

PE1396/L

Rural and Environment Directorate

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Alison Wilson
Public Petitions Committee
Scottish Parliament
T3.40
Edinburgh
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9 December 2011

Dear Ms Wilson,

CONSIDERATION OF PETITION PE1396

Thank you for your letter dated 17 November asking for our further consideration of petition PE1396 on the over breeding and abandonment of Staffordshire bull terriers, submitted by Ian Robb. You asked for our views on the specific written questions to the Scottish Government.

What are your views on the suggestion by the National Dog Warden Association Scotland regarding the introduction of a scheme to provide free or reduced cost neutering/spaying of dogs?

The Scottish Government (SG) consider that those wishing to own a dog also need to recognise that they have a responsibility to provide access to, and in most cases to pay for, appropriate veterinary treatment, including neutering where there is no wish to breed from the dog. We recognise that for those owners on a low income, the veterinary costs of neutering their dog may be off-putting. We note that a similar scheme to that suggested, previously run in Clackmannshire, had some success, though it was not clear from the submission for how long the scheme ran or what proportion of the total dog population in the area was captured by the scheme. We also note that the scheme was halted due to lack of funding.

In principle SG see some merit in a scheme providing targeted help with the cost of neutering for those on low incomes; though we suspect that it will still, in general, be the more responsible owners that would use the scheme. It is not clear that such an approach would solve the Staffordshire bull terrier issue, since the assertion is that certain members of society are purposely breeding the dogs as a source of income and are therefore unlikely to use any such service provided. In addition, it is not clear at this point how much impact subsidised neutering would have on the incidence of dogs being taken on by irresponsible owners. We suggest that a better way of solving the issue of owners allowing the dogs to stray, causing a nuisance and becoming aggressive would be to use the powers in place under the Control of Dogs Act.

In the present financial climate SG is required to cut programme spending and there are currently no funds available to start up such a scheme. We note the suggestion by the

petitioner that doubling the penalty fine for dog fouling could be used to fund a national neutering and spaying programme. Under the Dog Fouling (Scotland) Act 2003, it is an offence not to clear up after a dog in any place to where the Act applies, including any public open space, with some exceptions. The police and local authorities have the power to issue fixed penalty notices of £40 for such offences, increasing to £60 if not paid within 28 days from the day after the offence is committed. The fine is set in section 9 of the Dog Fouling (Scotland) Act 2003 at a level deemed appropriate and proportionate for the offence committed. Penalties must always be proportionate to the offence to which they relate and they are not an appropriate method of raising revenue for its own sake.

It might be useful for Local Authorities, charities and veterinary practices to consider whether a neutering scheme would be useful and/or feasible at a local level, with or without LA funding, along with what sort of advertising/education campaign would be required to maximise uptake. SG's Code of Practice for the Welfare of Dogs highlights the need to considering neutering, pointing out the health advantages to the dog in addition to the obvious prevention of unwanted puppies. We would be happy to be involved in any such discussions if it would be helpful.

In relation to the other six points made by the petitioner in the conclusion of his response, how could you take forward or facilitate/support others in taking these points forward?

I will take the other six points made in turn.

1. A review of current legislation to clarify to the bodies involved the details and aims of the regulations.

The petitioner notes that there appear to be many areas of misunderstanding of legislative procedures, particularly in the area of abandonment and in the case of breeding dogs in Council property. SG consider that a review of the legislation is not the best way to address this, but we would be happy to help clarify any specific issues or queries with the bodies concerned - bearing in mind that in many cases it is for the Scottish Court to decide on the exact interpretation of the law.

2. Aggressive and wholehearted enforcement of the current legislation in those sections of society who have little or no regard for animal welfare legislation.

While SG would always encourage robust enforcement of current legislation, it is for Local Authorities to decide how best to target their own resources.

3. Councils may wish to consider new tenancy agreements which prohibit the indiscriminate and irresponsible breeding of dogs in their properties.

SG agree in principle; however this would need careful consideration and we suggest that a balance should be struck to avoid disadvantaging dog owners attempting to obtain a council property. It is for Local Authorities to consider the conditions attached to rental of Council properties; however SG would be happy to be involved in any discussions if it would be helpful.

4. A greater degree of liaison and cooperation between police, Councils, Council Housing Departments, the fiscal service social workers, Dog wardens and animal rescue charities.

SG agree that this could be useful, though there would need to be clarity regarding the purpose of the liaison (for example would it concentrate on enforcement of legislation or look at wider welfare issues, would discussions be limited to dog welfare or wider pet welfare issues?). There would also need to be clarity regarding the type of information that could be exchanged, particularly bearing in mind the Data Protection Act. We suggest that this is for Local authorities to take forward; however we would be happy to be involved in any discussion if it would be helpful.

5. The setting up of a working party 1. at government level to facilitate (4) and 2. the establishment of working parties at local and Council levels to help fulfil the same objectives, both to include animal rescue charities.

Again, SG agrees that this could be useful, but we suggest that clarity of the purpose/remit of the groups is required. SG considers that Local Authorities would be the most appropriate lead at both levels; however, we would be happy to be involved if it would be helpful.

6. An ongoing training programme for social workers, which could be provided by animal rescue centres, to give guidance on how to persuade clients to access microchipping and/or neutering of their animals. The ideal would be to legislate in favour of microchipping of all Scotland's dogs.

SG considers that the situations where dog owners come within the remit of social workers are too complex for a simple one-way training programme to be effective. While social workers may benefit from information on the welfare issues and potential solutions, we suggest that animal welfare bodies might also benefit from information on local social issues and attitudes. We therefore suggest that a more collaborative approach is needed with both animal welfare charities/rescue centres and social workers inputting into a joint strategy, perhaps via the working groups suggested in point 5.

SG gave a response on compulsory microchipping in my previous letter dated 30th September. Our position on this has not changed. On a related issue, the petitioner notes earlier in his submission that microchip databases are already held by the companies that supply the microchips and suggests that a national Scottish database could be constructed with relative ease and minimal cost. While we have reservations regarding data quality and how well these databases could interact with each other or with a national database, SG intend to take part in future discussions with microchip companies and other Devolved Administrations on whether/how it might be possible to achieve an effective national database or its equivalent.

I hope that this information is helpful to the Committee in their further consideration of the petition on Staffordshire bull terriers. Should the Committee require further information on any specific issue, please feel to ask me for more detail.

Yours sincerely

Dr Beverley Williams
Animal Welfare Team Leader