrying occur. That assistance can involve catching the dog if it is still at large, scanning it for a microchip to identify the owner, transporting it to kennels, or taking it to a vet for evidence gathering.

Since the inception of The Control of Dogs Scotland Act 2010 we can also issue a Dog Control Notice to the owner requiring them to take prescribed steps to keep the dog under control until any legal proceedings take place. These steps can include keeping the dog on lead, and muzzled if appropriate, in any public place or other specified areas such as agricultural land.

As Police Scotland are currently solely responsible for investigating this crime they would be more able to provide data on the scale of the problem.

2. Does legislation need strengthening in this area? If so – does the Bill do this?

The Legislation in itself has worked well in the past but there is a need to improve the penalties available on conviction as, at present, there is no option to place sanctions on the dog owner other than a financial penalty.

It is more appropriate to require them to bring and keep the dog under consistent effective control to prevent further attacks. It should be noted however, that most sheep worrying incidents are accidental and not deliberate. Most dog owners do not believe their dog is likely to attack sheep and are shocked and distraught after the event. Education of dog owners is vital to reduce the number of attacks on livestock.

In 1953 when the Act came into force there were fewer dogs in general and the breeds kept were very different except for working dogs eg sheep dogs, gundogs, terriers etc. At that time if a dog was caught amongst livestock the owner would have swiftly had it put to sleep as it was seen as a liability and no use as a working dog. That does not happen routinely in the current climate as dogs are given a much higher status in our society.

3. What are your views on the increased penalties the Bill creates for livestock worrying?

As above most incidents are accidental and for that reason, increased penalties are not likely to reduce the number of attacks to any great degree. Better education aimed at all dog owners is required, encompassing dog control in general, and specifically covering dogs around livestock. Dog owners in general do not understand that dogs chase sheep as a game initially but their predatory instinct takes over.

4. Would the proposals to disqualify convicted persons from owning or keeping a dog or taking a dog onto certain types of land, assist in the aim of reducing the number of livestock worrying instances?

As stated above most livestock worrying happens by accident and after the event most dog owners do bring their dogs under control. It would be unfair to introduce a mandatory ban on keeping or owning a dog, following conviction unless the same owner was responsible for multiple attacks over a period of time. Livestock worrying is upsetting for all concerned.

In many cases the dog has run off after being startled, or followed a scent, chased a rabbit, deer etc and subsequently entered a field containing livestock. The livestock react to the dog's presence by running which attracts the dog's attention causing it to give chase.

In such cases, the dog has run off, the owner is not present and they could not reasonably have anticipated that it would attack sheep when it ran off. The field containing sheep may be a few miles from the location the dog ran off from.

Most dog owners at one time or another will have owned a dog which ran off but returned home of its own accord without incident.

It would be reasonable to have a mandatory requirement for control measures to be placed on the dog, such as a Dog Control Notice under the terms of the Control of Dogs Scotland Act 2010. The DCN could be put in place when the owner is identified to ensure there are no further incidents until the case is heard at court.

5. What is your opinion on extending the types of livestock and type of agricultural land covered by livestock worrying, as described by the Bill?

It is appropriate to extend the types of livestock to better reflect farming today but the type of land and livestock to which the act applies must be clearly defined.

It is not appropriate to use this Act where a dog chases pet goats, sheep, ducks or chickens in a neighbour's garden. These cases can be dealt with under The Control of Dogs Scotland Act 2010.

6. What are your views on the powers allowing Scottish Ministers to appoint inspectors, other than police, to investigate and enforce livestock worrying offences?

Police Scotland must remain the lead investigating body for cases of Livestock worrying.

There is a varied picture across Scotland at present ,Local Authority Animal Welfare Officers/Dog Wardens in rural areas assist Police Scotland Officers in such cases by helping to track the dog down, capturing and transporting the dog to kennels or to its owner and that is likely to continue.

Local Authority Officers cannot be expected to take over livestock worrying and become the lead on these cases because officer numbers are very small. Most Local Authorities employ between 1 and 3 officers in total. They do not operate a 24 hour service.

In addition to staff numbers these officers do not have access to suitable vehicles, or have the evidence gathering skills and equipment necessary for the task. Many are lone workers who do not routinely have a colleague present to corroborate evidence gathering and statement taking as would be required for legal proceedings.

SSPCA Inspectors also assist on request but Police Scotland must remain the main body responsible for this crime.

It is a concern that, if Local Authorities are given joint responsibility, very quickly all sheep worrying cases will be passed to them to investigate. This concern is based on experience following the introduction of the Control of Dogs Scotland Act 2010, which was intended to deal with dogs BEFORE they got out of control . In practice it has resulted in all but the most serious of dog bite incidents being passed to Local Authority staff for action.

Dog Wardens /Animal Welfare Officers are overwhelmed by the volume of work this has created without any additional resources being provided.

7. Do you have any comments on the expanded powers for police and inspectors to seize dogs, to enter premises and to take a dog to the vet?

The increased powers may improve the overall detection rate in cases of livestock worrying but any increased powers will bring increased costs. It must be made clear who is responsible for paying the veterinary fee, kennelling cost, laboratory fee etc . As it appears that there may be joint working between Police Scotland and other bodies, responsibility for funding the investigation must be clear. There is already a reluctance to seize dogs for other offences due to the substantial costs incurred. It would be helpful if these costs could be charged to COPFS by the investigating agency.

8. Does the Bill adequately balance the rights of dog owners and the rights of livestock farmers?

In its present form the Bill does seem to be weighted towards livestock farmers without considering that most incidents involve dogs from otherwise exemplary dog owners who have been caught out by a set of circumstances. It does not consider the emotional attachment these owners have to their dogs.

As with all offences there will be an element of society who are selfish, irresponsible dog owners but it would not be proportionate to impose very heavy penalties on all dog owners to deal with that minority.

The courts must have a range of penalties available to them to consider the individual circumstances. Financial restitution to the farmer for his lost income or the commercial value of the livestock involved, plus control measures on the dog might be a fairer, more balanced approach in cases where there is no previous record of irresponsible dog ownership. Dog owners can insure against these costs.

9. Is there anything else that should be included or excluded from the Bill?

Our members report that some of the cases they have been involved in, the dog walker was unaware of the presence of livestock in a field until it was too late. It would be helpful if livestock keepers utilised signage to indicate the presence of livestock in areas where they cannot always be seen on approach.

Information for dog owners such as "Dogs Must Be on Lead" could be added to the signs. This would inevitably incur an initial cost to farmers but if it prevents damage to livestock that cost would be quickly recovered.

A limit on the number of dogs an individual can be in sole charge of would be useful as some dog walkers – Commercial Dog Walkers and Private Individuals – are known to walk large numbers of dogs at the same time, usually off lead often with little or no control over them.