



Title of Report:	Consideration of proposed Dog Control Order to keep Dogs on Leads on lands between Ballintoy and Whitepark Bay – Findings of Public Consultation
Committee Report Submitted To:	Environmental Services Committee
Date of Meeting:	14th November 2023
For Decision or For Information	For Decision
To be discussed In Committee	NO

Linkage to Council Strategy (2021-25)	
Strategic Theme	Healthy and Engaged Communities
Outcome	Implementation of statutory requirements
Lead Officer	Head of Health & Built Environment

Budgetary Considerations	
Cost of Proposal	Advertising, Signage & Enforcement
Included in Current Year Estimates	No
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

Legal Considerations	
Input of Legal Services Required	NO
Legal Opinion Obtained	NO

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

1.0 Purpose of Report

- 1.1 The purpose of this report is for members to consider the responses to a public consultation and make a decision on a proposed Dog Control Order requiring dogs to be kept on leads between Ballintoy Harbour and Whitepark Bay.

2.0 Background

- 2.1 Environmental Services received a request to impose a Dog Control Order on lands where an asserted Right of Way path runs from Ballintoy Harbour to Whitepark Bay. The lands in question are private lands where livestock are kept however the public use the pathway for recreation and for walking dogs.
- 2.2 The landowner claims that members of the public do not exercise proper control of their dogs by keeping them on a leash and as such the landowner has suffered loss due to dogs worrying the livestock.
- 2.3 Further to CM220630 it was decided that Council would progress the procedure to introduce a Dog Control Order to exclude dogs from these lands which included a public consultation on the proposal.
- 2.4 A public consultation was launched on 3rd January 2023. A total of 151 responses were received with 147 letters of objection and 4 letters of support.
- 2.5 Council considered the results of the public consultation and further to ES230216 and CM230307 decided to progress with the procedure to introduce an alternative Dog Control Order whereby dogs would not be excluded from the area but instead must be kept on a lead at all times whether livestock are present or not. In accordance with procedure this option required a further public consultation to be undertaken the results of which are detailed in 7.0.

3.0 Existing Legislative Provisions

- 3.1 Legislative provisions to control dogs on land where livestock is kept exist within the Dogs (NI) Order 1983. Regulation 25 of this Order requires anyone with a dog on land where livestock is kept to keep that dog under control by means of a leash. Any person who contravenes this regulation shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £200.
- 3.2 Regulation 28 of the Dogs (NI) Order 1983 states that if a dog worries livestock or attacks and injures any other animal owned by another person, the keeper of the dog and the person in charge of the dog shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 (£1,000) on the standard scale.

4.0 Power to make Dog Control Orders

- 4.1 Under Part 5 Article 40 of the Clean Neighbourhoods and Environment Act (NI) 2011 a district council may make an order providing for an offence or offences relating to the control of dogs in respect of any land in its district to which this Part applies. An order under this subsection shall be known as a “dog control order”.
- 4.2 Although the land in question here is private land used to keep livestock, the power to make a Dog Control Order applies as it is land to which the public are entitled to access due to the asserted Right of Way path.

5.0 Considerations of imposing a Dog Control Order

- 5.1 The Department of the Environment (NI) produced guidance for District Councils to refer to when considering imposing Dog Control Orders called ‘Guidance on Part 5 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011’ which can be found at <https://www.daera-ni.gov.uk/sites/default/files/publications/doe/guidance-dog-control-orders.pdf>
- 5.2 The following excerpts are from that guidance on general principles:
- Paragraph 1.3 District councils may make dog control orders, provided that they are satisfied that an order is justified, and they have followed the necessary procedures.
 - Paragraph 1.5 However, enforcement of the legislation is just one tool that is available to district councils to deal with dogs. Councils should bear in mind that the introduction of a dog control order may not always be the most appropriate course of action and that education also has an important part to play in promoting responsible dog ownership.
 - Paragraph 2.2 The council needs 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 restrictions. A failure to give due consideration to these factors could make any subsequent dog control order vulnerable to challenge in the Courts.
 - Paragraph 2.3 District councils should also consider how easy a dog control order would be to enforce, since failure to enforce properly could undermine the effect of an order. This is particularly the case for orders that exclude dogs completely from areas of land.

6.0 Outcome of Monitoring Visits

- 6.1 To assess the situation monitoring of the area was carried out by officers from the Enforcement team. For an offence to be committed under Regulation 25 of the Dogs (NI) Order 1983 livestock must be present on the land in question and dogs must be off leash and not under control.
- 6.2 In total the Enforcement Team have carried out 57 monitoring visits since between January 2022 and January 2023 and on one occasion noted dogs off leash when livestock were present.
- 6.3 An elected member visited the area on two occasions and reported the following:
- 14th April 2022 - 3 walkers with dogs off leads and livestock present. 1 dog observed making an attempt to chase but was restrained by the owner.
 - 3rd May 2022 – No dog walkers observed.
- 6.4 Environmental Services engaged with the person who made the request for the Dog Control Order to provide a written witness statement indicating the extent of the problem in their experience and to provide supplementary evidence to support any losses incurred such as veterinary records.
- 6.5 The complainant provided a witness statement confirming their general complaint of the land being used by dog owners but there are no specific details of number of incidents of dogs attacking livestock, no details of numbers of livestock lost and no veterinary evidence of treatment of livestock following dog attacks.

7.0 Evidence of a dog attack on 14th September 2023

- 7.1 On 15th September 2023 the Environmental Health Department received video footage and text messages regarding a livestock attack by a large breed of dog in the area in question. One video image shows the dog owner explaining that the dog slipped its leash and chased the sheep on the cliff resulting in a sheep falling off the cliff and breaking its foreleg. The livestock owner subsequently found a second sheep the following day that had broken both forelegs. Both sheep were euthanised.

8.0 Results of Public Consultation

- 8.1 Before making an Order the Dog Control Orders (Procedures) Regulations (N.I.) 2012 require a Council to publish a notice describing the proposed order on its website and in a local newspaper and invite representations on the proposal.

- 8.2 At the end of the consultation period Council must consider any representations made. If Council decides to proceed with the order, it must decide when the order will come into force. This must be at least 14 days from the date on which it was made.
- 8.3 The public consultation on the proposal to introduce a Dog Control Order requiring dogs to be kept on a lead at all times whether livestock are present or not, on the lands between Ballintoy Harbour and Whitepark Bay, was launched on 28th June 2023.
- 8.4 A total of 5 responses were received, 3 letters of objection and 2 letters of support (Appendix 1). A further 3 responses were received after the consultation period closed, 1 letter of objection and 2 letters of support.

9.0 Considerations for Council

- There already exists legislation whereby dogs must be under control by means of a leash on lands where livestock is present.
- The relevant guidance requires that the introduction of any Dog Control Order must be justified.
- Councils must take into account the interests of dog owners to be able to exercise their dogs without undue restrictions.
- Any proposed Dog Control Order must have a public consultation and the responses from this consultation such as objections to the Dog Control Order must be considered.
- The introduction of any Dog Control Order is subject to legal challenge and may fail if Council cannot demonstrate that such an Order is required and justified.
- The Environmental Health Department have no recorded complaints of any incidents of dogs worrying livestock on these lands.
- From the total of 57 monitoring visits undertaken by the Enforcement Team a relevant offence was detected on one occasion which was resolved by the dog owner following advice from the Environmental Warden.
- From 2 visits undertaken by an elected member, 3 dogs were observed off lead while livestock present.
- The witness statement by the complainant does not provide any supporting evidence in relation to the complaint.

10.0 Options

- 10.1 Option 1 - Council does not proceed with the introduction of a Dog Control Order to require dogs to be kept on a lead at all times and continues to rely on enforcement of existing legislative provisions under the Dogs (NI) Order 1983 which require dogs to be kept under control by means of a leash where livestock are present.
- 10.2 Option 2 – Proceed with introducing new legislation in the form of a Dog Control Order (Dogs on Leads) to require dogs to be kept on a lead at all times on the lands between Ballintoy Harbour and Whitepark Bay whether livestock are present or not.
- 10.3 Option 3 – Proceed with introducing new legislation in the form of a Dog Control Order (Dogs Exclusion Order) to require dogs to be excluded from the area entirely.

11.0 Recommendation

It is recommended that members of the Environmental Services Committee make a recommendation to Council to proceed with introducing new legislation in the form of a Dog Control Order (Dogs on Leads) to require dogs to be kept on a lead at all times on the lands between Ballintoy Harbour and Whitepark Bay whether livestock are present or not (Option 2).

**The Clean Neighbourhoods and Environment Act
(Northern Ireland) 2011**

Proposed Dogs on Leads Order

The Dogs on Leads (Ballintoy to White Park Bay) Order (2023)

Comments Form

Your Name:

Address:

Contact Tel:

Contact e-mail address:

Comments on proposed Dogs on Leads Order: -

I have sympathy for the farmer. He should not have to deal with dogs upsetting his livestock.

However, I have no sympathy for the Council. Yet again they seek to impose unnecessary and 'over-the-top' measures which will negatively impact lots of individuals/families and dogs!

On behalf of myself and my family, I most strongly object to the draconian proposal to require that dogs be kept on a leash from the stretch of land along the beautiful coast between Ballintoy and Whitepark Bay.

I regularly visit this area (but never without my faithful 4-legged friend).

The proposal restricts all dogs to be kept on a leash in the designated area unless:

- The person has a reasonable excuse for doing so
- The person with the control of land has given specific or general permission to allow dogs off a lead.

Firstly, what is a reasonable excuse? Who has power to determine whether the excuse is reasonable or not? How would this be dealt with – might it not risk escalating to disagreement and potential confrontation?

Secondly, Where can the person with control of the land be found? What does it take to *get specific or general permission granted?*

WHY is it not sufficient to pass a bye-law that simply requires all dogs 'be kept under the owner's control'? Many dogs (such as ours) are well-trained, obedient and will recall and walk to heel. Why must they be kept on a lead at all times (especially if there is no livestock present)? It is crazy to impose an unnecessarily restrictive order on those owners and dogs whose behaviour is such that livestock would not be upset.

Many other localities in other council areas require 'dogs to be kept under control'. Clear signage to that effect should also be sufficient for this area, rather than a blanket approach that unnecessarily restricts all dogs and all owners (and all of the time – whether animals are present or not!)

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(Northern Ireland) 2011

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Comments Form

Your Name:)

Address:

Contact Tel: (

Contact e-mail address:

Comments on proposed Dogs on Leads Order: -

I disagree with the plan to order all dogs to be on leads. Dogs need open spaces where they can run about and be free and Whitepark Bay is one of the most beautiful free open spaces in the locality. Dogs need regular exercise to lead fit and healthy lives and this extends beyond just walks round neighbourhoods on leads. Therefore access to free runs in open space is crucial. I understand the concerns of dogs attacking livestock but this issue is more about responsible dog owners knowing whether their dog poses a potential risk. If they do, they should be kept on a lead, and the owner should know and respond to this appropriately. To penalise every other dog, many of whom behave perfectly well off the lead, is not in any way fair.

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**Proposed Dogs on Leads Order
The Dogs on Leads (Ballintoy to White Park Bay) Order (2023)
Comments Form**

Your Name:

Address:

Contact Tel:

Contact e-mail address:

Comments on proposed Dogs on Leads Order: -

I am a dog owner and I 100% back dogs being on Leads as we have been attacked several times in the past with off lead dogs. Banning dogs is not the option and only disintegrates against good dog owners. But unless you are going to have someone on site everyday all day you will not be able to govern this. I have been told so many times dogs fouling will get a fine, dogs of lead will be given a fine, dogs roaming owners given a fine. I know of zero fines issued as there is no one to enforce it there is no one walking the beaches and paths or the towns stopping people checking they have poo bags, telling them to put their dogs on Leads etc it's all talk and zero action. I was at Ballintoy a few weeks back and walked up to where dogs can't go further and there were off lead dogs running all over the place we turned back with our on lead dog there was no one there to tell them no dogs off lead signs do nothing people ignore them you need people on the ground before things get taken seriously start actually doing the job in hand start putting people out there issue fines make it public that they have been issued and maybe then people will pay attention

From:
Sent: 29 June 2023 14:53
To:
Subject: FW: Proposed Dog Control Order Ballintoy

Hello

Thank you for your email which is hereby acknowledged. Your comments will be forwarded for consideration once the deadline for consultation responses has expired.

Council will hold your name and contact details to progress your request as part of its public task duties.

Information regarding your general privacy rights or how to contact the Data Protection Officer is available on the Privacy Section of council's website.

If I can be of any further assistance meantime, please do not hesitate to contact me.

Regards,

Business Support Officer (Acting)
Environmental Services
Ballymoney Office
Tel. 028 2764 9489



www.causewaycoastandglens.gov.uk

From
Sent: Thursday, June 29, 2023 2:03 PM
To: environmentalhealth <environmentalhealth@causewaycoastandglens.gov.uk>
Subject: Proposed Dog Control Order Ballintoy

The Clean Neighbourhoods and Environment Act

(Northern Ireland) 2011

Proposed Dogs on Leads Order

The Dogs on Leads (Ballintoy to White Park Bay) Order (2023)

Comments Form

Your Name:

Address:

Contact

Contact e-mail address:

Comments on proposed Dogs on Leads Order: -

This is the second consultation on this issue. The first consultation related to a proposed total ban on dogs and the public reaction was overwhelmingly against such a move. There was no evidence that dogs, walked on this important section of the Causeway Coast, have worried livestock. Numerous visits by officers failed to identify any evidence to support the allegations by the landowner and a certain councillor. Current legislation is very clear on the responsibility of dog owners when walking within the vicinity of livestock. Responsible dog owners will place their dogs on leads in such circumstances and therefore there is no need to impose a dog control order along the section. There are deep concerns as to why councillors have ignored the advice of officers and wasted public money on two public consultations. Tourism is a major economic driver for the region and many visitors bring their dogs to our beautiful coast. To be greeted by large, threatening signs stating that dogs would be shot if they pass is an appalling and totally unnecessary action that will drive people away. This issue now needs to be quickly resolved and all signs put up by the landlord removed and replaced with a more welcoming warning of the possibility of livestock along the path and reminder of dog owners responsibilities.

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Your Name:

Address:

Contact Tel:

Contact e-mail address:

Comments on proposed Dogs on Leads Order: -

Some dog owners are very irresponsible, so leads are probably necessary on stretches where there may be a danger to farm animals, and annoyance to other walkers, children and dogs. It is not a big issue walking a dog on a lead for part of the walk; I do it with my large lurcher. Dog fouling is a huge issue too...more bins, more fines.