



Eich cyf/Your ref
Ein cyf/Our ref
David Melding AM
Chair
Constitutional and Legislative
Affairs Committee
National Assembly for Wales
Cardiff Bay

15 July 2013

Dear David

**Legislative Consent Memorandum - Anti-Social Behaviour, Crime and Policing Bill:
provisions relating to dogs**

Many thanks for your letter of the 2nd July 2013 requesting further information following my written statement of the 2nd May on the suspension of the draft Control of Dogs (Wales) Bill and your subsequent discussions at Committee on the 10th and 24th June.

I have annotated my responses to your questions below:

(i) Whilst some of the policy objectives that the Welsh Government was seeking to achieve through its Bill could be achieved by the UK Bill, because both Bills have different focuses, it potentially may be difficult for local authorities to take early intervention action under the UK Bill to prevent a dog from becoming dangerous, which is a matter that the Welsh Bill had hoped to address.

Please could you clarify why you believe the approach in the UK Bill to be more appropriate?

As stated in my Written Statement on 2 May, the Welsh Government is committed to ensuring that out-of-control and dangerous dogs are dealt with effectively. We are committed to a statutory framework that will make it unlawful for dogs to be dangerously out-of-control on private premises. We are also committed to protection for assistance dogs, for example guide dogs and hearing dogs, as well as a statutory training and dog welfare regime.

I gave careful consideration to how these objectives could best be achieved so that our children, families and communities are better protected. I am also committed to the long term cultural change which cannot be achieved by legislation alone but will address the root causes of the problem by promoting responsible dog ownership.

Our discussions with enforcement authorities and third sector organisations in Wales indicated that enforcers would far prefer to act on an interventionist basis and prevent

both fatal incidents and/or compromising the welfare of a dog. In addition the amendments to the Dangerous Dogs Act 1991, which we had set out in our draft Bill, are now being taken forward in the draft Home Office Anti-social Behaviour, Crime and Policing Bill.

I reviewed the provisions of the draft Anti-Social Behaviour Bill published by the Home Office and, whilst I accept many of the criticisms made of this draft bill, I nevertheless believe that it may provide a useful vehicle to fulfil our ambitions. The Anti-social Behaviour, Crime and Policing Bill has now been introduced to Parliament, and I will continue to work in partnership with the UK Government on this issue to ensure we achieve a seamless approach to dog control across England and Wales (given that dogs and their owners travel across borders) and continue to emphasise the importance of:

the dog welfare aspects of proper dog control;

the responsibilities of dog ownership; and

the value of producing guidance on these issues that can be utilised in both Wales and England.

We are working closely with the UK Government and are assured that the UK Bill is drafted in such a way that:

early preventative steps can, and should, be used, possibly by the use of an Acceptable Behaviour Contract, which gets the individual to acknowledge their behaviour and its effect, with the overall aim of stopping it quickly.

if the behaviour does not desist there is an escalation in the enforcement powers and the timing of that escalation is for the professionals involved to gauge (there is no time limit set to deter escalation if changes to behaviour do not occur)

By giving professionals a means of challenging all unacceptable behaviour *immediately* (including out of control dogs), rather than going through a formal court process, clear standards of acceptable behaviour can be outlined to reinforce the message that unacceptable behaviour will not be tolerated.

(ii) Please can you explain why the Welsh Bill could not fully achieve your policy objectives and what particular powers are not available to the National Assembly to enable this legislation to be made in Wales?

The National Assembly has the necessary legislative competence to proceed with the policy that we had outlined for our proposed Control of Dogs (Wales) Bill.

Whilst our Bill would have achieved the policy objectives, in terms of enforcement the UK Bill has the potential to provide wider and more effective powers to the police, local councils and social landlords who are responsible for dealing with irresponsible dog owners and issues of dog control.

I am confident we are shaping the content of the draft UK Bill as it now includes the amendments to the Dangerous Dogs Act that we were seeking.

We will continue to work with the UK Government to ensure the UK Bill and the supporting guidance, will meet our requirements but I retain the option of introducing a Welsh Bill.

(iii) You refer specifically to acquiring regulation-making powers in your statement of 2 May. What is the current position regarding the acquisition of these powers or are they no longer considered necessary?

As you may appreciate discussions are ongoing on all of this. In terms of implementing the Bill's provisions in relation to dog control, the critical factor is that we should develop and agree with the Home Office the guidance to local authorities and the police which will ensure that dog control related interventions take place as was envisaged in our draft Bill. We see no reason currently, why that aspiration cannot be achieved.

(iv) Do you envisage bringing forward any specific Welsh legislation in relation to the control of dogs in the near future?

I have only suspended the Control of Dogs Bill, not withdrawn the proposals. However, if the UK Bill does not reach muster I have the option of moving forward with it.

Our draft Bill was only part of the solution for considering out of control and dangerous dogs. Our Road Map on Dog Welfare has set out a number of options and actions that have already been taken. Banning the use of electronic collars on dogs, for example, removes potential adverse negative impacts on dogs.

I also intend bring forward robust and enforceable regulations for the micro-chipping of dogs in Wales and also to improve the welfare of dogs in licensed breeding establishments.

The Welsh Governments "Code of Practice for the Welfare of Dogs" makes it clear that owners of dogs have a responsibility to require that dogs:

- have suitable environment to live in;
- have a healthy diet;
- are able to behave normally;
- have appropriate company; and
- are protected from pain, suffering injury and disease.

Compliance with those requirements will help considerably in maintaining control of a dog.

I hope you find these responses helpful.



Alun Davies AC / AM
Y Gweinidog Cyfoeth Naturiol a Bwyd
Minister for Natural Resources and Food