

Dog Control Orders

Consultation Summary

September 2011

Background

1. The Department issued a consultation document on 23 March 2011 containing guidance in draft form together with draft regulations implementing provisions relating to dog control orders under Part 5 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (the 2011 Act). The purpose of the consultation exercise was to invite comments on the draft guidance and associated draft Regulations

2. The draft guidance covers:

- the Controls on Dogs (Non-application to Designated Land) Order (Northern Ireland) 2012 which designates descriptions of land to which Part 5 (Dogs) of the 2011 Act does not apply;
- the Dog Control Orders (Procedures) Regulations (Northern Ireland) 2012 which implement sections 40 and 41 of the 2011 Act by prescribing the procedures and forms for making dog control orders,
- the Dog Control Orders (Prescribed Offences and Penalties, etc.) Regulations (Northern Ireland) 2012 which implement sections 40 and 41 of the 2011 Act by prescribing offences and penalties to be contained in dog control orders; and

together with the other sections of the 2011 Act relating to dog control orders.

3. Dog control orders replace the previous system of byelaws for the control of dogs and also the dog fouling provisions under Article 4 of the Litter (NI) Order 1994 which will be repealed. The guidance is intended for district councils as the bodies with powers to make dog control orders. It will also be relevant for dog owners who may be affected by dog control orders.

Responses

4. There were 31 responses to the consultation and of those who submitted comments:

61% were district councils/local government;
21% were interest groups; and

18% were members of the public;

5. The Department encourages responsible dog ownership as the foundation for dealing with dog related problems such as fouling and attacks on people, and views additional enforcement options, including the zoning of land and requiring dogs to be kept on leads in certain areas, as essential tools to encourage responsible dog ownership and to change the behaviour of those who fail to control their dogs.
6. In general, local government has welcomed the proposed introduction of the Dog Control Order process as a streamlined replacement for the current byelaw system. Other organisations and members of the public have commented that there must be a sustained education and enforcement programme put in place if the system is to be effective, especially when dealing with the problems of dog fouling.
7. The consultation process has made it clear how important it is for any district council considering making a dog control order to consider fully the implications for all those who use the land which is the subject of the proposed order. Before making an order, a council will need to ensure that it has balanced the needs of those who wish to have access to dog-free areas and areas where dogs are kept under strict control with the need for those who are in charge of dogs to have access to areas where they can exercise their dogs without undue restrictions. The Department recognises that off-lead exercise is important for most dogs' physical and mental well-being but would emphasise that it is vital that dogs are properly controlled at all times even when on a lead.
8. Details of specific comments raised and the Department's response to those comments are set out in the Annex.

Consultation Summary Responses

Issue	Raised By	Departmental Response
Do you have any comments on the draft Guidance?		
Although restrictions can be made for certain instances, they should be on a case by case basis and an objective and evidence based approach should always be adopted.	Kennel Club	Noted.
The retention of the offence of permitting a dog to foul under the provisions of Article 4 of the Litter (NI) Order 1994 (on land not subject to a dog control order) is welcomed as is the determination that being unaware that a dog has defecated or not having a suitable means of removing the faeces are not reasonable excuses for failing to comply with the order. The ability for councils to issue a notice for information under Section 47 of the Act is seen as an essential facility for district councils to effectively enforce the Act and its subordinate legislation.	Newtownabbey BC	Noted.
<p>Craigavon Borough Council's existing byelaws provide additional safeguards in respect of dog control by including a requirement to keep dogs under 'proper control, and be effectively restrained from causing annoyance to any person and from worrying or disturbing any animal or waterfowl and from entering any ornamental lake.'</p> <p>Certain dogs may still present a hazard to others even if kept on a lead. The Council therefore considers that the use of terminology to keep dogs under 'proper control' is separate and is more robust to the proposed requirement of keeping a dog on a lead. Whilst it is not the Council's intention to place</p>	Craigavon BC	<p>Existing byelaws remain in force indefinitely, and can continue to be enforced as normal. However, if a council chooses to make a dog control order in respect of an offence on a specified area of land, any byelaw dealing with the same offence on the same land lapses. Other byelaws, dealing with either the same offence on different land, or with different offences on the same land, are not affected.</p> <p>The guidance will be amended to make it clear that an owner must keep a dog under control at all times even whilst on a lead. However, dog controls orders are just one</p>

<p>onerous controls on dog owners, it is important that those in charge of dogs properly control the behaviour of the animals (whether or not on leads).</p>		<p>tool which will be available to district councils to deal with dogs. Councils will also be able to make use of other legislation e.g. the Dogs (NI) Order 1983 as recently amended by the Department of Agriculture and Rural Development through the Dogs (Amendment) Act (Northern Ireland) 2011 to take action in relation to particular dogs.</p>
<p>There might be a need for more detail both with regard to making control orders and with regard to the details of how to implement them. Also, given the elimination of related byelaws it is essential that the new legislation is able to be effectively and efficiently implemented, if it is not to cause serious misgivings within councils.</p> <p>Guidance for councils to encourage the prosecution, particularly of repeat offenders, under normal circumstances, rather than offering the option to pay a fixed penalty notice (FPN) for a second, third or fourth etc offence, would be welcome. We believe that the potential publicity surrounding prosecutions will have a positive impact on behaviour which is missed when using FPNs and there is a case (Exeter County Council v Donna Chalice) which backs up this approach.</p>	<p>Tidy NI NIEQF</p>	<p>The guidance will be amended to provide additional detail in respect of various issues raised by stakeholders.</p> <p>Guidance on the use of fixed penalties is the subject of a separate consultation exercise and can be accessed at http://www.doeni.gov.uk/fixed_penalty_notices_consultation_document_consultation_copy_.pdf</p>
<p>The procedures for making a dog control order, could provide more detail as there will undoubtedly be both operational and legalistic complexities throughout the implementation process.</p>	<p>Belfast CC</p>	
<p>Clarification sought on savings provisions for Article 4.</p>	<p>Ballymoney BC Dungannon & South Tyrone BC Strabane DC</p>	<p>Although Article 4 of the Litter Order will be repealed, there will be a savings provision allowing it to remain in force in relation to an area of land until a dog control order for that land has been made.</p>

<p>Clear guidance to be given in respect of dog control orders that "by default" do not include failing to remove dog faeces.</p>	<p>NIDAG/CEHOG Ballymena BC NILGA Larne BC Ards BC</p>	<p>There will be 5 distinct types of dog control orders (as detailed in the draft Offences and Penalties Regulations) of which a "Fouling of Land By Dogs Order" will be one. The other four do not relate to dog faeces.</p>
<p>Working dogs can briefly stray onto neighbouring land, and in the interim period before they are rounded up, may be on that land without permission. We would therefore seek to ensure that working dogs will have added leniency, or a full exemption under the Offences Regulations for working dogs.</p>	<p>CAI</p>	<p>Authorised officers will have a certain amount of discretion and, where they feel it is appropriate, will be able to make use of the provision in the Offences Regulations which states –</p> <p><i>"No offence is committed where a person has a reasonable excuse".</i></p>
<p>Further concern is the potential for draconian enforcement of dog ban orders; for example, a total ban of dogs from specific parks and not just a specified area within a park.</p>	<p>CAI</p>	<p>The guidance on Dog Control Orders makes it clear that district councils need to balance the interests of those in charge of dogs against the interests of those affected by the activities of dogs, bearing in mind the need for people, in particular children, to have access to dog-free areas and areas where dogs are kept under strict control, and the need for those in charge of dogs to have access to areas where they can exercise their dogs without undue restriction.</p>
<p>Would recommend restrictions on dogs only where the restrictions can be supported with rigorous science that illustrates the efficacy of such measures. The impact that these restrictions could have on natural dog behaviour, could lead to an increase in behavioural problems in the dog. These behaviour problems would impact, not just on the welfare of the dog and its owners, but on the safety of the community at large.</p>	<p>Sarah Millsopp</p>	<p>It will be up to each district council to decide what areas in its district will be subject to Dog Control Orders. However, the Department realises that it is important for most dogs' physical and mental well-</p>
<p>It is essential that the authority demonstrate that a DCO is a 'necessary and proportionate response'.</p>	<p>Blue Cross</p>	
<p>Section 9 of the Welfare of Animals Act (Northern Ireland) 2011 creates a criminal offence if a person who has responsibility for a dog fails to ensure that its needs are met to the extent required by good practice. This is taken</p>	<p>Dogs Trust</p>	

<p>to include “its need to be able to exhibit normal behaviour patterns”. We therefore suggest that councils are reminded that when considering imposing Dog Control Orders that they keep this at the front of their minds.</p>		<p>being to have off-lead exercise. Many dogs require vigorous exercise that would not be possible on lead and this could therefore compromise their health and behaviour. However, owners and handlers must still keep control of their dogs even when off-lead.</p>
<p>Disparity between councils may also be a cause of concern to responsible dog owners who do not confine themselves to one particular council area.</p>	<p>CAI</p>	<p>It will be a matter for an individual council to decide which areas within its district should be subject to dog control orders. Regulation 3(4)(a) of the Procedures Regulations requires councils, where practicable, to place signs summarising the order on or near the land in respect of which it applies. This will inform the public as to the controls which apply to dogs in that area.</p>
<p>Enforcement is a key issue, and we wish to see appropriate resources made available. This is particularly relevant around public education. With budget cuts and the current financial climate adversely affecting services we do have concerns that the more costly aspects of DCOs (consultation and enforcement) could be affected.</p>	<p>Blue Cross</p>	<p>The Department recognises that education will be a very important part of the dog control regime. It is ultimately a matter for district councils but the guidance will be amended to include reference to education and promoting responsible dog ownership.</p>
<p>The document will be nothing more than a meaningless piece of paper without a focused education and enforcement policy implemented by district councils. The hard core flouters are difficult to educate and will only mend their ways when they are forced to do so.</p>	<p>Robert Curry</p>	<p>The current financial climate will be not affect the consultation process as a district council will be required by the legislation to consult on its intention to make a dog control order.</p>
<p>In order to ensure compliance with dog ban orders, enforcement of these provisions must sit alongside education and awareness-raising for dog owners. It is the concept of the responsible dog owner that will ultimately deliver the desired outcome for any dog related legislation. Also,</p>	<p>NILGA</p>	<p>Whilst education clearly has a part to play, effective enforcement against those who continue to flout the law is vital. It is hoped</p>

<p>enforcement of dog control order provisions will not only involve dog wardens but other front line staff as well such as park wardens and litter wardens who can be trained, authorised and deployed to deal with exclusion orders, dog fouling, etc.</p>		<p>that the increased penalties will have a deterrent effect on irresponsible dog owners.</p>
<p>Guide Dogs are concerned that restricting the exemptions to those registered blind may not include all guide dog owners. Registration (as blind or partially sighted) is voluntary, therefore, those individuals who although may meet the criteria for being registered as blind or partially sighted may not be so. Guide Dogs wish to see the exemptions extended to all guide dog owners and to those registered blind and partially sighted.</p>	<p>Guide Dogs</p>	<p>The Regulations will be amended to include an exemption from a dog fouling Dog Control Order for a person who is registered blind or partially sighted and for a person who has a guide dog. The Regulations will also be amended to provide an exemption from dog exclusion Dog Control Orders for anyone with a disability in respect of their assistance dog.</p>
<p>Dog Control Orders: Dog Fouling</p>		
<p>Generally never opposes this order and supports the introduction, use and promotion of it as a basic principle of responsible dog ownership. However, instead of introducing an order, local councils could consider holding educational events in parks to promote responsible ownership. These educational promotions should be followed even if the councils decide to introduce the order to ensure compliance.</p>	<p>Kennel Club</p>	<p>This will be a matter for district councils but the guidance will be amended to include reference to education and promoting responsible dog ownership.</p>
<p>The draft Guidance states that Article 4 of the Litter (NI) Order 1994 is being repealed. Article 4 relates to the offence of permitting a dog to foul. Clarification is sought on the powers that will be available to councils to enforce dog fouling within its area and in situations where a 'Fouling of Land by Dogs Order' has not been made or on land outside of a Dog Control Order, e.g. on a public road. Whilst the Department may intend that this applies only to areas where a dog control order is made, this should be made explicitly clear in all guidance.</p>	<p>Banbridge DC</p>	<p>Although Article 4 of the Litter Order will be repealed, there will be a savings provision allowing it to remain in force in relation to an area of land until a dog control order for that land has been made.</p> <p>A dog fouling Dog Control Order can be made for the entire district (including public roads).</p>

<p>Given the complete lack of research carried out to determine what might help to prevent dog fouling in public areas, it might be useful to commission rigorous research on the subject, before enacting bans that could seriously reduce the freedom of dog and owner.</p>	<p>Sarah Millsopp</p>	<p>Any district council considering a dog control order must be able to show that it is a necessary and proportionate response to problems caused by the activities of dogs and those in charge of them.</p>
<p>Concerned that responsible owners will be penalised for irresponsible owners. While there is a need for some change in an effort to eradicate dog fouling, concerned that measures will be taken to the extreme. Changes should be balanced and fair to everyone.</p>	<p>Cheryl Marshall</p>	
<p>Given that the order presented is an effort to reduce the problem of dog fouling, we believe that this end could be better achieved by education of the public and better provision of dog waste disposal facilities.</p>	<p>Sarah Millsop</p>	<p>Dog fouling is a serious public health issue and the provision of ample dog waste facilities is important. It will be in a council's best interests to ensure that there is an adequate number in its district..</p>
<p>Important to have good access to dog waste bins, which must be maintained, emptied and cleaned as frequently as possible. It would be beneficial generally and not just to responsible dog owners who use them. Keeping grass short in public areas would also make it much easier to clean up after your dog properly and help to maintain a cleaner environment.</p>	<p>Cheryl Marshall</p>	<p>District councils will be able to keep the receipts for the fixed penalties that are imposed and use that money to help them to carry out certain functions in respect of local environmental quality which could include the provision or maintenance of dog waste receptacles. The frequency of grass cutting in areas for which a district council has responsibility is a matter for that council.</p>
<p>Dogs can easily be trained not to foul pavements. It is the irresponsible owners who allow their dogs to foul our streets and leave it to everyone else to clean up their mess after them who have to be targeted.</p>	<p>Robert Curry</p>	<p>Effective enforcement by district councils will target the irresponsible owners. "Poop scoops" can be bought relatively cheaply at pet stores and supermarkets, or any bag and any bin can be used so there is really no excuse for dog owners not to clean up after their dogs.</p>

<p>If a guide dog owner (or other individual) is registered partially sighted, and is unable to see or locate the faeces potentially being unaware of a dogs defecation, they would not be exempt from being prosecuted under the regulation.</p>	<p>Guide Dogs</p>	<p>The Regulations will be amended to include an exemption from a dog fouling Dog Control Order for a person who is registered blind or partially sighted and for a person who has a guide dog.</p>
<p>In respect of persons with a disability being exempt, because of their inability to lift, the Council would suggest that this relates to “registered” disabled and also recognises that certain elderly people may struggle to lift and remove dog excrement.</p>	<p>Belfast CC NILGA</p>	<p>There is no register of disabled people in Northern Ireland. Exemptions have, however, been provided in certain circumstances for people with a disability. Authorised officers will also have a certain amount of discretion and, where they feel it is appropriate, will be able to make use of the provision in the Regulations which states –</p> <p><i>“No offence is committed where a person has a reasonable excuse”.</i></p>
<p>Given that Article 4 of the Litter (NI) Order 1994 applies across the district without any requirement to erect signage it would seem unreasonable as is suggested by paragraph 2.11 that signs be erected to inform the public of the existence of such an order.</p>	<p>Larne BC</p>	<p>Regulation 3(4)(a) of the draft “Procedures Regulations” state that signs should be placed summarising the order in conspicuous positions on or near the land in respect of which it applies <i>where practicable</i>. Although Article 4 of the Litter Order currently applies across an entire district, many councils already erect signs in areas where dog fouling is a particular problem.</p>
<p>Would recommend dog fouling order for the entire district.</p>	<p>Coleraine BC</p>	<p>Under the proposals, a district council will be able to draw up a “Fouling of Land by Dogs Order” for its entire district if it chooses to do so.</p>

<p>On the one hand the draft Guidance states that Article 4 of the Litter (NI) Order 1994 (offence of permitting a dog to foul) is being repealed whilst it also suggests that Article 4 will remain in place until the Council makes a dog control order. Clarification is sought on this matter.</p>	<p>Craigavon BC</p>	<p>Although Article 4 of the Litter Order will be repealed, there will be a savings provision in the Commencement Order enacting the repeal provision allowing it to remain in force where a dog control order has not been made.</p>
<p>If Article 4 is repealed, it would appear that every Council in NI will be faced with having to go through the process of making a Fouling on Land by Dogs Order so that they can avail of the legal powers to enforce dog fouling offences. Giving powers to Councils to draw up such an order for their entire district places an unnecessary burden upon them. Amending and updating Article 4 of the Litter Order or including an equivalent provision in the Clean Neighbourhood and Environment Act would be more appropriate and efficient. Should Article 4 remain, it is recommended that fines and fixed penalties are increased.</p>	<p>Craigavon BC</p>	<p>If a council does not wish to draw up a “Fouling of Lands By Dogs Order” for its entire district it can continue to enforce the offence under Article 4 of the Litter Order in which case the lesser £50 fine will remain. As a result of the Clean Neighbourhoods and Environment Act (NI) 2011, all environmental dog controls can now be dealt with under the same piece of legislation rather than having the dog fouling offence sitting in isolation in the Litter Order. Also the complete new dog control order system introduced by the 2011 Act will be a much more streamlined and straightforward way to provide councils with the necessary local powers to deal with local and specific dog control problems in their areas than the old dogs bye-law system which is considered costly and complicated to administer, both for the Department and district councils.</p>
<p>Dog Control Orders: Dogs on Leads</p>		
<p>Supports the use of this order in very limited circumstances such as cemeteries or playgrounds. Where used, alternative off-lead access must be made available for dog walkers to balance the needs of all access users.</p>	<p>Kennel Club</p>	<p>The Department recognises that it is important for most dogs’ physical and mental well-being to have off-lead exercise.</p>

<p>Would recommend these to be used as frugally as possible. There should be a requirement for authorised officers tasked with enforcing ‘dogs on leads by direction’ order to hold or undergo training in dog behaviour.</p>		<p>Many dogs require vigorous exercise that would not be possible on lead and this could therefore compromise their health and behaviour. However, owners and handlers must still keep control of their dogs even when off-lead.</p>
<p>Research shows that off lead exercise is best for the dog, as it allowed the dog to run freely without restriction from a lead. It was believed that dogs need and want more exercise than owners could give them if kept on a lead. We acknowledge that this is sensible in certain circumstances e.g. in car parks, children’s play areas etc. However, many owners take the time and expense to train their animals to be adequately controllable off-lead, and so a blanket ban seems inequitable. It could also be potentially damaging to the behavioural development of dogs, if they are constantly restrained on the lead. In line with the Kennel Club’s recommendations, we suggest that a “dogs on lead by direction” order, policed by officers trained in dog behaviour would be sufficient. Training in dog behaviour is essential to allow such officers to make accurate and informed judgements on when dogs should indeed be restrained. Where dogs are restricted on-lead or excluded from a particular public area, facilities should be provided to allow for the adequate exercise and socialisation of dogs. We would not, however, want to see the introduction of “Dog Parks” where dogs and owners are segregated from the community at large.</p>	<p>Sarah Millsopp</p>	<p>It will be up to each district council to decide what areas in its district will be subject to Dog Control Orders. The guidance on Dog Control Orders makes it clear that district councils need to balance the interests of those in charge of dogs against the interests of those affected by the activities of dogs, bearing in mind the need for people, in particular children, to have access to dog-free areas and areas where dogs are kept under strict control, and the need for those in charge of dogs to have access to areas where they can exercise their dogs without undue restriction.</p>
<p>At very least I feel that dog owners in each local area should be offered a variety of designated places, where dogs can be allowed to be walked off leads in safety.</p>	<p>Cheryl Marshall</p>	<p>The Department acknowledges that council officers may need to undergo some sort of related training but this will be for individual councils to decide.</p>
<p>It is essential that guide and assistance dogs that spend a significant amount of time providing mobility and support to their owners have regular opportunities to free run and have vital exercise to maintain their health.</p>	<p>Guide Dogs</p>	
<p>Dogs Trust takes the view that if a dog is restricted to a short lead that this will inevitably mean that it is going to be unable to exhibit normal behaviour patterns. Therefore, dogs on leads orders should only be imposed for specific areas where either dogs are at risk (such as the side of roads) or a</p>	<p>Dogs Trust</p>	

<p>potential risk to humans (such as children’s play areas).</p>		
<p>The term ‘under proper control’ should be considered in conjunction with the requirement to keep dogs on a lead. Whilst it is important that dogs should be restrained on a leash whilst in public areas, this in itself does not always mean that the dog is under the proper control of its keeper.</p> <p>Certain dogs may still present a hazard to others even if kept on a lead. The Council therefore considers that the use of terminology to keep dogs under ‘proper control’ is separate and is more robust to the proposed requirement of keeping a dog on a lead. Whilst it is not the Council’s intention to place onerous controls on dog owners, it is important that those in charge of dogs properly control the behaviour of the animals (whether or not on leads).</p>	<p>Banbridge DC</p>	<p>The guidance will be amended to make clear that an owner must keep a dog under control at all times even whilst on a lead.</p> <p>However, dog controls orders are just one tool which will be available to district councils to deal with dogs. Councils will also be able to make use of other legislation e.g. the Dogs (NI) Order 1983 as recently amended by the Department of Agriculture and Rural Development through the Dogs (Amendment) Act (Northern Ireland) 2011 to take action in relation to particular dogs.</p>
<p>All dogs should be kept on a lead whilst in public areas and on pavements. The lead should not be one of the extendable varieties which do not give the owner adequate control.</p>	<p>Robert Curry</p>	<p>It will be a matter for an individual council to decide in which areas within its district, dogs must be kept on leads. A council when making a Dogs on Leads Order or a Dogs on Leads By Direction Order will be able to prescribe the maximum length of a lead.</p>
<p>A traffic light system could be considered in areas like parks and play areas.</p> <ul style="list-style-type: none"> • Red (No Dogs) - Children Play Areas, Football Pitches, School grounds and playing pitches. • Amber (Dogs on leads) - Public spaces, e.g. hospital grounds and built up areas. • Green (Dogs allowed off leads) - Open spaces, Forestry. 	<p>Coleraine BC</p>	<p>A council will be able to decide upon the system which it feels best suits the needs of its district.</p>

NILGA also welcomes powers to give district councils the authority to make it an offence not to keep a dog on a lead in a designated area as people are often intimidated when dogs are allowed to run free in public places.	NILGA	Noted.
Dog Control Orders: Dog Exclusions		
Opposes the use of these Orders in most cases except where this is absolutely necessary, e.g. to ensure compliance with European nature conservation regulations. Would recommend these Orders to be used cautiously and sparingly.	Kennel Club	Any district council considering a dog control order must be able to show that it is a necessary and proportionate response to problems caused by the activities of dogs and those in charge of them.
Exclusion orders should not be made unless there is a demonstrable need and there are sufficient alternative areas nearby where dogs can be exercised.	Dogs Trust	It will be for a council to decide if it wishes to set aside a section of council area specifically for the exercise of dogs.
BASC is concerned that a scenario could arise whereby a member of the shooting community engaged in the lawful pursuit of quarry is required to send a working dog to retrieve shot or wounded quarry from adjacent land that is subject to a dog control order (dog exclusion zone). BASC would propose that where such a scenario or similar arises the dog handler should be able to avail of the defence of “reasonable excuse”.	BASC	Authorised officers will have a certain amount of discretion and, where they feel it is appropriate, will be able to make use of the provision in the Regulations which states – <i>“No offence is committed where a person has a reasonable excuse”.</i>
Rather than suggesting that children should have access to dog-free areas it would be more appropriate to suggest that some areas may be set aside where dog owners can exercise their dogs. The guidance should recognise and reflect that areas, such as public parks, are primarily for people to enjoy but that some locations within these parks may be designated for people to exercise their pets. The Council believes it would be much easier to introduce dog control orders if people’s enjoyment of open spaces is given precedence over those who need somewhere to exercise and toilet their dog.	NILGA Belfast CC	The guidance on Dog Control Orders makes it clear that district councils need to balance the interests of those in charge of dogs against the interests of those affected by the activities of dogs, bearing in mind the need for people, in particular children, to have access to dog-free areas and areas where dogs are kept under strict control, and the need for those in charge of dogs to have access to areas where they can

		exercise their dogs without undue restriction.
<p>Guide and assistance dogs should be exempt from dog exclusion orders.</p> <p>Consideration should also be given to exempting trainee guide and assistance dogs with their trainers, including puppy walkers, from dog exclusion orders as these exclusion areas may form part of the future work route of the guide and assistance dogs.</p>	Guide Dogs	<p>The Regulations will be amended to provide an exemption from dog exclusion Dog Control Orders for anyone with a disability in respect of their assistance dog.</p> <p>As regards trainee guide and assistance dogs, authorised officers will have a certain amount of discretion and, where they feel it is appropriate, will be able to make use of the provision in the Regulations which states –</p> <p><i>“No offence is committed where a person has a reasonable excuse”.</i></p> <p>The guidance will be amended accordingly.</p>
Dog Control Orders: Maximum Number of Dogs		
<p>Opposes the use of these Orders which it considers arbitrary and not pragmatic. Would instead suggest establishing a permit scheme to help regulate professional dog walkers.</p>	Kennel Club	<p>The Department notes the comments that have been made. However, the Clean Neighbourhoods and Environment Act (NI) 2011 is new legislation only recently passed by the Assembly and it needs to be given an opportunity to “bed in”. The Department intends to review the effectiveness of the Act in due course. In the meantime, it will be up to an individual council to decide whether people walking more than one dog at a time is a particular problem in its district.</p>

<p>Suggested maximum of 6 is in conflict with Control of Greyhounds Act (NI) 1950 which stipulates 2.</p>	<p>Ballymoney BC Lisburn CC Dungannon & South Tyrone BC Banbridge DC Strabane DC NIDAG/CEHOG Ballymena BC Larne BC NILGA</p>	<p>The guidance will be amended to include reference to the 1950 Act.</p>
<p>Would also wish to have “land which is or forms part of a road” exempted from a “maximum number of dogs” order.</p>	<p>CAI</p>	<p>It would not be appropriate for “land which is or forms part of a road” to be exempted from a “maximum number of dogs order”. A district council must be able to specify the maximum number of dogs that a person can take onto a road if it feels it is necessary to do so. However, before making such an order, a council will be required to consult on its intention to do so and those who use the road will therefore have the opportunity to make their views known before a decision whether or not to proceed with the order is taken.</p> <p>Once an order has been made, authorised officers will have a certain amount of discretion and, where they feel it is appropriate, will be able to make use of the provision in the Regulations which states –</p> <p><i>“No offence is committed where a person has a reasonable excuse”.</i></p>

<p>Councils expressed concern about anyone taking more than 2 dogs out at the same time and would wish to continue to promote the concept of responsible dog ownership and the idea that the council would deliberately legitimise someone walking up to 6 dogs at the same time would compromise that. It was therefore suggested that the guidance should reflect a more conservative number, such as 2, and should caution against encouraging anyone to walk more than one dog at a time.</p>	<p>Ballymoney BC Lisburn CC Dungannon & South Tyrone BC Banbridge DC Strabane DC NIDAG/CEHOG Ballymena BC Larne BC NILGA Belfast CC</p>	<p>The guidance will be amended to remove the reference to a maximum of 6 dogs. It will be for a council to decide if one of these orders needs to be made and to determine the maximum number of dogs based on local knowledge and experience of their officers on the ground and taking into account the other factors set out in the guidance.</p>
<p>This is an area which could result in a dangerous outcome. For example, an 8 stone woman may not be able to control 2 nine stone Rottweilers if they decide to chase something, which might have serious consequences.</p>	<p>Robert Curry</p>	<p>The guidance will be amended to make it clear that an owner must keep a dog under control at all times even whilst on a lead.</p>
<p>Are there any other types of land that should be excluded from dog control orders</p>		
<p>We have concerns regarding the potential for exclusions under s42(5) of the CNEA where it is unclear who this applies to and what implications it may have (Private Act). We would urge the department to provide clarification on this point and to ensure it does not open up unnecessary loopholes.</p>	<p>Tidy NI NIEQF</p>	<p>A private Act is “... essentially a derogation for the benefit of a few, from the law generally applying”. Rather than being regarded as a “loophole”, section 42(5) of the Act may reasonably be regarded as a means of avoiding duplication of regulation. Our legal advisers have been unable to identify any private Acts of the type at issue. Their suspicion is that there are likely to be few (if any) relevant private Acts.</p>
<p>Clarification is sought on any powers that may be available to councils to challenge any person who, using a private Act, may notify the council that the land in question is to be excluded from the dog control regime.</p>	<p>Craigavon BC Banbridge DC</p>	<p>Councils would need to seek their own legal advice on a case by case basis.</p>
<p>BASC proposes that district councils consider the requirement for public</p>	<p>BASC</p>	<p>This is a matter for individual district</p>

areas traditionally used for hosting country sports events, such as Moira Demesne, to be able to continue to host such events without the complications of a dog control order which may restrict or prohibit many dog related activities connected to that event.		councils to determine.
We consider the land detailed to be appropriate. However we do consider that any extensions to Dog Control Orders, especially where they are extending land to which a total dog ban applies, must be publicised widely and consulted upon.	Blue Cross	Regulation 3(5) of the draft Procedures Regulations provides the same consultation and information requirements to the making of any amendment to a dog control order.
With regard to the defence that the dog owner was <i>'acting with the consent of the owner or occupier of the land'</i> , it is suggested that a written consent from the landowner should be required to demonstrate a reasonable defence.	NILGA Belfast CC Tidy NI NIEQF	It will be for an individual council to satisfy itself that the dog owner is acting with the consent of the landowner.
Strongly encourage the Department to ensure that it does not unduly restrict the options available to a district council by further prescribing areas of land to be exempt from designation as a result of this consultation without notifying district councils, and particularly the district council in whose area the land is located.	NILGA	Land designated as being land to which Dog Control Orders do not apply will be kept to a minimum as can be seen in the draft Controls on Dogs (Non-application to Designated Land) Order (Northern Ireland) 2012. Any further designations will be subject to consultation with district councils.
Is the list of assistance dogs exempted from each dog control order sufficient?		
A sufficient starting point; however assistance dogs for mental health should also be considered and exempted.	Kennel Club	The Regulations will be amended to provide an exemption from dog exclusion Dog Control Orders for anyone with a disability in respect of their assistance dog.
Seizure alert dogs should be exempted.	Sarah Millsopp	
We consider this list to be appropriate but discretion on behalf of the authorised officer is recommended in such cases.	Blue Cross	Authorised officers will also have a certain amount of discretion and, where they feel it is appropriate, will be able to make use of

		<p>the provision in the Regulations which states –</p> <p><i>“No offence is committed where a person has a reasonable excuse”.</i></p>
<p>We believe that Guide Dogs should be listed as one of the ‘prescribed charities’.</p>	Guide Dogs	<p>The Regulations will be amended to include an exemption from a dog fouling Dog Control Order for a person who is registered blind or partially sighted and for a person who has a guide dog. The Regulations will also be amended to provide an exemption from dog exclusion Dog Control Orders for anyone with a disability in respect of their assistance dog.</p>
<p>How effective will dog ban orders be on unenclosed land</p>		
<p>Completely opposes blanket bans on land as they are too restrictive, not proportionate to problems posed and ineffective in addressing the issue. With no fences/walls to serve as borders, a council would have difficulty in assessing when the dog has a right to be on the land and when it has trespassed. It would be possible to dispute the boundary and thus, this sort of ban would not be easily enforced and as a consequence highly ineffective. However, if a time-limited restriction was implemented rather than an overall ban, then this would provide a restriction for peak time use whilst allowing dog owners to access the land during less busy periods. Views this alternative as being easily enforced due to having a time frame and as a result greater compliance to the restriction.</p>	Kennel Club	<p>The Department recognises that it will be easier for district councils to enforce dog ban orders on enclosed land. However, there will be times when such orders will be necessary on unenclosed land, for example, to provide dog free sections on beaches.</p> <p>In such cases it is recommended that councils erect signs at the entry points to these areas so that people are aware that dogs are excluded. The guidance will be amended to reflect this.</p>
<p>It is envisaged that a ban on dogs on unenclosed land would be required or appropriate only in exceptional circumstances. Unless there is a clear demarcation between areas where dogs are to be permitted and areas where they are to be excluded, it is likely that visitors to a council area or members of the public not familiar with land subject to a dog control order</p>	Newtownabbey BC	<p>Any district council considering a dog control order must be able to show that it is a necessary and proportionate response to</p>

<p>will inadvertently breach the provisions of a the order resulting in potential confrontational situations with council staff or other members of the public.</p>		<p>problems caused by the activities of dogs and those in charge of them. However, dog controls orders are just one tool which will be available to district councils to deal with dogs. Councils will also be able to make use of other legislation e.g. the Dogs (NI) Order 1983 as recently amended by the Department of Agriculture and Rural Development through the Dogs (Amendment) Act (Northern Ireland) 2011 to take action in relation to particular dogs.</p>
<p>It would be extremely difficult to enforce dog ban orders in relation to unenclosed land. It is however recognised that this course of action may be appropriate in some cases.</p>	<p>Armagh CDC</p>	
<p>It is considered that this provision is more likely to be effective on unenclosed land, such as council golf courses, where staff are present on a regular basis and are more readily available to monitor and to react to potential offences.</p>	<p>Craigavon BC</p>	
<p>It is important that councils retain the ability to make decisions over which areas require dog ban orders and that any guidance produced does not unduly impinge upon this, particularly in regard to unenclosed land. The consultation paper makes reference to dog free zones on beaches. A dog free beach is usually (but not always) a mandatory requirement of the internationally recognised Blue Flag standard.</p>	<p>Tidy NI NIEQF</p>	
<p>In such circumstances the council would largely be relying on compliance using publicity and signage supported by patrols. The investigation of complaints in relation to the presence of dogs on unenclosed land could be time consuming.</p>	<p>Banbridge DC</p>	
<p>Responsible dog owners will adhere to the dog ban orders excluding dogs from land without additional enforcement, although many may feel there is no need for such a strong measure if the dog fouling order and 'dogs on leads by direction' order are both enforced.</p> <p>There may be problems enforcing these orders in relation to less responsible dog owners. In these cases dog orders may become less effective and require more vigilant supervision, placing a greater burden on the council wardens.</p>	<p>CAI</p>	

<p>Where dog control orders are in place, for example the offence of failing to remove dog faeces, there is a need to provide adequate facilities for the public. This will greatly reduce the likelihood of offences happening.</p>		
<p>We consider that bans will be effective provided the public is given sufficient opportunity to comment (through a consultation mechanism), and a need is demonstrated clearly by the council, and information, signage, and enforcement is consistent. Such orders will rely on public adherence and compliance to a greater extent than those in enclosed areas so the above steps are vital. Councils must ensure that changes to current arrangements are clearly detailed and that dog owners are informed as to their new responsibilities to ensure that they can comply. DCOs must not seek to catch out dog owners in any way. Again, we do have concerns that the financial climate may impact here.</p>	<p>Blue Cross</p>	
<p>Considering where there is an issue over some individual dogs, a complete banning order for all dogs on a particular unenclosed land would not be a proportionate response to problems caused by the activities of these individual dogs and persons in charge of them.</p> <p>Under the Dogs (Amendment) Act 2011 conditions can be placed on licences where certain offences have been committed. This in itself should solve localised issues without the need for a complete banning order on unenclosed land. Where this does not solve an on-going problem, then the use of the banning order could be considered as a council would have taken all reasonable steps to resolve a particular issue. This therefore would be a proportionate response to problems caused by the activities of dogs and those in charge of them.</p>	<p>Coleraine BC</p>	
<p>Dogs Trust believes that exclusion orders may be appropriate in limited situations such as children's play areas and highly ornamental gardens. However, it is important that such areas are enclosed otherwise it will make it very difficult for an owner to prevent their dog from accidentally crossing into an area where the dog should not be. It would be wholly wrong for a dog</p>	<p>Dogs Trust</p>	

<p>owner to find themselves in breach of an Order when the dog has crossed an 'imaginary' line of which they had no notice. Where dogs are to be banned from an area that is not enclosed, it must be clearly defined and signed (for example: a beach can clearly be defined and signs can be erected at entry points to the beach).</p>		
<p>Would stress that the lack of an enclosure should not be a reason to permit dogs onto land from where they would otherwise be excluded. The exclusion of dogs from public places, particularly parks, should not require a special case to be made. Indeed the converse should be the norm with special cases having to be made to permit dogs on to open areas that are frequented by the public, such as parks. The focus should always be on the dog owner as the person responsible so it should not fall to the Council or land owner to have to erect physical barriers to facilitate the exclusion of dogs.</p>	<p>NILGA Belfast CC</p>	<p>The guidance on Dog Control Orders makes it clear that district councils need to balance the interests of those in charge of dogs against the interests of those affected by the activities of dogs, bearing in mind the need for people, in particular children, to have access to dog-free areas and areas where dogs are kept under strict control, and the need for those in charge of dogs to have access to areas where they can exercise their dogs without undue restriction.</p>
<p>The guidance should also make reference to the application of a common sense approach to enforcement, for example, allowance should be made for dog owners who are clearly making a reasonable attempt to recall their dogs from an unenclosed area.</p>	<p>NILGA Belfast CC</p>	<p>The guidance will be amended to reflect this point.</p>
<p>Due to limited resources this will be difficult to enforce at all times. The Dept is again asked if additional resources are to be made available.</p>	<p>Ballymoney BC Lisburn CC Dungannon & S Tyrone BC Strabane DC NIDAG/CEHOG Ballymena BC Larne BC Ards BC NILGA</p>	<p>Part 5 of the Clean Neighbourhoods and Environment Act (NI) 2011 provides district councils with additional powers to deal with dogs rather than duties. It is expected that councils will therefore only decide to use them where there is a net benefit in doing so in the local context.</p>

<p>In order to ensure compliance with dog ban orders enforcement of these provisions must sit alongside education and awareness raising for dog owners. It is the concept of the responsible dog owner that will ultimately deliver the desired outcome for any dog related legislation. Also, enforcement of dog control order provisions will not only involve dog wardens but other front line staff as well such as park wardens and litter wardens who can be trained, authorised and deployed to deal with exclusion orders, dog fouling, etc. Would therefore caution against suggesting in the draft guidance that unenclosed land would not be suitable generally for dog ban orders.</p>	<p>NILGA Belfast CC</p>	<p>The Department would expect councils to raise awareness of the issues in tandem with effective enforcement in their district.</p> <p>The Department recognises that an order which excludes dogs from an area of unenclosed land, whilst more difficult to enforce, is sometimes necessary. This is reflected in the guidance.</p>
<p>Further, clarification is sought with respect to grounds under the control of other statutory bodies, such as Education & Library Boards, Hospital Trusts, private schools, or sports clubs.</p>	<p>Ballymoney BC Lisburn CC Dungannon & South Tyrone BC Strabane DC NIDAG/CEHOG Ballymena BC Larne BC Ards BC NILGA</p>	<p>Section 42(1) of the Clean Neighbourhoods and Environment Act (NI) 2011 states that, subject to certain exclusions, dog control orders can apply to any land which is open to the air and to which the public are entitled or permitted to have access (with or without payment).</p> <p>Section 42(3) empowers the Department to designate land as land to which dog control orders do not apply. Under the draft Controls on Dogs (Non-application to Designated Land) Order (Northern Ireland) 2012, the land which the Department proposes to designate is –</p> <p>(i) any land held by the Department of Agriculture and Rural Development for the purposes of any of its functions under the Forestry Act (NI) 2010 in respect of any dog control order; and</p> <p>(ii) any land which is or forms part of a road</p>

		<p>in respect of a dog exclusion order.</p> <p>Section 42(5) provides that where a private Act confers powers on a person other than a council for the regulation of any land, that person may write to the council excluding the land from dog control orders.</p>
<p>What other methods can councils use to communicate the effect of orders and the land to which they apply to those living outside the area; would the website of the council suffice?</p>		
<ul style="list-style-type: none"> • Website • Local TV channels • Local newspapers • Regional newspapers • Press releases through relevant organisations (Kennel Club/Dogs Trust/Blue Cross, etc) • Local training clubs • Signage/flyers/public notices in places which dog owners frequently visit • Increasing officer presence in parks, beaches and gardens. 	<p>Kennel Club</p>	<p>As all district councils now have their own website, the Procedures Regulations will be amended to require a council to consult on its proposal to make a dog control order by publishing a notice on its website as well as in a local newspaper.</p> <p>Other suggested communication methods will be added to the guidance.</p>
<p>Council website would be one tool as well as signs suitably positioned at the land in question</p>	<p>Limavady BC</p>	<p>Regulation 3(4)(a) of the draft “Procedures Regulations” states that signs should be placed summarising the order in conspicuous positions on or near the land in respect of which it applies <i>where practicable</i>.</p>
<p>Council believes that the consultation and implementation process described in the Procedures Regulations are adequate to identify land subject to a dog control area and the requirements of such an order. Council websites are used increasingly to communicate with the public however properly designed and located signs as required by regulation 3(3)(a), of the Procedures Regulations are likely to be the most practical and efficient method of communicating the effect and extent of a dog control order.</p>	<p>Newtownabbey BC</p>	
<p>A central website may provide a useful source of information to the public or link to details of Dog Control Orders that may be in force across all councils.</p>	<p>Craigavon BC Banbridge DC</p>	

<p>Website most effective for those outside the area. Copies can be made available at civic centres, tourist centres. Comments regarding signage also relevant here.</p>	<p>Ballymoney BC Lisburn CC Dungannon & South Tyrone BC Strabane DC NIDAG/CEHOG Ballymena BC Larne BC Ards BC</p>	
<p>There are many ways a council can publicise the orders in addition to use of newspapers. These include websites, magazines, social networking, etc. However, rather than prescribe these, we suggest providing a non-definitive list of options in the guidance for getting the message out, which allows for future (often rapid) developments in technology. Phraseology along the lines of using all methods at their disposal as far as is reasonably practicable might suffice.</p>	<p>Tidy NI NIEQF</p>	
<p>Publication in the local newspaper does appear to be the most effective method of informing residents of proposed orders. However, CAI also feels there is a need to place notices in public places, such as community notice boards and public amenity buildings. This should be done allowing plenty of time for the public to respond and lodge any objections. In addition, CAI would recommend that each council sends written notification to the dog licence holders within its council area. Adequately informing those living outside the area will be harder to manage. Using more widespread publications would achieve this, however the question would be how widespread should these be. Where practicable, notification should also be published on the district council's website. It is a requirement on local authorities to specify the land clearly to avoid unnecessary confusion.</p>	<p>CAI</p>	

<p>Given the significant penalties involved in failure to comply with the proposed regulations, we feel that much more effort would be required to communicate these regulations to the public. Notices in local papers and on the Council website are surely insufficient. Local dogs training groups, veterinary surgeries, local dog welfare charities and television and radio adverts would be required to ensure the public are fully informed and able to avoid prosecution. We would also highlight the need to provide the public with clear guidance at the entrances to facilities with restrictions in place. Given that Greater Belfast is under the authority of 3 main Councils: Belfast City Council, Newtownabbey Borough Council and Castlereagh Borough Council, it is possible that public areas which are very short distances apart could be under different restrictions. In order to avoid confusing the public, individual direction would be required for each public area to give the public the best chance of avoiding prosecution through ignorance.</p>	<p>Sarah Millsopp</p>	
<p>Local media beyond the printed news could be used, notices broadcast by local radio stations for example. Using a Council website is useful, but not sufficient in itself. Communicating with residents and stakeholders through local dog groups, local charities, rescues, and breed societies should be considered. It may also be possible to highlight details through regular council mail outs and communications.</p>	<p>Blue Cross</p>	
<p>If all councils used the traffic light system in certain areas, for example, play parks, it would make dog owners aware this is a NI wide policy that all councils have adopted. The use of universal signage by all councils at various locations where dogs would usually be walked would be beneficial in communicating these orders. This would mean that irrespective what district the dog owner visits, they would recognise these signs as universal. Websites operated by Dogs Trust, USPCA, DARD and Councils could also be a further way of communicating to dog owners various orders within each council area.</p>	<p>Coleraine BC</p>	
<p>Publishing a notice describing the proposed order in a local newspaper is a long established method of formal notification that is both tried and tested.</p>	<p>NILGA Belfast CC</p>	

<p>Also, publishing on the Council's website, where practicable, would now be standard practice for most district councils. The Council however would caution against being over prescriptive in terms of the method of communication as there are a multiplicity of communication options. Many district councils have their own magazine which would clearly be a useful vehicle for this type of information. The Council would therefore suggest that Councils would be expected to use any appropriate means of communication to inform relevant stakeholders but that the procedure should only prescribe advertising in local newspapers. Formal notification, for example in respect of multiple small areas to be zoned off, may be difficult to achieve in a newspaper notice where maps, etc. are required. In such cases the notice could signpost members of the public to the various locations or sites where these could be examined. This would ensure compliance with the formal procedure whilst providing access to all the relevant information.</p>		
<p>Would like to see the imposition of a requirement on councils to consult more widely in their area through a variety of channels as well as placing public notices in local newspapers, places where dog owners frequently visit, dog training clubs, etc. In addition, to contact organisations with a direct interest in these dog control orders, e.g. the Kennel Club and Dogs Trust. Furthermore, extending the consultation time would allow more responses to be collated and considered. These two factors would ensure that the target audience is being consulted and would provide a wider consultation response to the council.</p>	<p>Kennel Club</p>	
<p>As all Councils have websites, Dogs Trust believes it should be mandatory for any proposed Orders to be advertised in a prominent position on their home page. After an Order has been confirmed, it should continue to be easily accessible on the website.</p> <p>In addition, notices should be displayed in the areas where the Orders are in force, and if not, it should be regarded as a 'reasonable excuse' for not having complied with the Order.</p>	<p>Dogs Trust</p>	

<p>It should be noted that many Guide Dog owners, or others registered blind or partially sighted do not use print or have access to the internet for communication, but may need large print, CD or Braille instead. Given that a council does not have access to such information it should consider contacting those organisations who do so, to ensure that the information can be distributed through newsletters, or talking newspapers. Guide Dogs would be willing to distribute/communicate such information to Guide Dog owners.</p>	<p>Guide Dogs</p>	
<p>Do you have any other comments on the draft Regulations?</p>		
<p>Under Article 3 of the Litter Order, littering attracts a level 4 fine (£2,500). This offence may be regarded as similar to the new offence under the Dog Control regulations of failing to remove dog faeces (level 3 fine, £1,000).</p>	<p>Tidy NI NIEQF Banbridge DC Craigavon BC</p>	<p>The level 3 fine for breach of a dog control order is the same in Northern Ireland as it is in England and Wales. The penalty has been provided for under section 41(2) of the Clean Neighbourhoods and Environment Act (NI) 2011 which is not the subject of this consultation exercise.</p>
<p>The maximum level of FPN should be higher than £75 and we would welcome clarification on what upper limits are to be placed on Councils. Higher fines are imperative here given the potential health implications with negligent ownership potentially leading to blindness in children.</p>	<p>Tidy NI NIEQF</p>	<p>The proposed upper limit is £80 as detailed in the consultation exercise on fixed penalty guidance which can be accessed at http://www.doeni.gov.uk/fixed_penalty_notices_consultation_document_consultation_copy.pdf</p>
<p>The proposed fine for failing to supply details or give false information is set at level 3 (currently £1,000). The equivalent fine under Article 20 of the Litter Order is set at level 4 (currently £2,500).</p>	<p>Banbridge DC Craigavon BC</p>	<p>The equivalent provision of Article 20 is section 47 of the 2011 Act which also provides for a level 4 fine.</p>
<p>Dog Control Orders should not be implemented as a money making exercise.</p>	<p>Blue Cross</p>	<p>This is not the intention of the dog control order system. Any district council considering a dog control order must be able to show that it is a necessary and proportionate response to problems caused by the activities of dogs and those in charge</p>

		of them.
The people of NI want a devolved government dealing with local issues and this legislation is a perfect example of how the law makers can make NI a better place.	Robert Curry	District councils have lobbied the Department for the introduction of this and other legislation under the Clean Neighbourhoods umbrella since it was introduced in England and Wales in 2005. The Department was therefore keen to provide councils with as robust a set of powers as possible to deal with local environmental issues. In this respect, the NI Assembly also gave the Clean Neighbourhoods Bill its overwhelming support.
NILGA welcomes the discretionary option of an authorised officer issuing a fixed penalty offering the offender the opportunity of discharging any liability to conviction by payment of the penalty. It is hoped that payment of the fixed penalty to the district council will also offset some of the costs and will facilitate delivery of the service. The increase in fixed penalty fine is also welcomed, but this is unlikely to cover the increased costs faced by councils.	NILGA	District councils will be able to keep the receipts for the fixed penalties that are imposed and use that money to help them to carry out certain functions in respect of local environmental quality.
Regulation 3(2)(d) and 4(2)(d) of the proposed Procedures Regulations state that <i>“respondents may be made in writing or by email within the period of 28 days after the publication of the notice”</i> - Guide Dogs wish to remind the Department that many blind or partially sighted people are unable to respond in writing or do not have access to email. As in keeping with inclusive practice all responses should be accepted in the persons preferred format and advertised by the council as being so.	Guide Dogs	The reference to “in writing or by e-mail” will be removed from the Regulations. It will be a matter for district councils to decide how responses should be made bearing in mind the need to accept a response from a person with a disability in that person’s preferred format.
Guide Dogs would recommend that councils apply best practice signage guidelines to ensure that those with a significant sight loss are able to read the signs erected by the council.	Guide Dogs	The guidance will be amended to include a reference to making signage accessible.

Do you have any other comments?		
Introduction of a right of appeal against the type or extent of a dog control order following a public consultation with an obligatory review of orders after a certain period, e.g. 2 years. This is an absolute necessity to ensure a fair process is followed which takes into account the needs of all access users and that allows any failings in the process to be identified, addressed and challenged.	Kennel Club	The Clean Neighbourhoods and Environment Act (NI) 2011 does not provide for a right of appeal. The Department is keen to provide a more streamlined system for dog control than that which currently exists under the dog bye-laws regime. The new system allows representations to be made prior to a dog control order being made. After it has been made, it can be challenged through the courts. The Department notes the comment regarding reviewing dog control orders and can confirm that it intends to review the effectiveness of the legislation in due course.
Would like to see the introduction of a requirement on councils to specify the land on which an order shall apply, in order for a meaningful and fully informed public consultation to take place. This would ensure a fully informed consultation which would in turn produce a fairer consultation process.	Kennel Club	Regulation 3(2)(a) of the Procedures Regulations provides that the notice of a proposal for a dog control order shall identify the land in respect of which the order is to apply.
Monitoring Body - a requirement on councils to report restrictions made to an outside monitoring body would make it possible to keep a record of all restrictions which would help examine the overall provision of publicly accessible land for dog walkers. This requirement would contribute to ensuring a fairer and more transparent process.	Kennel Club	This information will be available on individual councils websites in accordance with regulation 3(4)(c) of the Procedures Regulations.
The making of an order for an entire district may be prohibitively expensive in terms of signage. Further guidance sought on how councils would comply with definition of "regular intervals".	Ballymoney BC North Down BC Lisburn CC Dungannon & South Tyrone	The legislation requires signs to be placed on or near the land subject to a dog control order "where practicable". The term "regular intervals" is not defined and it is the Department's view that it should be for

	BC Strabane DC NIDAG/CEHOG Ballymena BC NILGA Larne BC Ards BC	an individual council to determine what it feels is reasonable depending on local circumstances. The dog fouling offence under Article 4 of the Litter Order currently applies across an entire district, and councils already determine where and how frequently signs should be erected in relation to this.
The Department is asked to clarify in respect of beaches, where the boundary of that land is - high or low water mark?	Ballymoney BC North Down BC Lisburn CC Dungannon & South Tyrone BC Strabane DC NIDAG/CEHOG Ballymena BC NILGA Larne BC Ards BC	Section 42(1) of the Clean Neighbourhoods and Environment Act (NI) 2011 states that, subject to certain exclusions, dog control orders can apply to any land which is open to the air and to which the public are entitled or permitted to have access (with or without payment).
To provide feedback on the efficacy of the new legislation TIDY Northern Ireland is developing a separate Local Environmental Quality indicator for dog fouling that will allow trends to be monitored and will help inform future modifications to legislation if/when required.	Tidy NI NIEQF	Noted.
Councils should be required to review the progress of Dog Control Orders at regular intervals, particularly where orders ban dogs from specific areas. The impact on both the environment and dog welfare more generally should be considered.	Blue Cross	The Department notes the comment regarding reviewing dog control orders and can confirm that it intends to review the effectiveness of the legislation in due course.

<p>It should be made socially unacceptable to allow your dog to foul the streets or cause fear or anxiety because you don't put it on a lead. Those who continually flout the law should be stigmatised in much the same way as those who drink and drive.</p>	<p>Robert Curry</p>	<p>The Department recognises that many dog owners are responsible owners who pick up after their dogs and keep them under proper control. However there are also many people who don't and this leads to problems which residents then look to councils to deal with. This is why councils asked the Department for the enhanced powers under the Clean Neighbourhoods and Environment Act to be brought into operation in NI to tackle these and other local environmental issues.</p>
<p>It is important that any exemptions are clearly highlighted within the publicity regarding the dog control orders to avoid causing any undue concern. There have been instances where guide and assistance dog owners have been very concerned about proposals but on investigation their requirements and appropriate exemptions have been found hidden in appendices to proposals.</p>	<p>Guide Dogs</p>	<p>Details of the exemptions will be found in any draft order published by the council (see the Schedules of the draft Prescribed Offences and Penalties Regulations).</p>
<p>The council believes that the guidance should ensure that the issuing of a fixed penalty is profiled as the most likely first option whereas prosecution would be considered perhaps only in exceptional circumstances or in relation to a repeat offender.</p>	<p>Belfast CC NILGA</p>	<p>The use of fixed penalties is the subject of a separate consultation exercise and can be accessed at http://www.doeni.gov.uk/fixed_penalty_notices_consultation_document_consultation_copy .pdf</p>
<p>Paragraph 2.1 stresses the importance of showing that a dog control order is a “necessary and proportionate response to problems caused by the activities of dogs and those in charge of them.” Obviously the concepts of “necessary and proportionate” are subjective and could provide a mechanism for objectors to subvert the process. It would be helpful if some clarity could be established around the definition of both “necessary” and “proportionate” in this context. It would not only facilitate the process but would also encourage consistency across the province.</p>	<p>Belfast CC NILGA</p>	<p>The Department, through primary and subordinate legislation, is giving district councils the powers to make the appropriate dog control orders. It will therefore be up to district councils to ensure that they are acting in a necessary and proportionate manner in the context of their respective local areas when making</p>

		such orders.
NILGA is currently developing an evidence base to enable local government to begin lobbying for a review of The Magistrates' Courts (Costs in Criminal Cases) Rules (Northern Ireland) 1988, which prescribes orders for the payment of costs of prosecution or defence fees for solicitors or counsel, with an upper limit of £75. It is clear that court costs to councils for the majority of these cases amount to much more than £75.	NILGA	The Department notes this with interest and recognises that councils would wish to be in the same position regarding the claiming of costs as their local authority counterparts in England and Wales.

- BASC:** British Association of Shooting and Conservation
- CAI:** Countryside Alliance Ireland
- Guide Dogs:** Guide Dogs for the Blind Association
- NIDAG/CEHOG:** NI Dogs Advisory Group (on behalf of the Chief Environmental Health Officers Group)
- NIEQF:** NI Environmental Quality Forum
- NILGA:** NI Local Government Association