



Northern Ireland
Assembly

**COMMITTEE FOR
AGRICULTURE AND
RURAL DEVELOPMENT**

OFFICIAL REPORT
(Hansard)

**Dogs (Amendment) Bill:
Local Government**

12 October 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 William Irwin
Mr Kieran McCarthy
Mr Francie Molloy
Mr George Savage

Witnesses:

Ms Maureen Briggs)	Craigavon Borough Council
Mr Kieran Doherty)	Coleraine Borough Council
Ms Yolanda Elmwood)	Belfast City Council
Mr Raymond Hamilton)	North Down Borough Council

The Chairperson (Mr Moutray):

Our next presentation is from local government council officials. I welcome Kieran Doherty, Yolanda Elmwood, Maureen Briggs and Raymond Hamilton. You are very welcome. Please proceed with your presentation, and then we will move to questions from members.

Mr Kieran Doherty (Coleraine Borough Council):

Good morning and thank you for giving us the opportunity to give evidence to the Committee on behalf of the local government sector.

The local government sector is represented by a view that was articulated in a paper by the chief environmental health officers' group. A copy of that paper was submitted as part of consultation process. I do not want to take up too much time by going through that paper and the consultation response to it.

Local government supports the Committee's work on the review of the Dogs (Northern Ireland) Order 1983. It has been almost 30 years since the Order was introduced, and it has served us very well in that period. Like any good piece of machinery, it needs an overhaul after 30 years. The overarching principle that local government would like to promote is responsible dog ownership. All of the comments that we make over the next few minutes will be based on that premise. Responsible dog ownership is key to moving the issue forward. It is also fair to say that there are few issues that raise public interest and public debate as much as those that concern dogs. People are very passionate about their dogs and, having worked in the sector for many years, we have much anecdotal evidence to support that.

The Bill has many good aspects. Issues such as early intervention and the opportunity to impose conditions will be very welcome to the local government sector. The raising of fixed penalties from a mere £10 in some cases to a proposed £50 is also welcome. The ability to impose conditions on a licence is another mechanism by which we can encourage responsible dog ownership as the lifetime relationship between owner and dog progresses. The increased penalties available to the courts are welcome for those occasions when that relationship goes wrong. Also welcome are the opportunities for local councils to retain some of the income from fixed penalty notices. The local government sector wants its support for all those issues recorded.

We have some concerns. The proposals for microchipping got quite an airing in the previous witness session. We are also worried about the proposed licence fee and any possible rebates associated with it. Banned dogs, dangerous dogs, and fixed penalty notices are issues that we would like to touch on. We will conclude by commenting on dog-on-dog attacks. Our sector sees some advantages in microchipping, but it may not be a panacea for all the ills associated with irresponsible dog ownership. I ask my colleague to take the Committee through some of the

detail.

Mr Raymond Hamilton (North Down Borough Council):

I appreciate the opportunity to address the Committee. I worked in the animal welfare sector for 14 years before joining local government. Like some round the table, I strongly believed then that microchipping would solve all the problems of proving ownership, and thus holding people responsible. I saw it as the silver bullet. I have since spent some 14 years enforcing the Dogs (Northern Ireland) Order 1983 and the dangerous dogs legislation. My opinion now is that microchipping is definitely not the single answer.

The stated aim of the Bill is to do three things: protect the public, promote responsible ownership and penalise irresponsible owners. It aims to reduce the number of stray dogs, make it easier for dog wardens to identify stray and problem dogs, and allow dog wardens to respond more flexibly to any problems that emerge relating to the dogs' behaviour.

Paragraph 5 of the explanatory and financial memorandum reads:

“The number of stray dogs impounded by district councils has fallen by more than 40 per cent over the last decade, while at the same time there has been a 39 per cent increase in the numbers of dogs licensed. However, the number of stray dogs per head of population remains much higher than in England, Scotland and Wales. Around 9,000 stray and unwanted dogs were impounded by district councils in 2009 and over 2,300 of those dogs were destroyed.”

We need to make people more accountable for their pets and make them think about what they are doing. We as council officers are not, without exception, opposed to microchipping. We consider that microchipping has a large and significant part to play in the new legislation. However, the compulsory element causes problems. Where you have a dog that is microchipped and two people claim that it is their dog — or, in the example given by the previous witnesses, that is their horse — we have irrefutable proof as to who owns the animal. The microchip will not, however, prove which person was in charge of that animal when it, for example, attacked a sheep. It will not prove who was in charge of it when it committed an act whereby the owner could be charged with a crime.

The other thing that microchipping will do is to take the onus off the owners. Most people who lose their dogs will contact the appropriate authorities to get their dog back. In my opinion, they will stop doing that. A person will think that the council will bring the dog back because it

has been chipped. Therefore, the council will have to trace that chip. Greyhounds have identification tags in their ears. However, in 28 years, I have never managed to trace the owner of a greyhound through licensing or ear-tag identification. We find that the original owner will have sold or passed the dog on. What is to stop the people who we deal with, such as the gentleman in Ballywalter who gave the wrong details, chipping dogs under fictitious names and addresses?

One of the drawbacks is that there are ongoing costs. There is the cost of chipping the dog in the first instance, but there is also the cost of updating that; it costs £15 every time a person moves and £15 every time the ownership changes. There is no mechanism for checking that the details given to the company are correct. It is also a duplication of record systems. The system of licence fees and licence tags is far better, because people renew those annually. Therefore, figures can be amended annually — it can be recorded that a dog has died or had a change of ownership — and there is interaction with the people.

Also, the compulsory system does not reward people who have had their dog chipped already. We would like responsible ownership to be rewarded in the licence fee. It has been bandied about in the press that the new licence fee may be £12.50. We would like a licence fee of £25 with the proviso that that will be reduced by £5 if the dog is chipped, and by another £5 if the dog is spayed or neutered. The difference between what is being bandied about in the press, namely £12.50, and what we are suggesting for responsible ownership, namely a one-off burden of proof to the council, would be £2.50, which could be the difference between having an educational programme in schools and not.

Mr K Doherty:

The basis on which microchipping is interpreted is about traceability and accountability. To date, experience has been drawn from, for example, the cattle population. There is a significant difference between the registration and traceability schemes for bovines and motor cars, which is the other example that has been cited this morning, and the scheme for dogs. The databases for both bovines and motor cars are held, managed and maintained centrally. It is an offence to move one of those two items, either an animal or a car, without notifying the change of ownership. In the case of dogs, the database will be held by a number of private sector companies without the necessary validation of the scheme to enable traceability as owners change. Therefore, all that the system will do is state who registered the dog at a point in time. If the dog changes hands on

a number of occasions, the opportunity for traceability will potentially be lost.

The other issue concerns responsible dog ownership, which we raised originally. Experience tells us that irresponsible dog owners are involved in most of the incidents that arise. Those irresponsible dog owners are most likely to be the individuals who will not spend £25 to update the database as a dog changes hands. A dear old lady who purchases a six-month-old Jack Russell and gets it microchipped is very unlikely to be an irresponsible dog owner or move the dog on a number of occasions without updating the database.

The proposal is to increase the licence fee to £12.50, with various abatements. The local government sector has no difficulties whatsoever with abating the dog licence fee. However, in respect of whether it is a societal or an individual penalty, there is a well-established principle in legislation and local government sectors that the polluter pays. If someone owns a motor car, they pay for it and for the associated costs. The same goes for houses, sports and dogs. We heard this morning that the anticipated cost of owning a dog in its first year could be in the order of £1,000. A preferred licence fee of £25 represents a very small percentage of the first year's cost of keeping the animal. It certainly sends out a signal that the cost of dog ownership is not small or limited; it is significant.

Although there are no figures at this stage, our existing database suggests that whenever we take into consideration all of the abatements, the net yield to local authorities from the proposed increase to £12.50 will be extremely limited. In effect, a large proportion of the dog-owning population will have its dog licence fee held at the 1983 level, which is £5.

Moving on, the local government view is that not every designated banned breed is necessarily a dangerous dog. Equally, it is not the case that any dog that is not designated as dangerous could be regarded in all circumstances as a safe dog. However, recent experience has taught us that the issue of whether a dog is regarded as dangerous is a very difficult, expensive and convoluted legal matter. Whether it is a designated dangerous breed or is dangerous by way of its behaviour is almost irrelevant; either one is equally difficult to prove. As was intimated earlier, the ultimate arbiter in that regard is the court. However, it may not just be a matter for a Magistrate's Court. A number of examples have just concluded in which the legal bill that is faced by the taxpayer in deciding whether a dog was of a pit bull type was in excess of £70,000. The dog was in custody, so to speak, for three years, which incurred a kennelling cost of just under £10,000. That set of

circumstances cannot be allowed to continue.

As regards a solution, I draw from other areas of work in the local government sector. I refer to food safety. If an environmental health officer wants to close food premises, he has the power to close those premises on a temporary basis by applying to a court within five days for that closure to be verified or not, as the case may be. However, it places the decision in the courts' hands, which is where it should be made. It also avoids the case being strung out for weeks, months and years. It allows the decision to be made in a very effective and economical way that is satisfactory to everyone.

The increase of fixed penalty notices to £50 across the board is to be welcomed. We ask members to consider increasing that to £75, with an abatement to £50 if it is paid within 14 days. That would assist the enforcement and administration of the scheme and reward those who make an early payment.

The final item we would like to draw attention to has been discussed earlier this morning: dog-on-dog attacks. That is an extremely difficult area for enforcement officers. The question was who would make the decision on that, and the answer was that it would be up to the courts. Certainly, the courts would be the ultimate arbitrator, but that would be after an investigation in which the dog warden would make the call in the first instance. The only cases that would appear in front of the court are those where the dog warden feels there would be public benefit in instigating legal proceedings as well as a realistic prospect of conviction. That is likely to be less than 10% of cases.

The ultimate arbitrator in most of those cases will be the dog warden and the enforcement officer. Although that is not a reason to shirk away from the problem of dog-on-dog attacks, we feel that there is adequate provision in the proposed legislation on the licensing conditions to deal with the issue. We submit that as a local government view. That is all that I have to say at this stage.

The Chairperson:

Thank you very much. I will pick up on something that Raymond said in his presentation. He made reference to compulsory microchipping and identification. Is proof of identity asked for when people get a dog licence at the moment?

Mr R Hamilton:

No, because there is an ongoing yearly reminder whereby records can be amended. If a reminder is sent out to an address and is returned as being incorrect, records can be amended.

The Chairperson:

In the current dog licensing process, do all councils send out a reminder each year?

Mr R Hamilton:

I believe so.

The Chairperson:

Thank you. In their responses, councils have either rejected the parallel processes of compulsory microchipping and licensing or offered qualified comments in respect of them. Can you put a value on the bureaucratic burden that you believe parallel systems will bring about, and do you feel that the increased licence fee and receipts from the fixed penalties will be enough to cover that burden?

Mr K Doherty:

It is difficult to exactly quantify the value of running parallel systems. By virtue of the fact that it is difficult to measure the cost, it is also difficult to make a judgement as to whether the increased licence fee of £12.50 will cover that. One difficulty in the process is that local government is moving increasingly towards doing business electronically. One aspect of that business will be to allow anyone who owns a dog to licence it over the Internet 24/7. If the current abatement provisions go through, that will make that process very difficult. It will necessitate an administrative machine to be put in place to establish the validity of someone's application; it will need to ascertain whether that person qualifies for an abatement. That would be extremely difficult to quantify.

Mr W Clarke:

Thanks for your presentation. There has been some discussion about the microchipping of pups instead of all dogs. What are your views on that? Some submissions have raised concerns about the welfare of older dogs having to go through the duress of microchipping. There is some sense in that. It would be easier to manage a pup at the very beginning. The other issue is both the

licence and microchip; what are your views on that? Should there be just one payment that includes both elements? Have you any views on an option for a lifetime licence for a reduced amount of money spread over a dog's expected life? I am not saying that that is for everyone, but it may be an option for people who may prefer to pay up front and have no more bureaucracy or administration issues to contend with, unless they are changing data.

My third point concerns council parks, which are big amenities for owners to exercise their dogs. I tend to agree with the evidence given by VetNI, which indicated that there are responsible dog owners who have their dogs off the leash but under control. What are your views on keeping dogs on the leash on public highways but allowing them exercise in public parks?

Ms Yolanda Elmwood (Belfast City Council):

The group believes that microchipping is not detrimental to a dog's welfare. However, we are against compulsory microchipping; we see that as a mechanism to identify a dog. We believe that microchipping should, perhaps, be one of the control measures that should be introduced that would be connected to a dog licence. Aggression manifests itself quite often as a progression. Dogs can show aggressive tendencies, and if those can be nipped in the bud through dog control orders and education of dog owners, it is to be hoped that no further action would be necessary and the dog's behaviour would be modified. We believe that microchipping should be a part of that process as a control issue.

In the past, we have discussed issues around microchipping very young dogs. The Dogs Trust would advocate that puppies as young as eight weeks old could be microchipped, but we would have concerns about that. If it were introduced as a compulsory measure, I believe that a lot of people would avoid doing it, simply because of the welfare of young dogs in particular. It is not a problem where older dogs are concerned; I believe that most responsible dog owners are microchipping their dogs without it being compulsory. This group does not believe that microchipping should be compulsory.

A lifelong licence would be an option instead of running two parallel schemes, the administration of which would be costly. However, we have concerns about traceability of dogs when they change hands. As my colleague Raymond Hamilton has already pointed out, it is easier for councils to keep track and verify ownership and addresses of dogs with annual renewable licences.

The member mentioned the control of dogs in parks. Again, it is the experience of dog wardens that dogs often show signs of aggression before getting involved in a full-scale dog attack. I am familiar with the earlier description of the incident on the beach and I have seen reports of the injuries inflicted on the dog concerned. The aggressive dog has shown signs of aggression in the past, but that will not be a one-off. The injuries were quite severe. It is a bit like the attacks on sheep and livestock that Mr Savage mentioned. Once a dog has had a successful encounter, as it were, that will be built on unless steps are taken to curb that behaviour. We see those steps as being control orders within the licensing process.

There are always going to be difficulties in tracing dogs. They are not manufactured like cars; they do not come rubber-stamped with a code on them. There have always been difficulties around the licensing of dogs. If they are not licensed it is hard to trace them. It is the same with microchipping; if a dog is not microchipped, it will be hard to trace. Anyone can give a false name and address regardless, and I know that in that case, the offending dog cannot be traced.

There are a lot of negative things about microchipping and some positive things as well. We are not against microchipping; we just do not think that it should be compulsory.

Mr W Clarke:

Do you believe that there is a clear need to be able to identify owners properly through a register as well as for them to be on the electoral register?

Ms Elmwood:

That may be an idea. We have not really discussed that. Certainly, owners have to be responsible. There has to be a clear mechanism by which to identify them.

Mr W Clarke:

Yes, because anybody could license a dog in anybody's name.

Ms Maureen Briggs (Craigavon Borough Council):

One issue that the group has discussed is promotion of responsible dog ownership. Most councils already do educational shows, etc. We discussed whether to set the licence fee at £25 and to give dispensation of, say, £5 if a dog is microchipped and a further dispensation of £5 if a dog is

neutered or spayed. That promotes responsible ownership. It reduces the cost of the licence to the average person over his or her dog's lifetime. They will get back money to pay for microchipping and changing data. That can be built into control measures because, under new legislation, dog wardens can put in place various measures through control orders. We believe that microchipping should be one tool that is available to dog wardens at that stage.

Mr Molloy:

Thank you for your presentation. Having listened to your comments, I wonder how representative you are of local government. I do not recollect the £25 licence fee or some of the other issues that you mentioned ever being discussed at Dungannon and South Tyrone Borough Council.

Mr R Hamilton:

We represent people on the ground, at the coalface, as opposed to elected members.

Mr Molloy:

That is an important point: you have to understand that elected members run councils, not chief executives or officers.

Mr R Hamilton:

Absolutely.

Mr Molloy:

Therefore, when you speak on behalf of local government, do you speak on behalf of officers or councils? I believe that you speak very much as officers, not as councillors.

Mr K Doherty:

Absolutely. If I did not make it clear at the beginning of our evidence that we have used the chief environmental health officers' response as the basis of our presentation, I apologise to the elected member. It is very much an officers' view — a local government officers' view, however, rather than a veterinary or DARD view.

Mr Molloy:

That is important because it is councils that will decide what their recommendations will be.

They will decide whether to agree to a £25 licence fee. The Department proposed a £50 licence fee. That lasted a week, and got very short shrift in this Committee. A £25 licence fee might get another week, but a similar sort of line from the Committee.

Have you been given the figure of £15 for the fee to change information on a microchip? You said that microchipping should not be compulsory. Therefore, why would someone pay for a microchip as well as the licence fee? That goes back to the taxation issue. Similarly, people who want to bring in water charges want people to pay twice for the same service. You want to introduce microchipping as well as having a licence fee. Is that not just a means by which to collect money for councils?

Mr K Doherty:

To deal with your final point first, the two issues are not necessarily the same. The existing licence fee is purely, as the elected member has suggested, a means to raise revenue for councils in order to provide and manage the dog warden service throughout the Province.

Microchipping is a means to identify a dog: it is not a means to raise revenue for local authorities in order to administer a service. Therefore, although those two issues run in parallel, they are not exactly the same. The purpose of the licence and the fee that is associated with it is two-fold. It is to identify a dog and attach it to its owner. Equally, it is to raise revenue in order to administer the responsibilities that local authorities have under current dogs legislation.

That fee was set at £5 in 1983. There has not been an opportunity to review that in the intervening period; hence the debate today. Microchipping is something different; it is a means of identifying a dog and attaching it to its owner.

Mr Molloy:

What training do dog wardens get on the identification of particular dangerous breeds or on animal welfare? If a dog is microchipped once that will identify it. Do you agree that all the information could be on the chip that leads back to the owner, if we have a mechanism to change ownership?

You also mentioned the Internet and that councils are moving more towards its use. Would that not give us less identification, because anyone can go on to the Internet and order a licence or

a microchip with no trace of ownership? I would have thought, and my party colleagues agree with me, that the person who licences a dog should have to identify themselves and then be linked to the dog.

Mr K Doherty:

The weaknesses of the two systems about how an owner is identified are exactly the same. As my colleague said, a microchip is not like the chassis number on a motor car that is immediately and irrefutably associated with a particular dog. The existing system allows the dog to be described by its breed, colour, size, distinguishing mark, sex or age, and that is as good a mechanism as we are aware of for identifying individual dogs. We must keep some perspective and not use a sledgehammer to crack a nut. We are talking about dogs and a caveat to all of the issues that we have on dog-on-dog attacks, etc. However, on the level at which we try to identify the dog as licensed and its owner, the current system is commensurate with effort.

Microchipping introduces an additional burden on dog owners to have it microchipped in the first instance. We heard this morning that the cost of microchipping in the private sector is between £25 and £30, and the cost of updating the private database is £15 per change of owner. Those databases are maintained by the private sector, which is obviously there to remain in business and must generate revenue. That is where the £15 figure comes from.

Mr Molloy:

And the dog warden training?

Mr R Hamilton:

The training provided to dog wardens varies from council to council. I have attended all sorts of courses on PACE, dangerous dogs legislation, the identification of dangerous dogs and everything else in between. The only thing that I have not done is to be trained on is how to appear before a Committee — *[Laughter.]*

The Chairperson:

You are doing OK.

Mr W Clarke:

There are some dangerous dogs here. *[Laughter.]*

Mr R Hamilton:

I think that there are four database operators, and two of those have signed up to the Microchip Advisory Group's code of practice. Chris Laurence MBE from the Dogs Trust recently told me that if the database operators do not comply with the code of practice, there are no sanctions that can be applied against them.

Mr T Clarke:

Following on from that point, you said that there are four operators of databases and you have come here today and given us reasons why microchipping should not be introduced here. Why are councils not thinking inside the box and coming up with a collective system to run their own microchipping? After all, it is dog wardens that have to go out and scan the dogs. If you supported compulsory microchipping, there would be an opportunity to do away with the tags on collars, the councils could run their own system and you would have the access you need to deal with the problems you outlined.

Mr R Hamilton:

There are a number of issues. First, when you look at a dog you can see the tag straight away, whether that dog is currently licensed —

Mr T Clarke:

If it is there.

Mr R Hamilton:

Yes; if it is there.

Mr R Hamilton:

If it is not there, you are no better off whether the dog is chipped or not.

Mr T Clarke:

I differ in that view, because, if it were compulsory to microchip, there would be protection for the dog warden, but if a dog were not microchipped, it would be seized. There is no argument to be had.

Mr R Hamilton:

I do not see the point that you are making.

Mr T Clarke:

The point that I am making is that if the council ran its own system, it could scan dogs that are straying the streets in Dungannon at weekends or in Antrim all week. You could scan a dog, and if no microchip is present, you could seize the dog. If the microchip is present, you would have the details of dog's owner, and you could take appropriate action against the owner if you controlled the system.

Mr R Hamilton:

I am not an expert, but I imagine that setting up an IT system for that would be quite prohibitive.

Mr T Clarke:

I suggest that it is not.

Mr K Doherty:

Retention and management of the database is the cornerstone of whether microchipping will be successful. Ideally, if we consider all the debates that are going on in local government at the moment about collaboration and innovation, a single database would be the way forward for Northern Ireland as a region. If there were a single, public sector, maintained, controlled and funded database, many of the issues in relation to the value of microchipping would be addressed.

Mr T Clarke:

We have three waste authorities, albeit that we should not have, working in collaboration with 26 councils. I suggest that there should be only one waste authority.

Mr Molloy:

The Department of Agriculture and Rural Development has a system.

Mr T Clarke:

Yes, DARD has its own system. Therefore, there is an opportunity if councils would buy into it, and we would not have to worry about what system is being run independently by companies in England. If we were worried about the £15, and we were really worried about the ratepayers, we

could offer a free service to update the ownership, in the same way as the Dogs Trust does. You said that it costs £15 to change ownership, but the Dogs Trust does that for free.

Mr R Hamilton:

What I said was what I was told by the Dogs Trust. Those are the figures that I was given last Thursday.

Mr T Clarke:

Can we check that, Chairman, because the Dogs Trust gave evidence to the Committee a few weeks ago, and it said that it did it for free? I cannot remember the name of the system that the trust uses.

Mr K Doherty:

The Dogs Trust will chip dogs for free.

Mr T Clarke:

No, they charge £10 for chipping, but change of ownership is free.

The Chairperson:

I think that was the Kennel Club.

Mr T Clarke:

Sorry.

The Chairperson:

The Dogs Trust does it for free.

Mr T Clarke:

There is a bit of confusion here. We are muddying the waters here. We are talking about change of ownership costing £15. Evidence was given to the Committee that someone does it for free. All I am suggesting is that, instead of resisting something, councils could do something positive to identify stray dogs. If a dog is stray, even if it is licensed, it may not have its tag, so there is still no way of identifying it. If it were compulsory that every dog should be microchipped and you had access to machinery to read the chips, you could clearly identify who owned the dog.

Mr K Doherty:

Under the current system, you can identify who registered the dog at a point in time. That comes back to the traceability of the system in respect of ensuring that when a dog changes hands, the records are updated. Unless the caveat in that system —

Mr T Clarke:

There is a failure in the council's system, which has been identified today. Anybody can present to licence a dog and provide no information on who they are. They could say that they are Francie Molloy from Dungannon, but they may be Willie Clarke from south Down. The councils are not running a very tight system at the moment. The problem is that we always talk about responsible dog owners, but the systems that we need are for non-responsible dog owners.

Mr R Hamilton:

That is where we feel that compulsory microchipping should come in with a control order, so that I can tie you or Mr Molloy to a particular dog.

Mr T Clarke:

I disagree, because the first owner could be my colleague to my right, who is a responsible dog owner, but he could unwittingly transfer that dog to someone who is not responsible. Therefore, it is a missed opportunity. We have traceability, as we do with cattle, sheep and other livestock, from birth to the plate, albeit that we are not going to eat the dogs. If a responsible owner transferred a dog to someone who was not responsible, we would still have traceability. However, it is too late to say that we should introduce that system when someone who is not responsible owns the dog.

It is too late, because they will not do it. The only people that will buy into that system are those who are responsible owners from the outset. Therefore, we are depending on them to help us get a system that will work for irresponsible owners.

Mr Beggs:

Thank you for your presentation. It is good to see your perspective on how you try to run a system. You have advocated a non-compulsory system. Are there examples of where such a system has run elsewhere and where people are given a discount if their dog is chipped? Why do

you think it will work better than the compulsory system?

Mr R Hamilton:

I cannot quote any facts or figures on that. However, from a logical point of view, it seems that, over the lifetime of the dog, if a people can save a discounted fee, they will do that. I asked a local vet about charges to get a rough idea in my own head about the structure. A good quality basic pet insurance plan is about £17 a month. The premium plan for pedigree dogs is £25. Treatment for a dog with a broken leg will probably be a straightforward £300. A booster vaccination costs £17, and a microchip is £10. Bitch spaying costs £110; a male dog is neutered, and a full set of vaccines is £51. A responsible dog owner will pay all those costs. The spaying and neutering costs could come off the licence fee, because they are a one-off burden of proof to the council. If, for argument's sake, a person was to spend £25 over the life of a dog and could save £10 a year over its life, common sense dictates that anyone will go for the cheaper one. Does that make sense?

Mr K Doherty:

Mr Beggs asked about comparable systems. There is no other system in the UK or no other region in the UK that has a current dog licensing system or a requirement for microchipping. Therefore, there is no benchmark.

Mr Beggs:

Is there a danger that irresponsible owners' dogs will neither be chipped nor licensed and, therefore, will fall outside all of this?

Mr K Doherty:

There is no doubt about that.

Mr Beggs:

You mentioned a particular case that cost £70,000, including £10,000 in kennelling, and lasted three years. I am curious why it lasted that length of time. Was that because of our court system in Northern Ireland? That is not good for a dog, and, if that dog had no behavioural problems, it may well have had behavioural problems by the time it came out of that system. Why did it take so long?

Mr R Hamilton:

The oversimplified explanation is that there were legal abnormalities and arguments. That is why it took so long. I will read the whole document from the council if members want.

Mr Beggs:

No, we do not want to go there. It is a complicated case; is that correct?

Mr R Hamilton:

It is a complicated case.

Mr Beggs:

You mentioned earlier that you can issue a notice to close down a cafe in the event of inappropriate food hygiene. The courts kick in, and you have to present your information within five days. Are you satisfied that, through the guidance that has been given to date or through the legislation that has been printed, you have enough powers on puppy farms? We heard earlier that the problem is frequently with the owner rather than the dog. If there is poor practice and poor nourishment for dogs as regards their interaction with mankind on puppy farms, and if you have evidence of that bad behaviour, are you satisfied that you have enough power to stop more dogs being bred in such circumstances?

Mr R Hamilton:

There are two issues there, one of which is the welfare —

The Chairperson:

Sorry; I will stop you there. Breeding establishments are dealt with under the Welfare of Animals Bill.

Mr Beggs:

Sorry; my mistake.

Mr R Hamilton:

There are two elements: welfare, and the licensing and conditions of the licensing under the Dogs Order. I believe that they will be looked at shortly.

Mr Beggs:

Presumably, issuing of the licence could be built in. If there are a certain number of dogs, it is clear that it is not just someone who likes dogs, but is likely to be business if they are selling quite a number of puppies each year. Therefore, that could presumably be tackled under a licensing system.

Mr R Hamilton:

There is no upper limit on how many dogs you can have with a block licence.

Mr Beggs:

Will you be suggesting changes to the legislation?

Mr R Hamilton:

Personally, yes, because I see no reason why someone would have 12 or 14 dogs other than for breeding.

Mr Beggs:

OK. I have a final point —

Mr Molloy:

May I ask a wee supplementary question on that? Do you then designate how many of a family somebody should have?

Mr R Hamilton:

No.

Mr Molloy:

No, so why would you designate the number of dogs somebody should have?

Mr R Hamilton:

From my own experience, I have issues with —

Mr Molloy:

You have personal issues with it, but that does not mean to say that you should infringe

somebody's rights to have as many pets as they want, provided that they keep them properly.

Mr R Hamilton:

You are absolutely right; yes.

Ms Briggs:

I do not think he was referring to that. The block licence has a set fee, and you can have as many dogs for that one fee. I do not think that he means —

Mr Molloy:

Seeing as we are on that subject, what is your definition of puppy farms? What is the difference between puppy farms and breeding cattle or sheep?

The Chairperson:

Mr Molloy —

Ms Briggs:

That is a separate issue.

Mr Molloy:

It is a separate issue, but you raised it.

The Chairperson:

Mr Molloy, breeding establishments come under the Welfare of Animals Bill.

Mr Beggs:

Will you be suggesting that there should be a limit to the number of dogs that can be kept with a block licence, or a staged payment system, which is different from what is proposed? Finally, there was a suggestion that dogs should be given freedom to roam, other than in playgrounds. Would you have concerns if dogs were free to roam in all public areas other than in playgrounds? Would they not still be dangerous to children, and maybe there needs to be designated places, where dogs have freedom to roam in one area and children have freedom to roam in another?

Mr R Hamilton:

We suggested an inflationary increase in the cost of a block licence in line with the decided cost of a single licence. We propose two-and-a-half times the licence fee of £25, which is £62.50 for three to five dogs, and £15 per extra dog. You could have as many dogs as you want. At the moment, however, they do not have to be named on the block licence, if that makes sense.

Ms Elmwood:

With regard to dogs being off leash in public places, it is a matter of grave concern that dogs have free roam in a lot of our parks, and a lot of our by-laws covering those parks are not enforced. My understanding, though, is that the Clean Neighbourhoods and Environment Bill will have provision to designate certain areas where dogs can roam free, obviously under control. So, we are looking forward to the introduction of that Bill.

Mr Savage:

Anybody who owns an animal has a big responsibility on their shoulders, whatever sort or size of an animal. We have dog wardens in all councils, and we have to give them the power and control to be able to do their job. The dog warden does not have much power at present.

Licence fees and microchips go hand in hand. I am glad to hear you mention traceability, because those things are all very well until something happens. When something happens, everybody goes half-mad until they get the thing sorted out. Responsibility must be put back on the owners to get them to fall into line.

I am glad to hear you talk about a code of conduct. The Department of Agriculture has a code of conduct, and everybody has to abide by it. Although Maureen does not know about that yet, she will probably come to know about it.

I know where there were two or three stray dogs a couple of weeks ago. They broke into a compound containing free-range poultry, and what they did not kill was smothered, because they scared all the birds into a pile, causing them to be smothered. There are no microchips or any other form of identification on those dogs, but, unfortunately, they are in the Craigavon Borough Council area. Something has to be done.

It will not be very long until the lambing season, and once dogs get the taste of blood, you

cannot trust them around livestock. The only thing for it will be to keep them in a compound or somewhere where they will not be able to walk about.

Yesterday, I read an article in a local paper that mentioned rabies —

The Chairperson:

Do you have a question?

Mr Savage:

There has to be some way to control dogs. It all comes back to responsibility. If I have an animal, as the Chairperson said, there is traceability from the farm to wherever. A similar system must be put in place for dogs, and all responsible owners would want to see one in place. There will always be people who do not want it, but anybody who does not abide by the code of conduct should face penalties. You have come to the Committee for guidelines and backup, so we have to do something about it. If we do not do anything and leave it to you people to keep things in check, we will have wasted our time here. The situation has to be brought under control, and the only way to do that is to give enforcement powers to councils and their dog wardens. The regulations may not be popular in places, but dog owners have to be brought into line. In any other area for which the Department of Agriculture and Rural Development is responsible, there has to be traceability so that if anything is out of line you can go back to whoever is responsible. We cannot shirk our responsibilities, and we have to face up to the realities of life.

Mr Irwin:

Did someone from your group say that you are reasonably happy with how dangerous dogs are identified in legislation as it stands?

Mr R Hamilton:

No.

Mr Irwin:

Council officers in my council — I declare an interest as a member of Armagh City and District Council — have told me that the current situation is a nightmare for councils. As I said, a constituent came to me about a dangerous dog that had been lifted by the council dog warden. The case ended up going to court nine times, and the council had to pay for an expert to come

from England because no one here could identify whether the dog was dangerous.

Mr T Clarke:

He could not identify it either.

Mr Irwin:

Neither could he, but he came anyway. The problem was that, after nine times in court, the magistrate ruled that the dog owner could take the dog home so long as it was neutered and muzzled. So, it cost the owner and the council a fortune, but, still and all, the owner was able to take the dog home. Do you feel that the legislation needs to be clearer? In my view, rather than having to go to court nine times, a council officer should have been able to determine whether the dog had to be neutered and muzzled before it could be taken home. Surely the legislation is wrong if it allows that to happen.

Mr R Hamilton:

In my opinion, you are quite right. However, I cannot see any elected members repealing the dangerous dogs legislation and controlling dogs with control orders, which would be the logical and sensible way to do it.

Mr Elmwood:

In Northern Ireland, it is council employees who have to enforce the Dangerous Dogs (Northern Ireland) Order 1991. Other countries have similar legislation, and although the UK mainland is the closest, legislation is also enforced in Italy, America and Holland; all over the world. Those countries are reviewing that legislation because they have encountered the same difficulties that we have with regard to identification. Some countries have revoked the legislation completely, and they are dealing with deed not breed.

With regard to the circumstances in Northern Ireland, the dog wardens and officers involved in the enforcement of the legislation that I have spoken to say that it does not rest easy with councils. The police deal with the legislation on the UK mainland and they are anonymous, while council employees here are known in their council areas. They can be targeted in all sorts of ways, and, unfortunately, I have had a negative experience of that. If the legislation is to stay, it would be best placed for a court to make the decision as to whether a dog is of type or not, if it is proscribed or not, rather than a council employee who could be identified. On the mainland,

there is an amendment whereby dogs can be registered. Some trained and experienced police officers go round pounds and assess dogs that have been seized, and they will make that decision. As I said, they have anonymity because they cannot be identified. However, the staff enforcing the legislation here can be identified. There are grave health and safety issues.

Mr T Clarke:

My question relates to an earlier point about alleviating the fee for dog licensing. It does not relate to welfare, which we will talk about later, and I am referring to the pain of microchipping. Why would someone get a rebate for having their dog neutered or spayed?

Mr R Hamilton:

It will reduce the number of dogs.

Mr T Clarke:

But why? You are interfering with the life cycle of a dog, and you are going to give someone a rebate because they are interfering with the genetics of their dog.

Mr R Hamilton:

Yes.

Mr T Clarke:

That seems unfair. You are encouraging someone to take that measure against a dog. That is criminalising a dog before it has done anything wrong.

Mr Beggs:

Do you agree that many of the stray dogs that appear around estates may be there as the result of unplanned litters of pups resulting from other stray dogs? Therefore, if neutering took place, that would be limited. Dogs would not only have their lifestyle changed; they would be put down because they are strays, and that is an issue that those involved in dog welfare have identified as a major problem.

Mr T Clarke:

Do you also agree that some people are in prison as the result of an unplanned birth, and that if their parents had been neutered they would not have been born?

The Chairperson:

I think that we are stretching the whole argument out a bit. Do you have a final comment on the issues that have been raised?

Mr K Doherty:

The Committee's consultation document, at item 3.3, states that, in 2008, 7,930 dogs were impounded as strays in Northern Ireland. Out of those, 3,486 were destroyed. Therefore, we have a dog population in excess of need and demand. Clearly, 10,000 dogs have been caught straying each year, and under 3,500 have been put down each year. We all face the moral question of whether we should prevent the births of those dogs or whether they should be put down after they are born, which would be at the rate of 3,500 a year.

The Chairperson:

I thank you for your presentation.