

**ITEM No ...2.....**

**REPORT TO: COMMUNITY SAFETY & PUBLIC PROTECTION COMMITTEE –  
24 SEPTEMBER 2018**

**REPORT ON: CONSULTATION RESPONSE – THE SCOTTISH PARLIAMENT’S PUBLIC  
AUDIT AND POST LEGISLATIVE SCRUTINY COMMITTEE’S CALL FOR  
EVIDENCE ON THE CONTROL OF DOGS (SCOTLAND) ACT 2010**

**REPORT BY: EXECUTIVE DIRECTOR OF NEIGHBOURHOOD SERVICES**

**REPORT NO: 281-2018**

**1. PURPOSE OF REPORT**

1.1 To seek Committee’s approval for the Council’s proposed response to the Scottish Parliament’s Public Audit and Post-legislative Scrutiny Committee (PAPLSC) call for evidence on the Control of Dogs (Scotland) Act 2010.

**2. RECOMMENDATIONS**

2.1. It is recommended that Committee approves the attached response and remits the Executive Director of Neighbourhood services to submit this to the Scottish Parliament accordingly.

**3. FINANCIAL IMPLICATIONS**

3.1. There are no financial implications arising from this report.

**4. MAIN TEXT**

**4.1. Background**

4.1.1. Reference is made to Article I of the Minute of Meeting of the Environment Committee of 31<sup>st</sup> October 2011 (Report No. 462-2011 refers) which advised the Committee of the implications of the Control of Dogs (Scotland) Act 2010 and made recommendations for the implementation of this new statutory responsibility by Dundee City Council.

4.1.2. The main aim of the 2010 Act was to ensure that dogs which are out of control are brought and kept under control by tackling irresponsible dog ownership and by shifting the focus from “breed” to “deed”. The Act makes provision for local authorities to impose measures on an owner, or person in charge of a dog, who fails to keep their dog under control.

4.1.3. Since the introduction of the 2010 Act and up to 26 February 2018, authorised officers for Dundee City Council have issued 82 Dog Control Notices, and 1180 investigations of aggressive / out-of-control dogs have been undertaken.

4.1.4. The Scottish Parliament’s Public Audit and Post-legislative Scrutiny Committee agreed at its meeting on 28 June 2018 to undertake Post-legislative scrutiny on the Control of Dogs (Scotland) Act 2010, including a call for evidence, following which oral evidence may be requested from those who have responded.

4.2. **Call For Evidence Response**

- 4.2.1. The Public Audit and Post-legislative Scrutiny Committee has invited written submissions to the call for evidence by Friday 5 October 2018. Appendix 1 sets out the proposed response to the questions asked. Further details of the Inquiry can be found on the Scottish Parliament website at:  
<http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/109013.aspx>

5. **POLICY IMPLICATIONS**

- 5.1. This report has been subject to an assessment of any impacts on Equality and Diversity, Fairness and Poverty, Environment and Corporate Risk. A copy of the Impact Assessment is available on the Council's website at [www.dundee.gov.uk/ia](http://www.dundee.gov.uk/ia).

6. **CONSULTATIONS**

- 6.1 The Council Management Team have been consulted in the preparation of this report and agree with the content.

7. **BACKGROUND PAPERS**

- 7.1 None.

Elaine Zwirlein  
**Executive Director of Neighbourhood Services**

Tom Stirling  
**Head of Community Safety & Protection**

24<sup>th</sup> August 2018

## SUBMITTING EVIDENCE TO A SCOTTISH PARLIAMENT COMMITTEE

### DATA PROTECTION FORM

<b>Name:</b>	Jamie Landwehr, Environment / Public Health Manager, Neighbourhood Services
<b>Date:</b>	25 September 2018
<b>Organisation: (if required)</b>	Dundee City Council
<b>Topic of submission:</b>	Control of Dogs (Scotland) Act 2010

I have read and understood the privacy notice about submitting evidence to a Committee.

I am happy for my name, or that of my organisation, to be on the submission, for it to be published on the Scottish Parliament website, mentioned in any Committee report and form part of the public record.

I would like to be added to the contact list to receive updates from the Committee on this and other pieces of work. I understand I can unsubscribe at any time.

#### Non-standard submissions

Occasionally, the Committee may agree to accept submissions in a non-standard format. Tick the box below if you would like someone from the clerking team to get in touch with you about submitting anonymously or confidentially (not for publication). It is for the Committee to take the final decision on whether you can submit in this way.

I would like to request that my submission be processed in a non-standard way.



**PUBLIC AUDIT AND POST-LEGISLATIVE SCRUTINY COMMITTEE**  
**CONTROL OF DOGS (SCOTLAND) ACT 2010 CALL FOR EVIDENCE**  
**SUBMISSION FROM**

Please do not add any organisation logos

Please insert your response below

**• 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 cannot prevent an initial dog attack from occurring, it gives local authorities a means to seek prevention of a further attack by that dog through the service of a Dog Control Notice (DCN). Since the Act came into force in 2011, we have seen an increase in the number of investigations regarding aggressive/out-of-control dogs undertaken each year. Possible reasons for this include, 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 to us, and that incidents previously investigated and actioned by Police Scotland are now being referred to the local authority. Also, with the recent rise of social media, there has been an increase in the 'broadcasting' of dog attacks etc. online, resulting in a notification to our Animal Control Officers, something that may not have happened in the past. The increase in the number of investigations has subsequently resulted in an increase in the number of DCN's issued each year. Compliance with the DCN should be sufficient to prevent the dog from being out-of-control or attack again, however the requirement to regularly monitor the increasing numbers of DCNs is resource intensive.

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

Dundee City Council is fully aware of the powers available under the 2010 Act and believe that we are carrying out these duties in a suitable manner. We are active in investigating complaints and will take the course of action deemed appropriate depending on the circumstances of the incident, what information is available to us, and our assessment of the dog involved. This may include issuing warning letters, serving dog control notices, or even making a summary application to the sheriff under Section 9 of the 2010 Act for an order to destroy a dog if the service of a DCN would be insufficient to prevent a further attack by that dog.

While the 2010 Act provides local authorities with regulatory provisions to help reduce the number of out of control dogs, no financial assistance has been provided

to local authorities to help apply these new powers. Over the years since the introduction, the number of dogs on which a DCN has been issued has gradually increased with each then requiring routine monitoring. While we are very active in dealing with complaints received regarding aggressive/out of control dogs, the proportion of an authorised officer's time spent monitoring DCNs and recording such work has also increased.

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

Section 4 of the 2010 Act requires for local authorities to share information with the Police, Scottish Ministers and other local authorities, however does not place the same requirement on Police Scotland to share information with local authorities. The number of incidents referred to ourselves from Police Scotland has increased, so in order for us to be able to promptly conduct investigations / take any necessary actions, we would welcome any information obtained by Police Scotland during their investigations of dog incidents to be required to be passed to ourselves.

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

The Control of Dogs (Scotland) Act 2010 will not prevent dog attacks from taking place in the first instance, they can only prevent further attacks by that dog if a DCN is issued and subsequently complied with.

Formal action for not complying with a DCN requires that a report be submitted to the Procurator Fiscal for their consideration. While in some cases this may be appropriate, having an option to issue a Fixed Penalty Notice (FPN) for offences such as failing to micro-chip or neuter (if applicable) the dog within the set time frame could reduce the time spent by authorised officers issuing reminder letters and potentially also the Procurator Fiscal's time considering reports. As per the Dog Fouling (Scotland) Act 2003, the ability to issue a FPN on the evidence of one witness would be welcomed.

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

Individual dogs changing ownership via social media/through online marketplaces, rather than via dog kennels / rehoming charities is more commonplace these days. As a result of this, dogs not suitable for certain households, i.e. due to a lack of space, or the presence of children or other animals, can be brought in to such households unregulated. Dogs that are aggressive, known to bite, or are unwell could also be changing ownership by such means. The introduction of a formal

means or mechanism for assessing the suitability of introducing a dog (at purchase or transfer of ownership) into a new environment may reduce the risk or likelihood of a dog incident occurring.

