



The Scottish Parliament
Pàrlamaid na h-Alba

Finance Committee
Convener: Andrew Welsh MSP

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Local Government and Communities
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Via email

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Dear Duncan

CONTROL OF DOGS (SCOTLAND) BILL

The Finance Committee considered its approach to the Financial Memorandum of the above bill on 1 September 2009 and agreed to adopt level 1 scrutiny.

This level of scrutiny is applied where there appears to be minimal additional costs as a result of the legislation. Applying this level of scrutiny means that the Committee will not take oral evidence, nor will it produce a report. It will, however, seek written comments from relevant organisations through its agreed questionnaire, and then pass these comments to your committee. Submissions were received from—

- Comhairle nan Eilean Siar;
- East Lothian Council;
- Falkirk Council;
- Moray Council.
- Scottish Borders Council
- The Scottish Government;
- Shetland Islands Council;
- West Lothian Council; and
- ACPOS.

I understand that your committee is taking evidence from the Member in Charge of the Bill at its meeting on 24 November. The submissions received by the Finance Committee are attached to this letter, to help inform that evidence session. I would

particularly draw your committee's attention to comments made by local authorities on some elements of the Financial Memorandum.

Yours sincerely

A handwritten signature in black ink that reads "Andrew Welsh". The signature is written in a cursive, flowing style.

Andrew Welsh MSP
Convener

Submission from Comhairle nan Eilean Siar

Consultation

1. Did you take part in the consultation exercise for the Bill, if applicable, and if so did you comment on the financial assumptions made?

We did not comment on the original bill, however I am informed that the bill as it currently stands is significantly different from the original bill in 2008 and the potential implications for local authorities appear more onerous.

2. Do you believe your comments on the financial assumptions have been accurately reflected in the Financial Memorandum?

N/A

3. Did you have sufficient time to contribute to the consultation exercise?

N/A.

Costs

4. If the Bill has any financial implications for your organisation, do you believe that these have been accurately reflected in the Financial Memorandum? If not, please provide details.

The financial implications have not been accurately reflected.

Paragraphs 88-92 attempts to draw a parallel with the costs of enforcing the dog fouling legislation. Dog fouling enforcement is an occasional activity; this bill places a duty on local authorities to act and monitor compliance which is a significantly more time consuming, and therefore costly, activity. The people who deal with dog fouling enforcement here are not dog wardens, but Community Environment Officers, who have training in serving fixed penalty notices (FPNs) but are not required to deal with or handle dogs.

Paragraph 93 indicates that training costs are already incurred – this does not take in to account training to deal with dangerous dogs or their owners. Such training would not be available locally and would necessitate mainland trips for suitable training. Travel and subsistence for this is very costly.

Additional resources will be required to investigate the predicted number of dog bite complaints – this has not been taken in to account in the financial memorandum. Staff time may be taken up by attending hearings and appeals, this time/cost has not been considered.

There will be a public expectation that officers will be available to deal with dog behaviour complaints – this will have an implication for us as we do not employ dog wardens. It has been suggested that there may be changes in the Criminal Justice Bill which may attempt to release the Police from duties in relation to

strays and behaviour – if this is the case, then the cumulative impact must be taken in to consideration.

Paragraph 99 makes a crude attempt at costing the service of a notice. The background to this cost are not provided, however it appears to be based on an officer's hourly rate apportioned to the time it takes to write a notice. This projection is seriously flawed, as officers do not serve notices every minute of their employment. The whole salary cost and overhead must be taken in to consideration. Paragraph 100 states that service of notice is not an additional cost – it is, as is monitoring compliance with a notice served. Paragraphs 103 – 105 base their argument on this same flawed costing method.

Paragraph 120 indicates a reduction in costs to the police – this is only achievable if they transfer duties on to the local authority – this cost is therefore borne by that authority.

Paragraphs 134-136 indicate further savings using arguments which are again flawed. The assumption is that the reduction in dog bites will be a saving. It is anticipated that a dog bite report is likely to be the first involvement with enforcement agencies therefore numbers will not reduce dramatically – they will be the stimulus for enforcement action. The paragraphs further indicate a saving in police time – this is due to the work being absorbed by the local authority which will see an increase in resource costs.

Costs of kennelling dangerous dogs and the possible eventual destruction costs are not included. Police currently seize dogs that have attacked livestock; these dogs are kept in kennels until the courts make a decision on the dog. The cost involved in seizing and keeping a dog could be significant.

We do not employ dog wardens due to the economies of scale and we discharge our duties on the control of stray dogs by means of a contract with a boarding kennels operator. Dealing with dangerous dogs is totally outwith the scope of the contract.

5. Are you content that your organisation can meet the financial costs associated with the Bill? If not, how do you think these costs should be met?

No.

As this is new regulation, it should be separately funded.

Savings made by one organisation should be transferred with the enforcement duties.

6. Does the Financial Memorandum accurately reflect the margins of uncertainty associated with the estimates and the timescales over which such costs would be expected to arise?

No

Many of the neutral cost arguments used are based on poor assumptions therefore the degree of uncertainty is much higher than indicated.

Wider Issues

7. If the Bill is part of a wider policy initiative, do you believe that these associated costs are accurately reflected in the Financial Memorandum?

No.

There is transfer of enforcement without any apparent transfer of resources.

8. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation or more developed guidance? If so, is it possible to quantify these costs?

There may be additional costs not foreseen. These will only become apparent as they are encountered.

Submission form East Lothian Council

Consultation

1. Did you take part in the consultation exercise for the Bill, if applicable, and if so did you comment on the financial assumptions made?

No

2. Do you believe your comments on the financial assumptions have been accurately reflected in the Financial Memorandum?

N/A

3. Did you have sufficient time to contribute to the consultation exercise?

N/A

Costs

4. If the Bill has any financial implications for your organisation, do you believe that these have been accurately reflected in the Financial Memorandum? If not, please provide details.

Yes, as far as can be determined.

5. Are you content that your organisation can meet the financial costs associated with the Bill? If not, how do you think these costs should be met?

It is difficult to say, as the actual number of Control Notices that are issued and the actual number that are breached and appealed will determine the costs.

6. Does the Financial Memorandum accurately reflect the margins of uncertainty associated with the estimates and the timescales over which such costs would be expected to arise?

This is difficult to determine as it could be influenced by raised public awareness of the power of issuing Dog Control Notices that have been given to Local Authorities. It could give rise to an increased number of calls about dogs that are perceived to be `out of control`.

Wider Issues

7. If the Bill is part of a wider policy initiative, do you believe that these associated costs are accurately reflected in the Financial Memorandum?

If the outcome of increased public awareness is an increased level of complaint from the public then it could lead to an increase in workload that could be beyond current capabilities.

8. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation or more developed guidance? If so, is it possible to quantify these costs?

Yes, if it was decided to include `nuisance dogs` under the Bill. Given the number of calls received annually from the public about `nuisance dogs` it would significantly increase the workload of current authorised officers and support staff.

It would be difficult to quantify the increased costs, but could involve the training of staff to take on the duties of authorised officers.

Submission form Falkirk Council

Consultation

1. Did you take part in the consultation exercise for the Bill, if applicable, and if so did you comment on the financial assumptions made?

A. Yes. Comments were made re. potential additional financial costs.

2. Do you believe your comments on the financial assumptions have been accurately reflected in the Financial Memorandum?

A. The financial assumptions appear to provide an approximate guide to potential costs, however their accuracy will not become apparent until closer to the implementation date.

3. Did you have sufficient time to contribute to the consultation exercise?

A Yes.

Costs

4. If the Bill has any financial implications for your organisation, do you believe that these have been accurately reflected in the Financial Memorandum? If not, please provide details.

A. The financial assumptions appear to assume that the new additional work can be accommodated within existing resources (Para. 76. "The direct costs of implementing the Act fall primarily upon local authorities with some marginal costs to be met by the Scottish Government and Scottish Court Service".) No consideration would appear to be given to potential local authority costs if there is a need for the employment of additional staff.

5. Are you content that your organisation can meet the financial costs associated with the Bill? If not, how do you think these costs should be met?

A. No. Taking account of best value & practice, any additional costs in excess of existing budget allocations should be fully met by central government.

6. Does the Financial Memorandum accurately reflect the margins of uncertainty associated with the estimates and the timescales over which such costs would be expected to arise?

A. Generally yes, however cost estimates and the availability of kennelling is not considered in detail.

Wider Issues

7. If the Bill is part of a wider policy initiative, do you believe that these associated costs are accurately reflected in the Financial Memorandum?

A. Again, the degree of accuracy is difficult to quantify at this time.

8. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation or more developed guidance? If so, is it possible to quantify these costs?

9.

A Yes-possibly. No.

Submission form Moray Council

Consultation

1. Did you take part in the consultation exercise for the Bill, if applicable, and if so did you comment on the financial assumptions made?

No.

2. Do you believe your comments on the financial assumptions have been accurately reflected in the Financial Memorandum?

N/A.

3. Did you have sufficient time to contribute to the consultation exercise?

N/A.

Costs

4. If the Bill has any financial implications for your organisation, do you believe that these have been accurately reflected in the Financial Memorandum? If not, please provide details.

The financial implications are not accurately reflected in the financial memorandum. The Moray Council's response quoted at item 90 in the financial memorandum is rather misleading. We answered a question posed by telephone, not being aware of the full picture. Environmental Health did not employ new staff as a direct result of the Dog Fouling (Scotland) Act 2003 as the duties were primarily to be carried out by the new Community Wardens who were to be engaged around that time.

The Bill places a duty on Local Authorities to act and monitor compliance which will require more resources than dog fouling enforcement which is an occasional activity. The costs therefore will be considerable.

At item 93 the indication is that training costs are already incurred. This is misleading as it does not take into account the training required to deal with dangerous dogs or their owners.

The Moray Council has two Animal Services Officers who primarily deal with animal health and welfare and pest control. The dog warden duties are carried out as and when required and when other demands are met. There will undoubtedly be an expectation from the public that Local Authorities will be available to deal with dog behaviour complaints and this will have serious implications. Our Animal Services Officers are working to full capacity and it will be very difficult to absorb these additional duties.

Item 100 states that service of a notice is not an additional cost – in my opinion it is as is the monitoring of the compliance with the notice served.

At item 120 it states that there will be a reduction in costs to the police. This reduction in cost to the police will obviously result in additional costs to be borne by the Local Authorities.

Items 134 – 136 state that further savings will be achieved through the reduction in dog bites. This assumption is flawed as the notification of a dog bite is likely to be the start of an investigation by Local Authorities therefore numbers will not reduce dramatically and they will be the beginning of enforcement action. The savings in police time stated in these paragraphs will be due again to the work being absorbed by Local Authorities which will see an increase in costs to them. Additional costs will also need to be taken account of for kennelling dangerous dogs and destruction of them in some cases. Costs involved in seizing and keeping dangerous dogs are likely to be significant.

5. Are you content that your organisation can meet the financial costs associated with the Bill? If not, how do you think these costs should be met?

No. As this is a new legal requirement it should be separately funded.

6. Does the Financial Memorandum accurately reflect the margins of uncertainty associated with the estimates and the timescales over which such costs would be expected to arise?

No. Many of the cost arguments used are based on assumptions and I feel the margins of uncertainty are much higher than indicated.

Wider Issues

7. If the Bill is part of a wider policy initiative, do you believe that these associated costs are accurately reflected in the Financial Memorandum?

No. The enforcement is being transferred from the police to Local Authorities without any transfer or provision of resources.

8. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation or more developed guidance? If so, is it possible to quantify these costs?

There may be future costs associated with the Bill which cannot be foreseen at this time and will only become apparent as time goes on.

Submission form Scottish Borders Council

1. Scottish Borders Council did not take part in the consultation exercise for the Bill however it appears that the bill as it currently stands differs from the original bill with the implications for Local Authorities being much more onerous than previously proposed.
2. I cannot comment on the financial assumptions which are reflected in the financial memorandum.
3. Did you have sufficient time to contribute to the consultation exercise - not applicable.
4. I wish only to comment on the costs on Local Authorities. At present Scottish Borders Council have Officers who collect stray dogs and deliver these dogs to appropriate kennel facilities. They are not skilled in the control of dogs and are unable to instruct and advise others in the matters relating to the control of dogs. This in itself will pose a financial burden on the Local Authority contrary to para. 89 of the explanatory notes to the bill which advises that Local Authorities will not be required to recruit additional staff and that Local Authorities may authorise existing employees. Existing employees are employed for specific purposes unrelated to dealing with dangerous or unresponsive dogs and it would not be possible to transfer the proposed duties to these members of staff.

The comparison drawn with the Dog Fouling Scotland Act 2003 is, in the Councils view disingenuous. There is a large difference between service of fixed penalty notices and dealing with in some cases large and vicious animals. Community Wardens are employed to act in an advisory capacity with occasional enforcement actions, however they are not trained to deal with dogs nor is it part of their original job description. I can envisage a situation where staff would not be willing to undertake these proposed duties as dangerous dogs frequently are accompanied by dangerous and aggressive owners. Council staff do not have powers of arrest or detention nor the training to deal with such individuals and would not wish to place themselves in danger. Police officers are available 24/7 and are, in the Councils view much better placed to enforce this type of legislation.

Paragraph 92 of the explanatory memorandum advises that alternative organisations such as the SSPCA could be used to provide the service. Has this proposal been discussed with SSPCA?-as far as I am aware the SSPCA exists to deal with cruelty to animals issues not to deal with dangerous dogs. Even supposing an external organisation could be found who were willing to undertake the required duties this would impose an additional cost on the Local Authority which in a large rural area such as the Borders could be significant to say the least. To advise that given the resources available to the Local Authorities and the anticipated level of work it is not expected that the Bill will necessitate the creation of new posts is incorrect for the reasons shown above.

The duties of City of Edinburgh Council Environmental Health Wardens will vary substantially from the duties proposed for Wardens required for undertaking the duties required of this Bill. As the new duties will be more onerous than that required for E.H.Wardens it is the Councils view that the cost will be well in excess of the stated £1,700 for training, the costs of protective clothing, equipment, vehicles etc. must also be allowed for. With regard to the costs of kennelling, rehoming and destruction, Scottish Borders Council do not agree that there will be ultimately savings due to a dog's behaviour improving. A dogs behaviour is largely down to the training provided by the dogs owner---if that does not change neither will the dog. Where a dog perhaps worrying sheep is seized a significant period of time can elapse between a dog being held and a Sheriff giving approval for it to be destroyed. At present the costs for kennelling are £10 per day which could quickly mount up to a significant sum which is not already provided for thus being an additional cost on the Authority.

5. Scottish Borders Council are not content that they can meet the financial costs associated with this Bill and that further funds will require to be made available from Central Government.
6. Scottish Borders Council does not believe the financial memorandum accurately reflects the margins of uncertainty associated with the estimates and the timescales for the reasons indicated above.
7. Scottish Borders Council does not believe that the associated costs are accurately reflected in the financial memorandum.
8. Scottish Borders Council believe that there will be future costs associated with the Bill which will be ongoing and as the public become aware of the provisions are likely to increase substantially as time develops. As a number of these issues are likely to occur in public parks at weekends or in the evenings it is anticipated that staff will be required to work unsocial hours in order to enforce these requirements thus incurring additional costs which are not currently incurred.

Submission from Shetland Council

In Shetland we do not have full time dog wardens- we have officers who occasionally undertake dog warden duties (stray dogs only) along with Animal Health and Welfare, Pest Control, Health and Safety at Work and Environmental Protection duties. Any additional duties would reduce the time available to undertake other parts of their role having an impact on other statutory duties. I note the Background information to the Bill assumes local authorities have staff doing these types of duties but it is not the case universally.

That said the service of DCN's would only be a power so in order to manage resources we may authorise officers if this was enacted but not direct any resources to proactive "Warden Duties" and only deal with complaints. Even so there would be resource implications due to the a duty to monitor notices when they have been served. The administration of information into a Dog Control database would also require resourcing.

There would clearly be a training issue for Wardens as Section 1 Subsection (7) requires that the authorised officer must be skilled in the control of dogs and able to instruct others on such matters. As there is not one officer dealing with Dog Warden duties this would increase training costs to this authority. All my staff are authorised to issue FPNs for dog fouling when they are out on the district, due to the training requirements this might not be a feasible approach to apply for DCNs. The costs suggested by the Scottish Government of £850 per officer is not sufficient to cover travel costs and accommodation for remote rural Councils.

The calculation costs are based on issuing FPNs for dog fouling- the DCN is a far more complex and onerous notice due to the measures required of the owner, than a FPN. It is wrong to base costs on FPNs. In authorities where staff are not regularly serving notices then the cost per notice is greater because they have less experience and will need to check procedures etc.

I also have a comment about the impact this will have on communities. The people who are most likely to allow their dogs to be out of control and will be dealt with under this legislation are people who maybe less capable of looking after their animals or may have less capacity to understand the responsibilities on them to protect others. The cost of microchipping, training and neutering will have a greater impact on those people on lower income- £150 is three weeks income support for a single person. We certainly find that people who allow their dog to stray often have chaotic lifestyles, mental health, or substance misuse issues and are on lower incomes. I think this legislation will unfairly impact on those on the lowest income. In research we have undertaken into poverty and deprivation, the socially excluded often feel their dogs are what keeps them going every day.

Whilst the principle of the legislation is to be commended and welcomed I think that the impact of it on small and rural local authorities and on the dog owners with lowest incomes or most complex needs has not been considered fully.

Consultation

1. Did you take part in the consultation exercise for the Bill, if applicable, and if so did you comment on the financial assumptions made?

Only through the Society of Chief Officers of Environmental Health in Scotland in relation to a request from COSLA. I did make a response about the financial assumptions made both in terms of training, the dog warden role and the impacts on the most vulnerable people in our communities.

2. Do you believe your comments on the financial assumptions have been accurately reflected in the Financial Memorandum?

No

3. Did you have sufficient time to contribute to the consultation exercise? **I was only contacted on 22nd in relation to a query from COSLA not directly by the Scottish Government.**

Costs

4. If the Bill has any financial implications for your organisation, do you believe that these have been accurately reflected in the Financial Memorandum? If not, please provide details. **No- cost of training, including additional burden for remote rural authorities, impact on authorities where no dedicated Dog Warden resource, also cost of issuing FPNs has not been accurately measured.**
5. Are you content that your organisation can meet the financial costs associated with the Bill? If not, how do you think these costs should be met? **No, should be funded by Scottish Government as an additional duty.**
6. Does the Financial Memorandum accurately reflect the margins of uncertainty associated with the estimates and the timescales over which such costs would be expected to arise? **NO**

Wider Issues

7. If the Bill is part of a wider policy initiative, do you believe that these associated costs are accurately reflected in the Financial Memorandum? **No- impact on vulnerable people within the community, which creates a greater burden on those who are less capable of looking after their dogs.**
8. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation or more developed guidance? If so, is it possible to quantify these costs? **Ongoing training costs due to staff turnover and update training**

Submission form West Lothian Council

Consultation

1. Did you take part in the consultation exercise for the Bill, if applicable, and if so did you comment on the financial assumptions made?

The bill as it currently stands is significantly different from the original bill in 2008. The potential implications for local authorities appear more onerous. Staff currently employed uplifting stay dogs and assisting the general public may find that they are expected to deal with dangerous dogs and their owners, who on occasion, may be unsavoury characters best dealt with by the skills and powers of the police.

2. Do you believe your comments on the financial assumptions have been accurately reflected in the Financial Memorandum?

N/A

3. Did you have sufficient time to contribute to the consultation exercise?

N/A.

Costs

4. If the Bill has any financial implications for your organisation, do you believe that these have been accurately reflected in the Financial Memorandum? If not, please provide details.

The financial implications have not been accurately reflected.

Paragraphs 88-92 attempts to draw a parallel with the costs of enforcing the dog fouling legislation. Dog fouling enforcement is an occasional activity; this bill places a duty on local authorities to act and monitor compliance, which is a significantly more time consuming, and therefore costly, activity.

Paragraph 93 indicates that training costs are already incurred – this does not take in to account training to deal with dangerous dogs or their owners.

Additional resource will be required to investigate the predicted number of dog bite complaints – this has not been taken in to account in the financial memorandum. Staff time may be taken up by attending hearings and appeals, this time/cost has not been considered.

There will be a public expectation that officers will be available to deal with dog behaviour complaints which will have an implication for authorities which perhaps currently only employ part time wardens. It has been suggested that there may be changes in the Criminal Justice Bill which may attempt to release the Police from duties in relation to strays and behaviour – if this is the case, then the cumulative impact must be taken in to consideration.

Paragraph 99 makes a crude attempt at costing the service of a notice. The background to this cost is not provided, however it appears to be based on an officer's hourly rate apportioned to the time it takes to physically write a notice. This projection is seriously flawed, as officers do not serve notices every minute of their employment. The whole salary cost and overhead must be taken in to consideration. Paragraph 100 states that service of notice is not an additional cost which it is, as is monitoring compliance with notices served. Paragraphs 103 – 105 base their argument on this same flawed costing method.

Paragraph 120 indicates a reduction in costs to the police. This is only achievable if they transfer duties to the local authority – this cost is therefore borne by that authority.

Paragraphs 134-136 indicate further savings using arguments which are again flawed. The assumption is that the reduction in dog bites will be a saving, however the saving is to the public purse, not the enforcing authority. It is also anticipated that a dog bite report is likely to be the first involvement with enforcement agencies therefore numbers will not reduce dramatically – they will be the stimulus for enforcement action. The paragraphs further indicate a saving in police time – this is due to the work being absorbed by the local authority which will see an increase in resource costs.

Costs of kennelling dangerous dogs and the possible eventual destruction costs are not included. Police currently seize dogs that have attacked livestock; these dogs are kept in kennels until the courts make a decision on the dog. The cost involved in seizing and keeping a dog could be significant and are not reflected in the memorandum.

Dog Wardens are not currently contracted to deal with aggressive dogs. They may not wish to adopt this role which could cause recruitment issues. A potential increase in the responsibility of dealing with dangerous dogs and possible owner confrontation, may result in salary review requests.

5. Are you content that your organisation can meet the financial costs associated with the Bill? If not, how do you think these costs should be met?

No.

As this is new regulation, it should be separately funded.

Savings made by one organisation should be transferred with the enforcement duties.

6. Does the Financial Memorandum accurately reflect the margins of uncertainty associated with the estimates and the timescales over which such costs would be expected to arise?

No

Many of the neutral cost arguments used are based on poor assumptions therefore the degree of uncertainty is much higher than indicated.

Wider Issues

7. If the Bill is part of a wider policy initiative, do you believe that these associated costs are accurately reflected in the Financial Memorandum?

No.

There is transfer of enforcement without any apparent transfer of resources.

8. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation or more developed guidance? If so, is it possible to quantify these costs?

There may be additional costs not foreseen. These will only become apparent as they are encountered.

Submission from the Scottish Government

Consultation

1. Did you take part in the consultation exercise for the Bill, if applicable, and if so did you comment on the financial assumptions made?

SG comments

The SG did not take part in the consultation.

2. Do you believe your comments on the financial assumptions have been accurately reflected in the Financial Memorandum?

N/A

3. Did you have sufficient time to contribute to the consultation exercise?

N/A

Costs

4. If the Bill has any financial implications for your organisation, do you believe that these have been accurately reflected in the Financial Memorandum? If not, please provide details.

SG comments

The Bill provides the Scottish Ministers with a power to bring forward regulations that will provide a framework for the establishment of a Dog Control Notice national database (section 8 of the Bill). The establishment of such a database is not mandatory under the terms of the Bill. Should it be decided to establish a database, the costs would fall on the SG and the Financial Memorandum estimates the cost should not exceed £7,500. We agree with this assessment.

5. Are you content that your organisation can meet the financial costs associated with the Bill? If not, how do you think these costs should be met?

SG comments

Should it be decided to establish a national Dog Control Notice database, the SG will be able to meet the financial costs from within existing resources.

6. Does the Financial Memorandum accurately reflect the margins of uncertainty associated with the estimates and the timescales over which such costs would be expected to arise?

SG comments

As noted in our response to question 5, we are content with the cost estimates for the SG given in respect of the establishment of a national Dog Control Notice database.

We would like to draw the attention of the Finance Committee to general concerns that the financial estimates as outlined in the Financial Memorandum in respect of the creation of the Dog Control Notice regime may be on the low side. The Bill will place considerable responsibilities on local authorities through the creation of the new Dog Control Notice system. The SG is not in a position to offer a view as to whether the assumptions underpinning the financial estimates on local authorities are reasonable and welcome the Finance Committee's approach to invite views from all local authorities (which we assume includes COSLA?) to ascertain whether the assumptions made in the Financial Memorandum are reasonable. Given the Financial Memorandum's reference in paragraph 92 to the possible use of SSPCA staff in the new Dog Control Notice regime, the Finance Committee may also wish to seek views from them on the financial estimates given.

Wider Issues

7. If the Bill is part of a wider policy initiative, do you believe that these associated costs are accurately reflected in the Financial Memorandum?

N/A

8. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation or more developed guidance? If so, is it possible to quantify these costs?

SG comments

Apart from the costs mentioned in our responses above, we do not consider there will be future costs.

Submission from ACPOS

Consultation

1. Did you take part in the consultation exercise for the Bill, if applicable, and if so did you comment on the financial assumptions made?

Yes, ACPOS provided responses to previous consultations on 26 October 2007 and 8 April 2008 where comment was made in relation to the financial implications of the Bill.

2. Do you believe your comments on the financial assumptions have been accurately reflected in the Financial Memorandum?

Whilst it is acknowledged that initial responsibilities will pass to local authority officers in relation to the issuing and monitoring of Control Orders, potential issues highlighted in previous responses around the subject of kennelling costs for police Forces may still arise.

Recent work undertaken by Assistant Chief Constable John Neilson of Strathclyde Police has scoped the national picture in this regard and related correspondence between Mr Neilson and Mr Kenny MacAskill is attached for the Committee's information.

This highlights the differing arrangements currently experienced between Forces and Local Authorities throughout Scotland around the issue of stray dogs and the costs incurred by Scottish Forces as a result.

It should be noted that such costings were not available at the time of previous consultations in relation to this Bill however, they may be of interest to the Committee at this time.

3. Did you have sufficient time to contribute to the consultation exercise?

Yes.

Costs

4. If the Bill has any financial implications for your organisation, do you believe that these have been accurately reflected in the Financial Memorandum? If not, please provide details.

Please see response to 2 above.

5. Are you content that your organisation can meet the financial costs associated with the Bill? If not, how do you think these costs should be met?

ACPOS Financial Management Business Area in consultation with colleagues in ACPOS Operational Policing Business Area are of the opinion that whilst there will be some resource implications for dealing with the implementation of the legislation, these are not considered to be sufficiently material that costs cannot be contained within existing budgets.

6. Does the Financial Memorandum accurately reflect the margins of uncertainty associated with the estimates and the timescales over which such costs would be expected to arise?

See response to 5 above.

Wider Issues

7. If the Bill is part of a wider policy initiative, do you believe that these associated costs are accurately reflected in the Financial Memorandum?

N/A

8. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation or more developed guidance? If so, is it possible to quantify these costs?

As highlighted in 2 above, Mr MacAskill's response to the scoping exercise carried out by ACC John Neilson in relation to stray dogs, advises that further dialogue between police Forces and local government is being explored in relation to this matter.

This may bring further guidance in relation to procedures and cost implications in this area.

Deputy Chief Constable
Dumfries and Galloway Constabulary