Belfast City Council

Report to: Health and Environmental Services Committee
Subject: Consultation on the Dogs (Specified Maximum) (Belfast) Order 2012
Date: 6th February, 2013
Reporting Officer: Siobhan Toland, Head of Environmental Health, ext 3281
Contact Officer: John Corkey, Environmental Health Manager, ext 3289

Relevant Background Information

1.1 The Clean Neighbourhoods Act strengthens the legislative powers available to district councils to help them deal more effectively with a range of local environmental quality problems, including the making of orders that apply offences aimed at the control of dogs (“dog control orders”).

1.2 Members are reminded that under Part 5 of the Act, councils may create separate orders to help manage issues associated with dogs in their area. Dog Control Orders can be made in respect of any land, subject to certain exemptions, and can relate to the following matters:

- failing to remove dog faeces;
- not keeping a dog on a lead
- not putting, and keeping, a dog on a lead when directed to do so by an authorised officer;
- permitting a dog to enter land from which dogs are excluded; and
- taking more than a specified number of dogs onto land

1.3 At its meeting of 8th February 2012, the Committee agreed the implementation of Dog Control Orders on a phased basis. The Council has already implemented the Fouling of Land by Dogs (Belfast City Council) Order 2012 which became effective on 1st October 2012.
The Council is also currently consulting on the Dogs (Exclusion from cemeteries, children's playgrounds, playing fields and pitches) (Belfast) Order 2012. This has resulted in a significant level of response which is currently being reviewed and further reports on this aspect will be brought forward to the relevant Committees.

At its meeting of 7th November 2012 the Committee also agreed that the Council should make a dog control order limiting the number of dogs a person can be in control of at any one time to 4.

A consultation exercise, therefore, commenced on 10th December 2012 on the proposed Dogs (Specified Maximum) (Belfast) Order 2012 and ran until 25th January 2013. Notices (see appendix) were placed in all local daily and weekly community papers with communication supplemented by placing details of the Order on the BCC website


Comments were invited via e-mail, in writing and via BCC social media channels.

### Key Issues

2.1 One of the objectives of the Council is to promote responsible dog ownership, not simply through enforcement, but also through educational and awareness raising activities, partnership working with schools, community groups and outside agencies and by officers working more collaboratively across the Council. For example, a detailed action plan for addressing dog fouling has been agreed and is being implemented across the city. Therefore the powers available under the Clean Neighbourhoods and Environment Act provide a useful additional tool to the ongoing work of the Council in seeking to address all dog related issues across the city.

**Consultation Responses**

2.2 There have been 65 responses to the Consultation that focus on the Dogs (Specified Maximum) (Belfast) Order 2012. Of these, 25 raised concerns about Dog Walkers being impacted in relation to their businesses and the maximum number of dogs they could walk being limited to 4. The responses are summarised in Appendix 3.

2.3 A total of 13 responses agreed with the proposal of a limit of 4. The guidance published by Defra states that expert advice is that the maximum number of dogs that a person can control should not exceed six and that consideration of an appropriate maximum number should take into account all the circumstances in the area. As dog fouling has been a consistent problem in Belfast, Members have previously agreed on a limit of 4 dogs. This is the case in some local authorities in England (see Appendix 2).

2.4 The related DoE guidance for Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 states that the most important factor for district councils to consider is the maximum number of dogs which a person can control. The
Dogs Trust does not agree that there should be a limit on the number of dogs walked as so much depends on the ability of the person to control the dogs. An illustration provided by them suggests that a good owner may be able to control large numbers of dogs while a less responsible person may be incapable of controlling one.

2.5 If someone is taking several dogs on to land they must be capable of controlling them. Someone with more than 4 dogs could struggle to be in full control of them, particularly if the dogs were distracted. Five or more dogs being walked by a single person could therefore pose a danger to other people, particularly children or the elderly. The Council’s Dog Wardens have observed the practical difficulties associated with cleaning up and managing the retention and subsequent disposal of dog fouling from several animals and have issued Fixed Penalty Notices accordingly where owners/dog walkers have been unable to control the problem due to the number of dogs being walked.

2.6 The Kennel Club has suggested that the Council follows Department for Environment, Food and Rural Affairs (DEFRA) guidance and permit 6 dogs. They have also referred to welfare e.g. the potential of theft, and leaving dogs in cars while other dogs are walked. In line with DEFRA guidance a number of insurers issue dog sitter and dog walker insurance on the basis of a limit of 6 dogs. 2 other consultee responses cited insurance cover from the National Association of Registered Petsitters who have outlined the following in their code of practice and terms and conditions of their insurance:

“Dog Walkers should not walk more than 4 dogs at any one time. They must ensure proper control at all times and dispose of excrement safely.

2.7 The consultation provided a number of views ranging from total agreement with the proposal (20%) to a rejection of the need for any legislation. Some people were of the view that, as it is not an offence to own more than 4 dogs it should not be an offence to walk more than 4. Others felt that consideration should be given to the size of the dogs.

2.8 It is not possible to set a maximum figure that will meet everyone’s preferred option. However, given the ongoing problem of dog fouling across the city and the concerns that are regularly expressed by the public and by Councillors on behalf of their constituents, the Dog Control Officer Group firstly took account of the Defra guidance, that quotes expert advice that it should not exceed 6, whilst accepting that the fewer the number of dogs someone is in charge of, then the easier they are to control and to clean up after.

2.9 It was, therefore, still recommended that the maximum number of dogs should be 4.

2.10 There are 59 households in the Belfast City Council area with more than 4 dogs licensed and officers will be contacting those affected by its implementation of this Order, if agreed, but prior to the proposed implementation on 1st April 2013.

3 Resource Implications

3.1 Resource implications can be met within existing budgets.
### Equality Implications

4.1 An Equality Screening exercise has been carried out on the Dogs (Specified Maximum) (Belfast) Order 2012 consultation exercise.

### Recommendation

5.1 The Committee is requested to:-

1. note the results of the consultation exercise; and

2. decide if it wishes to proceed to make a new dog control order in Belfast entitled *The Dogs (Specified Maximum) (Belfast) Order 2012* to be effective from 1st April 2013 limiting the number of dogs that a person can be in control of at any one time to four.

### Documents Attached

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