

Title: Extending Dangerous Dogs Act to Private Property Annex C IA No: DEFRA1412 Lead department or agency: Defra Other departments or agencies:	Impact Assessment (IA)		
	Date: 01/02/2012		
	Stage: Consultation		
	Source of intervention: Domestic		
	Type of measure: Primary legislation		
Contact for enquiries: Phil Alder 020 7238 5040			

Summary: Intervention and Options	RPC: AMBER
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Cost of Preferred (or more likely) Option				
Total Net Present Value	Business Net Present Value	Net cost to business per year (EANCB on 2009 prices)	In scope of One-In, One-Out?	Measure qualifies as
-£10.2m	£m	£m	No	NA

What is the problem under consideration? Why is government intervention necessary?
 Not all dog owners take full responsibility for the impacts their dogs have on society. A considerable number of dog attacks occur on private property belonging to the owner, many of which result in serious injury or even death. Whilst the law makes it an offence to allow a dog to be dangerously out of control in a public place (or a place it has no right to be), with a maximum penalty of a fine and/or 2 years imprisonment, it is not a criminal offence if the incident takes place on the private property belonging to the owner of the dog. Existing law in this area is not considered adequate - ie it is left to civil law where the maximum penalty is a fine of £1,000 for what can be a life threatening incident.

What are the policy objectives and the intended effects?
 Increasing the prevalence of responsible dog ownership by increasing the legal sanctions imposed on dog attacks on private property. Along with other measures, this greater penalty will help increase responsible dog ownership, and reduce the numbers of dog attacks on private property belonging to the owner of the dog. This would have the effect of making it safer for visitors or family members, particularly children as well as those people who occasionally need access to private property as part of their work (eg postal workers, social workers, nurses, utility workers, emergency workers, etc). It also provides greater justice equivalent to that which applies to dog attacks in public places.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)
 Option 0 - Do nothing and rely on existing civil law to encourage more responsible ownership.
 Option 1 - Extend criminal law on dangerous dogs to private property of dog owner, including inside buildings such as dwellings.
 Option 2 - Extend criminal law on dangerous dogs to private property of dog owner, excluding inside buildings such as dwellings.
 No figures are available but no reason to believe fewer dog attacks occur inside the home to outside. The preferred option is Option 1 because many people have reasons to enter private dwellings on official business (eg police, social workers, utility workers, traders) as they do to enter the land surrounding the dwelling. In order to provide adequate protection and sufficient incentive for responsible ownership the criminal law needs to apply to all areas.

Will the policy be reviewed? It will be reviewed. If applicable, set review date: 04/2016						
Does implementation go beyond minimum EU requirements?			No			
Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base.		Micro No	< 20 No	Small No	Medium No	Large No
What is the CO2 equivalent change in greenhouse gas emissions? (Million tonnes CO2 equivalent)			Traded:		Non-traded:	
			n/a		n/a	

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister: _____ Date: _____

Summary: Analysis & Evidence

Policy Option 1

Description: Amend Section 3 of the Dangerous Dogs Act 1991 to cover private property including inside dwellings

FULL ECONOMIC ASSESSMENT

Price Base	PV Base	Time Period	Net Benefit (Present Value (PV)) (£m)		
Year 2012	Year 2012	Years 10	Low:	High:	Best Estimate: -10.2

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low			
High			
Best Estimate		1.4	11.5

Description and scale of key monetised costs by 'main affected groups'

Costs to police of £2.2m per annum when increase to 700 prosecutions and investigations from 2013/14 to 2015/16, then declines to £1.2m when prosecuting 400 p.a.. The Crown Prosecution Service will have to respond to more prosecutions resulting in an increase in costs of £0.1m p.a. from 2013/14 to 2015/16, then declining to £0.08m p.a.. Total policy cost averages £1.4m p.a. over IA period. Other costs such as legal costs and publicity around changes will be sought during consultation.

Other key non-monetised costs by 'main affected groups'

There are no non-monetised costs.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low			
High			
Best Estimate		0.2	1.3

Description and scale of key monetised benefits by 'main affected groups'

Monetised benefit of avoiding 400 prosecutions under DA 1871 each year from 2013/14 onwards averages £0.2m p.a. in the IA period. An overall net benefit would be achieved if we assume that 25% of all dog attacks occur on private property today (i.e. 52k in England), and that the policy proposal results in a 10% reduction in the number of attacks per year on private property from 2016/17 onwards: the total policy benefit would average £1.5m p.a. over IA period.

Other key non-monetised benefits by 'main affected groups'

Owners may be more responsible for animals leading to fewer dog attacks. This will lead to savings to the NHS in treating dog attack injuries, employers from lower work absence, lower human costs, grief, etc. and reduced loss of life. We will clarify the legislation, so there is no possible defence of an attack having taken place where a dog is permitted to be. There will be clearer, consistent, and more comprehensive legislation which applies in all places, and better justice available.

Key assumptions/sensitivities/risks	Discount rate (%)	3.5
<p>The police and CPS devote the same level of resources to each DDA case as they do currently. An increased number of cases is prosecuted under the DDA in the first few years. This results in a fall in dog attacks on private property from 2016/17 onwards. The average cost of a dog attack is about £520 - within a huge range. Main risks are failure to use the DDA to prosecute these cases, and failure of increased prosecutions to have desired effect resulting in fewer dog attacks.</p>		

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:	In scope of OIOO?	Measure qualifies as
Costs: N/A	No	NA
Benefits: N/A		
Net: N/A		

Summary: Analysis & Evidence

Policy Option 2

Description: Amend Section 3 of the Dangerous Dogs Act to cover private property excluding inside dwellings

FULL ECONOMIC ASSESSMENT

Price Base Year 2012	PV Base Year 2012	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low:	High:	Best Estimate: -5.1

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low			
High			
Best Estimate		0.7	5.8

Description and scale of key monetised costs by 'main affected groups'

Costs to police of £1.1m per annum when increase to 350 prosecutions and investigations from 2013/14 to 2015/16, then declines to £0.6m when prosecuting 200 cases p.a.. The Crown Prosecution Service will have to respond to more prosecutions resulting in an increase in costs of £0.05m p.a. from 2013/14 to 2015/16, then declining to £0.04m p.a.. Total policy cost averages £0.7m p.a. over IA period. Other costs such as legal costs and publicity around changes will be sought during consultation.

Other key non-monetised costs by 'main affected groups'

Costs associated with confusion over exactly where the law applied (i.e. would inside the home include certain buildings like garages, offices, etc).

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low			
High			
Best Estimate		0.1	0.7

Description and scale of key monetised benefits by 'main affected groups'

Monetised benefit of avoiding 200 prosecutions under DA 1871 each year from 2013/14 onwards averages £0.1m p.a. in the IA period. An overall net benefit would be achieved if we assume that 12.5% of all dog attacks occur on private property today, outside the home (i.e. 26k in England), and that the policy proposal results in a 10% reduction in the number of attacks per year on this private property from 2016/17 onwards: the total policy benefit would average £0.8m p.a. over the IA period.

Other key non-monetised benefits by 'main affected groups'

Owners may be more responsible for animals leading to fewer dog attacks. This will lead to some savings to the NHS in treating dog attack injuries, employers from lower work absence, lower human costs, grief, etc. and reduced loss of life, but only as far as dog attacks occurring outside the home. The benefits are therefore not as great as if the law is applied to all property (option 1).

Key assumptions/sensitivities/risks	Discount rate (%)	3.5
Half of all dog attacks on private property occur inside home. Police and CPS devote same level of resources to each DDA case as they do currently. Increased numbers prosecuted under the DDA in first few years. This results in fall in dog attacks on private property. Average cost of a dog attack is about £520 - within a huge range. Main risks are failure to use DDA to prosecute these cases, and failure of increased prosecutions to have desired effect resulting in fewer dog attacks.		

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:			In scope of OIOO?	Measure qualifies as
Costs:	Benefits:	Net:	No	NA

Evidence Base

Introduction

This particular proposal is part of a package of measures proposed by the Government as a way of reducing dog attacks, making owners more responsible for their dogs as well as reducing the cost of enforcing the law on dangerous dogs. The other proposals that will impact on businesses, courts, police and others are: (i) compulsory microchipping of dogs; and (ii) removing the need for the police to have seize and kennel all suspected prohibited type dogs. The reference numbers for the above impact assessments, are (i) DEFRA1372; and (ii) DEFRA1411.

In addition, the Government has also agreed to make funding available for evaluating local community initiatives to foster responsible dog ownership and setting up a network to ensure sharing of best practice between police officers responsible for dangerous dog work. We are also proposing to increase the fee for placing a prohibited type dog on the Index of Exempted Dogs to reflect the increase in administrative costs, since 1997 when the fee was last increased, from £20+VAT to £77+VAT. This will reduce the costs of public money on administering the Index. The reference number for the impact assessment for this proposal is DEFRA1255.

The package should be seen as a whole to tackling the various issues connected with dangerous dogs. Unless stated otherwise, all figures relate to England only.

Background

1. Section 3 of the Dangerous Dogs Act 1991 (DDA) makes it a criminal offence for an owner to allow any dog to be dangerously out of control in a public place, or a private place where the dog is not permitted to be (**the “criminal offence”**). At present, the DDA does not apply to attacks committed on private property where a dog is permitted to be.
2. The total number of dog attacks on private property is not known for UK or England. The Commercial Workers Union estimates that there are 250,000 dog attacks every year in Great Britain and this estimate is supported by a report by Morgan and Palmer in the British Medical Journal (Vol. 334 Non 7590 February 2007) who state that *‘every year 250,000 people who have been bitten by dogs attend minor injuries and emergency units in the United Kingdom.’* Assuming that the incidence of dog bites is proportional to the population this translates into 210,000 attacks in England. In this IA we make an illustrative assumption that 25% of attacks may occur on private property i.e. 52k. The numbers of dog attacks and strikes requiring admission to hospital has been rising significantly, from 2,915 in 1997/98 to 5,827 in 2009/10, and 6,118 in 2010/11.
3. A number of people who occasionally need access to private property as part of their work (eg postal workers, social workers, nurses, utility workers, emergency workers, etc) have been attacked by a dog on the owner's private property. Royal Mail figures for 2007-8 show that 70% of dog attacks on Royal Mail staff that year took place on private property i.e. 2,869 attacks. Applying the same 70% to reported dog attacks on Parcel Force and British Telecom staff suggests that there were 3,730 dog attacks on these employees on private property in a year. Among those 2,869 on Royal Mail staff, we estimate that around 220 were very serious reportable attacks (RIDDOR): Reporting of Injuries, Diseases and Dangerous Occurrences Regulations: 220 is the 70% of the total number of Royal Mail RIDDOR dogs attacks that are assumed to occur on private property). Applying this same proportion to the other cases suggests that, combined, these employees report a total of 300 attacks that are sufficiently serious to justify legislative action. However, none of these attacks is currently prosecuted under the Dogs Act 1871.
4. Furthermore, there have been a number of high profile serious attacks inside the home. In many of these cases the victims have been children who have either suffered serious injury or in some cases have even died: on average there are approximately 2 deaths per annum in England from dangerous dog attacks.
5. Despite the potentially serious nature of the attacks, in all of the above fatal cases, none of the owners or people in temporary charge of the dogs at the time of the attacks could be prosecuted under the DDA for allowing a dog to be dangerously out of control because the incidents took place on private property where the dog had a right to be. If the DDA had wider application then prosecutions could have taken place.

6. Currently, under the DDA the maximum penalty for allowing a dog to be dangerously out of control and it injuring someone is an unlimited fine or 2 years' imprisonment, or both.
7. The Dogs Act 1871 (DA) does apply to all places, but it is civil law and the penalties do not provide a sufficient deterrent: a magistrate may order the owner of a dog to control it and if the owner fails to do this, the dog could be destroyed and the owner fined £1,000. In 2009/10, 406 offences were charged and reached a first hearing under the Dogs Act 1871, 393 for 2010/11, making an average of 400 offences per year. Clearly there is a huge disparity between the DDA and the DA. Scotland have already taken steps to extend the Dogs Act to private property by introducing The Control of Dogs (Scotland) Act 2010, in March 2011. This amended the DDA, as it relates to Scotland, by extending the criminal offence of allowing a dog to be dangerously out of control to all places, including the private property of the dog owner (where the dog has a right to be). The authorities in Scotland are not aware of any legislative problems since extending the criminal law to private property but it is too early to properly assess the impact. It is also too early to assess whether the revision to the law has encouraged responsible ownership and reduced the number of dog attacks.

Problem Under Consideration

8. Although there is no statistical data available we know correspondence from victims and their families and from reports in newspapers that a significant number of dog attacks occur on private property. Under existing legislation it is not a criminal offence if a dog is irresponsibly out of control on private property belonging to the owner of the dog, where the dog is permitted to be. Owners can only be prosecuted under civil law where the maximum penalty is a fine of £1,000 for what, in some cases, may be life threatening incidents. As a result dog owners have little incentive to act responsibly within their own properties, which potentially leads to a higher number of dog attacks than would otherwise be the case if they were punished sufficiently for their actions. To extend the DDA to private property requires a change to primary legislation.

Rationale for Intervention

9. There is a huge inconsistency between the penalties available for the offence of allowing a dog to be dangerously out of control on public property and for the same incident that takes place private property. Such inconsistency sends the wrong message about responsibility and justice. If an owner allows their dog to be dangerously out of control and attack someone they can be dealt with by the courts, thus providing the victim or victim's family with justice. However, the same incident that takes place on the property belonging to the dog owner will not result in a criminal prosecution. This for the victim, or their relatives, does not provide adequate justice and prompts a very obvious question as to why there is this difference. The reason the criminal offence was excluded from the dog owner's property was because it was considered that to include it would provide intruders with opportunity to prosecute dog owners whose dogs had bitten them in course of a criminal activity.
10. Responses to the May 2010 consultation by Defra on dangerous dogs legislation showed that 97% of stakeholders that responded (e.g. Assoc of Chief Police Officers, individual local authorities, Dogs Trust, The Kennel Club, RSPCA, Blue Cross and veterinary organisations) supported the extension of the criminal law to all places (only the Local Authorities Co-ordinating Regulatory Services opposed it).
11. There was some opposition from individual members of the public, concerned that intruders could prosecute an owner of a dog if they were bitten in the course of committing a criminal offence. They therefore considered that as far as private property was concerned that the existing law was sufficient. However, the law on people defending themselves or their property centres around using proportionate or reasonable force. A householder is not immune to prosecution if he attacks an intruder and so neither should they be, if their dog attacks an intruder. Clearly there needs to a balance between situations where a dog acts in defence of its owner (or itself) and situations where the dog has become dangerously out of control. As with incidents involving people who defend themselves or their property, we would expect the prosecuting authorities to decide what action to take in cases where a dog has attacked someone. Ultimately it would be for the courts to decide whether an offence has been committed. Extending the criminal offence to private property not only provides consistency between incidents on public and private property relating to dogs but also in relation to the law on people defending themselves and their property.

Policy Objective

12. The policy objective is to encourage responsible dog ownership and reduce the number of dog attacks occurring on private property. This will be achieved by increasing the incentive for owners to act responsibly by strengthening the relevant legislation which punishes owners for allowing their dogs to be dangerously out of control. It is proposed that the DDA will be revised to make it apply to attacks committed on private property, where the dog is permitted to be. This includes business premises as well as private homes.

Policy Options

Option 0 – do nothing

13. The Do Nothing option would keep the existing legislation which does not apply to private property (where the dog has a right to be) and rely on current procedures to encourage responsible dog ownership. Encouraging more owners to be responsible forms part of the overall package of measures (see “Introduction”) but the existing legislation does not make owners answerable for their actions.
14. The inability to bring criminal proceedings against irresponsible dog owners who allow their dog to be out of control on private property is not consistent with the law in relation to public places. Education may play a part in helping to make people more responsible for their dogs behaviour at all times in all places. However, there needs to be restorative justice for those that fail to keep their dogs under control and which leads to other people suffering serious injury or loss of life as well as provide a greater incentive to act responsibly. The existing imbalance between the way incidents, dealt with by enforcers and the courts that occur in public places compared to those that take place on private property is a noticeable gulf. A person who receives minor injuries from an attack that occurs on public land may see the owner of the dog receive a heavy fine or even imprisonment but a more serious attack on private property (where the dog has a right to be) resulting in loss of life would not be able to be pursued under the DDA. It is therefore considered that a “do nothing approach” is not appropriate.

Option 1 – Extending current criminal dog control legislation to include private property (where the dog has a right to be) by amending section 3 of the Dangerous Dogs Act 1991 Act (DDA) to cover all places, including private property inside the home (or other building)

15. a. This option would propose to amend section 3 of the DDA, from: “If a dog is dangerously out of control in a public place— (a) the owner; and (b) if different, the person for the time being in charge of the dog, is guilty of an offence” to: “If a dog is dangerously out of control in any place — (a) the owner; and (b) if different, the person for the time being in charge of the dog, is guilty of an offence.”

b. Extending the scope of the DDA to cover all places would result in there being a form of criminal redress in the event that a dog has become dangerously out of control in any place. This would benefit those who have to enter private property on a regular basis, such as postmen and postwomen and those who work for utility companies as it would provide a greater incentive for owners to ensure their dogs are not out of control. Furthermore, it would clarify the legislation, as there would be no possible defence of an attack having taken place where a dog is permitted to be. Extending the scope of the DDA would result in clearer, consistent and more comprehensive legislation which applied in all places. This may act as enough of a deterrent and encourage more responsible dog ownership and more owners adequately training their dogs. This would help reduce the number of dog attacks.

Option 2 – Extending current criminal dog control legislation to include private property (where the dog has a right to be) – by amending section 3 of the Dangerous Dogs Act 1991 Act (DDA) to private property but excluding inside the home or other buildings

16. This would extend section 3 of the DDA so that the criminal offence of allowing a dog to be dangerously out of control applied to private property (where the dog had a right to be) but excluding inside the home - **we invite comments on whether the exclusion would also include other places such as offices or factories**. Responses to the consultation by Defra on dangerous dogs legislation in 2010 showed that whilst key organisations with an interest in dogs and the enforcement of dangerous dogs legislation overwhelmingly supported the extension of the criminal law to all places, there was more opposition from members of the public. Those opposed to the

extension were concerned that intruders could prosecute an owner of a dog if they were bitten in the course of committing a criminal offence. They therefore considered that as far as private property was concerned that the existing law was sufficient. This argument is dealt with in para 11. However, the Government considers that owners should be responsible for their dogs as much in their own home as anywhere else. Although we have no statistical data on the numbers of dog attacks that take place on private property (and where on private property), we know from correspondence received from victims and their families and from newspaper reports, that a significant proportion of dog attacks take place in the home and it seems an anomaly that serious injuries can be inflicted without the owner being answerable in the courts. A key drawback to Option 2 is that it would not necessarily be clear where the criminal law applied and where it did not. Certain areas, like garages, offices and outbuildings could be argued either way to be inside or outside the home. The lack of clarity would result in additional costs associated with legal action (case precedents) and the issuing of guidance to enforcers.

Costs and Benefits of Options

Option 0 – do nothing

17. This is the Do Nothing option and represents the baseline against which the other policy options are appraised. This option therefore has no associated costs and benefits.

Costs

Option 1 - costs

18.
 - a. In 2010, there were 1,296 people prosecuted for allowing a dog to be dangerously out of control (figures provided by Ministry of Justice). We assume that once the scope of the DDA is extended to apply to private property, effective from April 2013, there will be an increase in the number of prosecutions for allowing a dog to be dangerously out of control for the first three years of this new policy. This is assumed to include the c. 400 cases that would currently be prosecuted under the Dogs Act 1871. Every additional prosecution will incur extra kennelling costs, Crown Prosecution Service costs and police officer costs. The individual offences relating to these charges are not available. However, it is reasonable to assume that since charges were brought under the Dogs Act 1871, not the DDA, these offences did relate to dog attacks or dogs being dangerously out of control on private property where a dog is permitted to be. If the DDA were to be extended, these offences would fall within its remit.
 - b. In addition, in the first three years of the new policy we assume that around 300 additional cases are prosecuted concerning serious attacks on private property (see the Background section, above). Thus in the first four years of the policy, a total of around 700 cases are prosecuted under the DDA, and around 400 cases are not pursued under the DA 1871. **However, we accept that this is very much an estimate and that this may be an upper estimate figure because the 1871 Act may not have been used exclusively for incidents on private property and not all RIDDOR cases may lead to prosecutions. We therefore welcome comments on our estimated figure of an extra 700 cases per year.**
 - c. We assume in this IA that the number of cases under the DDA falls back to 400 p.a. from 2016/17 onwards, as the impact of the increasing prosecutions and penalties is felt.
 - d. The cost of the policy is the cost of the increased cases prosecuted. The elements of cost identified to date are the kennelling cost of dogs seized; the time input from Dog Legislation Officers; the cost to the Crown Prosecution Service; and the publicity and education of relevant agencies and the (dog owning) public about the change in the law. These costs are additional to those arising under the current approach.
19. All dogs which have been seized under the DDA require kennelling until the case can be heard. An additional 700 cases per year implies that an extra 700 dogs will require kennelling. The average kennelling cost per seized dog is £2,771 which results in a total additional kennelling cost of **£1.9m a year** (700 x £2,771).
20. Each additional case necessitates approximately 2.5 days of Dog Legislation Officer (DLO) time which is valued at £140 per day, making £350 per case, resulting in a total DLO cost for 700 cases of **£245k a year**.
21. The average cost to the Crown Prosecution Service of a case brought to the courts under the DDA is £195, applied to 700 cases this gives an additional cost of **£136k a year**.

22. Additional costs incurred in publicity to inform and educate enforcers, courts, and the wider public about the changes in the law have not been estimated.
23. There may be other costs associated with prosecuting a case under the DDA for which we currently have no cost estimates (e.g. any court costs beyond the Crown Prosecution Service costs). We will seek to remedy this during the consultation period.
24. Aggregating the costs above implies an average cost per case under the DDA of **£3,316**, or prosecuting cost of approximately **£2.3m or 700 cases** in a year. We assume that this cost applies in 2013/14 to 2015/16 inclusive then, as the policy begins to take effect and the number of dog attacks on private property declines, the number of cases prosecuted will fall back to 400 per year, costing £1.3m per year.

Break – even benefits

25. The new policy using the extended DDA brings a benefit of avoiding the cost of prosecuting the 400 cases each year under the DA 1871. The Ministry of Justice gives the cost of a magistrates court case under the DA 1871 as £500 each (there are no kennelling costs under DA prosecutions), so one benefit of using the DDA instead saves 400 magistrates cases at £500 each, or a saving of £200,000 a year.
26. This policy aims to reduce the number of dog attacks by providing owners with greater incentives to act responsibly and keep control of their dogs. While the costs of the expected rise in prosecutions can be quantified, the associated benefits are inherently difficult to quantify robustly as it is unknown what the likely reduction in dog attacks will be. In light of this we have attempted to estimate the break-even reduction in dog attacks required - which itself has proved difficult to ascertain robustly. It represents a proportionate response to the problem of monetising the benefits of this policy. It requires illustrative numbers for the decline in dogs attacks, and for the average cost of an attack avoided due to this policy. As in the Background section, there are about 210k dog attacks in England per year, and in this IA we assume that 25% of attacks may occur on private property i.e. 52k.

Cost of dangerous dog attacks

27. The economic costs resulting from dog attacks mainly consist of: treatment costs incurred by the health service, lost productivity from those who spend periods out of work as a result of dog attacks, and the human costs of attacks including grief and pain.
28. In terms of calculating the health costs, it is estimated that in 2010/2011 there were 6,118 hospital admissions in England as a result of dog attacks which resulted in 13,460 occupied bed day, based on 2.2 days per admission (see HES 07/08 report). The cost of an average hospital bed day is £250 (includes fixed overhead costs of heating, lighting, laundry and provision of food for the patient occupying the bed, and an average cost for medicines and staff). The total cost to the NHS in terms of lost bed days is approximately **£3.4m**. This cost is inevitably an underestimate as it does not include outpatients who were treated in A&E, or those who were treated by their GP, and it fails to include treatment costs beyond medical and staff costs.
29. We estimate the productivity lost for people who are hospitalised by dog attacks using the data above that indicates the average hospital admission lasts 2.2 days. For postal workers who sustain injuries (it is unknown what proportion of these injuries require hospital admission) it is estimated that on average they incur 3 days off work, although this is likely to be higher for those who are admitted to hospital. The statistics show that 60% of admissions due to dog attacks are for people of working age. Assuming that each hospital admission incurs 5 days off work, then using an average hourly wage of £12.50 (ASHE 2010), an uplift for non wage costs of 27% (Green Book p59 and HMT advice), and a working day of 8 hours (hence £127 per day), hospital admissions for dog bites cost an average of £380 in lost productivity (£635 x 60%) for each person admitted for this, totalling **£2.3m** in lost productivity for the 6,118 people hospitalised.
30. There is also a loss of productivity for people who are attacked but not hospitalised. It is unclear how many days off work are incurred by victims of these less serious dog attacks, taken as 204k (the 210k for England less the 6k hospitalisations above). If we assume that on average for each less serious dog attack, 1 day is taken off work, and again 60% of people affected work, this could amount to 122k days off work. At £127 per day, this suggests **£15.5m** of lost productivity. Note that

lost productivity only relates to the 60% of victims who are estimated to be in work, and nothing is included here for the value of time of the other 40%.

31. To calculate the human costs in terms of grief and pain, we apply a methodology from the Department for Transport (DfT). The DfT estimates the average human costs for road incidents which generates a slight injury ('slight' would encompass the majority of dog bites, being an injury which does not require hospital treatment, or, if it does the effects of the injuries quickly subside). It estimates that the human costs, encompassing pain, psychological impact, grief etc., constitute approximately 4.76 times the cost of the lost output (*"lost output" is calculated as the present value of the expected loss of earnings plus any non-wage payments [national insurance contributions, etc] paid by the employer, including the present value of consumption of goods and services that is lost as a result of injury* - Table 1 in para 2.1.5 DfT Transport Analysis Guidance Unit 3.4.1: The Accidents Sub-Objective, April 2011). The total lost output estimate above amounts to £17.8m; applying this ratio gives an additional human cost of **£85m**. This estimate should be treated with caution as it is calculated on the basis of road accidents which are innately different from dog attacks. It is possible therefore that the magnitude and nature of the human costs may differ widely between the two causes of injuries. This estimate represents an indication of the potential size of the human costs rather than a definitive estimate. Note that this is only applied to lost productivity, so no human distress costs are included for the 40% of victims who are assumed not to be in work.
32. On average there are approximately 2 deaths per annum in England from dangerous dog attacks. Applying the DfT value of a life of £1.65m, this equates to a cost of **£3.3m p.a.** (The DfT value is based on stated preference studies that show how much people would be willing to pay to avoid a fatality, including all the associated losses to society, as well as to the victim, relatives and friends - *section 2.1 of DfT Unit 3.4.1: The Accidents Sub-Objective, April 2011*. Policy analysis values the loss of life to enable assessment of interventions that reduce the risk of fatalities.) This £3.3m figure could be an underestimate, as the majority of deaths from dog attacks involve young children, and the value of their lives may be considered to be higher than the value of the 'average' human fatality from a road accident.
33. The combined cost of dog attacks in England estimated in the above paragraphs totals almost **£110m** per year. Across **210k attacks**, that's an average cost of around **£520 each**. Obviously the range around that average is vast, and a number of costs are omitted as mentioned above. However, in absence of a better one, this is the figure we use in this IA to illustrate the possible benefits of the policy.

Derivation of break-even benefits

34. We assume that additional cases are prosecuted for three years after the policy change (700 cases p.a. in 2013/14 to 2015/16 inclusive), falling back to 400 p.a. cases thereafter. The period of the IA analysis is 10 years starting from now, 2011/12, and over this period, the average annual cost of prosecutions under the proposed new policy is £1.4m. There is a policy benefit of the cost avoided by not prosecuting 400 cases per year under the DA 1871 gives an annual average saving over the IA period of £0.2m, leaving a net policy cost of £1.2m annual average to be offset by other benefits. We now look at the reduction in dog attacks on private property that would have to be delivered through this policy to deliver break even. We assume that there are 52k attacks p.a. on private property today, each "costing" society £520. We assume that after the three years of increased prosecutions under the DDA, the number of attacks drops, which is main policy benefit. If the increased prosecutions under the DDA deliver a 10% reduction in the number of dog attacks on private property each year, from 2016/17 onwards (a reduction from 52k to 47k p.a.), then over the period of the IA, the annual average value of this benefit is £1.4m which just outweighs the net policy costs. So long as the increased prosecutions under the DDA in the first 3 years of implementation delivers at least a 10% reduction in annual attacks on private property, from 2016/17 onwards (5,200 fewer per year), then this policy's benefits exceed its costs.
35. If we still assume that the number of cases prosecuted increases as above to 700 p.a. initially and 400 p.a. thereafter, we can test what the annual percentage reduction in dog attacks would need to be for the policy to break even, if we make a different assumption about the proportion of dog attacks occurring on private property today. If it is believed that 50% of all the 210k attacks in England occur on private property - 105k attacks p.a., then the reduction in private property attacks each year from 2016/17 onwards would need to be at least 5% for the proposed policy to bring net benefits. If it is believed that only 10% of all attacks occur on private property - 21k attacks p.a., then the reduction in

dog attacks on private property each year from 2016/17 onwards would need to be at least 25% for the policy benefits to outweigh policy costs.

36. By extending the law to private property will lead to more kennelling of dogs (see para 16). Although this means additional costs to the police, this would provide kennelling businesses with additional revenue. An additional 700 cases per year implies that an extra 700 dogs will require kennelling. The average kennelling cost per seized dog is £2,771 which results in a total additional kennelling cost of **£1.9m a year** (700 x £2,771). Option 2 would mean about 350 extra cases per year at cost of **£1m a year** (350 x £2,771).

Option 2 - costs

37. We have assumed that around half of all dog attacks on private property occur outside the home (there is no statistical data on precisely where each dog attack takes place so for the purposes of this IA we have assumed a 50/50 split between inside and outside the home on private property). Therefore the costs and benefits of option 2 are going to be around half those for option 1. So, with about 12.5% of dog attacks occurring on private property it is assumed that, if option 2 was implemented, there would be around 350 prosecutions p.a. for the first three years (2013/14 to 2015/16) dropping to around 200 p.a. from 2016/17 as a result of the impact of the proposed package of measures. This would mean average annual costs of £0.7m throughout the IA period. Around 200 of these “new” cases would be in place of the Dogs Act 1871 cases, and that would save £500 per case (cost of civil case fee) or £100k p.a.. We have used the same unit cost/benefit figures for Option 2 as explained above for Option 1 (i.e. same cost of a prosecution under DA 1871 and under the DDA, same average benefit of dog attack avoided).

Option 2 – benefits

38. The main benefit is a reduction in the number of dog attacks. If the policy were to achieve a 10% reduction in dog attacks (2.6k fewer, out of 26k) per year on private property, outdoors, from 2016/17 onwards, this would deliver a benefit of attacks avoided worth £1.4m p.a. from 2016/17 onwards. This would bring the total policy benefit to an annual average of £0.8m p.a. over the IA period, exceeding the annual average policy cost.

39. Main assumptions for the IA

- Increased number of prosecutions will be made for first few years after the policy change: 700 cases are prosecuted in each of the first 3 years 2013/14, to 2015/16 (vs 400 cases prosecuted per year now under DA 1871), then prosecutions revert to 400 per year from 2016/17 onwards.
- Cost of prosecuting a case is around £3,300, as now.
- Assume that 25% of all dog attacks occur on private property (and about 12.5% inside the home), making around 52k per year in England.
- Benefit of each attack avoided averages £520.
- Assumes that this push to prosecute and publicise the new policy in the early years results in a lasting 10% drop in the number of attacks per year on private property in 2016/17 and annually thereafter, compared with the first few years of the policy – equating to about 5,200 fewer attacks per year. There is no evidence collected that shows the impact of using the DDA on dog attacks in public places, which might have helped guide us on this assumption.
- Limited basis for some of these assumptions so will seek to gather views on their reasonableness in the consultation.

Risks

40. There is a risk that the extended scope of the DDA will not be met with increased prosecutions if, for example, financial constraints prevent it. This would reduce the costs but also presumably the benefits of the policy change, although powerful publicity applied to successful prosecutions might be effective as a deterrent to irresponsible owners. There is a risk that the link between increased prosecutions and penalties and dog attacks on private property is weak, and the fall in these dog attacks is not achieved, so that break even benefits are not delivered. A key risk of adopting Option 2 is the difficulty in knowing exactly where the law would apply and where it would not. Whilst

“inside the home” may be obvious, areas such as garages and offices may be less clear. The lack of clarity would result in additional costs associated with legal action (case precedents) and the issuing of guidance to enforcers.

Direct Costs and Benefits to business and civil society - OIOO

41. The costs of this policy accrue to the police and Crown Prosecution Service, there are no direct costs imposed on businesses or civil society, therefore this is not in scope of One In, One Out. While businesses who commit offences under the revised Dangerous Dogs Act may incur legal expenses these have not been quantified as they are only likely to result from suspected illegal behaviour. There are likely to be benefits to businesses resulting from a reduction in the number of dog attacks e.g. on employees, but it has not been possible to quantify these benefits.

Review of policy

42. The Government will review the changes after they have been in force for 3 years, (estimated in April 2016). To do this, the Government will consult key interested parties (e.g. police, local authorities, animal welfare organisations, veterinary groups) as well as other government departments.

Next steps

43. Once the consultation is complete Defra will consider all responses and make them available along with an official reply. The reply will set out what action the Government considers is appropriate and the policy proposals will be supported by another Impact Assessment. It is not possible at this stage to say when the proposals (the whole package of measures) might come into effect because some of them require change to primary legislation and we do not as yet have a definite slot in the Parliamentary legislative timetable to do this. For the purposes of calculating figures here we have assumed that the policy is effective from April 2013.

Wider impacts

Justice System

44. By extending the criminal offence of allowing a dog to be dangerously out of control to all places would have an impact on the justice system. We have estimated that there could be as many as 700 extra prosecutions for allowing a dog to be dangerously out of control. However, we accept that this more likely to be an upper estimate and as this is a consultation stage impact assessment we have invited comments / revised estimates. We also consider that as this forms part of a wider package of measures designed to reduce dog attacks and irresponsible dog ownership in general, we estimate that the number of prosecutions would drop – to around 400 by 2016/17.

Health and Well-Being

45. The proposal to extend the criminal offence of allowing a dog to be dangerously out of control to all places is part of a wider package of measures aimed at promoting more responsible dog ownership and reducing dog attacks. By reducing the number of dog attacks, we will reduce the number of people needing hospital treatment, currently costing over £3 million (see para 28).