

Environment, Food and Rural Affairs Committee

Oral evidence: Dangerous Dogs: Breed Specific Legislation, HC 1040

Wednesday 4 July 2018

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Members present: Neil Parish (Chair); Alan Brown; Kerry McCarthy; David Simpson; and Angela Smith.

Questions 240 - 352

Witnesses

I: Lord Gardiner of Kimble, Parliamentary Under Secretary of State for Rural Affairs and Biosecurity; and Marc Casale, Deputy Director, Animal Welfare and Exotic Disease Control, Department for Environment, Food and Rural Affairs.

Written evidence from witnesses:

[DEFRA](#)

Examination of witnesses

Witnesses: Lord Gardiner and Marc Casale.

Q240 **Chair:** Lord Gardiner, would you introduce yourself for the record, and then Marc, please? We will then get on with evidence.

Lord Gardiner: I am John Gardiner, Lord Gardiner. I am the Minister for Rural Affairs and Biosecurity, and animal welfare and animal health come into my remit.

Marc Casale: I am Marc Casale. I am head of the animal welfare policy team in Defra.

Q241 **Chair:** Thank you for coming this morning. As you know, we are investigating the breed-specific legislation as far as dangerous dogs are concerned because we are concerned that there are too many dogs that are of a breed and are being put down but are not dangerous. That is the issue we are trying to drill into and we have taken quite a lot of very good evidence.

The question I have for you is this: breed-specific legislation has been place for over 15 years, but dog bites and fatalities are still increasing. Do you consider the current law to still be effective or has the time come for a change? What we have here is figures that show that since 1991, the number of investigated fatalities has been 48. Nine of those involved pit bull terriers, so about 14.5%. Is the Dangerous Dogs Act working breed-specific? Do you need those particular breeds banned? If it is working, are you going to increase the number of breeds on the banned list, because obviously it is not working at the moment? That is a nice, simple question for you, John, to start with.

Lord Gardiner: If I could open with a general remark and then get into the specifics, Parliament decided in 1991 and then with further legislation that the public, and indeed other animals, needed to be protected from dangerous dogs. The basis for that is that from about 1976, pit bull terrier types were coming into this country from America and it was becoming alarming and it was becoming a trophy dog, as indeed were the other three breeds. Having investigated the *raison d'être* for these other breeds as well, I was particularly alarmed to hear how they were bred, what they were bred for and so forth.

Public safety—and I am very conscious of this and we will get on to public safety and animal welfare—was in my view paramount in terms of the importance for Parliament to deal with the matter in 1991, which as we all know was amended in 1997. I have to say that I remain to be convinced that with these four breed types we should send a signal that they are now acceptable to have as pets, and in effect to encourage that there is not a problem with these particular types.



Q242 **Chair:** Would you accept that while they have the potential to be aggressive, they are not the only aggressive dogs out there, that any breed could be made aggressive in the wrong hands and also that there are many of these pit bull types that are not aggressive and yet they are still being put down? That is the real nub of the problem.

Lord Gardiner: The nub of the problem also is whether we are prepared to take the risk with the public, children and other animals. I understand that many rehoming centres—and I understand this anecdotally—find that a very considerable proportion of pit bull terrier types are not safe to be rehomed and I have to constantly think about this.

I am very aware, being Minister for Animal Welfare, of the welfare of particular animals and the wider interest, and I am not convinced that us removing these four breeds and in effect saying this should be an area where we should welcome the ownership of these four breeds. That is not a safe and proportionate response to something, Chairman, that you have absolutely identified. There is this fixation about Section 1, when there is this Section 3. All owners have a responsibility, in my view, to ensure that their dog behaves properly. Obviously, we have updated the dog code. There are all sorts of ways in which more people should be conscious about their dogs behaving well with other human beings and in the milieu of other animals.

Chair: Sorry to interrupt you. You are trying to tell us that the Dangerous Dogs Act is working and it is all fine, are you? I am sorry; it is not. In a minute I am going to go on to a particular case that you have in front that I have actually shown to Members. I am not going to put into the public arena because there is a person in the photograph who does not want to be identified at Battersea. I am going to tackle you directly on that, because I am convinced that there are many dogs out there that are of a pit bull type, and there are dubious means of finding that out as well; you start measurements on the dog and you start working how it could have an amount of pit bull in it. That dog can be particularly good-tempered and yet still has to be put down. I am sorry; it is not acceptable.

I do accept from you that it may not be wise to repeal the Dangerous Dogs Act and the breed-specific legislation but I say to you quite clearly that there is a real reason for looking to make sure that, where a dog is good-tempered, it is not necessarily put down. That is the issue for me more than anything. I am very strong on this one.

Lord Gardiner: I am very strong, as you know, on not being prepared to take a risk with public safety. This is paramount, and I say this as someone who has been the custodian of dogs for much of my life and cares about the welfare of animals.

However, these are four breeds that we do not wish to encourage to be owned in this country for very good reason and they are disproportionately, for the pit bull in particular, responsible. Some 20%



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of incidents the Metropolitan Police are reporting are with pit bull types. That is 20%, when the population of the pit bull is very, very low.

I understand, and I am sure you are going to say, that you have been to see an animal that has been put down but there is an overriding paramount interest in making sure that the public is safe. It is about risk and I know it is about an appetite of risk. The risk that I constantly think of is, "Would anyone, in rehoming a pit bull terrier type be prepared to let a child into that milieu?" and that is what has to be the overriding objective of this.

Q243 Chair: We have had the police here, and they clearly want something that is easier for them to administer, because they are also having to go and make these decisions on dogs that are of a good temper but may have some pit bull in them.

What I say to you quite clearly is that I can understand your desire to protect the public from this breed of dogs, but you cannot have it both ways. As we ban these particular breeds, other breeds come in to replace them, so you have either got to go and put your money where your mouth is and say, "We will extend the number of dogs on the list"—I am not actually suggesting that, but that is where following your logic or argument takes you—or you actually find a way where the police do not have to go, with their black hat on, and put a death sentence on dogs that clearly should not be put down.

In fairness, John, you may have had quite an experience of animals but so have I, and I have farmed for 25 years with animals of all sorts, including dogs, so we all know that any animal can be dangerous if treated in the wrong way. Are you going to ban mastiffs? Are you going to ban every big dog that is out there? I very much doubt it. That is the real issue, and I really am very sad this morning that you are not more conciliatory, because the police, certainly in the evidence they gave us last week, are really quite keen to have some interpretation on how, even with keeping those particular breeds in the frame, they can deal with a good-tempered dog and rehome it.

If Battersea, for instance, were to rehome that dog, they would be absolutely clear to the people whom they are letting have the dog. This is the issue, when you have a dog in a very reputable charity and they want to rehome it. We may as well go on to that particular case as we have both mentioned it. I just do not see why Defra cannot come up with something. Other nations like the Netherlands and others have actually reformed. What we want is a reform of the Dangerous Dogs Act, not necessarily the repeal of it. You do not seem to want to do anything.

Lord Gardiner: I go back to the very essence of why, yes, there is Section 1 and then there is Section 3. As you know from our evidence, we do not intend at this time to extend the number of banned breeds. We do not think that is proportionate. Clearly if there was an animal coming in from another country that was bred for fighting purposes, which of course all those four breeds were designed and bred to do, the



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Secretary of State does have the ability, as indeed was done with two breeds when the legislation came in and it was brought forward in that way. There is the ability in the legislation already to extend the number of breeds, but we do not think that is a position we take now; we think that those four breeds are the ones that we need to bear down on.

Q244 Chair: There is also the ability in the legislation to be more reasonable with those dogs that are of a good nature that may have some of those breeds in them, if they are cross-bred. That is the issue for me very much. We are not thinking laterally enough on this issue. You seem to be so rigid that you must stay to the letter of the law. Certainly the police officers that we had in front of us were very keen to see some softening in the way we deal with good-natured dogs that are of the part-breeding of the pit bull type or others.

Marc Casale: We do work closely with the police. The dangerous dogs index team in my team works closely with the police and the courts in administering the regime to make sure that it is administered effectively and efficiently, but it is quite clear when you look at the figures that there is a specific issue with pit bulls. If you look at the number of fatalities, our evidence at the end points out that there have been 31 fatalities since 2005. There is a disproportionate number that relate to pit bulls. Incidentally none of the dogs on the index have been responsible for any fatalities or other injuries.

Equally, the figures from the Met show, as Lord Gardiner said, that 20% of all those cases that are Section 3 cases related to pit bulls and these are dogs that should not actually exist. They should not be in circulation because these are not dogs that are on the index. There is such a large number of serious cases from a very small population of dogs in circulation, and that is striking evidence that there is an issue with this particular type of dog.

Q245 Chair: I accept the figures that there are not so many dogs so the 20% is a high proportion compared to the number of dogs, but you still have 80% of the bites and fatalities out there that are not created by pit bulls, so I do not see how you come here before us and say, "The Dangerous Dogs Act is working well and we have to keep this breed-specific legislation in place because this is what is curing it". It obviously is not, and that is the bit that I cannot understand. I am going to come back for one last question, before I let Angela in, on this situation at Battersea with this dog that was put down last week.

Marc Casale: The issue there is that there is a risk with this type of dog, and the aggregate risk is obviously greater the larger the number of dogs in circulation and the law, as it stands, wishes to regulate the number of dogs in circulation. That is how the aggregate risk is managed. In terms of the pit bull, it is not just the figures that so many people have been bitten or attacked. It is the way it attacks people. It locks on to them with its very powerful jaws and it shakes them around. It is not like being bitten by a spaniel or something. It is a different type of creature.



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Q246 **Chair:** They are not the only big dog out there, and all dogs are capable of biting and biting badly. That is not the issue. You say you discuss it with the police but, as far as I can see, they are the ones that are having to administer the Act and they are the ones that should be listened to. All you seem to be doing is closing your mind to any change because your lawyers are so risk-averse to changing anything.

A very negative approach is being taken to this whole thing. We offer you something and say, "We have got the Dangerous Dogs Act. I can understand, to some degree, why you want to retain those breeds but is there some way we can reform it?" You come here this morning and say, "It is all fine. We are not going to reform anything". I really find that very, very wrong.

Lord Gardiner: I find the list of fatalities, Chairman, very, very frightening. I have to say I am surprised that we are here talking when I have a list of men, women and children killed by this breed disproportionately, and here we are. I would not want to go out and see the families of people who have been killed by any dog and say that the legislation was not important.

What if—and I really feel very strongly about this, as you can tell from my tone—the suggestion was, as some very respected animal charities feel, that we should not have these four breeds on a prohibited list? What if we increased that number and people decided that the green light was on and we could have those breeds—no imprimatur against them as a breed? What if we then found that there were an increase in fatalities? Everyone in this room, and particularly people outside, would say, "What on earth have you done?" All I am saying is that, yes, of course the human condition is not perfect and the dogs we all love are not perfect.

Q247 **Chair:** Why, Minister, if you take this very strong attitude are you not coming to us with a list of other dogs, because there are other breeds that have come in over the years to replace the pit bull? Why are you not coming to us with a list of those dogs? Like we said, you cannot have it both ways and that is what you are trying to do this morning.

Lord Gardiner: I am not. I am absolutely not.

Chair: I am sorry. You are trying to frighten us.

Lord Gardiner: I am not frightening anyone.

Q248 **Chair:** I am as concerned as anybody about people who have had a dog bite and vicious dogs, but do not just come in here and lecture us that because we are questioning where you are on all this we are somehow just being soft on dogs that are being vicious. It is quite the opposite: I want a vicious dog put down and I want the people dealt with very severely who have actually bred that dog and made it vicious.

The issue for me is not all about the breed. It is about the people handling those dogs. It is about the people actually making those dogs vicious and how they use those dogs. That is much more relevant than



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anything to do with the breed-specific legislation.

Just to finally get to the point about the Battersea dog that was put down, as far as you are concerned, that is just collateral damage. It was a pit bull type and it may have been good-tempered, but as far as you are concerned, just put it down. Is that where you are?

Lord Gardiner: Yes.

Chair: Right. Fine. That is clear enough.

Q249 **Angela Smith:** I would actually repeal the legislation, just to put that on the record. The statistic that has been quoted, Minister, and that you have quoted this morning in relation to the six of 31 and the 20% figure that that represents is contested by charities and experts within the RSPCA, who tell us that such claims simply cannot be substantiated, and it is both misleading and erroneous to do so. I have been working in this field for 10 years. I am no expert, but I listen to the experts, and they tell me repeatedly that this claim you have made this morning—that these four breeds are primarily responsible for the severity of dogs in the UK—is just not the right way to look at it.

Lord Gardiner: The first thing to say is that I am very happy for any of my officials to have discussions with those that would dispute the figures that we have received from the Met Police or that we have.

Q250 **Angela Smith:** Sorry to interrupt you, Minister, but they say that in the absence of accurate numerical demographic data, and specifically on the total number of dogs in the UK and the total number of pit bulls, such claims simply cannot be substantiated. The point made by the RSPCA is that the basis on which you are making the calculation is erroneous.

Lord Gardiner: These are entirely the figures Marc and I have. The 20% is from the Met Police but obviously I am very happy to have that checked and discussed. I have here the fatalities and the types of breed and the dates and people that were killed in terms of the 31 fatalities I have before me. Clearly, if there are disputes, we obviously want to base ourselves on the correct figures.

Marc Casale: If you look at the figures, pit bull terriers, according to the Met figures, are responsible for 19% of the Section 3 cases. The next on the list is the Staffordshire bull terrier, which is 18%.

Angela Smith: Which is not banned.

Marc Casale: Let us say they are roughly the same. How many more Staffordshire bull terriers are in circulation compared to illegal pit bulls?

Angela Smith: The RSPCA's point is that one cannot make that calculation accurately.

Marc Casale: We know we can to some degree. We know that the number of Staffordshire bull terriers in circulation is of the order of 300,000 or 400,000 at least, because there are internet sites where



people say, "I have this kind of dog". We know that pit bull terriers are banned so there definitely are neither 300,000 in circulation nor 30,000, even. At the moment there are 3,000 on the register. If we say that there are 100 times more Staffordshire bull terriers in circulation compared to pit bulls—that is of the order we are talking about, in terms of magnitude—that is saying in effect that pit bull terriers are 100 times more likely to be responsible for a Section 3 offence than a Staffordshire bull terrier.

Q251 **Angela Smith:** When is a pit bull a pit bull?

Marc Casale: An expert will provide evidence to the court. The court will accept that they are an expert and will accept, or not, their evidence. The pit bull owner can provide their own expert.

Q252 **Angela Smith:** You must accept there are increasing doubts over the classification of dog breed. There is increasing doubt genetically.

Marc Casale: There is always going to be a grey area on a spectrum.

Q253 **Chair:** It is not just the courts that decide, is it, Angela? Because they have gone into Battersea—that has not been to court—and just decided that a dog is the wrong breed and put that dog down. That did not go to court.

Marc Casale: There is a matter separately for Battersea if they get their own pit bulls and they decide themselves that a pit bull has the wrong temperament and they put it down irrespective of the regime.

Q254 **Angela Smith:** This is all very nebulous, and the statistics themselves are nebulous. Do either of you accept on this point that we need more accurate recording of data? We do not know how many dogs there are. I know that would be great. If we built a licensing system we would know how many dogs there are in the UK, broadly. The NHS data is variously recorded. The police data is variously recorded. There is no consistent method of recording the data necessary to make the kinds of assessments you are already making.

Marc Casale: It is true that we always want more data that is more consistent and more accurate. Yes, that is not just in relation to animal welfare but to all parts of Government. There is enough evidence, information and data here for us to be able to draw the kinds of comparisons I have done.

Q255 **Angela Smith:** Do you accept that the stat you have used—six out of 31—can be turned around? Some 25 of the fatalities were caused by dogs that were not pit bull terriers. That is the point as well.

The second point is that with the number of incidents the Dangerous Dogs Act has not worked. The incidence of attacks and the number of fatalities have steadily increased over the years, so the legislation just is not working. We are so focused on the four breeds that we are forgetting the fact that any dog can be dangerous. We are focusing too much on



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Section 1. That is exactly the problem.

Lord Gardiner: You have taken the words out of mouth. It is about Section 3. We need to work in partnership with police, local authorities and dog owners. One of the things I am constantly thinking is: who has the prime responsibility? It is the person who has decided to have a dog and look after a dog. It is small beer, but we need to raise awareness about the dog code.

Some of the sanctions we have brought in with varying pieces of legislation are designed to approach it in a number of ways: better awareness of your dog, how you look after your dog, how you make your dog behave properly with humans, interaction with other animals and so forth. We also need to ensure that the local authorities and police are working in collaboration; some of the partnerships there are the way forward. The thing that I absolutely agree with the Committee is about whether anyone is satisfied that there are dangerous dogs. We need to bear down on this.

Chair: It is not the dogs, Minister, is it, half the time? It is the people. That is what we are not dealing with.

Q256 **Angela Smith:** That is not an answer to the question either. The question was about whether you accept that the incidence of attacks has increased steadily over a period of time. The number of fatalities has increased, so the Dangerous Dogs Act has not worked.

Lord Gardiner: If I may pick up the point about the 25 and go back, all of those instances and attacks are a tragic part of the dog world.

Angela Smith: Absolutely. It is why I have campaigned on it over the years.

Lord Gardiner: Absolutely. I accept that and that is why as Government, in bringing forward legislation, there have been a number of amendments or additions to the framework to deal with dangerous dogs. No one is satisfied with an increase. Even if there was a decrease, it is still not enough.

I agree that we do need to bear down and work with charities and people who own dogs so that there is a better education for the dog owner to know how to look after their animal and for it not to be aggressive. Clearly there are people who own dogs who do not understand how to look after their dogs and have not socialised them.

We will go to another area, which is dogs who have started in a very unsatisfactory way, which again we wish to bear down on, with the illegal trade and so forth. The circumstances in the early life of a dog are something we desperately want to address. We will work with all parties—by that I mean all interested groups and stakeholders—to see what we can do to bear down. Very often it is about the early life of an



animal, which is where some of this ought to be corrected by responsible dog owners.

Q257 David Simpson: You are very welcome, gentlemen. This question has been touched on, but Defra's 2009 evidence review concluded that, "Despite considerable speculation of a role for breed as a risk factor for human-directed dog aggression, insufficient evidence exists to draw firm conclusions". Is the Department now saying they are confident that dog breed is a significant predictor of risk?

Marc Casale: We are saying that, looking at the figures that we have been discussing this morning.

Q258 David Simpson: What has changed from 2009 to the present day?

Marc Casale: That was almost 10 years ago, so there has been fresh evidence since then. Coming back to how well the regime worked, the issue is not so much that there have been 31 fatalities since 2005; it is how many would there have been had we not had this regime? There might have been 60. The question is: what would have been the case without our protections and restrictions in place? That is what we do not know.

Q259 David Simpson: The next part of the question is that leading behaviourists have told us that breeds play little role in dog aggression. Lord Gardiner, you touched on the issue about the ownership and the owners of dogs. In the previous evidence that we had from the Met Police and others there were concerns about that as well.

Should owners of dogs go under a certain test, like a driving test or whatever, in order to show that they are capable of looking after those dogs? As you rightly said, Lord Gardiner, some of them do not understand the breed, type of breed and the nature of those dogs. Do you agree that it is not always true that it is the breed, but can be forced by the owner and what they are used for?

Lord Gardiner: I have family that are vets but I am not a specialist in dog or animal behaviour. I do think that the person who has the custodianship of the dog has an instrumental part, from the very time the puppies are born, in terms of the handling, sociability and what the dog does. This is why I think that the reforms are bearing down on illegal puppy imports and improving our licensing so that people come and see the puppies with their mother. All of this is part of a move that we all need in this world if we are to have happy and well-adjusted animals. It probably takes happy and well-adjusted owners to get this right.

Undoubtedly there are some breeds that I would suggest are not suitable for more elderly people because they are strong and bold. When I have been to rehoming centres, someone will say, "This needs a particular sort of a home because this is a very boisterous dog—a lovely dog but not suitable".



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One should recognise that different breeds are probably for different people and different circumstances. There is an overriding objective that the breeder should bring the puppies with an early beginning. They should never be sold under eight weeks but they should be seen with their mother and it starts with that. Overwhelmingly, it is the way in which the animal has an early life that has a bearing so often on how they react in human company and in the company of other animals.

Q260 **David Simpson:** Marc, you said that from 2009 to now was 10 years. Would it be possible for you to supply us with the new evidence review to bring us up to date, showing that breed is a definite predictor?

Marc Casale: We can come back to you on that.

David Simpson: That is what I mean.

Q261 **Chair:** I would also be interested to have the figures on how many puppies you believe are being smuggled in and how effective we are at stopping them coming in. The point that Lord Gardiner makes is a very good one but I do not think we are very effective at stopping these puppies coming in. Blue Cross and others have found a lot of problems with it. We would be very interested. If we are going to stamp down on this, we have to make sure we do it. I would be very interested, because I do not think half the time we know the numbers that are coming in. That is a real problem.

Lord Gardiner: All I can assure the Committee is that the Secretary of State and I—whatever our view—are very seized of what may be the potential opportunities with us leaving the European Union. Obviously we want a pet travel scheme, but we also want to see how we can bear down on very often unwell puppies coming to this country, raised in disgraceful circumstances elsewhere. It is an area of welfare, in terms of priority, that I am very interested in.

Q262 **Chair:** The Dogs Trust has also done a lot of work. Are you working with them? They have brought some very good evidence to Parliament.

Lord Gardiner: There are moments where we may agree to disagree but, absolutely, in so many areas of this there is a strong relationship and really good working relationship. We owe the Dogs Trust, in working in Dover and Kent, an enormous amount. I put it on record today, but I have many times said to the Dogs Trust that the collaboration we are having is for one purpose: it is in the interests of the dogs.

Marc Casale: On the people side, we also have the 2014 reforms that were introduced by the Anti-social Behaviour, Crime and Policing Act. It is not just the ability to issue community protection notices, but beforehand the police, social landlords or local authorities can issue acceptable behaviour contracts and other letters that engage with owners, just to inform them of what they need to do to control their dogs better and to educate them in how to do that. Those early preventative



measures, engaging with the owners to work on that side of things, have been a recent focus.

David Simpson: The owner is a big thing.

Chair: Very much so.

Q263 **Alan Brown:** You both seem quite set about effectiveness of the breed-specific legislation. You will be aware that in other countries, such as Italy and the Netherlands, they have actually replaced their breed-specific legislation with other models. What steps has Defra taken to review how that legislation has been working in other countries such as the Netherlands?

Marc Casale: Last year we engaged with local authorities and the police on how the regime is working overall, with a particular focus on how the latest new powers are being used. As a result of that we issued some guidance last year that identified best practice and promoted those good examples. That is the approach we have been taking. It is very much focusing on how all parties can engage better to deliver better dog control.

Lord Gardiner: We should always be interested in what other countries are seeing and the dynamics of different legislation. I absolutely think that we should see what other countries may have assessed for this. There are many countries that have breed-specific legislation for the reasons I have sought to outline and they have not done that lightly.

I can assure the Committee that my opening remarks and the Chairman's reply may have shown a buoyancy of view, but it is something that is a great responsibility. It is about how you get legislation right, which has the paramountcy of public safety and animal welfare—in terms of attacks on other animals—and also fits our desire to be humane to animals? I agree that it is a balance. It is about risk and so forth. I would be interested in seeing what other countries have done and what been the results of that have been.

We do have a certain dynamic with people in this country who, frankly, want to have aggressive dogs. The overwhelming majority of people want to have a happy, well-adjusted dog. Dogfighting is where so often in the past the police have come into it, and my understanding from the police is that we are starting to see some reductions in this area. Marc may have some figures, but there has been a suggestion from the police—and yes, it is a suggestion for which I do not think we have any scientific hard fact—that there may be a bearing down on the dogfighting incidences and so forth. That is a very good thing, because what we want is for people in this country to have pets that are well-adjusted and not aggressive. That is why I have come to the view that I have. We want increasingly for people to think, "I want to have a dog that is sociable and not aggressive".



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There are certain breeds I would not recommend to certain people and there are other breeds I would definitely recommend. It absolutely hits the point that Angela made, which is that Section 3 is about all dogs. Everyone is absolutely right: we can go through this list and see some of the most favourite breeds in the land that have been involved in dog attacks or sheep worrying, or whatever. I do not deny any of that. It is a really important area for us to work with the dog world and dog ownership.

Chair: Sorry to interrupt you, Lord Gardiner. The Netherlands have very much reduced their breed-specific legislation, so I would like you to answer about the Netherlands more than what we are doing.

Q264 **Alan Brown:** You say you have come to the conclusion you have but you seem to have come to that conclusion without looking at these other models, such as in the Netherlands, for example.

Marc Casale: If we look at the Netherlands, I am looking here at the RSPCA's additional evidence that they submitted to you. This says that they are now proposing to take 21 dog breeds and types and classify them as high-risk. They have decided there is a link between breeds and risk, and they are taking 21 and want to put them in a list.

Chair: Yes, but they are not banned and they are not putting down the dogs.

Q265 **Alan Brown:** They are creating a model that allows people to weigh up the risk but it is not then absolutely specific. Therefore, the example the Chair gave would allow that leeway because you could assess the risk of the dog rather than, "It is a dog of X type; therefore it gets put down". Is that not potentially a better model?

Lord Gardiner: It may be. Let us see how that works over a period of time, but I am interested that that is specifically 21 dog breeds that are deemed to be high-risk.

Q266 **Alan Brown:** I am not disputing that. We know that we have dangerous dogs, but it is finding the best template for assessing that. If we look at the police, the police have said that they could potentially support moves away from breed-specific legislation as long as there was an appropriate framework that could properly protect the public. Therefore, it does not feel like you have made any moves to look at what an alternative framework could be and that framework could be something like a risk classification rather than absolutely cast-iron rules.

Lord Gardiner: I go back to, as a matter of public policy, these four breeds. Parliament at the time, and since then, has felt that these are four breed types that should not be encouraged in this country and we should not have because of their fighting attributes. This is the absolute honesty about it. There is a view that these are breeds that should not, in a perfect world, be in this country because of their fighting attributes; they were bred for that. Those are the four breeds, but the whole



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legislation on every other breed is that they have a common legislation, particularly in Section 3, for all breeds, whether they are what the Dutch may decide to be high-risk, or any animal. It goes back to my point that any breed with bad care is capable of doing things that we would deem to be contrary to what we have in the law at the moment. It may be that a successor of mine will be looking at this in X years' time, but if the Dutch are looking at their high-risk breeds and seeing what they do I would be very interested in seeing it.

Q267 Alan Brown: Under your watch, will you allow Defra officials to look at it? The police have said they could support a shift away from BSL as long as there is an appropriate framework.

Lord Gardiner: I did not say that. What I said is I would be interested in hearing the independent analysis, over a period of time, of what the Dutch experience is in now designating high-risk breeds.

Q268 Alan Brown: Bear in mind the Dutch repealed their legislation in 2009. Yes, they may be looking at other measures now, but surely that lets you assess how successful or otherwise it was and look at what they are implementing now.

Marc Casale: There are many other countries in this note by the RSPCA, including others that have regimes that are pretty much the same as ours but include additional breeds. We are very interested in the evidence that other parties have provided the Committee. As with all evidence, we will look at it carefully.

Chair: Perhaps we have got off on the wrong foot here this morning. We are not interested in not coming down hard on dangerous dogs. What we do not like is that certain breeds automatically have a death sentence. That is the bit we do not accept. What the Dutch are doing is saying a lot more breeds are potentially dangerous but they are not banned breeds and they are not automatically put down if they are found. It is much more about the temperament of the dog and whether it is dangerous.

This is what we are asking you to do. We are not saying, "Let all dangerous dogs loose". That is why I got very offended with your opening remarks, Lord Gardiner, because that is not what we are after. We are saying that particular breeds are targeted. Yes, they are dangerous, but other dogs are also potentially dangerous, especially their owners. That is what needs to be targeted much more. By targeting just three or four breeds, we are not doing a good job on targeting dangerous dogs. That is where we have perhaps got off slightly on the wrong foot, and that is where the Dutch model is quite an interesting one.

Lord Gardiner: I do not think we got off on the wrong foot; I think there is a difference of view. We think there are four breeds that we do not wish to encourage in this country, because disproportionately they have been a problem since the pit bull arrived in this country in 1976.

Q269 Chair: I do not want to go back on that. The one point I would try to get



over to you, perhaps in a slightly softer tone, is this: do you accept that there are pit bull type dogs out there that are of a good nature? Because there are. This is the bit that I cannot quite understand.

There are Labradors sometimes that can be incredibly nasty. You just seem to be absolutely determined that every pit bull is nasty. A lot of them are crosses, and who knows how big the cross is and how much pit bull blood is in that dog. It is very difficult to ascertain even through various measurements. That is the bit. Do you still maintain that those dogs—cross-breed dogs—whatever their temperament have to be put down?

Lord Gardiner: When Parliament thought through this there was an index and we have about 3,000 pit bulls on that index. Parliament took a view that there were four breeds that were sufficiently and proportionately dangerous that they should not be in this country, and in fact it is an offence to have them in this country. It would be unwise of us—and I use the word “unwise”—to send a signal that these are now four breeds are not a problem. If I was to say that we should have no specific breeds, there was no problem at all with the Fila Brasileiro, and that we would be happy for people to have—

Chair: You know full well we are not saying that. We do not need to go back over all that. You are misunderstanding us, Lord Gardiner, on purpose. We are not here promoting dangerous dogs. We are here looking at dogs that are not dangerous but are guilty until they can prove their innocence because of their breed, and they are automatically put down. That is what the issue is about, not promoting dangerous dogs. I will not have that said in this Committee, because we are not doing that. You would not expect us to do that. We are not irresponsible people—far from it. That, I am afraid, I take great exception to. Let us move on to question number 5, Angela.

Lord Gardiner: Am I allowed to respond to your comments, Chairman, or not?

Chair: You have made a lot of response. I did give you a second chance but, as I said, you obviously think that any dog that is a pit bull type must be put down. You have said nothing else to persuade me otherwise. Unless you want to clarify that statement, rather than just repeat what you said before, it is entirely up to you.

Lord Gardiner: Let us go to the next question then.

Q270 **Angela Smith:** This is not a formal declaration of interest, but I ought to declare I am chair of the All-Party Parliamentary Group for Animal Welfare. Because of that I have a close relationship with a number of canine welfare charities. Before I come to my question, I have two points relating to previous comments, Minister. You praised the Dogs Trust, and I am glad that you did, in terms of the collaboration on the pilot work on the ports, as far as puppy smuggling is concerned. Can I confirm from that that you are willing to extend that work with the Dogs Trust in terms



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of ensuring that we develop solutions or policies for tackling illegal smuggling effectively?

Lord Gardiner: I want to do all that we can. I do not have pots of gold that I can suddenly—

Angela Smith: It is just asking if you are willing to meet with the Dogs Trust.

Lord Gardiner: I meet with the Dogs Trust as regularly as my diary permits. It is a splendid organisation. I have immense confidence in it. I would always want to work collaboratively with it. On so many occasions, we are absolutely on the same page on what we want to achieve. The answer is most definitely yes.

There are other organisations. I visited Battersea. I rely very much on the Canine and Feline Sector Group work. The work on the welfare code for both dogs and cats, which has come out, is very much their work as well. This is absolutely a collaborative matter. I do not think that Government or a Department can do this alone. I do not think it is effective to do it alone. It needs to be with the work of the dog charities.

Q271 **Angela Smith:** That is fine; I just wanted a quick confirmation. Equally, in terms of this issue, it has been admitted that the data could be better and that there is a lot of work to do around tackling dangerous dogs of all breeds. On that assumption, the CFSG is a body you will want to work closely with but also with all the other charities—Battersea, Blue Cross, and RSPCA crucially. They have a lot of expertise. I assume that your intention is to listen to that expertise and the evidence they present and take it seriously.

Lord Gardiner: We always take their evidence seriously.

Marc Casale: We do that. We work very closely with all those bodies and more throughout the past months and years in relation to the latest local authorities' activities licensing regime reform. We have a continuing ongoing relationship with all of those.

Q272 **Angela Smith:** On this, they present very powerful evidence that is very different to the evidence that you listen to. I just want a guarantee that you will listen seriously to the evidence that they present, and that if, on the back of this inquiry, they want to come and have further discussions with the Department on this topic, they will be taken seriously.

Marc Casale: All our policy is evidence-based so we are keen to look at and listen to all kinds of data and evidence, especially from people who we work closely with already.

Q273 **Angela Smith:** To move on to the formal question, in London the majority of dogs seized for being dangerously out of control are bull types. Is this an argument for tightening the legislation on ownership or extending the list of banned breeds?



Lord Gardiner: We are not convinced in terms of extending that list of breeds. It goes back to the fact that in every breed there are animals that are not behaving well because they have not been properly trained and so forth. Our intention is not to increase the number of banned breeds. We will obviously want to continue all the work and partnership work that there will need to be to bear down on what I would call reducing the number of cases in Section 3 because people's dogs and owners are behaving in a better way.

Angela Smith: You are coming up this morning with a very strong, in some ways, defence of the current law. The Department and you, Minister, are clearly not considering extending the list of banned breeds. We have had evidence, which was presented to us on 13 June, that non-banned large bull or mastiff types equally have immense jaw pressure, physical body strength and, most importantly, the persistence or gameness of a dog type that was previously bred for fighting or guarding.

It was noted that legal cross-breeds can prove more powerful than pit bulls because they are the offspring of mastiff types that produce huge dogs with that terrier grip-shake-persist behaviour. Then the BVA has told us that hospital data indicates that attacks from large mastiff or Rottweilers are just as damaging as bites from pit bull types.

This is very contradictory. You are defending the current situation on the basis of the types of injuries inflicted, and yet the evidence we have heard suggest that the problems you are suggesting are presented by the banned breeds are also being presented by cross-breeds and other breeds. Where is the logic in this? It is not a logical position to hold.

Lord Gardiner: Parliament decided on balance that there was a Section 1, that there was a Section 3—

Chair: Minister, Parliament decides and Parliament moves on. Parliament looks at it again and Parliament can legislate. The 1860 Act is a very good one, but I suspect we need to review it. On this argument going back all the time, we understand what Parliament did. What we are now trying to say is that Parliament did that and is it not time to review where we are?

Q274 **Angela Smith:** On the evidence I have presented to you, it is not logical. Your position is contradictory, Minister, is it not? I would like to hear from the civil servant as well.

Lord Gardiner: I do not think so, because the overwhelming amount of what we are talking about in terms of numbers is dealing with it through Section 3, which is that we need to deal with dangerous dogs. It has been a position, and the Government are not moving from that position, that there are four prohibited breeds. I know that is what the Committee may not wish, but that is the Government's position.

Clearly with Section 3, all that we need to do and what has been done over a number of years—the last one being 2014-15 in terms of addressing the latest reforms—Government and Parliament have



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recognised that this is an issue. There needs to be more work done to counter the fact that dangerous dogs are causing injury to both humans and animals.

Q275 Angela Smith: The evidence suggests, Minister—and I would ask the civil servant for an answer on this—that one cannot distinguish the four banned breeds from all the other breeds. That is the evidence we are hearing. The lines are blurred. You made the point earlier, Marc, about the types of injuries inflicted by pit bulls. The evidence we have heard is that the injuries inflicted by mixed breeds can be even worse.

Marc Casale: My regime focuses on all types of dogs, and the latest powers introduced in 2014 do not focus specifically on pit bulls. It is on all types of dogs, including those early preventative measures—

Angela Smith: Why do we not just put the four banned breeds in Section 3?

Q276 Chair: Why do we not treat all dogs the same? If they are dangerous, they are dangerous; if they are not, they are not.

Marc Casale: With pit bulls, if you look at the figures, they clearly are quite distinct from the rest in terms of the proportion of pit bulls that cause injuries. We do not have any of the other three types of dogs on the index. We have maybe one, two or up to 10 of them, so we are really talking about pit bulls, not the other three dogs. They clearly stand out in terms of the evidence we have seen.

Coming back to the earlier point, we are talking about the mix of the breed, which is intrinsically dangerous, the owner and then the way the dog is kept. You could look at evidence from the Netherlands and say, “Look at what they are doing or what we are doing”. What we need to look at is what is happening in our country. We are speaking to the police about what they would like. The police are telling us that they are very supportive of our current regime. They are not pressing us to relax it.

Chair: The evidence we have here is quite different.

Q277 Angela Smith: Exactly. The point I would make is that the evidence we are hearing is suggesting that the pit bull, of the four, is a particular problem, but the data around that is disputed. Nevertheless, accepting for a moment that it is a particular problem, the problem relates to the particular types of people who want to own those dogs. In the end, it goes back to ownership. It goes back to ownership and to tackling the problems around ownership. Perhaps it is perfectly possible that the types of people who are buying pit bulls buy them because of the image it has and because they think it is a statement of some kind. The issue is ownership, in the end.

Marc Casale: It is a joint issue. The court will decide if the owner is a fit and proper person and if the setting in which the dog is kept is acceptable.



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Angela Smith: That is not the question. You know it is not the question.

Marc Casale: I thought that was the answer to your question. The dog is a third part of the equation. That is what the court will consider. It is not as if our policy is that all pit bulls are to be destroyed. It is that the court applies the regime and, as part of that, pit bulls remain on the register.

Q278 **Chair:** Why was that particular pit bull put down this week in Battersea? It was a particularly good-tempered dog.

Marc Casale: If it is part of controlling the numbers—

Chair: Pit bull dogs are put down. That is the issue.

Marc Casale: It is part of controlling the numbers. We consider that each one of these pit bulls has a non-zero risk associated with it. Part of controlling aggregate risk is that we do not have a large number of dogs in circulation, and therefore under the regime you cannot control ownership to completely new people.

Q279 **Angela Smith:** Marc, you have just acknowledged that the law allows ownership to be the deciding factor in terms of whether or not a pit bull can be—

Marc Casale: One factor, yes.

Q280 **Angela Smith:** It is one factor but a primary factor. On that basis, surely we ought to look at changing the law. If it is primarily about ownership, then the idea of the banned breed is just so much nonsense.

Marc Casale: The law is about three factors: it is the ownership and whether the person is fit and proper; it is whether the dog is intrinsically dangerous, i.e. a pit bull and the other three types; and also the court considers the setting. If you have a pit bull in a small house with lots of young children, that is not very clever.

Q281 **Angela Smith:** I go back to the point: the evidence we have heard is that non-banned large bull or mastiff types equally can be as dangerous in terms of the injuries they can inflict. They equally put human beings at risk if they are not owned responsibly and controlled responsibly.

Marc Casale: That is why our recent reforms—the dog code, the licensing reforms and the other 2014 reforms—focus on all dogs.

Q282 **Angela Smith:** Therefore, would you put all dogs in Section 3?

Marc Casale: No.

Chair: At the moment, if a pit bull has an owner, it can stay, very often, and you accept it, especially if it is good-tempered. However, the moment it comes to a rescue centre, it cannot then be rehomed. It is the same dog, with the same temperament, and this is the issue with this dog in Battersea; it was a perfectly good dog and, if it had remained in the same ownership, that dog would still be alive today. The fact that it



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came to a rescue centre means it then cannot be rehomed. The police are called in. Has it got enough pit bull in it? It has to be put down. It is the same dog. Can you not reform that bit?

There are bits here where we could be more conciliatory, if we wanted to, on a good-tempered dog, because we are treating that same dog in two different ways. When it is owned, it is okay, if it is reasonably tempered; the moment it comes into a rescue centre, it cannot be rehomed. It has to be put down. It is the same dog. Is there not a problem there, Minister? Do you not accept that?

Lord Gardiner: It is about risk. It is always about risk.

Q283 **Chair:** It is a risk when it is in the ownership. It is the same dog. You could put down every dog you find there that is with the owner, but you accept that because the dog is good-tempered. The moment that dog gets into a rescue centre, it then cannot be rehomed, but the dog is the same dog.

Marc Casale: That is because the purpose of the legislation is that these dogs should not exist. It is a criminal offence to have one of these dogs. They are neutered when they are found, so they should not be reproducing. Every one of them is illegal, because it should not have been bred in the first place, or it has been smuggled in. The purpose of the regime is to allow some people to retain ownership of their dogs, if the dog is considered to have an acceptable temperament, the person is fit and proper and the setting is okay.

Lord Gardiner: With some stringent conditions, of course.

Q284 **Chair:** You accept the dog under ownership under the present rules, but again, when it goes to a rescue centre, that dog has to be put down. It is a different way of treating the same dog. If that dog was still in ownership and had not come into the rescue centre—this particular dog, and I am not going to name it—then that dog would still be alive today under the current legislation. That is the bit where I would like you to perhaps look and soften your attitude towards a good-tempered dog.

We want all dangerous dogs dealt with very severely, and particularly the people who own them, because very often they have been made dangerous. However, like I said, I really am adamant about good-tempered dogs that would be kept in ownership but, when they go to a rescue centre, cannot be rehomed. Do you not see there is a problem there, Minister?

Lord Gardiner: I go back to what is a fundamental difference of view, which is that I think we should not be encouraging those four breeds in this country.

Q285 **Chair:** We are not trying to encourage them into the country. The dogs are here. It is the same dog. Do you not see, like I said, that it is in ownership, and then, when it goes to a rescue centre, that same dog has to be put down? Do you not see that as a problem? We do not seem to



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be communicating, somehow.

Lord Gardiner: Maybe because we take a fundamental difference of view about the importance of these four breeds ideally not being in this country.

Chair: I think we all accept that.

Q286 **Kerry McCarthy:** Are you at all open-minded to changing the legislation? I do not mean in terms of repealing—you have made your views clear on repealing the BSL—but in terms of other changes to the legal framework. There have been some other possible changes, such as changing the burden of proof. At the moment, the owner has to prove that the dog is not of a banned type. Would you be open to considering whether it ought to be the police that have to prove beyond reasonable doubt that the dog does fit into one of the banned breeds? Is that something that you have looked at, or are prepared to look at?

Lord Gardiner: I am prepared to look at that but I go back to this: Section 3 is predominantly where I see my work, because it is in Section 3 and the reduction, which we all aspire to, is where I would be wanting to direct all of our focus.

Q287 **Kerry McCarthy:** At the moment, there is a lot of uncertainty, particularly around the pit bulls. There is no easy way of identifying whether a dog fits a pit-bull description or not. It has been quite difficult for an owner to prove that the dog does not.

Lord Gardiner: There needs to be a way of deciding, with an expert, whether it is a part of the banned breed type or not. I agree, Marc, in terms of the detail of the decision and the experts, and who are the experts and the guidance for the expert, that again is—

Q288 **Kerry McCarthy:** At the moment, the owners are required to be the experts.

Lord Gardiner: I do not think they are required. Marc, have you got the legal detail?

Q289 **Kerry McCarthy:** They have to prove that the dog does not fall within the banned breeds, so a lot of the work is on them. The official is shaking his head.

Lord Gardiner: I think it is the police that have to decide that.

Q290 **Kerry McCarthy:** Our brief says that current legislation requires an owner to prove that a dog is not of a banned type, but you are saying that you think it is the police. Your official is shaking his head.

Lord Gardiner: Can I turn to the legal advice?

Marc Casale: Basically, the police will seize a suspect dog. They then have to establish to the court's satisfaction that it is a pit bull. In some



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sense, the burden of proof is on the police to use an expert to present to the court the evidence, and the court makes the decision.

Chair: That is done by various measurements of the dog, is it not? The confirmation of the dog is a fairly inaccurate science, in my view, but that is how it is done.

Lord Gardiner: We need to get this absolutely right. I understood that it was for the police to prove this, and your brief is saying that it is the contrary way round. We need to clarify this.

Kerry McCarthy: Earlier on in the brief, there is stuff about the 100 different characteristics —

Q291 **Chair:** What they are doing is they are seizing it on suspicion that it may well be of a breed, but then, after that, they have to prove it. They can seize it just on the fact that they think it looks like a banned breed.

Lord Gardiner: They have to prove, through the experts, that it is. It is not for the owner to prove.

Kerry McCarthy: Our brief says that campaigners say that a fairer approach would require the police to prove beyond reasonable doubt that a dog is, indeed, of a banned breed, but clearly we need to get clarity on that, so we can move on.

Lord Gardiner: Can we cross-reference? My understanding is that what is being suggested is the case. What you are suggesting is the case: that it is for the police to prove, but let us clarify.

Chair: They seize it on suspicion, basically. If that is owned, then it can become part of a court case, but if the dog comes into Battersea and had an owner—perfectly okay—then the police come into Battersea to inspect that dog and work out what type of breed it is. If it is of the wrong breed, then it has the death sentence. That is the argument.

Q292 **Kerry McCarthy:** I suppose the question is: if there is a court challenge, the concepts of beyond reasonable doubt and burden of proof come into play, but it may be that campaigners are not so much looking at that end of things but at just the seizing of the dogs.

Lord Gardiner: Can we clarify that?

Q293 **Kerry McCarthy:** Yes. Can I ask, hopefully, a simpler one? There is a specific case that a constituent has been involved that this is relevant to. It is a little techy in that, at the moment, if a dog was being exempted—and we know there are a lot of pit bulls that have been exempted—they cannot be given away or sold, unless they have been exempted or unless the owner has died or is incapacitated.

If you had a scenario where the owner of the dog, say, suddenly got a job in New Zealand, they are not dead or incapacitated, but that ends up meaning that the dog has to be destroyed. Why is that the case? Why does “dead or incapacitated” offer some protection for an exempted dog



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but other very valid reasons do not? They might move into a flat and not be allowed to have a dog. They might have children and decide that a big dog is not suitable. Why is it only “dead or incapacitated”?

Marc Casale: It is all part of restricting the number of these dogs in circulation, in that they cannot be transferred to new owners who have had no prior contact with them. If you were to allow that—and that includes your rehoming example—there would be more of these pit bulls in circulation and that would increase the aggregate risk.

Q294 **Kerry McCarthy:** It is a bit of an arbitrary definition then. If somebody is incapacitated or if they have some sort of sickness and they cannot look after a dog, I do not see the difference between that and getting a job where they cannot look after a dog, or moving house. It is just a way of trying to keep numbers down, are you saying?

Marc Casale: We might say, logically, we should not allow the dogs to be transferred if someone has an illness or has died. That is the logical answer but, in fact, that has been allowed for compassionate reasons or whatever.

Q295 **Kerry McCarthy:** In terms of compassionate reasons, I would have thought that, if a dog owner had died, they are less worried. Maybe you would be terribly worried about what happens to the dog after you go, but I wonder whether perhaps it is because there have been stories about little old ladies going into retirement homes and their poor dog being put down, although I suspect they would not have pit bulls.

Chair: One or two might.

Q296 **Kerry McCarthy:** However, it seems like it is maybe playing into a certain sort of tabloid narrative, almost, about somebody who has a terminal illness and cannot look after their dog, and their dog has been put down, whereas somebody moving to New Zealand for work does not attract the same sort of sympathy.

Marc Casale: In terms of case law, where we are is that if a person has had substantial prior contact with the dog and has been a joint owner, they can continue to control that dog. That is where we are with the case law at the moment. A dog cannot be transferred to a completely new person who has never come across it beforehand.

Q297 **Kerry McCarthy:** Unless it was exempted and the owner is dead or incapacitated.

Marc Casale: Died or a terminal illness.

Q298 **Kerry McCarthy:** I am just saying that that is a bit illogical, it seems to me.

Marc Casale: It is a bit, yes.

Kerry McCarthy: Battersea has said that it results in well-behaved dogs that have been given to them as rescue dogs being destroyed. Is that



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something you would be prepared to look at?

Chair: It is the temperament again. It is the temperament of the dog. If the dog is vicious and it is of that banned breed, then please put it down. If it is not vicious, though, why is it not allowed to be transferred? It is odd.

Kerry McCarthy: If it went through somewhere like Battersea, they would be looking to make sure that it was a decent owner.

Angela Smith: Yes, exactly.

Marc Casale: That goes to the heart of the regime. There is an intrinsic problem with these pit bulls and that is why the numbers are restricted. That is what you disagree with.

Kerry McCarthy: It is basically a way of culling them, almost.

Marc Casale: Yes.

Q299 **Chair:** Why should it be shot if it is good-tempered?

Marc Casale: It is not shot.

Q300 **Chair:** If it is bad-tempered, it should be shot immediately.

Marc Casale: That is what the legislation aims to do: to eliminate them.

Lord Gardiner: I do not think Battersea shoots dogs. Chairman, it is not shot; it is put down humanely.

Q301 **Kerry McCarthy:** Your argument, if you are talking about keeping the numbers down, would be an argument for not issuing as many exemption certificates, if that is what the end goal was, but you are issuing quite a lot of exemption certificates.

Marc Casale: The court is issuing the certificates when it has decided that the dog is acceptable and the owner is acceptable.

Q302 **Chair:** The court looks into all this and you can almost appeal through a court process. The trouble is that, when the dog is at Battersea or any other home, there is no appeal process. There is no court process, so it is arbitrarily destroyed, humanely. Do not get me wrong, Minister. I was just using the word "shot" meaning that the dog was being destroyed, so let us make that absolutely clear. This is the issue.

Marc Casale: The court is not needed because the law is clear that ownership should not be transferred to a completely new person.

Q303 **Kerry McCarthy:** Unless the previous owner has died or is incapacitated.

Marc Casale: Yes, and that is clear as well, which is why the court does not have to decide with your case there.

Q304 **Chair:** You accept that through the court process it is more flexible, and the temperament of the dog is taken into consideration. Do you accept that?



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Marc Casale: That is where the balance has been struck. As Lord Gardiner said, it is a matter of finding a balance in the risk.

Chair: You accept that bit.

Marc Casale: The court has decided that, for those dogs, it is acceptable for them to be in circulation but, under the legislation—

Chair: And they take the temperament into consideration.

Marc Casale: And whether the owner is fit and proper.

Q305 **Chair:** It does not happen when it is in a rescue centre.

Marc Casale: No, because the law intentionally seeks to ensure that these dogs do not exist. In fact, when they are found, they are neutered and they should not be breeding. It comes back down to the purpose of the legislation.

Q306 **Kerry McCarthy:** In terms of examples from other countries, one of the other countries, Canada, insists that the breeds are neutered. Is that something that you are open to looking at?

Lord Gardiner: They have to be—

Marc Casale: Ours are neutered.

Q307 **Kerry McCarthy:** Any dog with an exemption certificate would be neutered.

Lord Gardiner: They have to be neutered as part of the requirements.

Q308 **Chair:** Is it the same for Section 3 dogs on the neutering?

Marc Casale: Not unless there is an individual case and the court decides.

Q309 **Chair:** If that dog is dangerous, you would not want to breed from it, would you?

Marc Casale: No. The police might decide to put it down, to be honest, if it is that dangerous.

Q310 **Kerry McCarthy:** The final question is just about compulsory dog registration. The RSPCA and the BVA support this. They said it could be looked to training sessions, veterinary checks and so on. Is that something that you are looking at?

Lord Gardiner: Again, the previous regime did not appear to be effective, but what appears to be much more effective is the compulsory microchipping, which is about 96% of dogs. It has certainly started to make a dramatic impact on the rehoming of pets and the reduction in strays. Compulsory microchipping as an advance in technology has been a much better way of providing this information on the microchipping.

Q311 **Kerry McCarthy:** That is just confirming ownership, is it not, and access



to vets' records?

Lord Gardiner: In terms of microchipping, 40% of dogs were licensed in the previous regime. In the end, the microchipping is a very strong advance in our abilities. For instance, with the BVA, I am very keen that they use the ability to microchip when an animal comes into the surgery, because I have had a lot of letters on theft and so forth.

Of course, the microchip has such a strong ability to start bearing down on some of these issues, whether it is strays, whether it is theft or whether it is knowledge of medical or veterinary treatment. To answer your question, with the microchip making that 96% become 100%, as well as making sure that owners update the information, is the direction of travel of how we best have a better handle on information.

Q312 **Kerry McCarthy:** That is about ownership, though, rather than the way the dogs are treated by their owners. Is there scope to extend that at all to training schemes for owners in relation to particular dogs?

Lord Gardiner: The state running dog training schemes is something I am not sure about. In an ideal world, we all want all young animals coming in being properly trained and socialised, so that they have a happy life and they socialise.

I would very much encourage people to be much more aware of how best to train their animals and how to work, and that is where charities have such a prime focus with things like our dog welfare code and working with the Canine and Feline Sector Group. All of that is all about beating the drum everywhere we can—with the Kennel Club—and heightening welfare standards across the piece.

Q313 **Angela Smith:** For a number of years now, the charitable sector has campaigned on the issue of educating new dog owners, because the picture looks very confusing and the provision is very disparate, with differing standards. It always feels to me as though the charitable sector is expected to be responsible for developing awareness and raising messages and education programmes for dog owners and so on.

I know you just said, Minister, that the state cannot take responsibility for this—and, to some degree, I accept that—but surely there is a role for Government in ensuring that we develop consistent messaging and opportunities for providing education and training to dog owners in this country and to the population in general. Do we not need something more coherent and systemic? Surely, there is a role for Government in delivering that.

Lord Gardiner: I absolutely agree that there is a role for Government and Parliament in terms of welfare legislation, in terms of codes of practice and in terms of working collaboratively with local government, the police and charities. All of that, I absolutely accept and, I would say, I seek to do. There is all sorts of further work that, with my excellent officials, we need to be doing to give that better beginning for animals



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and a better condition. There are our reforms on licensing and our bearing down on illegal trade. I agree that everyone can find instances where this has not worked and where puppies have come through and they have been ill, but the work we need to do on that, I absolutely see as an animal welfare priority. This is about large numbers of animals coming in or being bred in this country. There are about 700,000 puppies a year, is it?

Marc Casale: Around that, yes.

Lord Gardiner: Around that sort of figure coming in every year, by which I mean being born from breeders. We will say 700,000 puppies; that is the sort of figure I have been given.

Angela Smith: Somewhere between that and a million, yes.

Lord Gardiner: It is absolutely essential that those puppies are well-adjusted. There are a number of things we are doing. For instance, in terms of the licensing regime and our work with the Kennel Club on what I call the defects in breeds that we also need to be breeding out, I agree that Government have a prime role in leadership and producing legislation that helps that. However, dog owners—and we need to work on this with vets, with charities and with civic society—individually also have a responsibility for their animals.

Q314 **Angela Smith:** Minister, we know that, but we have heard evidence on this from the Dogs Trust. There is evidence to suggest that there is huge complacency amongst members of the public that they do not need educating about dogs. There is an assumption amongst many people that owning a dog is a natural thing. It is easy, everybody can do it and they do not need to be told how to do it. We have a huge problem here. I sat down with animal welfare charities when we had the dog strategy under the animal welfare group that Neil chaired at the time, and I recognised very quickly how difficult this is. There is a role for Government, in my view, in ensuring that we develop some consistency and some standards around all of this. That is one point.

The second point is: do you accept that there is a case for including education about dog ownership and how to behave around dogs in the education curriculum?

Lord Gardiner: The work that we have undertaken on the licensing regime and dog-breeding area is definitely designed—and this is coming forward now—to address some of the points that you have outlined.

Q315 **Angela Smith:** How will the licensing regulations do that? They are for the breeders and the sellers.

Lord Gardiner: The breeders in terms of the ways in which members of the public receiving their dogs, the raising of awareness of what members of the public should be doing by way of where they should go to buy their puppies—



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Q316 **Angela Smith:** That is only the start of the process, Minister. The police, the chair of the Association of Pet Behaviour Counsellors, the RSPCA—there is a range of agencies and individuals out there who believe that we can do more and that, if we start with children in schools—I have been in with the Dogs Trust into one of my local schools and seen the work they do. The Dogs Trust cannot do all of this. Surely we need to formalise education about dog ownership in the curriculum. We could do it under citizenship. It is a relatively easy thing to do. Surely we can do it.

Marc Casale: It is a matter for schools individually to decide what their citizenship curriculums contain.

Q317 **Angela Smith:** Defra could go to the DfE, and the DfE could put into the guidelines around what schools should be doing in terms of the citizenship curriculum, and that dog ownership and education about how to behave around dogs should be in there.

Marc Casale: We are talking about our overall approach. One element is that, when someone acquires a dog, they are given the basic information they need on ownership.

Angela Smith: The question is about the curriculum.

Marc Casale: Yes, indeed.

Chair: Can you not talk to the Department for Education? Is it not possible?

Angela Smith: Yes, just talk to the DfE.

Lord Gardiner: I am very happy to pick that up. The whole area of responsible ownership and the interaction of people with animals is an important one. We all know, and I am very aware, of dogs coming into old people's homes as well and the pleasure that that provides.

All of that is an area where the positivity of the animal and the engagement and the proper treatment of the animal are very important. Again, I am not sure what formal protocols there are in care homes but I absolutely know that there are many where dogs are very welcome, because of the positive response from people to engaging with dogs. I will take that away, if I may.

Q318 **Angela Smith:** Thank you very much. Just finally, on the evidence we have heard this morning, can I ask, Marc in particular, how much you rely on evidence from the Metropolitan Police in terms of the case that you are presenting to us this morning? Are you not extrapolating the evidence that you get from the Met for the rest of the country? On that basis, is that not, therefore, a little skewed?

Marc Casale: The evidence is so compelling in terms of magnitude that, indeed, you could say the—

Angela Smith: For the Met in London, but maybe not for the rest of the country.



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Marc Casale: Indeed, you could say this relates to London and it is a particular year or whatever. As we have seen with the figures, let us assume that the number of pit bull attacks is the same as the number of Staffordshire bull terrier attacks. Even then, we have said that that might mean that there are at least 100 times more attacks from pit bulls. That is an order of magnitude of 100—it is not even 10 times.

Q319 **Angela Smith:** But you accept that you are extrapolating the Met's statistics and applying them to the whole of England and Wales.

Marc Casale: I am saying that these Met statistics, in isolation, set the alarm bells ringing.

Q320 **Angela Smith:** Surely it is not credible to apply those stats to the whole of England and Wales. London is not north Wales and is not rural north Lincolnshire.

Marc Casale: It is credible to look at these figures and to form a conclusion that it is justified in retaining the controls we have on pit bulls.

Chair: We are concerned that, while we accept they make up 20% of the bites, there are still 80% of the bites out there. This is where we seem to be hitting a brick wall.

Q321 **David Simpson:** Again, this may have been touched on in the duration of the questioning, but is Defra monitoring how effective dog control legislation is being enforced by police and courts? Are there any concerns from Defra that you would like to see addressed? We have seen some cases where it has taken 18 months to get answers and for the case to be dealt with. That is not so much in London, but certainly we have experience in Northern Ireland of dogfighting and the penalties that there are for the ownership and the issue around the dogfighting fraternity. What is your view on that?

Lord Gardiner: I have had a meeting with the appropriate police officer, and indeed we asked the police forces to look at these matters, so we do want to work collaboratively with the police to ensure that they have the right tools available to deal with dangerous dogs more generally and with the powers that they have. Marc has had closer day-to-day workings with it. In terms of the relationship, we would actively encourage the partnership that the local police forces very often have with the local authorities and the connection there. There are very good examples of where that is working tremendously well. The example of that needs to be played out more.

Certainly, this is an area in which, again, the police and the local authorities have a lot of the responsibilities that have been placed in dealing with this. Clearly, if there were areas that the police had problems with, I would want to know of them and the Home Office would want to know of them.

Q322 **David Simpson:** Do you think, Lord Gardiner, that the current legislation



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is strong enough to deal with that? I know that in Northern Ireland the legislation changed, when the Assembly was functioning, from a minimum fine of £5,000 to £20,000 and possibly imprisonment. Up until that, there was an issue where gangs that were identified for dogfighting went to the courts and they just walked; it was over. I am not sure about the history of that sort of activity in London or on the mainland here, but do you believe that the legislation currently is strong enough or do you depend on the police to tell you that it is not?

Lord Gardiner: There have been, quite recently, some extra parts to the powers, deliberately to seek to address a bearing down on dangerous dogs—for instance, the increase in penalties so that the severity was recognised in terms of the attacks on assistance dogs.

A number of things have been added to the legislative framework, precisely to help the police and the law-enforcement agencies to, first, seek to deal with the matter, but also, we hope, to act as a deterrent, as it were, to those dog-owning parts of the public that, frankly, are not recognising that they have responsibilities and that these are the consequences of permitting a dog to be dangerous or out of control. Clearly, if the police were to come to me, or particularly the Home Office, and say, “We do not have sufficient powers”, as indeed with all these matters, we would want to be working to find a solution, if there were any gaps in their range of powers, to deal with the matter.

Q323 **David Simpson:** It is also in everybody’s interests that, in cases that are brought forward or where there is a judgment to be made on animals, that is done quickly. 18 months may be a unique case but it has taken 18 months. It needs to be dealt with promptly. Those linkages between the legislation, the police force and the courts need to work collectively together to deal with that.

Lord Gardiner: In terms of that particular case, I am afraid I do not know the specific circumstances. If it was helpful, I would very much welcome an opportunity, with whoever, of seeking to clarify why it took so long. My view is that, in court cases, expedition in all matters is the optimum.

David Simpson: Yes, I understand that.

Q324 **Chair:** If you have a dog that is being kennelled, it is not going to improve the temperament of that dog over such a long period. From an animal welfare point of view—and you are Animal Welfare Minister—it is a concern. There have been quite a number of high-profile cases. We had one in the south-west that took nearly two years. There are a number of them. I do not know what you are able to do, as Minister, to put pressure but you need to, really.

Marc Casale: If a suspected pit bull has been seized, it is possible for that dog to remain with the owner before the court considers its case. That was a recent reform that was introduced. Separately, on dogfighting sentencing, that is also going to be caught by our animal



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cruelty sentencing reforms. At the moment, the maximum sentence is six months at the magistrates' court; that will be increased, hopefully, to five years.

Q325 David Simpson: Marc, can I just clarify what you said there? If there is a seizure on a dog or a verdict to be made on a dog, it is possible for that dog to remain with its owner. If that dog had bitten someone or caused major problems, it could not remain.

Marc Casale: No, this would just be if there is a dog that is suspected of being a pit bull, rather than having attacked somebody.

Most of our recent engagement with the police has focused on the preventive side, which again comes back to the educational side, and how the 2014 powers have been working. They and local authorities have worked together with acceptable behaviour contracts and other initiatives. There is this initiative called LEAD that we mentioned in our evidence, which is all about identifying cases where there is an emerging problem and helping to educate owners about how they ought to be looking after their dogs better and controlling them better. It is not a punitive focus; it is more of an educational and supportive focus as well. That has been very successful.

Q326 Alan Brown: In terms of dog control legislation, local authorities have a big role to play. What action is Defra taking to ensure that, first, local authorities have enough resources, and also that local authorities are collaborating properly and effectively with the police?

Lord Gardiner: That has already touched on the positive initiatives of the Local Environmental Awareness on Dogs initiative piloted in the London Borough of Sutton. This is a strong way forward of having a partnership at grassroots level.

As I say, the state has overall legislative importance and good ways of raising awareness, but a lot of this is going to be dealt with at more local level, because inevitably that is where the dog owner and the dog-owning public are going to be. It is with the local authority and the police working in collaboration with others that that will be bearing down, and the more we can get to dealing with the irresponsible owners and raising awareness of people, whether it is in terms of a welfare matter or whether it is an aggressive matter or whatever, the better. There are local initiatives to work on that. You mentioned resources—

Q327 Alan Brown: What is your Department of Government doing to make sure that these initiatives take place throughout England and Wales? You were also going to touch on resources.

Lord Gardiner: We have issued the guidance, which I am sure the Committee have seen, on dog control and welfare for police and local authorities, and that particularly mentions the Local Environmental Awareness on Dogs. We have pushed this very strongly as one of the ways, at local level, of this being part of the remedy. A lot of the



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remedies of this have to be at local level because I do not think that Defra officers coming and seeing every dog owner in the country is practical, and I do not think that that is the best way of cracking what is, very often, irresponsible owners who the locality know about. It is about how we can bear down on those owners to be more responsible and whether there should be more direct action.

Q328 Alan Brown: Mark Berry, chair of the National Companion Animal Focus Group, has argued that collaboration is largely down to dedicated individuals and that there is no overall ownership or steer on the issue in terms of police and local authority collaboration. You are right that it has to happen at that local level, but how do you make sure that it is happening at that local level, when there is an argument that there is no overall ownership or steer on the issue?

Lord Gardiner: We issue the guidance, and my strongest steer in the work that Marc and his team do is that this is a positive way forward. The pilot in Sutton and other places, again learning lessons around what to do and what not to do, is important. If there are tangible successes of this, which I believe there are, then certainly I would want to be ensuring that awareness of what the successes have been in certain pilot schemes is much more widely understood. It is something that I certainly would want to, in cross-referencing with meetings with the police, discuss, as well as in meetings with the LGA. That is probably the best place that we can get some of the more direct local action undertaken.

Q329 Alan Brown: In terms of resources, local authority budgets have been slashed and police budgets have been cut, so how do you make sure, when you are discussing with the LGA and the police, that there is enough resource allocation to implement these initiatives that you want to see going forward?

Lord Gardiner: Again, there are no pots of gold, but there are many areas where this would be a priority. I can think of certain parts of the country where dangerous dogs and dog attacks are probably well-known in the locality and where it would be a priority that it may not be in other parts of the country.

I would certainly be encouraging, in dealing with some of the priorities in certain areas, that this would be something that certain local authorities and certain police forces should prioritise, because of the benefits it will bring in terms of reducing attacks and reducing, in the end, police resource and so forth. If you are asking me whether I have a budget to roll this out across the country, no, I have not.

Q330 Alan Brown: In terms of wider collaboration, Mark Berry has also said that, if owners move to a new area, the other local authority would have no record of their dog control history. Say you have a local initiative that is very successful and people take the option of relocating somewhere else, how do you make sure that that knowledge of these irresponsible owners is carried forward and shared between other local authorities and



other police forces?

Marc Casale: We hold a regular forum discussion involving local authorities and the police, which considers a whole range of issues, and that is definitely an issue that we can raise with that group. The point of that forum is to identify good practice in terms of using the powers, and to disseminate it and to promote it. Definitely, as part of that, information-sharing is key.

Lord Gardiner: In terms of anyone who has some sort of requirement on their dog, if they were to move, what is the position with dog control orders and so forth? You are absolutely right that, if someone was to move, then it is important that there is a cross-reference so that this could be carried forward in the new location if there is a problem.

Chair: There is no mechanism at the moment.

Lord Gardiner: No. That is what I would like to look into because, clearly, if there is a dog that there is a worry about, and they were moving—and I use the word “worry” in a much stronger sense—then it would be very important that that is known in the local force where they move to. Thank you for that.

Q331 **Chair:** I just have a final one on local authorities. It is a mixed picture across the country and it is not just about resource; it is almost about political will sometimes from different local authorities to decide what they want to do regarding dogs. Does Defra do any work on the country as to which are the good authorities and which are those authorities that could do more? It is, we all accept, a mixed bag, and I accept that local government makes local decisions, but in terms of animal welfare and people welfare, what work does Defra do on looking at the picture across the country?

Marc Casale: Local authorities have a key role in a number of areas—animal welfare more broadly, aspects of animal health and other things too. We are keeping an overview at the moment about how well enforcement is operating across the country. That is under active consideration.

Q332 **Chair:** What do you mean by that? Are you monitoring what goes on? How do you collate any data? It sounds a little bit woolly to me. How are you doing it? There is a lot of hope there.

Lord Gardiner: Chairman, yes, and I would say that there are many priorities that Defra is seized of. Clearly, we have been doing a lot on the welfare front in terms of our proposals and so forth, and there is a lot that we need to do. This is an area where, certainly, in our officials’ regular forum meetings with the police and the local authorities, we precisely look, for instance, in LEAD at how we get a successful project rolled out, which is not so overly burdensome that local authorities and the police run for the hills but which is seen as a benefit and as having



productive results that mean that it does not seem as if this is impossible.

Q333 **Chair:** Even if it was a best-practice-type thing across local authorities, it would be useful.

Lord Gardiner: This is why, if the London Borough of Sutton pilot works well—I hope it does, and all the indications are that that is the way forward—I would certainly be wanting to foster and sponsor it. There is a win-win to this for everyone. That, again, is something that is very important.

Marc Casale: Separately, there is a performance assessment framework for local authorities that is in place for all of their activities, and that is run by a different Department but it clearly covers everything. Our focus is on the specifics of welfare, including these dog control measures, to try to promote that best practice.

Chair: It is something worth looking at.

Q334 **Angela Smith:** The law was changed in two significant ways in 2014. We got the extension of the law, under Section 3 of the Act, to private property. It is something that I had campaigned on and I was very pleased to see Lord de Mauley deliver that. We also saw the introduction of these community protection notices and the extension of the use of those notices in the Anti-social Behaviour, Crime and Policing Act 2014 in relation to dog attacks. How effective has that been?

Marc Casale: In our discussions with local authorities and the police last year, they very much welcomed having these new powers and they have been using them. It is still relatively early days, but our focus was on identifying where they have been particularly effective, with the initiatives that Lord Gardiner mentioned, and on promoting that more widely. That is something that we are continuing to focus on.

Lord Gardiner: Also, it is very important that we do keep this under review. When was it implemented—2015, or was it 2016? Anyway, it is very important that we see whether this is working for them because, in the end, we need to produce legislation that is user-friendly, as it were, in order to enable us to address the points. I would be very interested, as we have in our regular forum feedback, in indications of how this has worked and whether there are any issues arising.

Q335 **Angela Smith:** It was a very interesting response, Minister, but two points on that: the evidence we have received suggests that community protection notices are not recorded anywhere and that there is no audit trail, and that local authority staff are often unaware of the powers. A BBC survey last year established that 77% of councils are failing to use the notices under the 2014 Act. Blue Cross is advocating a review of the legislation to measure its effectiveness. Is it not time for a formal review?



Lord Gardiner: Can I look into those comments? Certainly, if 77% of local authorities are not using or whatever, then that is clearly something I would want to have top of the agenda for the next meeting as to what the issues are why. Are they using alternatives, or what is the issue there? Certainly, Parliament, with good intent, put these forward. What was the source of the 77%, if I might ask?

Q336 **Angela Smith:** It was a BBC survey, but it is, to some extent, substantiated by a very senior inspector from local government who has made clear his view that there is no effective audit trail and that local authority staff are often unaware of the powers, which echoes very strongly the outcome of the BBC survey.

Marc Casale: One thing that we found with our more informal review last year was that quite a lot of use is being made of sending letters and other contractual-type correspondence in advance of using the protection notices, so there is engagement with people where there are possible dog control problems. That is having quite an effect, but one issue we wanted to explore was how much awareness there is and how much use is being made of the powers. It is something that we wish to continue to build on.

Q337 **Angela Smith:** It is time for a review, possibly.

Lord Gardiner: It has also triggered me to say I will communicate with the appropriate Minister, also in MHCLG, cross-referencing this, because, again, these are powers that are there to be used. If it is 77% of local authorities, that is an issue for us and a Department with "Local Government" in its name. I do not say that would address it all. I am surprised it is as much as 77%. I do not dispute that but I am surprised, because this was absolutely designed to help local authorities and for matters to be dealt with locally, so who knows? If there was a greater awareness of that, it might help address the real problems as well.

Q338 **Angela Smith:** Minister, you used the phrase "user-friendly", which I totally agree with. On that basis, many of the charities in the canine-welfare sector advocate dog control notices as opposed to community protection notices, because they would be easier to use, they are tailor-made for the problems presented by irresponsible dog ownership and they do not require prior written warning. A single incident may be enough to trigger action. It is already being done in Scotland. Perhaps it is time as well to think about a specific dog control notice mechanism. I remember the arguments around the 2014 Act.

Lord Gardiner: We think that community protection notices effectively do the same thing as the dog control notices, but I can well see that the phrase "dog control notice" has a ring to it.

Angela Smith: The community protection notices are much harder to use.



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Marc Casale: It comes back to promoting engagement before we have to issue these notices. ABCs—acceptable behaviour contracts—and other types of engagement and letters are quite easy to use, and they can be less threatening and can get that traction at an early stage.

Q339 **Angela Smith:** They have a threshold before action can be taken, so they do not really act as a preventative tool.

Marc Casale: They have a role, but yes.

Angela Smith: That is the problem, is it not? Dog control notices could act as a preventative tool in terms of ensuring that problems are tackled very early on, before a dog becomes aggressive and dangerous.

Chair: It is getting to an element of society that really is out there.

Angela Smith: Absolutely; they are hard to reach.

Chair: They want their dog to be dangerous. A lot of the things we do work for the relatively law-abiding people, but it is the people who are outside the law, if you like, who we need to tackle quickly, and that is where the dog control notice would be quicker.

Angela Smith: On that note as well, Chair, the work that we have done on livestock worrying suggests that it is some of those hard-to-reach dog owners who are responsible for some of the things that are happening there.

Lord Gardiner: What I would like to do is to look at the dog control notices environment and look at the community protection notices. To what extent are we dancing on a pin in terms of one does what the other does or not? Can I look into that? One of the most important things is that this is legislation that, in 2014, with the best will, I am sure, was sought to improve a situation and give local authorities and the police better ability to deal with the matter. If there is anything to be learned, I would be very interested, so I will ask officials to look into this.

Q340 **Chair:** Would you like to come back to us on that in writing?

Lord Gardiner: We will send you a letter.

Chair: Yes, that would be useful.

Q341 **Kerry McCarthy:** This is the final question, you will be pleased to know: the Communication Workers Union and the police both supported the introduction of compulsory insurance for pet-owners, so third-party liability. We heard some pretty horrible cases of victims of dog attacks receiving very low compensation, and it tends to be paid out of the dog owner's salary in small amounts per month. We heard one case where it would have taken 16 years for the victim to receive payment of £5,000. Have you looked at or considered compulsory insurance?

Lord Gardiner: No. Put it this way: if a dog commits an injury, then the owner is responsible and there should be recompense by the dog owner. I am not aware of any proposals, candidly, for there to be a national



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requirement for compulsory insurance. However, all I would say is that people looking at their insurance policies, if they are dog owners, should be thinking of whether there are policy elements in their insurance policy.

What I suspect we would have to wrestle with is those owners who do not recognise insurance generally or are not as responsible as others. If you are asking me whether I am proposing a national compulsory insurance policy for dog owners, I do not think I have that in my sights, but I do think that dog owners should think, precisely because they should stop their dogs or should train their dogs not to be dangerous.

Kerry McCarthy: Ordinary insurance policies would not cover this. It is about protecting your own property or, in the case of car insurance, it would cover causing injury to somebody else, if you have third-party insurance there. However, you are not going to be able to put your pit bull or whatever dog under your car insurance. If you put it under your household contents insurance or whatever, it does not cover those sorts of scenarios. It would be specific to dog ownership. I just wondered if you were open to listening to what the CWU and the police have to say about it. It seems like we have landed you with a new idea.

Chair: They were talking about a premium of something like £25 a year on third-party liability. It is good to get that out into the public arena because there are a lot of people out there who may own a dog but are not very well-off. If there is a problem, it is all very well them being responsible for that dog, but you cannot get blood out of a stone and, if they do not have any money, people cannot be compensated. That was the issue.

Q342 **Kerry McCarthy:** It might be difficult to do, unless you have the dog registration as well. It would probably have to be compulsory because the sort of people who would insure their dogs are not the ones who are most likely to have troublesome dogs, I suppose.

Lord Gardiner: Of course, the pit bull sector is an area where there has to be insurance; as part of the index, they have to be insured, for instance. Can I take that away? It seems to me that, again, in the awareness-raising and in the whole area with the Kennel Club and the dog world, it is a very interesting awareness-raising point. In terms of a national scheme, I am thinking about Petplan or some of the organisations.

Q343 **Kerry McCarthy:** It could be linked to the sort of insurance you would have for vets, do you mean?

Lord Gardiner: Yes. I will ask my officials to show me some of the products on the market, because there are, and then see whether there are ways in which, with organisations and stakeholders such as the Canine and Feline Sector Group, we could do this. Part of being a responsible owner is you would be strongly advised to take some insurance, because, if something dreadful was to happen, at least you



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have some sort of protection, in the same way as we all take out insurance on the farm or whatever.

Q344 **Kerry McCarthy:** There might potentially also be an issue in terms of the compensation payments that are required at the moment would be set at quite a low level, because they would be looking very much at the dog owner's ability to pay, so they are not going to impose a compensation payment that is completely unfeasible.

However, if there was an insurance pay-out, the compensation might more accurately reflect the injury. We heard one case of a postal worker who has no feeling left in her left arm and who has had to have reconstruction surgery and skin grafts. That was an attack by a couple of Dobermanns. Are you saying that exempted pit bulls have to have insurance?

Marc Casale: Yes. Any Section 1 dog does.

Q345 **Kerry McCarthy:** It would be interesting to know whether those policies have ever paid out and how they work.

Marc Casale: They have not, because once you have one of those dogs it has to be kept on a lead and muzzled when it is in a public place, so they have not attacked anyone.

Q346 **Kerry McCarthy:** What are you insuring against then?

Marc Casale: In case it does attack.

Q347 **Chair:** Do Section 3 dogs have to be insured?

Marc Casale: No, they do not.

Q348 **Chair:** Is that not something that ought to be looked at?

Marc Casale: Once a dog has attacked somebody, in the future you would have to insure.

Chair: Yes. If that dog remains alive, surely that would be an obvious time to seek insurance.

Q349 **Kerry McCarthy:** The dogs that are covered by the exemption have to have insurance, but because it also goes with having to be muzzled and so on, there are no instances of those policies ever being called upon or triggered. What are they insuring against?

Marc Casale: There are no cases where a prohibited dog has attacked a person.

Lord Gardiner: It was an extra, in case.

Kerry McCarthy: It is there in case they do not wear their muzzles or whatever.

Lord Gardiner: I would like to take away this issue of insurance and take some assessment, with a number of organisations, about the extent



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to which they think certain dog owners or some dog owners have insurance, what would be the element of their policies and which particular companies would provide this insurance. It is about awareness of what there is out there in the market. If we go back to the 77% of local authorities not knowing about a piece of legislation that is designed to assist, then we need better awareness of policies through a number of channels, whether it is in the surgery or whether it is at rehoming centres. That is very helpful. Thank you.

Q350 Angela Smith: Just on the principle of compulsory insurance, there was a really bad case in Sheffield in 2007. I have just refreshed my memory online about it, because it was the incident that triggered my Private Members' Bill to extend the law to private property. I worked with the CWU. A postal worker was very badly mauled by a dog while delivering mail. Paul Coleman had to give up work in the long term as a result of the incident. He needed plastic surgery. He suffered terrible psychological damage as a result of the incident. There was no insurance, so there was no, if you like, significant sum of money available to Paul to rebuild his life after the incident.

I have heard of other cases where other postal workers have been equally as badly injured but where insurance has been in place. It is not much compensation when one suffers serious damage in that way, but nevertheless it helps. Surely it is time to look seriously at insurance for Section 3 dogs—compulsory insurance.

Chair: Postal workers have to go on to people's properties to deliver letters. They put themselves at risk with their job; that is the thing.

Marc Casale: It is a question around certain professions. It may sound the wrong thing to do, but if you are a postal worker or a police officer, you could get insurance in case you are attacked, even though you are a victim. I do not know if that is on offer.

Q351 Angela Smith: Surely it is for the dog owner to get the insurance.

Marc Casale: Indeed. As I say, that might be the wrong thing, but I do not know how the insurance market works.

Angela Smith: The thing is that, when one thinks about the number of visitors who legitimately enter somebody's property, it is not just police officers or postal workers; you know this, Marc.

Chair: It could be social workers; it could be anybody.

Angela Smith: It is social workers and increasingly delivery drivers in the age of online shopping. There is a whole range—campaigners and canvassers from political parties. I have been on the receiving end of this. It is a serious point. That is one of the reasons why the law was extended to private property, but it highlights the need for a solution to this problem, which is that people can legitimately enter an individual's property and be bitten very badly and injured by a dog but have no redress, really, because there is no insurance in place.



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Q352 **Kerry McCarthy:** The dog would not be muzzled, presumably, in that situation. For an exempt dog, there is no requirement. That is why I am slightly surprised that there would not be instances of claims under insurance policies if you have a dog that has to be muzzled when they are taken out.

Have there been any attacks where they have been on their private property and where the insurance policy then comes into play? You have said that you are going to look at that. There are also, presumably, insurance policies where, if you have security operations and you have dogs guarding premises, they are doing their job as guard dogs, police dogs or whatever. I do not know how that would work.

Marc Casale: That is probably public-space-type insurance that a business has to have. If a security business has a guard dog, they have to have insurance.

Chair: They have to have public liability insurance, yes.

Lord Gardiner: Can I just ask something? With the Post Office—I am thinking now about employees, et cetera—are there no ways in which someone in the course of their duty is protected by the employer in terms of the insurance cover? I should know this.

Chair: It is better, Minister, than it was but there still seems to be a gap, and that is why the point that Angela and Kerry are making is that we would like there to be more responsibility and more insurance, especially if it was relatively cost-effective to get, so that there is more responsibility than from the owner.

Angela Smith: I do not think the Royal Mail could possibly be held responsible for dogs that are not owned by the Royal Mail.

Lord Gardiner: I am only thinking about the course of their duty. If I think about a lot of employees, it is in the course of their duty, which, in this case, is delivering post.

Chair: What we will do is we will double-check with the Royal Mail postal workers, if you would also look into that as well.

Angela Smith: The NHS would have to do it.

Chair: That is right.

Angela Smith: And the police.

Chair: That is probably where the issue is.

Angela Smith: It has to be individuals.

Chair: I just have a couple of last questions. On the microchipping, we all welcome the microchipping but, again, going back to many of our charities and going back to Battersea, you will find, Minister, that those microchips that are coming in are only about 30% accurate. It is great to have the microchipping and we all welcome that but there is always going to be a problem making sure that the microchips are up-to-date and



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accurate. There is a real issue there. When we change our car, naturally we have to re-register it. It is not quite so easy with a dog—I accept that—but there is a real breakdown there.

I am not going to ask for another verbal answer from you. I would like this one in writing, so I will pitch it to you: is there a middle ground for banned dogs, like the one at Battersea, to be rehomed under conditions that give Defra confidence that it is safe, e.g. behaviour training, muzzling, owner assessment, et cetera? I throw that final ball to you and if you would please reply in writing to that, one way or the other, because we have had enough verbal exchanges on the issue.

Thank you, Minister, very much, and thank you, Marc, also. Could I ask you all to leave the room, because we will just have a very quick discussion on where the report will go? Thank you, Lord Gardiner, and thank you, Marc, very much.