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Dangerous Dogs - Scottish Government Public Audit and Post-Legislative Scrutiny Committee Review of Dog Control Law – CWU Written Submission:

To: All Branches

Dear Colleagues,

As CWU Branches, Safety Reps and Regional Safety Forums will know from previous LTBS, there are currently two public inquiries of legislative reviews underway, looking at the Dangerous Dogs problem in the UK, examining the effectiveness of the current Dog Control Legislation and its enforcement. One is being undertaken in Westminster by the UK Government's House of Commons, Environment, Food and Rural Affairs Select Committee and a second, in Holyrood, Edinburgh by the Scottish Government's Public Audit and Post-Legislative Scrutiny Committee. Both inquiries were brought about, in no small part by a concerted effort and lobbying by the CWU Health, Safety & Environment Department's 'Bite-Back' Campaign re-launch, following growing problems across the country with dangerous dogs law enforcement by Police and the Courts. Additionally the CWU Health, Safety & Environment Department has been working hard campaigning also in Wales, pressing the Welsh Government to take action and a number of meetings have taken place with Ministers, MPs, MSPs and MLAs.

In Scotland, the Union was successful in gaining the support of every Political Party which led to a full parliamentary debate and from there the setting up of an Inquiry. As part of its post-legislative scrutiny of the Control of Dogs (Scotland) Act 2010, the Public Audit and Post-Legislative Scrutiny Committee will examine the effectiveness of Dog Control Legislation, that aims to ensure dogs are kept under control and the role of Police, Crown Prosecutors, Courts and local authorities in fulfilling their duties, including the serving of Dog Control Notices as a deterrent to irresponsible dog ownership.

The inquiry was prompted by the CWU 'Bite-Back' Campaign working alongside the 'Lead The Way' Campaign, which has been campaigning for young children victims of dog attacks and follows concerns at the number of serious dog attack hospitalisations in Scotland, which have increased 80% over the last 10 years and are now topping 2,000 a year in Scotland alone.

The Control of Dogs Act was right to recognise that responsibility rests with dog owners to ensure their pets pose no risk to the public, however the number of prosecutions and convictions in Scotland has remained extremely low, less than 10 a year and the number of dog destructions has been zero.

The CWU Health, Safety & Environment Department is of the view that the problem in Scotland isn't difficult to see. Despite being given assurance the "One Free Bite" rule or doctrine would not be followed, this is exactly what is being applied right across the legal structure with Police, Prosecutors, Defendants and Courts all following this 'unwritten rule' which should have no place in law.

The Scottish Government Public Audit and Post-Legislative Scrutiny Committee is currently seeking written views as part of its post-legislative scrutiny of the Control of Dogs (Scotland) Act 2010 and has invited written submissions for consideration. Subsequently the Committee will invite selected witnesses to give evidence and it wants to hear a wide range of views on whether the Law has been effective in reducing the number of out of control dogs or not. The Committee also wants to know how well the Police, Courts and local authorities are carrying out their duties under the Act, and whether the public believe legislation can and should be strengthened to prevent dog attacks in the future.

The aim of the Control of Dogs (Scotland) Act 2010 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". To do so 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 via Dog Control Notices. The Public Audit and Post-legislative Scrutiny Committee is seeking to review the effectiveness of the Act in meeting its objective "...to ensure that dogs which are out of control are brought and kept under control in Scotland". The Inquiry is asking the following questions:-

- How effective is the Act in reducing the number of out of control dogs/ dog attacks in Scotland;
- How well are local authorities carrying out their duties under the Act;
- What challenges do you feel local authorities face in carrying out their duties under the Act;
- Are there any weaknesses in the Act and what specific changes would you would like to see;
- Any other issues relating to the Act you wish to bring to the attention of the Committee.

Attached is a copy of the CWU written submission which has been lodged with the Scottish Government's Public Audit and Post-Legislative Scrutiny Committee for their consideration.

Further reports will be made in due course.

Yours sincerely



Dave Joyce
National Health, Safety & Environment Officer