



Northern Ireland
Assembly

**COMMITTEE FOR
AGRICULTURE AND
RURAL DEVELOPMENT**

OFFICIAL REPORT
(Hansard)

Dogs (Amendment) Bill

23 November 2010

NORTHERN IRELAND ASSEMBLY

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RURAL DEVELOPMENT**

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Members present for all or part of the proceedings:

Mr Stephen Moutray (Chairperson)
Mr Roy Beggs (Deputy Chairperson)
Mr P J Bradley
Mr Trevor Clarke
Mr Willie Clarke
Mr Pat Doherty
Mr Simpson Gibson
Mr William Irwin
Mr Kieran McCarthy
Mr Francie Molloy
Mr George Savage

The Chairperson (Mr Moutray):

We will now undertake consideration of the first draft of the Committee's report on the Dogs (Amendment) Bill. Members will need to consider and approve each paragraph. If amendments are required, I propose adjourning the meeting to allow those amendments to be applied and brought back to the Committee later today. That will ensure that the deadline for the Committee Stage of the Bill is met.

I propose to start with the powers and membership, and then to work through the 23 pages of the report. Where a recommendation has been made, I will make reference to the summary of

recommendations commencing on page 9 of the report. Are members content?

Members indicated assent.

The Chairperson:

Are members content that the powers, membership and table of contents are accurate?

Members indicated assent.

The Chairperson:

Are members content with paragraph 1 of the executive summary, which details the purpose of the Bill?

Members indicated assent.

The Chairperson:

Are members content with paragraphs 2 and 3 of the executive summary, which detail the principles of the Bill and the witnesses that have provided oral evidence to the Committee?

Members indicated assent.

The Chairperson:

Are members content with paragraph 4 of the executive summary, which details the key issues?

Members indicated assent.

The Chairperson:

Are members content with paragraphs 5-8 of the executive summary, which detail microchipping and licensing?

Mr Molloy:

I query the line in paragraph 5 that:

“Almost all ... were in favour of the introduction of compulsory microchipping.”

The Chairperson:

Do you have an alternative suggestion, Mr Molloy?

Mr Molloy:

I think that nearly every group queried the need for microchipping and the dog licence. They spoke about microchipping, but there was a lot of opposition to compulsory microchipping.

The Chairperson:

I take on board what you say, but that sentence refers only to microchipping.

Mr Molloy:

I do not think that the majority were in favour. The Clerk will have the notes with the numbers in favour in one way or another, but it comes down to how many people were asked.

The Chairperson:

Have you read the sentence underneath that to put it in context? Does that make you any more comfortable with it?

Mr Molloy:

Yes, it covers some of the issues. A lot of the evidence was in favour of microchipping, but on a voluntary basis.

The Chairperson:

What if we were to change the word “introduction” to “concept”?

Mr Molloy:

My query relates to the word “compulsory”. A lot of the people who gave evidence said that microchipping was beneficial, but nearly every group had reservations and concerns about the compulsory nature.

The Committee Clerk:

We could remove the word “compulsory” and, as the Chairperson suggest, put “concept” instead of introduction, so that the line read:

“Almost all respondents to the Committee consultation and during oral evidence sessions were in favour of the concept of microchipping.”

The Chairperson:

Is that OK? Are members content with paragraph 5?

Members indicated assent.

The Chairperson:

Members may want to look at paragraph 6.

Mr P J Bradley:

I am probably one of those who is referred to in the line:

“the Committee reluctantly agreed to a dual system of registration and licensing.”

I certainly reluctantly agreed. Where do the likes of me stand now? To try to get the Bill through if we can, should I abstain at all times or continue to reluctantly agree?

The Committee Clerk:

The member was one of two on the Committee who opposed the clause. That is recorded in the minutes and in the Hansard report. Whether the member wants to abstain from voting on the report is entirely up to him. As I said, his opposition was recorded in the Hansard report and in the minutes.

Mr P J Bradley:

I probably have a completely different view to everyone else. I support compulsory microchipping but no other form of licensing; everything should be on the microchip and database. I do not think we are going to get that delivered now. Paragraph 6 also talks about what might occur over the next 12 months; I reluctantly accept that too.

The Chairperson:

I take your points on board. Are members generally content —

Mr Savage:

Maybe I missed this earlier on. Do councillors have to declare an interest?

The Chairperson:

You can do. That is OK.

Are members content with paragraph 6?

Members indicated assent.

The Chairperson:

Are members content with paragraph 7?

Members indicated assent.

The Chairperson:

Are members content with paragraph 8?

Mr Irwin:

I am only just in; I am sorry for arriving late. I declare an interest as a member of Armagh City and District Council.

Mr Molloy:

I am a wee bit concerned about the wording of the last sentence in the paragraph:

“The Department should also consider whether this system should be resourced using the principle of full cost recovery.”

My concern is that that could mean that the cost of the microchipping database would have to be borne by either the applicant or the council.

The Committee Clerk:

The recommendation is that the Department uses its computer system and that the full cost recovery is placed on the Department.

The Chairperson:

Are members content with paragraph 8?

Members indicated assent.

The Chairperson:

Are members content with the recommendations that are made in paragraph 6 of the report, which

are transposed to the first and second bullet points of paragraph 14?

Mr P J Bradley:

Say that again, Chairman.

The Chairperson:

I am led to believe that this is a straightforward lift from the text.

Mr P J Bradley:

Why have we bypassed paragraph 9?

The Committee Clerk:

The reason is that a recommendation made in paragraph 6 has been lifted to the recommendations pages. We will be coming back to paragraph 9.

Mr P J Bradley:

All right, OK.

The Chairperson:

So are members content with that item?

Members indicated assent.

The Chairperson:

Are members content with paragraphs 9 to 11 inclusive of the executive summary, detailing the resourcing of enforcement responsibilities through fees and fixed penalties?

Mr P J Bradley:

Again, just for the record: agreeing to the increase does not necessarily mean that I am accepting a licence. I am not going to forgo my principles on the dual system. I will reluctantly accept it, in the phrase that we are using this morning, but I am still opposed to the dual system of microchipping and licensing.

Mr W Clarke:

Is it worth putting something into paragraph 9 with regard to what Francie raised about the shortfall in revenue to councils?

The Committee Clerk:

That is in the next paragraph.

Mr W Clarke:

OK, I am happy enough.

The Chairperson:

Are members content with paragraph 9?

Members indicated assent.

The Chairperson:

Are members content with paragraph 10?

Members indicated assent.

The Chairperson:

Are members content with paragraph 11?

Members indicated assent.

The Chairperson:

Are members, therefore, content with the recommendation made in paragraph 11, and transposed to the second bullet point of paragraph 14?

Mr Molloy:

I think that that deficit issue could be highlighted, because it is the gap that could leave local government funding higher than proposed in that situation.

The Committee Clerk:

If we put that as a separate bullet point on the recommendations page, would that be sufficient?

The Chairperson:

Are members content with that?

Members indicated assent.

The Chairperson:

Are members content with paragraphs 12 and 13 inclusive of the executive summary, detailing breed-specific legislation and control conditions?

Mr Gibson:

What, precisely, do we mean by the phrase “minded to agree”? Does that mean that we were not fully persuaded — that we are minded to agree, but we have not actually agreed?

The Committee Clerk:

There was still some doubt expressed by members as to whether it was inappropriate to have the legislation still in place. However, the Committee decision was that the clause should stand as it was, so that the ban remains in place.

Mr Gibson:

The breed-specific ban.

Mr Molloy:

I have to go now, but I want to mark up one that I will miss. I know that it is jumping ahead, but paragraph 26 mentions the power that:

“enables district dog wardens to attach certain control conditions”.

The dog wardens will not be making legislation, so it would be important to include wording like “recommends to council” in that paragraph, because it will have to be the councils that make any decisions.

The Committee Clerk:

This is a straight lift from the explanatory notes that are provided with the Bill. The new article 30A will provide the councils with the power to attach the control conditions.

Mr Molloy:

We could include something along the lines of a dog warden could “recommend to a council”, because a dog warden cannot enforce legislation.

The Committee Clerk:

The dog wardens will be given the power to enforce the legislation.

Mr Molloy:

If they are working for councils, they will not. The power will come from the councils, not from the dog wardens.

The Committee Clerk:

The council is given the power to enforce it.

Mr Molloy:

It is just that wording. I am sorry that I will miss the rest of the meeting.

Mr P J Bradley:

I know that I am straying from this, but I want to make a comment. Francie has had to leave to be Deputy Speaker or something like that. He has had a great input to this. It is unfair that things might happen here that he is not au fait with. Perhaps that is a problem with meeting during plenary.

Mr Irwin:

In all fairness, I think that he has stated what he had problems with.

Mr P J Bradley:

We are going to get through a lot of work here.

The Chairperson:

I take your point, Mr Bradley. We are content to make the small change that Mr Molloy suggested in relation to paragraph 26. Are members content to amend paragraph 26 to say:

“which enables district councils to attach certain control conditions”?

Members indicated assent.

The Chairperson:

I propose to leave the recommendations on pages 6 and 7 until members have considered the main body of the report. Are members content?

Members indicated assent.

The Chairperson:

Are members content with paragraphs 15 to 18, which give factual information?

Members indicated assent.

The Chairperson:

Are members content with pages 9 to 13 of the report, entitled “Summary of the Draft Dogs Amendment Bill as presented to the Committee for Agriculture and Rural Development in the Committee Stage”, which represents a summary of the various clauses of the Bill, subject to the change already agreed at paragraph 26?

Members indicated assent.

The Committee Clerk:

I remind members that this is basically the explanatory notes that come with the Bill provided by the Department.

The Chairperson:

We now come to the “Summary of Consideration and Agreed Amendments”. I propose to consider this paragraph by paragraph. Where a recommendation has been made, I will refer members to the section entitled “Recommendations” that they previously agreed to defer. Are members content to take that course of action?

Members indicated assent.

The Chairperson:

Are members content with paragraph 39?

Members indicated assent.

The Chairperson:

Are members content with paragraph 40?

Members indicated assent.

The Chairperson:

Are members content with paragraph 41?

Members indicated assent.

The Chairperson:

Are members content with paragraph 42?

Members indicated assent.

The Chairperson:

Are members therefore content with the recommendation made at the third bullet point, commencing on page 6 of the report and continuing to page 7?

Members indicated assent.

The Chairperson:

Are members content with paragraph 43?

Members indicated assent.

The Chairperson:

Are members content with paragraph 44?

Members indicated assent.

Mr Savage:

I did not know that there were so many stray dogs unlicensed.

The Chairperson:

Are members content with paragraph 45?

Members indicated assent.

The Chairperson:

Members have previously indicated that they are content with the recommendations made at the second bullet point in paragraph 14 of the report. I propose to continue with the next paragraph.

Are members content with paragraph 46?

Members indicated assent.

The Chairperson:

Are members content with paragraph 47?

Members indicated assent.

The Chairperson:

Are members content with paragraph 48?

Members indicated assent.

The Chairperson:

Are members content with paragraph 49?

Members indicated assent.

The Chairperson:

Are members content with paragraph 50?

Members indicated assent.

The Chairperson:

Are members content with paragraph 51?

Members indicated assent.

The Chairperson:

Are members content with paragraph 52?

Members indicated assent.

Mr P J Bradley:

I do not want to nit-pick, but do we have our priorities right when we talk about:

“urging a dog to attack another dog, a person or livestock”?

Should we not be starting with “a person” first?

The Committee Clerk:

That would be an amendment to the Bill. That is the wording in the Bill.

Mr P J Bradley:

Which is the most serious issue?

The Chairperson:

I take your point.

Are members therefore content with the final bullet point in paragraph 14, on page 7, under the title “Recommendations”?

Members indicated assent.

The Chairperson:

Are members content with paragraph 53?

Members indicated assent.

The Chairperson:

Are members content with paragraph 54?

Members indicated assent.

The Chairperson:

Are members content with paragraph 55?

Members indicated assent.

The Chairperson:

Are members content with paragraph 56?

Members indicated assent.

The Chairperson:

Are members content that the minutes of proceedings and the Hansard transcript of this morning's meeting be appended to the report unapproved?

Members indicated assent.

The Chairperson:

I propose that we adjourn the meeting for 20 minutes.

Committee suspended.

On resuming —

The Chairperson:

Members will now have a copy of the updated report. Clerk, can you bring members through the changes that have been made?

The Committee Clerk:

The first line of page 2, paragraph 5 has been amended to read:

“Almost all respondents to the Committee consultation and during oral evidence sessions were in favour of the concept of microchipping.”

The Chairperson:

Are members content with that?

Members indicated assent.

Mr Beggs:

I declare an interest as a local government councillor.

Mr T Clarke:

If it is important, I declare it as well.

The Committee Clerk:

Page 6, paragraph 14 has been amended to include an additional bullet point that has come out of

the second bullet point. It is now a third bullet point, which begins:

“In any event, the Department may wish to keep the need for gap funding”.

That was brought by Mr Molloy, who wanted that highlighted.

The Chairperson:

Are members content with that?

Members indicated assent.

The Committee Clerk:

On page 10, paragraph 26, the term “dog wardens” has been removed.

The Chairperson:

Are members content with that?

Members indicated assent.

The Chairperson:

To complete our consideration of the report, we have to approve pages 18 to 20, which are a direct transcript from the minutes previously approved. Are members content with that?

Members indicated assent.

The Chairperson:

Are members content that the minutes of proceedings and the Hansard transcript of this morning’s meeting be appended to the report unapproved?

Members indicated assent.

The Chairperson:

Are members content that the Committee’s report on the Dogs (Amendment) Bill should now be laid in the Business Office and that it be ordered for print?

Members indicated assent.

The Chairperson:

I advise members that the laying of the report and ordering to print will result in the end of the

Committee Stage of the Dogs (Amendment) Bill. I thank members for their detailed consideration of the Bill, and I thank all of those who submitted written or oral evidence to the Committee for giving their time and expert advice to members. Finally, I thank the departmental officials who have attended the Committee and responded to our queries over the past few months.