



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Public Audit and Post-legislative Scrutiny Committee

**Thursday 20 August 2020**

**Session 5**



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Pàrlamaid na h-Alba

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**PUBLIC AUDIT AND POST-LEGISLATIVE SCRUTINY COMMITTEE**  
**15<sup>th</sup> Meeting 2020, Session 5**

**CONVENER**

Jenny Marra (North East Scotland) (Lab)  
\*Anas Sarwar (Glasgow) (Lab)

**DEPUTY CONVENER**

\*Liam Kerr (North East Scotland) (Con)

**COMMITTEE MEMBERS**

\*Colin Beattie (Midlothian North and Musselburgh) (SNP)  
\*Neil Bibby (West Scotland) (Lab)  
\*Bill Bowman (North East Scotland) (Con)  
\*Willie Coffey (Kilmarnock and Irvine Valley) (SNP)  
\*Alex Neil (Airdrie and Shotts) (SNP)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Ash Denham (Minister for Community Safety)  
Jim Wilson (Scottish Government )

**CLERK TO THE COMMITTEE**

Lucy Scharbart

**LOCATION**

The Robert Burns Room (CR1)



# Scottish Parliament

## Public Audit and Post-legislative Scrutiny Committee

Thursday 20 August 2020

*[The Acting Convener opened the meeting at 10:00]*

### Decision on Taking Business in Private

**The Acting Convener (Anas Sarwar):** Good morning, and welcome to the 15th meeting in 2020 of the Public Audit and Post-legislative Scrutiny Committee. It is our first hybrid meeting.

I remind members, witnesses and staff that social distancing measures are in place in committee rooms and across the Holyrood campus. I ask that all take care to observe those measures over the course of the morning's business, including when exiting and entering the committee room. I also remind members not to touch the microphones or consoles during the meeting.

Does any member object to taking agenda item 3 in private? Neil Bibby and Willie Coffey are joining us remotely; if they object, I ask them to raise their hands. No one has objected, so it is agreed that we will take item 3 in private.

## Control of Dogs (Scotland) Act 2010: Post-legislative Scrutiny

10:01

**The Acting Convener:** After a very long time, I welcome again to the committee Ash Denham MSP, who is the Minister for Community Safety, and Jim Wilson, who is the licensing team manager at the Scottish Government. I invite the minister to make an opening statement.

**The Minister for Community Safety (Ash Denham):** Thank you, and good morning.

I thank the committee for its report "Post-legislative Scrutiny: Control of Dogs (Scotland) Act 2010" and for its recommendations. I welcome the opportunity to provide members with an update on the progress that has been made to date by the Scottish Government on implementing the recommendations that fall to us.

I give a strong assurance that the Scottish Government is committed to responsible dog ownership, to keeping our communities safe, and to driving further action on the topic, by partnership working to tackle irresponsible dog ownership across all our communities.

We have brought in new staff resource to boost our ability to take action in the area, and have established a working group with local authorities, Police Scotland and other key stakeholders, in order that we can deliver on many of the report's recommendations.

The Scottish Government's Covid response has, of course, affected that resource—as, I am sure, the committee will well understand. However, of the 21 report recommendations that required some form of action, three have been delivered and 17 are in progress. One recommendation is for the longer term, and will be considered once the reforms to the dog control system are in place.

Committee members might have seen that the Government delivered an awareness-raising campaign through social media. Despite on-going challenges that have been posed by Covid-19, we are making progress on many of the recommendations, through the working group that is led by the Scottish Government. We also plan further engagement with the Convention of Scottish Local Authorities, community safety officials and the Improvement Service.

I have spoken to Police Scotland and to COSLA to make clear the importance of close co-operation between us, and to say that strong partnership working will be vital and necessary, not just in order to progress the recommendations—important as that is—but to continually review and

assess what other policy measures, legislative or non-legislative, can and should be taken in the future.

I am happy to take questions from members.

**The Acting Convener:** Thank you so much, minister.

I will kick off questions on behalf of the committee, and then hand over to Bill Bowman.

In general terms, how serious an issue do you think dog attacks are in Scotland, and how much priority is the matter given by you, as a minister, and the Government?

**Ash Denham:** It is an issue, for sure. We have data from accident and emergency departments, and can see the number of admissions. It is a serious issue.

The committee has asked me to make the matter a priority, and to take action, and we have done that. We have recruited more resource for the policy team and we have begun that work. Of the 21 recommendations that the committee made for the Scottish Government to take action on, 17 are in progress and three have been delivered. I take the matter seriously, and I want to drive the work forward.

**The Acting Convener:** That is very welcome. If the matter is a priority, how often does the Government, or do you as a minister, discuss dog attacks or the 2010 act? Is it in your in-tray regularly? Do you get updates monthly or quarterly? Do you have regular discussions with officials on the matter?

**Ash Denham:** Officials in the policy team and I keep in regular contact. We discuss the work plan and what is being delivered.

**The Acting Convener:** How regularly does that happen? Do you have a set pattern, such as a monthly update?

**Ash Denham:** We do not do that. We meet and discuss priorities; I give my views on what we should focus on and the team goes away and works on that. They come back to me with a submission when they have something to report; they tell me what has been done or how they will approach something.

**The Acting Convener:** In this calendar year, how many times have you met to discuss the act?

**Ash Denham:** We have not met at all because of Covid. We have been doing everything remotely.

**The Acting Convener:** How many times have you met remotely?

**Ash Denham:** I do not know. I would have to look at my notes. I cannot give you a figure.

**The Acting Convener:** So, there is not a regular conversation.

**Ash Denham:** It depends what you mean by "regular". I get regular updates on the topic from my officials.

**The Acting Convener:** When I look at the statistics, I see tragic numbers. In 2018, the number of hospital attendances related to dog attacks was just under 6,500. In the first half of 2019, for which we have figures available, the number was close to 4,100, which shows a year-on-year increase. The number of patients who were admitted to hospital after dog attacks was 864 in 2019, which was an increase from 811 in the previous year. The number of patients who had reconstructive surgery went up to 33. We do not have all the figures for 2019 yet.

The figures are stark. There were 319 charges related to dog attacks in 2019-20, 53 of which were in Glasgow. The media highlighted the case of a seven-year-old from my own city of Glasgow who was seriously injured in a dog attack in July and required hospitalisation. We have also seen campaigns being run by local radio stations, such as Radio Clyde's "Lead the way" campaign.

This is a big issue that physically and literally scars individuals and lives. Given that we are talking about thousands of people, does the Government have a sense of the urgency and importance of the issue?

**Ash Denham:** I do. I agree that it is a serious issue and that it is important, which is why I am committed to driving action forward. I have done that: we are working on all the recommendations that have been made to us. I am grateful to the committee for its work on the report and for its recommendations. That has given us a framework for how we can address the issue and improve the regime.

**The Acting Convener:** We are in Covid times. How soon will the Government, and you as the minister, bring together—remotely if necessary—the campaigners, dog attack victims and other people who can help to take the matter forward? If it is a real priority for the Government, you will want to talk to victims and to people who deal with the problem on the front line. Do you imagine that you will do that soon, if it is a priority?

**Ash Denham:** We set up the working group, which has nine members. It has met twice and will meet virtually every four to six weeks. We have done that because many of the recommendations that were made to the Government are actually for relevant enforcement agencies. That group is a way to bring everyone together to drive improvements. That is happening at the moment.

**The Acting Convener:** The working group will meet every four to six weeks. Do you expect a report from it every four to six weeks?

**Ash Denham:** Yes.

**The Acting Convener:** Excellent.

**Bill Bowman (North East Scotland) (Con):** I have some questions about the letter that you sent to the committee. Most letters from Scottish Government ministers begin with an explanation of the impact of Covid-19 on what they have been doing. It would be helpful if you could detail some of the action that the Scottish Government took prior to the outbreak.

**Ash Denham:** It was clear from the committee's report and recommendations that the committee expected additional priority and resource in relation to policy on control of dogs. I agreed with that; it was important to bring in more resource for work on the issue within the justice directorate.

Committee members might not be aware of the issue of scarcity of staffing resources within the Scottish Government. That was the case last year, and it is more acute than ever this year. It was a challenge to get staff in place, but we did it, so we now have an expanded policy team working on the issue and driving it forward.

That decision was made in September last year. In January 2020, a new team leader was in place. By late winter into early spring there was also an expanded team; more staff had been recruited and were in post. Of course, within weeks of the team having been brought up to its full capacity, the Covid outbreak happened and there was immediate reprioritisation across Government. As the committee might already have heard, the Government looked at every department and identified how much resource needed to move into health and areas that support health. Therefore, all those team members were moved. Not just my officials who were working on control of dogs, but staff working on many other issues within Government were moved.

Staff had gone, so things were put on pause in a lot of areas. For instance, the team leader who was working on control of dogs was moved to a hub to head up our Covid response, which affected our ability to make progress. If we had not had the Covid outbreak, I would be sitting in front of you today with more to tell you; we would be further along. We have made progress, but it has been impacted by the current situation.

An example of what we have done is that last year, in September, we published our first review into dog control, as requested by the committee. That consultation ended on 31 January; we got 336 responses, which was significant. My officials have met the National Dog Warden Association

and Police Scotland to agree the terms of the working group; we feel that the group is important and that it will drive forward the operational improvements that are needed. We have also been gathering data, including health data. Those are the kinds of things that we were working on last year.

**Bill Bowman:** Thank you for that. You mentioned staff. How many staff did you take on? How many people are working on control of dogs? Were they physically taken away? Are they back now? If not, when are they coming back?

**Ash Denham:** Yes, they were taken away. There is a team leader and, I think, two other staff members who work in the area. Jim Wilson can answer.

**Jim Wilson (Scottish Government):** In January, I came in to head up the licensing team in the justice directorate of the Scottish Government. On 18 March, I had to be whisked away to head up the safer communities and justice directorate Covid hub. I am still heading up the hub operation at the moment, for justice interests. However, I lead on dangerous dogs and dog control policy.

To echo the minister's comments around the urgency that was placed around boosting resources within the Scottish Government, I note that the minister had conversations with the justice senior management team on the back of the PAPLS Committee report, which was very helpful and stressed that the matter was an absolute priority.

Mine is a hybrid role; I am leading a hub operation, but it is also my privilege to have taken on dog control policy once again. I was lead policy official on Alex Neil's Control of Dogs (Scotland) Bill in 2009, so it has been an opportunity to become reacquainted with a number of stakeholders with whom I had established strong working relationships. That will be key for the Scottish Government.

I will add to the key point about victims; I have regular conversations with the chief executive of Victim Support Scotland, Kate Wallace, through a Covid sub-group. I am happy to have a conversation with the chief executive about victims of dog attacks, with a view to their direct engagement.

**The Acting Convener:** Are you saying that, at its peak, there were three members of the team?

**Jim Wilson:** When I came into the licensing team on 6 January this year—

**The Acting Convener:** In relation to the act, was the peak number of team members three?

10:15

**Jim Wilson:** Yes, the team had three members previously, but a member of staff retired, so we were down to two members of staff. One of the first things that I wanted to do when I took up my post in January was recruit. We managed to pull another two officials into the team, but as the minister said, the impact of Covid meant their immediate redeployment.

**The Acting Convener:** So the team peaked at four members of staff.

**Jim Wilson:** Yes.

**The Acting Convener:** At the same point last year, how many team members were there?

**Jim Wilson:** There were three team members. However, again, they were not all working on dog control, which is why conversations had to be held between ministers and the justice senior management team.

**The Acting Convener:** So the number on the team peaked at four. At the moment, is it still four?

**Jim Wilson:** There are four individuals on the team.

**The Acting Convener:** Of those four, how many are dedicated to the control of dogs act?

**Jim Wilson:** Two.

**The Acting Convener:** Thank you.

**Bill Bowman:** Minister, I am not sure whether I am confusing the tripartite group that you referred to with a working group that you mentioned earlier. In your letter, you spoke about a group involving the Scottish Government, the police and local authority dog wardens, and said that the group had not yet been established. Has it now been established?

**Ash Denham:** It has. At the beginning, we called it the tripartite group, because it had just those three members. Since then, we have widened its membership out and it has nine members—I can give the committee details of who sits on it—so we have updated the name and call it a working group. I apologise for the confusion.

The group has been set up and it has met twice, as I might have said already. It will meet—virtually—every four to six weeks. We looked at whether the group should meet more regularly, but we felt that every four to six weeks is the right timeframe to enable progress to be made between meetings, so we set it at that. The group first met on 8 July. At this point, its main focus is delivery of the operational recommendations in the report.

We set up the group in order to bring together operational people who are responsible for enforcement, so that we can support them and

work together to drive forward the improvements that are needed to make progress. Steps were taken to develop the tripartite group—as it was at the time—before lockdown. That started last year, but the group did not have its first two meetings until recently.

Matters that the group will work on include the joint protocol, which we said we would look at again to consider whether we could update it, and the statutory guidance, because we committed to considering whether we can improve it and make it more useful. The group will discuss issues such as the dog control notice database, policing and local authority training. It will, no doubt, go on to discuss whether further measures are required through legislative action. Communication and awareness raising will also be topics of discussion.

I have a list of the other members of the group, if the committee is interested.

**Bill Bowman:** I am sure that we are, so please send it.

You said that the group has met twice. I think that it met once in Edinburgh and once in Dundee. There are a number of dog attacks in rural areas, for example on livestock, so what engagement has there been with rural communities?

**Ash Denham:** I have recently written again to all local authorities to highlight the issue. We all know that there are huge differences, as Bill Bowman suggests, between rural and urban settings in respect of how to deal with things and what the challenges are.

**Bill Bowman:** You might need to write more broadly than just to local authorities.

**Ash Denham:** Absolutely. However, we have written to them because they are well placed to do awareness raising on the issue. As I said, I recently wrote to local authorities all around the country. We want to hear from local authorities in every type of setting, not just urban settings.

**Bill Bowman:** Perhaps you could broaden communication out to the farming and other communities, rather than it being just to local authorities.

**The Acting Convener:** The fact that the group is wider than was originally planned is very welcome. Is there a victim representative on the working group?

**Ash Denham:** No.

**The Acting Convener:** Is that something that you would consider?

**Ash Denham:** Yes.



**The Acting Convener:** If we are to make the working group wider it would be important that it include representatives of victims.

**Ash Denham:** That is a useful suggestion.

**Jim Wilson:** I agree. It is very important that victims have a voice in these conversations.

**The Acting Convener:** Excellent. It would be fantastic if you could commit to that.

**Colin Beattie (Midlothian North and Musselburgh) (SNP):** Minister, I welcome your commitment, because the issue is an extremely serious one. I cannot help but think that if it was drink-driving or something else that was resulting in thousands of our citizens being injured or attacked and so on, there would be a greater urgency.

I want to look at the committee's recommendation of a dog control notice database, which would seem to be key to getting a grip on the situation. Most respondents to the consultation were in favour of the creation of such a database and the Government has given commitments on that, although I do not think that any resources were allocated to carry it through. In your letter of 10 June, you said that the tripartite group had not yet been set up. Are you saying that it has now been established?

**Ash Denham:** Yes.

**Colin Beattie:** Can you confirm that establishing a database is part of that group's work? What timetable are you working to in order to establish the database?

**Ash Denham:** We had not made a prior commitment to setting up a database. The 2010 act said that the Government could go on to set up a database but, for whatever reason, that did not happen at that time. The Government had a statutory duty to consult on the setting up of a database, which is why we could not have started to do it in, for example, July or August last year. We put the idea into the first review and it was in the consultation. You are right to say that there was strong support for the idea in the responses to the consultation, and we are now committed to doing it. It is one of the key focuses of the working group and is something that it will be looking into.

I have discussed the issue directly with COSLA, because it is important to have that engagement. I spoke to Councillor Kelly Parry, who is the community wellbeing spokesperson. I have also had similar conversations about a database with senior officers at Police Scotland. The outcome of my discussion with Councillor Parry at COSLA was that Scottish Government officials would set up a meeting with the Improvement Service and start to explore how to take the project forward. I

will ask Jim Wilson to give you some more information on that in a moment.

It will be quite a big project. The Scottish Government perspective is that the database will be used mainly by operational agencies such as local authorities and Police Scotland. That is why we might think that local authorities are best placed to take the project forward and maintain and run the database. Those are the kind of conversations that we are having at the moment. We are really at the scoping stage in the work.

**Jim Wilson:** Mr Beattie is correct. The consultation that the Scottish Government conducted on the operational effectiveness of the 2010 act contained a specific question on whether a national dog control notice database should be established. Of the 315 respondents who offered a specific view on that, 279 were supportive and 36 were opposed, so there was clearly strong support for the establishment of such a system.

The issue was one of the first things that the working group discussed when we met on 8 July, and it was also considered in the working group conversation that I chaired yesterday.

The point about the Improvement Service is key. We have committed to an engagement with it on 2 September, and it will be open to members of the working group to participate in that conversation. Conversations will take place with the Improvement Service's head of data and intelligence and head of digital public service delivery in order to explore what is a realistic timeframe for delivery of a national dog control notice database.

I will pick up on some of the points that have been raised. Nineteen local authorities responded to the consultation. A number of issues and concerns were raised by local authorities about having different information technology systems, so the complexity of different systems being used across the local authority estate needs to be carefully thought through.

Wearing a different hat for a second, I note from my time working in the justice, digital and strategy unit that it is always important to consider the future proofing of a system. If a dog control notice database is established and goes live, it is clear that it will hold information relating only to dog control notices. If we were to expand the information that could be held in the system, it would be important that we were able to scale up the technology that was selected to support the database in order that it could do more in the future.

**Colin Beattie:** It is extremely important that all possibilities for the database are considered—it should not necessarily hold information only on dog control notices. Are you looking at other

possibilities such as having a national database for all dogs, which some other countries have? Of course, there would be a cost to that, and I would want to know how that cost would be recovered, but that is a different issue.

**Jim Wilson:** I had a conversation with a chap called Jim Ferguson, who is a dog warden who works for Argyll and Bute Council, and he visited colleagues in Ireland to explore the system that they use. That database system is run through the post office, and local authorities are given access to the information. It was helpful that the committee's report mentioned engagement with other jurisdictions such as Ireland and Sweden. It is important that we understand what systems are used in other jurisdictions and whether there will be an opportunity to consider holding more information.

A key point about the database relates to microchipping. Dog control notices are served by a local authority dog warden. A prescribed form sets out the information that a dog control notice contains, which includes information on the microchip. That is key because, ultimately, I see the database as an enforcement tool for local authorities. The police would be given access to it, too.

Let us say that Jim Wilson, who resides in Fife, is given a dog control notice, but he then moves to Edinburgh. There is a clear benefit in having information available to allow local authorities to track where the owner resides. As a result of the microchipping regulations that were introduced in 2016, there is the opportunity to track the dog. That is also key given the challenges that could arise if there is a change in ownership. If somebody who has been subject to a dog control notice does not want the dog any more and passes it on to someone else, there is an expectation on and a requirement for the person who has been given the dog control notice to notify the local authority. However, we need to look at opportunities for digital to support the policy in that area.

**Colin Beattie:** I thought that there was a problem in that the microchip cannot hold enough information to be useful for a database.

**Jim Wilson:** I would need to speak to colleagues about that, but it is a good point. In order to understand the mechanics of how we could use a database to get the maximum outputs, we have to understand and factor in any technical issues. We can certainly have conversations with Scottish Government animal welfare policy colleagues, who have the responsibility for microchipping more generally. I take that point on board.

**Colin Beattie:** What timetable do you have for that work?

10:30

**Jim Wilson:** I will know more on 2 September, once I have had exploratory conversations with the Improvement Service. It certainly has a good track record of providing councils with consultation-type support and it has been involved in digital projects.

If I was to offer up a general line on the subject, I would say that, if there is a standard service, with an organisation and all its staff members being on the same network, we might look at establishing a national system within six to nine months, on average. However, there is complexity given the different IT systems that are used by local authorities across Scotland, and we need to think about the police IT systems, too.

Through one of my colleagues who used to work in the Scottish Government's digital directorate, I got the general advice that there would be an increased timeframe because of the complexities that are involved in people using different systems. However, as I said, I will know more after we have had the scoping conversations with the Improvement Service.

**The Acting Convener:** You said that 19 councils responded to the consultation, which means that 13 did not. That is very disappointing, is it not?

**Ash Denham:** That goes quite a long way towards explaining some of the challenges around the issue. If we lack that engagement with a substantial number of local authorities, as you point out, it gives the committee an idea of the challenges that we have in the area.

**The Acting Convener:** Absolutely. Do you agree that it is just not good enough?

**Ash Denham:** Yes.

**The Acting Convener:** Is Glasgow City Council one of the councils that responded, or did it not respond?

**Ash Denham:** Do you know, Jim?

**Jim Wilson:** I do not have that information to hand, but we can check.

**Ash Denham:** We can check that for you and come back to you in writing, if you like.

**The Acting Convener:** I will tell you why I asked that. I talked about the charges, and I note that, of the 319 charges in 2019-20, 53 were in Glasgow, which is a significant proportion for one local authority. Glasgow has one of the poorest numbers of investigations, one of the poorest numbers of dog wardens and one of the poorest

numbers of notices issued, as well as having some of the scarcest levels of data that have been provided to you. The case that I described at the start was from Glasgow.

It is just not good enough. I am not saying that it is the Government's fault—far from it. However, what can we do to demand greater transparency and accountability from local authorities such as Glasgow City Council and whichever the 13 are that are not responding to the consultations?

**Ash Denham:** I agree that the matter is important and that it is very disappointing that we are not getting the engagement. I do not think that we can demand that local authorities do anything, as they are independent agencies. However, that is not the way that I am approaching the matter. I am trying to take an approach whereby we all work together. It is clear that, if we do not do that, we will not get the results that we all want. That is why I am engaging with COSLA. I keep making the point that we need all the local authorities to get on board and work with me.

I will mention another point that I have put to COSLA. I do not know whether committee members have been following the work that I have been doing on fireworks, but I have very good levels of engagement with local authorities on that issue, and I want to see that on the issue that we are discussing, too. That is what I am working towards.

**The Acting Convener:** Willie Coffey wants to pick up on issues to do with local government.

**Willie Coffey (Kilmarnock and Irvine Valley) (SNP):** Good morning, minister. In your letter, you quite rightly remind us that responsibility for

“operational delivery of the system of control of dogs lies entirely with local authorities and Police Scotland.”

What are your thoughts on why there is such inconsistent performance across the local authorities? We see that Fife had nearly 500 investigations, whereas there were only 57 in a city the size of Glasgow. There is huge variation in the numbers of dog control notices. I would like to hear your thoughts on how we can improve that, even in the short term, by strengthening the guidance or working with councils so that they lift the matter up on their internal agendas.

**Ash Denham:** You are quite right. We spoke about that in our previous committee session on the topic. There is wide variation across Scotland in how local authorities tackle the issue. I will let Jim Wilson comment in a moment. He can give you a bit more detail on Fife Council, which is an interesting local authority to consider, given the way in which it approaches things.

We want there to be good numbers of dog wardens, and we want them to be highly trained. If

we are to have the preventative regime that I think we all agree it can be, and if we are to work towards ensuring that dogs are under control, with responsible dog ownership—which translates into fewer people being attacked by dogs—we need there to be an improvement in enforcement. Many of the committee's recommendations were about that, and we have taken them on board to see how we as the Scottish Government, which is not the enforcement agency, can work with the enforcement agencies to make progress.

There should be an element of looking at best practice and sharing it across Scotland. Fife Council has some very good practice to share. There are going to be differences—the way that dog control is approached in Glasgow is going to be different from the way that it is approached in Argyll and Bute, and we need to consider that. Local authorities will make different decisions that fit their local areas. However, the Scottish Government can work to support local authorities to do that as well as they can.

Jim Wilson can give you more of a flavour of what Fife Council is doing.

**Jim Wilson:** I will quickly go back to the convener's point about Glasgow City Council. It is worth while to stress that, when we set up what was initially called the tripartite group, it included representatives from local authorities and Police Scotland. I was keen to expand the membership to include dog wardens, who have practitioner experience from being out in communities delivering a key, essential function.

I was also keen to bring a management function into those conversations. That is why we approached the Royal Environmental Health Institute of Scotland and the Society of Chief Officers of Environmental Health in Scotland, and I am pleased that James Crawshaw, who works for Glasgow City Council, is now on the working group. There will be opportunities to have conversations with Mr Crawshaw, not only through the working group but individually, to explore what more can be done in Glasgow.

I return to Mr Coffey's point about the approach in Fife. I agree with the minister that it is the exemplar of good practice. There are reasons for that. Way back when Alex Neil lodged his proposal for a bill on the control of dogs, I had a conversation with a chap called Graeme Anderson, who heads up the dog warden service in Fife Council. He is ex-military and was a dog handler so he has fantastic experience of dog control. It is extremely helpful that he has been able to share that expertise and wisdom with his team, who were very enthusiastic about the bill.

It is quite telling when we compare the numbers of dog control notices that have been served by

local authorities across the country, because Fife obviously stands out.

**Willie Coffey:** Do either of you believe that there is a case for refreshing the guidance so that all the local authorities are fully aware of what is expected of them? If Fife Council's approach is the example that the others should try their best to follow, could its practice be shared among the other local authorities? Can we do that in the short to medium term to try to signal to the public that we are taking the matter forward and are serious about it?

**Ash Denham:** Yes. One of the recommendations in the committee's report was that we look at the statutory guidance and consider whether we can update it, and we are absolutely committed to doing that. If we can change the guidance, even if only slightly, and that has an improving effect on how it is used and how local authorities and the police interact with the legislation, that will be a good thing. We always try to share best practice so that we can make improvements.

We also have the joint protocol, which is a document that set out to clarify who is responsible for what between the Control of Dogs (Scotland) Act 2010 and the wider-ranging Dangerous Dogs Act 1991. As we discussed in the previous committee meeting, there is a bit of overlap between those two acts with regard to whether local authorities or the police are responsible. We will update the protocol in order to clarify that and make it more usable for local authorities and the police.

**Neil Bibby (West Scotland) (Lab):** Good morning, minister. You mentioned that the Government wants to see a "good number" of dog wardens. However, according to the information provided, eight councils—Dumfries and Galloway, East Dunbartonshire, Falkirk, Orkney Islands, Scottish Borders, East Renfrewshire, East Lothian and Western Isles—have no dog warden at all. That means that a quarter of all councils have no dedicated dog warden. The number of dog wardens has gone down over the past two years, from 85 to 48, and 29 of those are accounted for by Edinburgh. It is concerning, when we are seeing so many statistics that show the incidence of dog attacks going up, that the number of dog wardens is going down.

I want to press you a bit more on how important you think the role of dog warden is. You mentioned that some councils spread responsibility among a wider wardens team as opposed to having dedicated wardens. How effective are those two models? Is there a correlation between the number of dedicated dog wardens, the information that is being provided to the Government, the engagement that there is

with the Government and the action that is being taken? We have heard about the difference between Glasgow and Fife. Glasgow has two dog wardens and Fife has four, for a much smaller area.

**Ash Denham:** The member made an excellent point. Clearly, in the context of a discussion about the Control of Dogs (Scotland) Act 2010, dog wardens, as the front line of enforcement, are key.

We have all seen the data and we can all see that different local authorities have different numbers of wardens. Some wardens are not dedicated, so it might look like a council does not have a dog warden, although another type of warden is taking on that function but is not listed as a dedicated dog warden.

For the enforcement regime to be effective, we need a good level of dog wardens. It will be for each local authority to determine what that looks like in their own case. It is up to local authorities to do that; clearly, we need them to do that. Wardens need a good level of training, too—we just talked about Fife as an exemplar in that regard. They need to be well trained and there needs to be a sufficient number of them to carry out that enforcement role.

I have had a conversation with COSLA about the issue, in which I raised dog warden numbers. I reassure the committee that I am having those conversations with COSLA.

**Neil Bibby:** Thank you.

**The Acting Convener:** Minister, did you get a satisfactory answer from COSLA?

**Ash Denham:** I felt that Kelly Parry and I were very simpatico, in that we both understand that for enforcement to be effective, dog wardens need to be in place. Also, as we said at a previous committee meeting, there is the idea of preventative spending. If the money is spent here, we are not going to have to spend it stitching people up in accident and emergency later. We are all on the same page in terms of understanding that and wanting to go forward.

The issue is how we do that. As we have already discussed, I am not the enforcement agency and I cannot tell local authorities what to do. Setting up the working group will bring everyone together to talk about what the issues are and how important this is, to drive change.

**The Acting Convener:** Is there an available figure for how much our local authorities are spending collectively on control of dogs?

**Ash Denham:** No, I do not have one.

**The Acting Convener:** Is it possible to collate and share figures on that with the committee,

broken down by council and including a Scotland-wide figure?

**Ash Denham:** We could try to get that information for the committee.

**The Acting Convener:** Excellent.

**Alex Neil (Airdrie and Shotts) (SNP):** I am very encouraged by the progress that has been made against the very difficult background of Covid and all the limitations that that has put on the establishment of working groups, getting them to meet and all the rest of it.

Can the minister give us a full list of the 13 councils that have not responded to the Government? It would be useful for us to know that, and it should not be any secret. Hopefully the fact that we have asked for the list might encourage some of those 13 to respond to the Government, because this is an important issue throughout Scotland and in every local authority area, not only in the 19 that have responded to the Government.

I will come back to dog control notices. It seems that there are two broad areas in which we need to build on the 2010 act. First, I do not think that the sanctions against people who defy the act and, in extreme cases, irresponsibly use their dogs as weapons—almost like a substitute for guns—are strong enough. We need to come down very hard on those people in future.

10:45

Secondly, the resources and mechanisms for enforcement are important. Will you consider making it a criminal offence for a dog owner to refuse or fail to provide the requisite information to the proper authorities, particularly through the database?

We have to come down hard on such people. I am not talking about someone whose dog suddenly goes AWOL, because, clearly, there might be extenuating circumstances, or about cases in which a dog has been baited into biting someone. However, I think that people who have clearly and deliberately not protected people, dogs or other animals from their dogs are criminals and should be treated as such.

Obviously, such a measure would need some thought and there would need to be consultation, but will you consider that as part of the armoury of policies to deal with the issue?

**Ash Denham:** We are considering that. There is the offence of obstruction, and maybe that plays into what you are talking about.

**Alex Neil:** Yes.

**Ash Denham:** We definitely saw a gap in that regard. If a dog warden tries to speak to someone whose dog is clearly out of control, the person could, for example, refuse to engage or give their name and address and simply walk off. That is an enforcement challenge, and we do not want to make the job of dog wardens any more difficult than it already is.

The issue was in the consultation, and there was good support for having an offence of obstruction—that is, failing to give adequate information. Therefore, we intend to legislate on that at the first available opportunity.

A number of issues have come through the consultation. The next review, which is still to come, will cover the wider picture and examine the 1991 act.

There are a number of areas on which we want to legislate that would, I think, improve the dog control regime, which we are committed to doing. However, the committee will be aware that we are running out of time in this session of the Parliament. I do not know who will be in government or in my post next year. However, the work is in train; officials are working on it. I imagine that, depending on who is in Government and who is in my post, people will be up for legislating on dog control in the early part of the next session, depending on other legislative priorities. I would definitely want such legislation to be in the programme.

**Alex Neil:** It would be helpful if every major party included in their manifesto a commitment to introduce a bill early.

**Ash Denham:** It is funny that you should mention that. I have certainly had conversations to that effect with the Scottish National Party in relation to the drafting of the manifesto. It would be helpful if other parties considered doing that, too. It is a good point well made.

**Alex Neil:** Good. It might also be useful, if at all possible, to build consensus on the issue across the parties, local government and others, including victims. I understand that the timetable would still be tight to even get to the point of having a draft bill or a plan of action, but if we had an agreement on that, we could move quite quickly to legislate in the new session of the Parliament.

I fully accept that it is not possible in this session to legislate on the issue properly and competently. I would rather that we took our time and got it right than that we rushed it. However, at the same time, we do not want the issue to be thrown into the long grass, so that no action is taken in the next three or four years. It is important that that does not happen.

**Ash Denham:** We do not want the matter to drift. I can clearly see issues that I would include in the legislative timetable for the next few months, if I had the ability to set it.

**Alex Neil:** One day, minister.

**Ash Denham:** Who knows? We know that I am not in charge of the timetable and that it is set in other parts of Government.

We have the resources in place and we are working on the matter. Government is like a truck—you get it going in one direction and it just keeps moving. My hope is that even if I am not in this post, come next year, the person who picks up the reins will move forward with the issue. I agree that we want to be in good shape for the next parliamentary session; we do not want to get in and let things take another four years while we still talk about them.

However, I would not be comfortable setting a strategy today on what we are going to legislate on, particularly in relation to the 1991 act, which will be the subject of the next review, because there are significant things to consider, which the committee has been talking about, such as the legal test of reasonable apprehension. I know that the committee is interested in possible reforms to the law in that area. That is on the table, but I would not want to write a document today saying that we will definitely do it, because I want to take the time, as Alex Neil said, to run the consultation, analyse responses, have the conversation, get the legal advice and do all the rest of what would need to be done if we were looking at a substantial change in the area.

I think that we are looking at spring of next year as the point at which we will have done the review and will start to say, “We are going to do this and this” and have a strategy. We are not there yet.

**Alex Neil:** That is very helpful. Where are you on looking at the possibility of introducing a robust licensing system?

**Ash Denham:** It is not off the table. Obviously, we had a conversation about that at the last committee session on dogs; the Government consulted on that quite recently and there was a really mixed picture, in terms of whether there was support for it or not. Jim Wilson will correct me if I have this wrong, but I think that the working group will touch on that. It bears more consideration—let me put it that way.

**Alex Neil:** There are some very good examples of licensing systems in other jurisdictions. There is no point in introducing a licensing system if it is just a repeat of what was rightly abolished 30 or 40 years ago, because that was useless and a waste of time. A licensing system similar to the approaches in Sweden or Ireland—both of which,

from memory, are robust—could be looked at, to see what lessons we could learn. It might be that the approach relates more to tagging than to licences, but we could consider it.

**Ash Denham:** We would not rule that out. I am always of the view that if another jurisdiction is doing something and doing it well, there is no need to reinvent the wheel.

**Alex Neil:** Absolutely.

**Ash Denham:** Obviously not everything fits into our context and we have to be aware of that; we cannot just bring things over and expect them to work in exactly the same way, but we have committed to actively looking at other jurisdictions to see whether there are lessons that we can take from them.

**Alex Neil:** Good. Thank you.

**The Acting Convener:** I welcome the minister’s evidence this morning—the tone of it and how seriously the minister is taking the issue. I have a final question, then I will turn to Mr Kerr.

I accept that we will not have legislation this side of the election and I accept that Covid has caused significant delay and distraction from that work. Do you have a target, though? I do not mean a stats target but a target for where you would like us to get to by the end of this parliamentary session, so that whoever takes up the role has a good base from which to launch after the election.

**Ash Denham:** I would like us to get to a point at which whoever is in post could pick up the issue. I am not saying that the matter would be ready to legislate on at that point, but it would certainly be in that ballpark.

**The Acting Convener:** What does that mean in practical terms?

**Ash Denham:** I guess that it means that we would have done the research and we would have a strategy or a blueprint on what we want to achieve. We have already said that there are areas in which we want to legislate; there are other areas, which we have just discussed, in which I am not sure that we will legislate and which we need to look into further. When we get to the election next year, all that work will have been done and we should be clear on what needs to be taken forward in the next parliamentary session.

**The Acting Convener:** I will bring in Mr Kerr.

**Liam Kerr (North East Scotland) (Con):** I start with an apology to the committee and the minister for my tardiness—I had questions to ask in the COVID-19 Committee.

I do not think that I have any questions at this stage, convener. Looking through the papers, my concern was whether the minister was taking the

issue seriously—I do not doubt that the minister is taking it seriously, but I wondered whether it is being sufficiently driven forward. I am reassured by the minister's assessment, which I heard when I came in and which the committee has heard, of how seriously she is taking the issue and how she will be driving it forward, so I look forward to reading the *Official Report*.

**The Acting Convener:** Thank you, and if there are no more questions from members, I thank you very much, minister and close the public part of the meeting, so that we can take issues in private.

10:55

*Meeting continued in private until 11:05.*





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