



Northern Ireland
Assembly

**COMMITTEE FOR
AGRICULTURE AND
RURAL DEVELOPMENT**

OFFICIAL REPORT
(Hansard)

Dog Control Bill: Pre-Consultation

6 October 2009

NORTHERN IRELAND ASSEMBLY

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RURAL DEVELOPMENT**

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Members present for all or part of the proceedings:

Mr Tom Elliott (Deputy Chairperson)
Mr Thomas Burns
Mr Willie Clarke
Mr Pat Doherty
Mr William Irwin
Dr William McCrea
Mr Patsy McGlone
Mr Francie Molloy
Mr George Savage
Mr Jim Shannon

Witnesses:

Dr Mark Browne)	
Ms Colette McMaster)	Department of Agriculture and Rural Development
Mr Martin Mooney)	
Mr John Terrington)	

The Deputy Chairperson (Mr Elliott):

We move to a presentation from the Department on pre-consultation on a new dog control Bill. We are joined by Colette McMaster, Dr Mark Browne, John Terrington and Martin Mooney from the Department of Agriculture and Rural Development. You are all very welcome, especially Dr Mark Browne, as this is his first appearance before the Committee. I will hand over to you.

Dr Mark Browne (Department of Agriculture and Rural Development):

Thank you, Chairperson, and thank you for the opportunity to address the Committee on the Minister's plans, subject to Executive agreement, to consult on proposals for a new dog control Bill. We are grateful for the opportunity to bring this to the Committee's attention at an early stage as part of our policy of early engagement with the Committee on key matters.

Members have already expressed their support for a review of this legislation at Committee meetings on 15 January 2008 and 30 June 2009, as well as during a debate in the Assembly in November 2007. Recently, the Minister met with the Chairperson, Deputy Chairperson and Committee Clerk to discuss the timescale of the Bill. I acknowledge that the timescale is challenging, but we are committed to working together with the Committee to make it achievable. I would be grateful for your support in that regard. I hope that our engagement today, our engagement to date, and the engagement that is planned for the future, will be useful in keeping you up to speed with our thinking and allow us to take account of your views.

I will give a summary of the current legislative position and the review so far, and outline the policy proposals on which the Minister proposes to consult. They are summarised in the paper that we sent to the Committee prior to the meeting, but there are a few areas on which our thinking has developed. I will be happy to take members' questions.

The control of dogs is governed by the Dogs Order (Northern Ireland) 1983. The legislation provides for the licensing of dogs and includes provisions on dog attacks, straying and sheep worrying. The Dangerous Dogs Order (Northern Ireland) 1991 amended the 1983 Order in order to designate certain types of dogs, such as pit bull terriers, which it is an offence to possess. Further legislation came into force in 2001, which allows the owner of a dog that is the subject of a court destruction order to apply for an exemption from destruction. The exemption may be granted if the dog is not considered to be a danger and if certain strict conditions are met, including having the dog microchipped, neutered and insured.

In November 2007, following a number of high-profile dog attacks and concerns that at least some of the current legislation may not be fit for purpose, the Minister announced a review of the legislation. That wide-ranging review looked at all aspects of dog control, including dangerous dogs. As part of the review, the Minister and officials met with a wide range of stakeholders, including the PSNI, local councils, the USPCA and other welfare groups including the Kennel

Club, the Dogs Trust and Animals Need a Voice in Legislation.

Officials also discussed the issue of dangerous dogs and dog control with counterparts in the Department for the Environment, Food and Rural Affairs, the Scottish Executive, the Department of the Environment, Heritage and Local Government in the South, and with police and local authority representatives in Britain. In addition, the Department received and considered a number of written submissions and letters from stakeholders, including councils, welfare groups, dog breeders, elected representatives and a range of interested individuals.

During the review, concerns were expressed that because the legislation concentrates on a limited number of dog types or breeds, it gives a false impression that dogs that are not banned are not potentially dangerous. The number of dog attacks, in fact, has remained constant at around 700 incidents a year, and those have included a number of serious attacks, which have attracted media attention. I am thinking of the attack on a 75-year-old and her dog by two Rottweiler dogs in Ebor Street in south Belfast in July of this year and an attack in 2007 on a young girl at a holiday park near Dervock in County Antrim. In view of those kinds of serious attacks, the Minister is determined to strengthen legislation to prevent further incidents from occurring.

The Minister also wishes to propose legislation to address the serious problem that we have here with straying dogs. Although the number of dogs impounded by councils has fallen by 30% over the past decade, the number remains too high. Around 7,400 dogs were impounded by local councils in 2008, and we still have a higher number of stray dogs relative to population than England, Scotland or Wales. The number of dogs put to sleep here represents one third of the UK total, which is well in excess of what one would expect, given a population of this size.

Many stakeholders have also asked that the dog licence fee, which has not been changed since 1983, be increased substantially. Others proposed that as the current licensing system has not resolved dog-control issues, it should be scrapped or substantially improved.

In taking forward her proposals, the Minister intends to build on the key elements of the current legislation. Therefore, the ban on specific dog types or breeds that exists in current legislation will be retained. Those are dogs that are bred specifically for fighting, and they include such breeds as pit bull terriers and the Japanese tosa. There have been some criticisms

that breed-specific legislation is inherently unfair, difficult and expensive to enforce and that it is unlikely to improve public safety. Other people who support the ban on those types of dogs point at their high pain threshold, their powerful jaw structure and the fact that they have been developed specifically for fighting. The Minister's view is that the ban on specific breeds must remain in place. The risk posed to the public, and to children in particular, by those breeds is qualitatively greater than other dogs, and responsible dog owners would, normally, not wish to keep such animals. As I mentioned earlier, the existing legislation allows the court to grant an exemption to individual dogs of the banned types that do not pose a specific threat and whose owners meet specific and rigorous requirements to provide public protection. However, the exemption can be granted by a court only after the destruction of the dog has been ordered. That long-drawn-out legal process places a heavy burden on all those involved: the dog, its owner and the local councils.

Therefore, the Minister proposes to consult on the basis of retaining the existing exemption for such dogs but allowing council officials, rather than the courts, to grant the exemption. As before, the exemption can be granted only when the conditions have been met: the dog must not pose a threat; it must be neutered, and it must be muzzled and kept on a lead when in a public place. That would continue to ensure public protection but would reduce the cost of enforcement. It would also address the welfare issues raised when dogs are kept in kennels for extended periods. That is an amendment to the existing legislation.

To deal with the wider issues that were raised in the review, the Minister proposes to consult on a range of new measures, with the overall aim of protecting the public by putting in place robust dog-control measures. The Minister's proposal is to extend the existing legislation by introducing enhanced dog control measures, to which there are three main elements: a focus on prevention through earlier intervention to stop dog attacks occurring; the creation of a new offence for a dog to attack another dog; and the promotion of responsible dog ownership, supported by a more robust and effective dog licensing regime.

On the first element of prevention, organisations such as the Kennel Club stated that in many cases in which dogs have been involved in a major incident, investigations have discovered earlier control problems. Therefore, if enforcers had had the power to deal with those problems earlier, more serious incidents could have been prevented. Earlier intervention could also prevent repeat offending.

The types of behaviour that may act as an early warning of more serious or repeated control problems and would, therefore, attract the imposition of conditions on a dog licence, might include aggressive or intimidating behaviour towards people or other dogs, and incidents of straying. The Minister, therefore, proposes to provide council officials with new powers to attach one or more conditions to an existing dog licence when the behaviour of a dog gives cause for concern. The conditions applied would provide protection for the public and also seek to bring the behaviour of the dog under control. The controls might include requiring the dog to be neutered, muzzled in public, kept on a leash in public, kept in a secure location, rehomed, or that the dog and the owner undergo a course of training.

The second element of the Minister's proposal to enhance dog control measures is the creation of a new offence for a dog to attack another dog. Recently, there have been several such cases, including the attack in south Belfast that was mentioned earlier when a pensioner and the pensioner's small dog were attacked. In another local case, during the summer, a King Charles spaniel was seriously injured in an attack by two dogs while being walked in Galliagh.

Of particular concern are attacks by dogs on guide dogs or other assistance animals that play a vital role in the lives of people with disabilities and can be considered an extension of their owners. Therefore, we propose to consult on making available additional penalties for attacks by dogs on guide dogs or other assistance animals.

The proposal's third key element is the promotion of responsible dog ownership and the creation of a more robust and effective dog licensing regime. Ultimately, dog owners are responsible for controlling dog behaviour. Therefore, the Minister proposes to take steps to encourage and promote responsible dog ownership. A more robust and effective dog licensing system will play a key role in that. As part of the enhanced regime, the Minister proposes that dogs must be microchipped in order to be licensed. Dog wardens will have the power to attach conditions to a licence when a dog's behaviour causes concern. As I outlined earlier, the control measures include muzzling, training, being kept on a leash in public, and so forth.

Licence fees would be raised to a more appropriate level, but reduced substantially for neutered or spayed dogs. At present, a dog licence is issued on receipt of payment to anyone with an address in the issuing council area. There is no requirement for the dog to be microchipped.

Microchipping is a straightforward procedure that involves the insertion of a chip between the dog's shoulder blades via a syringe. It costs between £20 and £30, and groups such as the Dogs Trust offer a free service for those aged over 60 and people on means-tested benefits.

Reductions are also available from time to time as part of targeted campaigns. Microchipping is normally carried out by vets, welfare groups, some councils and a number of animal shelters.

The Minister believes that making microchipping a requirement of licensing would permit the ready identification of dogs and provide access to linked information, such as a dog's owner so that he or she could be traced, its medical history, its previous behaviour and any conditions that have been attached to the licence. It would also help to address a range of issues, including the problem of straying, and would support and encourage responsible dog ownership.

Most stakeholders agree that the current dog licence fee of £5 per annum is too low. The fee has not been reviewed since 1983, and a simple increase in line with inflation would bring it up to £12.50. Responses that we got from district councils during the review suggested raising fees by between £30 and £70 per annum. Other stakeholders suggested a much more significant increase.

As part of our proposals to promote responsible ownership and reduce the number of strays and unwanted dogs, the Minister proposes that reduced-rate licences would be available to neutered dogs. Therefore, it is proposed to consult on a licence fee of £50 per annum, for which there will be a 50% reduction for neutered dogs. In such cases, the fee would be £25. It is also proposed to have further reductions for people aged 65 and over and those on certain means-tested benefits. For those people, we are considering options including a further reduction of 50%. Under that option, a person of 65 with a neutered dog would pay a reduced dog-licence fee of £12.50.

The Minister believes that those proposals strike an appropriate balance between promoting responsible dog ownership and ensuring access for all to the companionship and sense of security that dog ownership can provide. Although it is intended that the proposal for new legislation will reduce the number of offences being committed by reducing the number of stray dogs and giving enforcers the tools to deal with problem animals at an early stage, there is also a need to retain sufficient deterrents. To that end, the Minister proposes to consult on increased penalties for offences related to more serious attacks and for licensing infringements.

Subject to Executive approval, it is anticipated that the consultation on the Minister's proposals will begin in November 2009 and will run until January 2010. In view of the tight legislative timetable and the extensive stakeholder engagement that has been undertaken since November 2007, we propose an eight-week formal consultation period. Given the shorter consultation period, we are also looking at ways to enhance the consultation process through workshops to ensure that we gather the views of all those who are interested. The proposed consultation will be accompanied by an equality impact assessment and a regulatory impact assessment.

Officials are scheduled to meet again with the Committee in early December to provide an update on the progress of the consultation and there will be further engagement once the consultation has been completed to apprise members of the outcome. Following full consideration of the consultation responses, a Bill will be drafted for introduction to the Assembly by June 2010 with a view to enactment in the lifetime of the current Assembly.

To conclude, the Minister believes that dog control is a matter of deep public interest and concern. The proposals would establish the most robust dog-control arrangements in these islands, and the Minister believes that they will be widely welcomed by welfare groups, local councils and, in particular, the general public. We hope that the Committee will also welcome the proposals, and we are keen to hear your views before they go out to consultation. We are happy to take comments and questions now, and if there are further comments that Committee members want to make after the meeting, we would be grateful if you could forward them to us within the next week.

The Deputy Chairperson:

Thank you. We hope that the proposals will become a significant piece of legislation. Most people would argue that it is the owners who need to be controlled, rather than the dogs.

I declare an interest as a member of Fermanagh District Council. Trying to keep track of dogs is a huge burden on councils. Are there measures in the proposals to alleviate that burden? Unless councils are given the sufficient powers and resources, the issues will not be comprehensively dealt with. What is there in the proposals to help the councils in that regard?

Dr M Browne:

Several measures will be of assistance. Compulsory microchipping, which will be linked to the national database, will mean that dogs can be readily identified.

The Deputy Chairperson:

Dogs that are not licensed will not be microchipped.

Dr M Browne:

That is right. We want to encourage the concept of responsible dog ownership through the increased licence fee and through the resources that are available to extend district councils' capacity to enforce the regulations more effectively. That will increase the number of dogs with licences. We must examine exactly how the new system will work. For example, all breeders could automatically microchip dogs and, when selling a dog, inform the local council to whom they have sold it. That will provide a mechanism whereby the local council is aware that a dog has been sold and to whom it has been sold. We need to discuss the detail with district councils. However, a similar process works with vehicle licensing.

The Deputy Chairperson:

Vehicles are on the road and are much easier to identify. The difficulty is that not all breeders are registered. Increasing the licence fee to £50 will force more and more people not to license dogs. They will be kept in the underworld, and we will be unable to catch them. The big issue will be trying to catch people with unlicensed dogs. It will be easy to keep track of those that are licensed and microchipped. However, those that are not licensed will become a bigger problem. I have heard nothing to suggest that that issue has been thought through.

Dr M Browne:

The licensing issue is important, and we want to link it to microchipping and the capacity to identify dog owners. The intention is that the additional income from licence fees will provide more resources to councils to allow them to identify and pursue more effectively those who have dogs but do not have licences. That will build up over time.

Mr John Terrington (Department of Agriculture and Rural Development):

Two weeks ago, the Committee heard about the animal welfare legislation and the proposals to create new rules for breeding establishments. Under the Dogs Order, there is a requirement for

breeders to be licensed. The welfare legislation will extend that principle to improve welfare conditions. Some councils think that, on average, 70% of dogs may already be microchipped. Councils obtain dogs from quality breeders or from dog charities, and, therefore, anyone who picks up a dog through those legitimate means will get a microchipped dog anyway. That is the basis on which the new system will proceed; we will not start from absolute zero.

The Deputy Chairperson:

Many farms have several working dogs. If the licence fee is £50, those owners could have to spend £300 or £400. Will there be a price reduction in such cases?

Mr Terrington:

A block licence operates under the current legislation; that will be carried forward.

The Deputy Chairperson:

How many dogs is that for?

Mr Terrington:

Three dogs. There has been criticism that that is too low a level, and the suggestion is to increase that level, pro rata, in line with the licence.

The Deputy Chairperson:

Several members want to ask questions. I ask the members and officials to keep questions and answers concise.

Dr W McCrea:

I thought that the purpose of the legislation was to protect the community from attacks by dangerous dogs. Everyone agrees that that is necessary, and everyone wants to meet that requirement. However, what I have heard represents an attack on good, responsible citizens. The problem is not with the person who licenses a dog.

You said that a dog licence costs £5. In the interests of everyone, and as a goodwill gesture to the community, you propose to increase it by 1,000% to £50. That is a great gesture of goodwill to the community in tackling the issue. The Assembly does not have tax-raising powers, but it seems that the Department has a wonderful way of raising taxes through the back door. I am not

falling for that. That is an attack on the responsible citizens of this country who license their dogs. The attack should be on those who do not act responsibly. The price increase to £50 will discourage people from licensing their dogs. The purpose of the legislation ought to be protection of the community and dog control. That measure goes too far.

It is proposed that the fee will be means-tested, so people who are on benefits will not be affected. Let me tell you about the poverty trap that exists in this Province. The person who goes to work gets only a small amount of money for their return. Out of that small amount of money, they have to pay for everything. Other people who are on benefits get the same amount of money, and they get additional assistance for glasses, teeth and so on. The proposal to increase the fee for the dog licence is, once again, an attack on the hard-working man — the decent, common citizen who is out doing an honest day's work and not getting a big amount of pay for it. Those people will have to pay £50, up from £5.

I say to the Department: do not expect me to agree with a dog licence fee of £50. If I picked you up correctly, you are telling an elderly person who has a dog as a wee friend that you are doing them a good turn because you will charge them only £12.50. That is an increase of only 150%.

It seems to be another way for the Department to claw in money. This is not a tax-raising Assembly. We must get the conditions right and deal with offenders and dangerous dogs. The legislation must be strong so that it has an impact and carries a real deterrent. Let us not penalise good, common, decent and responsible citizens by making them pay that amount of money. As far as I am concerned, the proposal is out the door.

Dr M Browne:

The purpose of the legislation is to protect the responsible citizen. In fact, it is to protect every citizen. The proposal is for consultation, and we will get responses to it.

Let us consider the current legislation. The licence fee has not been revised for 26 years. In 1983, it was set at £5. I cannot think of many things that are the same price now as they were 26 years ago. An increase in the licence fee is overdue.

Councils are attempting to enforce the current legislation, but they do not have the resources

to do so. Straying animals are a real problem. They worry livestock, and they have a propensity to attack other dogs and people. As I mentioned, attacks have taken place on responsible dog owners and other members of the public, including children. It is with a view to trying to reduce that that we are trying to introduce the legislation.

Northern Ireland councils have by far the largest number of impounded dogs in the UK. That uses up council resources. One third of the total number of dogs that are put to sleep in the UK are put to sleep in Northern Ireland. That is 10 times more than what would be expected, based on our population.

Clearly, that is a major issue, and one which is already consuming significant amounts of council resources at a time when the licence fee is generating a minimum resource. The current position is untenable.

Dr McCrea suggested that the cost of a licence will be far too high. That will be part of the consultation process; perhaps that is a figure that we need to look at. We tried to address that by putting in place price reductions, for example, for neutering. That reduction in cost is to encourage people who do not want more animals to neuter their dogs so that animals do not arrive unexpectedly to then be abandoned or passed on to someone else who does not want them, thus contributing to the problem of strays. It is an attempt to try to encourage responsible actions by an owner, and is designed to protect the responsible owner. We accept that if the cost of a licence starts at £5, and goes higher, that is not something that people are going to welcome. However, we have to be realistic about the cost that councils will bear, and their capacity to enforce the legislation.

The Deputy Chairperson:

How many dog licences are issued in Northern Ireland?

Dr M Browne:

I think that it is around 106,000 a year.

The Deputy Chairperson:

Have you any estimates of how many dogs there are in Northern Ireland?

Dr M Browne:

It is difficult to get hold of that figure. We have figures only for dogs that are licensed, and figures for strays. As with the hidden economy, somewhere in there is an estimate of how many dogs there are.

The Deputy Chairperson:

How many dogs are put down every year in Northern Ireland?

Dr M Browne:

I am not sure if we have the number of dogs that are put down. However, the number of strays is more than 7,000 a year.

The Deputy Chairperson:

That would not be the same as the total number that are put down.

Dr M Browne:

We can get that figure for you.

Mr Terrington:

If welfare groups or dog charities take stray dogs, a lot of them end up going to England. Those groups have a no-kill policy, and we end up exporting the problem. There is a burden on those organisations too in trying to deal with that number of strays.

The Deputy Chairperson:

Dr McCrea, does that answer your question?

Dr McCrea:

I do not agree with that answer at all. The gap that they are talking about is between £500,000 and £5 million. Certainly, that does not solve the main problem. There is no one in the room who does not want the issue tackled. We want to protect the community. However, is this the best time to put an extra burden on people? We are coming out of a recession; people are trying to keep a roof over their heads and to keep their jobs. You said that the price has not been put up for 26 years. Is this the best time to put a 1,000% burden on top of people? No, thank you.

Mr Shannon:

I recognise that there is a need for some change in the legislation, and I accept that. Unfortunately, in this instance, as Willie McCrea said, I feel that increasing the cost of dog licences will penalise the people who are not responsible for the problems.

In your presentation, you emphasised dog ownership and you mentioned microchipping. You said that there will be some help towards the cost of that for people on benefits and, in particular, the elderly. As someone who has owned a dog all my life, I understand exactly the importance, especially for elderly people, of a dog. However, what you are suggesting will penalise elderly people, and they are not the ones causing the problem. How do you equate that with what you are putting forward?

The extra work for councils will be astronomical. Will the resources be there? I am not the greatest mathematician in the world, but I have done a quick calculation. If there are 106,000 licences, that is an income of £530,000. If you make the licence fee £50, that is an income of £5.3 million. That is a big difference in potential income. Is the generation of income the main driver behind that price increase?

I accept that the licence fee of £5 is cheap. That is fair enough. Wearing my other hat as a councillor, I believe that we responded by saying that the licence fee should be around £10. Mark, you said in your presentation that councils replied that the licence fee should be anything between £30 and £70. I am keen to see where that fits in.

Nowhere in your comments to the Committee have you considered what will happen to dogs that are dumped, left, abandoned and forgotten about. You mentioned that there are 7,000 strays. If the licence fee is increased to £50, I can tell you that you can add many more to that number.

The Chairman also mentioned farmers who have working dogs. Has consideration been given to those farmers? Certain members of the public would expect me to ask the following question: has consideration been given to the shooting fraternity and gamekeepers, who might have a dozen or 20 dogs? I know gamekeepers who have that many dogs. That is the nature of their job. Has consideration been given to people in that business?

Finally, will the legislation get down to the root — the kernel — of the problem: people who

have dangerous dogs? I do not see it that way. I am sorry, but I believe that that is where the legislation should be aimed. There are about six or seven questions there, Mark.

Dr M Browne:

I will pick up the issue of cost first. I assure you that the licence fee increase is not meant to be a revenue-generating exercise. I take on board the comments that have been made. Certainly, we will reflect on them. We must bear in mind that at the top end — you are quite correct — £50 times 106,000 equals £5.3 million. However, the intention is that it would generate nowhere near that figure because, right from the outset, there will be a reduction for those owners who neuter or spay their dogs. That would halve that figure straight away.

Mr Shannon:

There is a cost to neuter and spay dogs as well.

The Deputy Chairperson:

Jim, there are seven other members. We need to get through this.

Dr M Browne:

The intention is that it will apply only to someone who makes a conscious decision when he or she buys a dog to breed puppies from it, as opposed to when accidents occur that lead to unwanted, abandoned dogs like those that you mentioned, Jim, which eventually become strays.

By putting a cost on not having a dog neutered up front, you make the person take that conscious decision. That is responsible dog ownership. A person must ask whether he or she wants to breed a dog, or simply to own one. Therefore, there is an immediate reduction of 50%.

Another point that I want to make is that, at present, there is a cost to councils. I have not got all of the figures here. However, I know the figures for Derry, for example. We talked about how licensing brings in £530,000 at present. Derry City Council's expenditure is around £112,000. That is the expenditure in one district council area, of which there are 26.

The Deputy Chairperson:

Are you saying that all of the revenue that is generated from licences will go directly to councils?

Dr M Browne:

No. I am not saying that. There is already a cost to councils to enforce current legislation. The legislation is not working at present.

The Deputy Chairperson:

Can you guarantee that you will cover all of the costs to councils from revenue that is generated from dog-licensing fees?

Dr M Browne:

Current revenue does go to councils. However, it is not necessarily used in that area. That is a decision for councils.

The Deputy Chairperson:

Will enough of the revenue that is generated by dog-licensing fees go to councils to cover their role in dog legislation?

Dr M Browne:

I am not saying that there will be a precise match. There will be additional funding to allow councils to enforce the legislation.

The Deputy Chairperson:

The point is, therefore, that there might still be a cost to councils.

Dr M Browne:

That depends on the level at which it is put. At present, you can see that there is a cost.

The Deputy Chairperson:

Let me tell you, Mark, we will want to know that before the legislation passes through the Committee.

Dr M Browne:

At present, we want to deal with the issue that there is currently a cost to councils. Councils cannot enforce legislation better because they have not got the resources to do so. In Belfast, there are four or five dog wardens. In other council areas, there might be one or two wardens.

Clearly, the income from licences does not cover those and other associated costs. Therefore, there is already pressure on councils.

A more realistic licence fee is needed. I accept that members consider the level that we have suggested to be too high. However, there is still a cost issue. As regards older people, we have already mentioned that reduction. Taking on board members' comments, we can reflect on whether that is sufficient to meet older people's concerns.

People who buy dogs that are not neutered, which then have pups that the owners do not want, contribute to the issue of abandoned dogs. If all dogs were microchipped, the owner would be traceable, so there would not be the capacity to readily abandon a dog, because the owner's details would be on a database linked to the microchip. That is where we need to link in with breeders and those who sell dogs. We will never get this 100% right, but we will be able to significantly improve the traceability of dogs.

You also asked about working dogs. Currently, there are arrangements in place for block licences. There are no further arrangements around working dogs at this point. We are proposing to continue using the current arrangements.

Mr McGlone:

I am intrigued about what Dr Browne said about the costs to councils. I got a wee bit lost at that point in the response, so clarity about the amounts of money coming in would be useful. Are those amounts guaranteed to councils? Will the licensing process be a matter directly for councils, or will there be an overlap of involvement or interjection from the Department?

I am from a rural area, and I think that the theory is far divorced from the reality of the situation as I see it. I know precisely what will happen if high costs like these are introduced: dogs will be running wild right, left and centre. There will be additional costs and problems with councils if you introduce the fees that are being suggested. Dogs breed. It would not be unusual to walk through a field and see a dog with a litter of pups had been thrown out somewhere along the line. There is also the issue of the welfare of animals.

The theory is fine, but the practical outworkings are that if there are 106,000 licensed animals at the minute, and an exorbitant licence fee is introduced, which will not be in keeping with the

cost of living, there will be a reduction in the number of licensed dogs. That would be illegal, but it would be a harsh fact of life given the exorbitant licence fees that you intend to introduce. That is a statement of fact.

I would like some clarity around the licence exemptions. I did not quite pick up on the exemptions process as you described it. Forgive me; that is probably a failing on my part. Will you talk me through that again?

Dr M Browne:

I will pick up the point about finances first. The actual fee is set in the legislation, and has not been revised since 1983. Those funds go to councils. Based on the current licence fee, applied to 106,000 dogs, the maximum available to councils would be just over £500,000. In practice, with the reductions that already exist, for the elderly and so forth, it could be anywhere between £250,000 and £500,000. That money is generated from the current licence fee and goes to councils to enable them to take forward their responsibilities.

My other point is that that amount clearly does not cover the current costs of enforcement. The only figures that I have to hand at the moment are from Derry, although we will bring more figures to the Committee. In Derry alone, enforcement costs are £112,000. The income does not cover the costs.

Mr McGlone:

Forgive me for interrupting, but I understand the basic mathematics and accountancy of that argument. I am concerned about the outworkings in practice. We know what the situation is at present; everyone knows how it is.

If there is a household such as that referred to by Dr McCrea, which is barely making ends meet, the last thing that that household will be concerned about will be trying to grub up £50 to pay for a dog licence. My concern is that, in those difficult circumstances, laudable though the Bill is, the exorbitant fees will exacerbate a problem rather than rectify it. There will be dogs running wild left, right and centre.

The Deputy Chairperson:

Will it create more stray dogs?

Mr Shannon:

Will there be packs of wild dogs roaming the countryside, devouring at will?

Dr M Browne:

There is clearly an issue around the number of dogs that will be licensed. We are trying to ensure that a responsible decision is taken by anyone who purchases a dog. That responsible decision can be encouraged, first, by the price of the dog and, secondly, by the fact that the cost of a license must be carefully considered before purchasing a dog, as well as, of course, the annual cost of feeding a dog, which can be many hundreds of pounds.

If microchipping were to become compulsory, we would expect many breeders to microchip from the outset, the cost of which would be built into the cost of a dog. Therefore, dogs would come with that identifier already implanted. With the reduction for neutering, we could find that, in many cases, breeders will offer dogs that have already been neutered. Consequently, dogs will come microchipped and neutered.

Dogs will cost more, but owners will have to decide whether they can afford to have one, having already taken the responsible decision not to take one that will have lots of puppies that they cannot control and that might contribute to straying and abandonment. Indeed, potential owners will also have to decide whether they can afford to feed a dog, which, as I said, can run to £300, £400 or £500 a year.

So there is a whole string of decisions that we need responsible owners to take. We are trying to improve that decision-making process, and the consultation with the councils is partly about tightening it up in order to increase the number of licensed dogs. There is no simple and easy solution.

Mr McGlone:

What about the exemption process?

Dr M Browne:

The exemption process will be applied by councils. We are proposing a 50% discount if a dog is neutered and a further 50% discount for owners who are 65 or over or on means-tested benefits.

Therefore, for an old-age pensioner with a neutered dog, the starting figure of £50 would come down to £12.50.

Mr Doherty:

Thank you for your presentation. Maybe the legislation needs to be updated and broadened, but there is a danger that all the good work that would go into that would be undone by questions about the cost of chips and licences, so a balance will have to be struck. I am not sure whether you said this or I read it somewhere else, but is it true that most attacks do not come from dangerous dogs?

Dr M Browne:

That is right.

Mr Doherty:

Therefore, much wider legislation is needed. Are you absolutely clear that the existing dangerous dogs legislation, which refers to specific breeds, should be kept in place and that these proposals are designed to widen and deepen it?

Dr M Browne:

The Minister is absolutely clear that she wishes to retain the ban on dangerous dogs, and this legislation would seek to extend that range of controls to other dogs whose behaviour is dangerous if they are not properly trained or kept under control. This is to provide an opportunity for officials to take action when there is evidence of a dog behaving in that sort of manner.

Mr Doherty:

Do you have any statistics for dog attacks on guide dogs?

Dr M Browne:

We do not have many statistics, and we suspect that such attacks are rare. However, the point is that, were that to happen, we want to ensure that there is an appropriately high penalty. We are aware of one incident, which I think occurred in England, but we are not sure about how many there have been. We are not suggesting that there have been many such attacks, it is just that, when they happen, they are particularly serious, because disabled people rely significantly on assistance animals, whether that is a guide dog or some other assistance animal. Therefore, when

such attacks occur, there should be a heavy penalty.

Mr Molloy:

This is the most draconian bit of legislation that I have ever seen from the Department of Agriculture and Rural Development, which is well known for introducing draconian measures to deal with issues. It is not a tax on, or a means of controlling, stray dogs; it is a tax on pets.

Your submission refers a number of times to the USPCA. What is the Department's relationship with the USPCA, and how do you control it? It is one thing to control dogs, but it is another to control the people who allegedly control dogs. That is another angle. You seem to be closely associated with the USPCA, so we need to consider the role that it would play.

As far as I understand, the USPCA is a private company, and one of its specific roles seems to be the collection of dogs, in particular pedigree dogs and other high-priced dogs. We need to know who is controlling what.

Pat Doherty asked how one can tell the difference between a dangerous dog and an ordinary dog. There is nothing to indicate whether a dog is dangerous or not. Whether a dog is dangerous depends on the way in which it has been bred and on what has been reared to do. Therefore, the idea of putting a dog down because it has been described as a pit bull terrier does not follow on, because everyone's description of a pit bull terrier seems to be different.

You said that a burden is being place on charities; however, I think that you might find that charities are more of a burden on dog owners. Increasing the cost of the licence fee to £50, when people must pay £30 for chipping and differing amounts for other procedures such as spaying, means that soon no one will be able to keep a dog, and that seems to be the intention. The eight-week consultation period is too short. We have a statutory consultation period of 12 weeks, and that should be stuck to unless there is some specific need for it to be otherwise. The length of time that it has taken to get to this stage does not justify reducing the length of the consultation period.

I query the claim that 70% of all dogs are already chipped, because if that were the situation, councils would not have the problems that they have at present. I reiterate what other members said: it is not licensed dogs that are endangering sheep and other animals; it is unlicensed dogs.

Increasing the licence fee will not make a button of difference to the issue of unlicensed dogs, and that is where the problem lies.

Owner training will probably be more beneficial than dog training in many different ways. Is the Department of Agriculture and Rural Development going to collect those dogs? You failed to answer the question about how much money will go to the councils and how much the Department will hold on to. In one fell swoop, the Department could wipe out its deficit by increasing the licence fee and by not giving anything to the councils. There is no guarantee with it. Are we going to see a tax on cows, sheep and other animals, too?

Mr Shannon:

Did you say “attacks” or “a tax”?

Mr Molloy:

I said “a tax”. That is what this is; there is no other way to put it. The licence fee is a tax through which the Department can raise funds. I have not seen anything in the legislation to date that will reduce the number of dogs; however, it will increase the amount of stress. Anyone who owns a dog will simply say that it is not his.

Working through the breeders to get dogs chipped will mean that people have to pay more for a dog and that there will be less chance of them paying for a licence. Going back to the issue of the USPCA, who is going to protect the breeders? The USPCA seems to be attacking breeders rather than co-operating with them. There seems to be a stigma attached to breeders. People think that dog breeders with puppy farms are somehow different from people who breed sheep, cows or other animals.

The Deputy Chairperson:

Your proposal will be very comprehensive by the time we reach the consultation period.

Mr Molloy:

That is why I am suggesting that the consultation period last 12 weeks. We will need more time to discuss the issue.

Dr M Browne:

John will pick up on the point about the USPCA in a moment. I wish to make it absolutely clear that the money from the licence will not be going to the Department; rather, it will go to the district councils.

The Deputy Chairperson:

That is not what you said earlier. You said that the money was not going to district councils. We will check the Hansard report later.

Dr M Browne:

I do not think that I said that, but if I did, I did not mean it.

Dr W McCrea:

I do not care whether the money goes to the district councils or not, and I have worked on district councils since 1973, which is longer than anyone else in this place. However, this is a tax on decent, common, ordinary people, who are not a threat to anyone. Let us deal with the real problem: dangerous dogs, and let us deal with those who are not responsible citizens.

Dr M Browne:

Just to clarify, I did not say that the money will go to the Department. If it came across in that way, it was a slip of the tongue.

The Deputy Chairperson:

No, my point is that you made it clear that the money would not go to district councils.

Dr M Browne:

I do not think that I said that; I certainly did not intend to. As happens at present, licence fee money will go to district councils. The point is that we are not trying to put a tax on pets or to hit responsible dog owners.

We are trying to protect responsible dog owners and other people from the situation as it currently exists, which is that strays are causing a huge problem because councils cannot enforce effectively the present legislation. We have a big problem with dog attacks, some of them very serious. Unless something is done to change the current situation, there is a risk that a child will

be attacked and killed. There is a risk of responsible dog owners walking their pets being attacked by out-of-control stray dogs. Therefore, the intention is not to tax dog ownership.

Mr Molloy:

What is in the proposed legislation to change that?

Dr M Browne:

Additional powers will be available to allow council officers to deal with dogs that are seen to be out of control and behaving in an aggressive or intimidatory way. Officers can require those animals to be leashed, muzzled in public, be kept in an enclosed space or, as has been suggested, that the owner and the dog undertake training.

To put in place those additional measures, councils need extra resources that will not be provided by the current licence fee. Council costs already exceed the income from the present licence fee, which causes a real problem.

The Deputy Chairperson:

To clear that issue up: will all the licence fees generated under the new legislation go directly to district councils?

Dr M Browne:

Yes, as is the case at present. I am sorry if I misled the Committee. I did not mean to. I thought that I had made it clear that that was the case.

The Deputy Chairperson:

Mr Molloy had other questions.

Dr M Browne:

John Terrington will answer the question related to the USPCA.

Mr Terrington:

The Department has no relationship with the USPCA. Under current legislation, councils are required to have a dog pound or to make use of one that is provided by someone else. Therefore, a number of councils have formal service-level agreements to take seized or abandoned stray

dogs to USPCA facilities. That relationship is based on a commercial decision.

Otherwise, the USPCA is a charitable organisation that is involved in education, enforcement and in raising awareness of welfare issues. However, the Department has no formal relationship with it.

Mr Molloy:

Where does the USPCA get the authority to walk onto a farm to seize dogs?

Mr Terrington:

The USPCA has no powers of access to a farm to seize dogs or any other animal.

The Deputy Chairperson:

That is interesting.

Mr W Clarke:

I thank the witnesses for the presentation. As they can see, the issue is pretty emotive. When it enters the public domain, one can imagine ‘The Stephen Nolan Show’ having a field day for about three weeks.

On a serious note, and everybody has said it, humans rather than dogs are the dangerous element in the equation. The real issue to be addressed is the influence that owners have on their dogs. I think that the proposed licence fee is a bit high.

Ultimately, the public must buy into the proposed legislation, which hits responsible dog owners. Hence, we must be careful, because the means-tested approach means that people who are not on benefits will not get their dogs neutered for free. They will have to pay up to £100 more. In that respect, the fee is wrong.

I also believe that social tariffs should be built into the legislation to help people on benefits and older people, for whom dogs provide companionship. Most people, particularly those on state pensions, are on the lowest amount of income on which the Government say that they can live. To charge them another £50 or £25 would put those pensioners in poverty. We must be mindful of health and well-being issues and of how people, such as those with mental-health

problems, find companionship in their dogs.

My other concern is about enforcement. Across the water, the dangerous dog element is dealt with by the police who enforce laws concerning dangerous dogs.

They have no licence fee across the water, and yet they have fewer strays than we do. There is a lot of ambiguity about the whole issue of licence fees and enforcements. The police should have a greater role in the enforcement of dog licences. It is wrong to place the responsibility on councils that do not have the necessary budgets. I declare an interest as a councillor and as a dog owner who pays a licence fee. There are massive issues with stray dogs and dog fouling, and the introduction of a more expensive licence could create more problems.

There is a cycle in which repeat offenders continue to get dogs. That dog is put down, they get another dog, and it bites another dog. They get another dog, and so on. Will there be legislation to prevent repeat offenders from being allowed to keep dogs? There is also ambiguity about mixed breeds, and it can be expensive to classify DNA and the breed of a dog. If a banned breed is cross bred with a non-banned breed, the mixed breed is not banned. How do we tighten up on that, particularly given the fact that there is no ban on dangerous dogs in the South? There are pitfalls, rather than pit bulls, in this.

Mr Savage:

I listened very carefully to what you said, Dr Browne, and I suppose that you have put a lot of thought into your proposals. A £50 dog licence may work in theory, but I can tell you that it will not work in practice. I have two or three elderly neighbours who live in a rural area, and for whom their dog is a lifeline. Those people live on a pension and will not be able to afford to pay £50 for a dog licence. It is all very well to talk about a block licence. However, on my way into Waringstown to get a newspaper every morning, I see a man and a woman walking with four dogs apiece. I will not be going there any more if a £50 licence fee is introduced. I do not want to be part of it.

Controlling dogs is the issue that you have forgotten about more than any other. The lambing season will begin in about six weeks. Half the dogs in the country will not be licensed if a licence costs £50. We have to get a grip of the situation, because that will be very dangerous. Sheep worrying affects us all. How many young lambs are slaughtered by dogs every year? There will be far more dogs on the loose. There is a cure for that, but our actions must be humane. There is

a big onus on the Department and the Committee to proceed in the correct way. I do not think that you are living on the same planet as me in proposing the introduction of a £50 licence fee, because it just would not be acceptable. We need some legislation to control the situation, but there is a lot of work to be done.

Dr M Browne:

I listened very carefully to what everyone said about costs, and we will reflect on the Committee's helpful comments.

Sheep worrying is addressed by the existing legislation. Stray dogs cause a problem that is not diminishing under the current regime. There must be action taken to reduce the number of strays. I will let John address the issue of mixing breeds.

Mr Terrington:

The ability to identify pit bull terriers, cross-breeds and related issues have been raised as concerns. However, the figures and anecdotes from the councils to which we have spoken show that cases are won by councils where there is a dispute. Council dog wardens have a bank of knowledge that they have built up over years in operating this legislation, and that works to good effect. Those cases are won, if not every time, on most occasions.

Another concern about going to court, and debates as to whether a dog is a pit bull terrier type or a cross-breed, is the cost to the council. In most cases, there is never a real dispute as to whether a particular dog is a threat; rather, the dispute is about whether it is one of those types of dog. The current situation allows the court to decide in favour of the council and the court to decide to put down the dog. The owner may ask for an exemption to that and, if certain conditions are met and the council is happy that that dog is not a threat, an exemption may be granted. Many of the disputes as to whether a dog is of that type can be avoided if the council can make that decision. The council ultimately decides that in any case, after the court process.

Mark said in his presentation that it is not good for the owner to be separated from the dog, if he is ultimately to be allowed to keep it. It is not good for the dog to be kept in kennels for that time or for the council to have to foot the bills for enforcement through the courts, or the keeping of the dog at its kennel or under contract at someone else's kennel. However, much of this process takes the heat out of the system, when an individual dog is not a threat. I do not think

that that is such a big problem. Many of these cases depend on the opinion of expert witnesses. However, the councils win in most cases.

Dr M Browne:

Councils and courts have got used to this legislation and are familiar with it.

Mr Terrington:

In 1991, this legislation was new to everyone, but recently it has become clear that it works.

Mr Burns:

What the witnesses must realise is that the members of the Committee have all been councillors. We have discussed this issue at council on many, many occasions. It is ridiculous.

When an old-age pensioner has a wee dog, it is recognised by people on the street. Everyone knows who owns it, it is licensed and properly controlled. It causes no problem whatsoever. In the case of families, the children want a dog and the parents buy them one. It is part of the family and everyone gets on well. By contrast, out on the street, big dogs run loose, and that is where the problem lies.

I declare that I am member of Antrim Borough Council, and we have been in court on a few occasions with such cases, and we have lost them and had to take them to appeal. The cost to the council is enormous. Those dogs must be impounded, kennelled and, if they have injured anyone in the process, there is fear that the dogs will be interfered with and the case dropped. Therefore, the dogs have to be kennelled virtually in secret at huge cost.

The witnesses have said that the dog warden is deemed to be an expert in court. However, I have seen barristers have a field day with dog wardens. One barrister asked the dog warden what job he had previously done, and what qualifications he had to describe himself as an expert on dogs.

In order to win court cases of that nature, an expert breeder of dogs —

The Deputy Chairperson:

I assume that you have a question, Thomas.

Mr Burns:

I am trying to say how ridiculous it is that we, as the legislators of the Assembly, are being asked to support this piece of legislation. If it were presented to the Assembly, we would turf it out. There are so many holes in it; how can we justify the costs involved? The cost of a dog licence is a mere token to register the dog so that the council knows who owns it. The problem of lifting unregistered stray dogs and taking them out of the equation is a far more serious issue. The people who purchase licences are old-age pensioners or families who want to keep a pet; they do everything correctly and by the book. It is the non-registered dogs that are the problem. The council staff lift those dogs and put them in the dog pound, and, after a few weeks, if they have not been rehomed, they are either handed over to charities or are destroyed. The legislation is unacceptable.

Mr Irwin:

You are all very welcome; I am sure that you will be glad to get out of this meeting. All the issues have been well covered, and I share the views that other members have expressed. You said that lifting stray dogs costs the councils a lot of money, but this legislation proposes to pay for that by penalising the people who pay for licences for their pets. Given that, there is no chance of this legislation being passed by the Assembly. An increase in the licence fee to £50 is totally unacceptable. I have constituents who live about a mile from me who are members of a beagle club; they keep 30 or 40 beagles. How will the proposed legislation affect them?

Dr M Browne:

Are they breeders?

Mr Irwin:

No, they hunt with the beagles. They have been a hunting family all their lives, and they keep about 40 beagles.

Dr M Browne:

I would have to check that. I think that they would fall under the existing block licensing system.

Mr Irwin:

You said earlier that the block licence covered three dogs.

Dr M Browne:

The block licence covers three or more dogs.

Mr McGlone:

If we start to go through this —

The Deputy Chairperson:

We are not going to go through it again.

Mr McGlone:

I want to make another point. As we start to go through the legislation, it raises other issues, and things become even more befuddled, in my mind anyway.

Mr Terrington mentioned exemptions where a dog is put down and the responsibility moves from the courts to the councils. Does that mean that the councils become almost quasi-judicial, if not fully judicial? As is the case with planning decisions, banks of solicitors and barristers will appear in front of councils to argue cases, for and against. There may be extenuating circumstances in which a person is deeply concerned about a pet and does not want it to be put down. Is that the type of scenario that is envisaged? Such a scenario may not have been envisaged or thought through by the Department, but it seems that the natural outcome of this proposed legislation will be that, if decisions are handed over to the councils by the courts, the councils' decision-making processes will become judicial or quasi-judicial in nature, and will be open to all sorts of challenges.

Mr W Clarke:

In England and Wales, the police are responsible for enforcing legislation pertaining to dangerous dogs. Why should it be any different here? After all, the police can control the situation. They have specialist arms people who can deal with a situation in which a dog is out of control and is a danger. Why should it fall on council enforcement officers?

Mr Terrington:

The proposed legislation is not intended to change the situation; that is the way that it is here. We worked very closely with the councils and the police to come up with a memorandum of

understanding that council officials will be protected if they feel that is necessary. Councils are enforcing successfully in the area of dangerous dogs at the moment, and there is no proposal to change that at this stage. I cannot speak for why it is different in England historically. However, there is no change to the situation here.

Mr W Clarke:

It is passing the buck to councils.

The Deputy Chairperson:

Will you address the issue raised by Patsy McGlone?

Mr Terrington:

The current process for one of the named dogs is that the council lifts and impounds the dog. If it is not challenged, the dog can be destroyed, and I am sure that that happens. If it is challenged, the council, along with its legal experts, takes the case to court. The court decides whether or not the dog is a pit bull, for example, and the owner can then apply for an exemption on the basis of strict conditions. The council's view on whether that individual dog is a specific danger is taken into account.

The proposal for consultation is that in cases in which the council does not think that the dog is a specific threat, which it is ultimately asked about anyway at the end of the process, it can apply that exemption administratively with all the conditions attached to it. The case only becomes one for the court if the council is not content that the dog is not a threat or that the owner is responsible to keep the dog, even with the strict and onerous conditions put on them.

Mr McGlone:

The fact that the decision-making process itself is for the council leads us back to my point that it can then become quasi-judicial and very formal in its nature, and subject to all sorts of legal conventions anyway. Presumably, at that point, the owner is still contending the issue, because the council —

The Deputy Chairperson:

We are getting into technical detail. I remind you that we are at the pre-consultation stage. If we are weary now, we will be twice as weary by the time that all of this goes through its full rigours.

Have you anything further to add, Mark, by way of winding up?

Dr M Browne:

As you said, it is pre-consultation. It is an opportunity for us to bring our thinking to the Committee and for members to tell us their views. Members have expressed views very forcefully around the issues of cost and whether licensing is the right route in order to encourage people to act responsibly, to reduce the number of strays, and so on. We have listened very carefully; we will reflect on those views and review our proposals in the light of them.

Mr Molloy:

Can we suggest that the Department goes back to the drawing board?

The Deputy Chairperson:

It is pre-consultation, so I assume that it is subject to various changes throughout the process.

Dr W McCrea:

It has been a helpful exchange, and the warnings are clear as regards the mind of the Committee.

Dr M Browne:

It has been very helpful.

The Deputy Chairperson:

Thank you. I appreciate that.