

# Response ID ANON-7BWE-7CSG-9

Submitted to **Steps to Improve the Operational Effectiveness of the Control of Dogs (Scotland) Act 2010**

Submitted on 2020-01-13 12:33:31

## Ministerial Foreword

### Questions

#### 1 Do you think an obstruction offence should be added into the 2010 Act?

**Please give reasons for your answer. :**

We would support the addition of an obstruction offence.

#### 2 Do you think a national dog control notice database should be established?

**Please give reasons for your answer.:**

We support the establishment of a National Dog Control Notice Database. On speaking to some of our members we have been made aware that this would be particularly beneficial as it will allow Police Scotland to access local information which they currently cannot.

Secondly, to complement this, we would urge the Scottish Government to consider the feasibility and benefit of collecting data on dog control incidents.

#### 3 Do you consider that dog control notices can be capable of being enforced across Scotland under the 2010 Act?

**Please give reasons for your answer.:**

We have not consulted extensively however some of our members indicate that this should be possible but they report challenges with the Procurator Fiscal in terms of granting and enforcing notices.

#### 4 Do you think the 2010 Act should be amended to make clearer that dog control notices can be enforced outwith the local authority area they were imposed in?

**Please give reasons for your answer.:**

Based on our answer to the above question, this would indicate that the 2010 Act could be clearer in this respect but we note from speaking to some of our members that there may be challenges in terms of enforcement, as above.

#### 5 (for local authorities only) – Does your local authority seek to enforce dog control notices issued in a different local authority area?

**Please explain your answer.:**

N/A

#### 6 Do you think the 2010 Act should be amended so that it contains clear authority for a dog to be seized by the local authority pending the court's consideration of a destruction order in relation to the dog?

**Please give reasons for your answer.:**

We broadly agree that Local Authorities should be given the authority to seize a dog pending court consideration. However, this needs to be supported by specific guidance for all partners. We recognise there will be cost implications and this needs due consideration.

#### 7 Do you think the 2010 Act should be amended to make clearer what powers exist for local authorities to share information about dog control notices?

**Please give reasons for your answer.:**

More clarity about what can and cannot be shared is welcomed, however we still feel Local Authorities should maintain autonomy over what they choose to share with the public. It would seem right to us that the complainer be notified of the actions taken to control the dog in question.

#### 8 Do you think the 2010 Act should be amended to empower local authorities to be able to issue a fixed penalty notice in respect of breaches of a dog control notice?

**Please give reasons for your answer. :**

Given the similarity with other regulatory regimes, it would seem sensible to give Local Authorities the power to issue FPNs for this. However, we would be keen it should be used as a first enforcement step and not for multiple breaches. Members would welcome clarity the use of this power.

#### 9 How best could awareness be raised in local authority areas as to their powers under the 2010 Act?

**Please give reasons for your answer. :**

We support raising awareness nationally and locally but we would defer to local partners as how best to do this.

#### 10 Do you think the statutory guidance for the 2010 Act should be updated?

**If so, please provide how you think it should be updated.:**

We agree that the statutory guidance should be updated with clarity over information sharing and to give clarity over who is included as a 'proper person'. Some of our partners consulted indicated that 'proper person' should be broadened to include the owner and the person in charge at the time of an incident. This could be included within the statutory guidance.

**11 Do you think that the statutory guidance in relation to information sharing should be added to the statutory guidance?**

**If so, please provide suggested wording.:**

As above.

**12 Do you think the protocol should be updated?**

**Please provide information as to how you think it should be updated.:**

We do not feel best placed to comment on this.

**About you**

**What is your name?**

**Name:**

Dawn Exley

**What is your email address?**

**Email:**

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**Are you responding as an individual or an organisation?**

Organisation

**What is your organisation?**

**Organisation:**

Scottish Community Safety Network

**The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:**

Publish response only (without name)

**We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?**

Yes

**Evaluation**

**Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)**

**Matrix 1 - How satisfied were you with this consultation?:**

Very satisfied

**Please enter comments here.:**

**Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:**

Very satisfied

**Please enter comments here.:**