

<b>ARMAGH CITY, BANBRIDGE AND CRAIGAVON BOROUGH COUNCIL</b>	
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<b>Policy Nominated Officer:</b>	<b>Martina McNulty and Seamus Donaghy</b>
<b>Equality screened by:</b>	<b>Martina McNulty and Seamus Donaghy</b>
<b>Equality screening date:</b>	<b>6<sup>th</sup> December 2015</b>
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<b>Sent out by:</b>	<b>Environmental Health LRG Project Group</b>
<b>Approved by:</b>	<b>Roger Wilson</b>
<b>Review Date:</b>	<b>UNDER REVIEW</b>

**AMENDMENT RECORD SHEET**

Remove and destroy old pages. Insert new pages as indicated.

<b>Revision Number</b>	<b>Page Number</b>	<b>Date Revised</b>	<b>Description of Revision</b>

## **1.0 INTRODUCTION**

1.1 The Council is committed to an approach in all enforcement decisions that is fair, gives a clear balance between enforcement and education, is consistent and where possible, related to common standards that protect the public.

1.2 The policy will be documented, reviewed and developed as necessary.

## **2.0 SCOPE**

2.1 This policy relates to The Dogs (Northern Ireland) Order 1983 (as amended); the Litter Order 1994 (as revised); any Dog Control Order(s) designated under The Clean Neighbourhoods and Environment Act (NI) 2011 and The Welfare of Animals (Dog Breeding Establishments and Miscellaneous Amendments) Regulations (NI) 2013. It will be reviewed in the light of changes to and the introduction of appropriate new legislation.

## **3.0 DOG CONTROL**

### **3.1 STRAY DOG(S)**

3.1.1 It is the policy of Council where an offence has been committed under Article 22 and Article 31(2) with reference to Article 31(1) (b) or (c) of the Order to –

***3.1.2 In the case of a 1<sup>st</sup> and 2<sup>nd</sup> offence within a 12 month period where a stray dog is identifiable by collar, collar plate and microchip.***

3.1.3 The enforcing officer will make a reasonable attempt to reunite the dog to its keeper, where the dog can be reunited, and offer the keeper or other person in charge of the dog the opportunity of the discharge of any liability to conviction of the offence of straying by payment of a fixed penalty, and:-

3.1.4 Where it is not possible to reunite the dog bearing identification disc to the keeper, impound the dog, and charge the keeper or other person kennel costs and offer the keeper or other person in charge of the dog the opportunity of the discharge of any liability to conviction of the offence of straying by payment of a fixed penalty.

3.1.5 Consideration may be given to the attachment of appropriate control conditions(s) under Article 30B of the Order.

***3.1.6 In the case of a 1<sup>st</sup> and 2<sup>nd</sup> offence where a stray dog is not identifiable by collar or collar plate and microchip:***

3.1.7 Impound the dog, and charge the owner/keeper or other person kennel costs and offer the owner/keeper or other person in charge of the dog(s) the opportunity of the discharge of any liability to conviction of the offence of straying by payment of a fixed penalty.

3.1.8 Consideration may be given to the attachment of appropriate control condition(s) under Article 30B of the Order.

### **3.2 PERMITTING DOG(S) TO FOUL**

#### ***3.2.1 In the case of a 1<sup>st</sup> and 2<sup>nd</sup> offence within a 12 month period -***

3.2.2 Where an offence has been committed under Article 4 of The Litter (Northern Ireland) Order 1994 **or** a Fouling On Lands by Dogs Order(s) designated under The Clean Neighbourhoods and Environment Act (NI) 2011 it is the policy of Council to offer the person in charge of the dog a fixed penalty notice offering them the opportunity to discharge any liability to conviction for the offence by payment of a fixed penalty.

### **3.3 DOG ATTACK ON PERSONS OR LIVESTOCK OR CERTAIN OTHER ANIMALS – Article 28 (1), (2) and Article 29 (1), (2).**

3.3.1 The matter will be dealt with in line with the Council's general Enforcement Policy. An appropriate officer with delegated powers will decide on the most appropriate action to be taken. This may include: no action taken, issue an informal warning, issue a simple caution or instigate legal proceedings for the offence(s).

Where a prime-facia case exists and sound statement of witness has been provided, attacks on persons will generally result in formal enforcement action

The Council may decide not to take legal proceedings where the complaint has been withdrawn by the injured party.

The following points will also be taken into consideration:-

- (1) The offending dog(s) have been destroyed.
- (2) Issue of Control conditions considered to be an appropriate sanction.

3.3.2 Consideration will be given to the attachment of appropriate control condition(s) under Article 30B of the Order.

### **3.4 DOG(S) NOT UNDER CONTROL ON CERTAIN ROADS AND LANDS**

3.4.1 It is the policy of Council where an offence has been committed under **Article 25 of The Dogs (Northern Ireland) Order 1983 (as amended); 'Dogs on Lead' or 'Dogs on Lead by Direction'** Order(s) designated under The Clean Neighbourhoods and Environment Act (NI) 2011.

#### ***3.4.2 In the case of a 1<sup>st</sup> offence where a dog is not kept under control; not on a lead or placed on a lead by direction.***

3.4.3 Advise the keeper of the dog regarding the legal requirements and may issue a verbal/written warning regarding the penalty for non-compliance for a subsequent offence.

3.4.4 Consideration will be given to the attachment of appropriate control condition(s) under Article 30B of the Order.

***3.4.5 In the case of a 2<sup>nd</sup> and 3<sup>rd</sup> offence within a 12 month period where a dog is not kept under control; not on a lead or placed on a lead by direction,***

3.4.6 Offer the keeper or other person in charge of the dog, the opportunity of the discharge of any liability to conviction of the offence by payment of fixed penalty, and

3.4.7 Consideration will be given to the attachment of appropriate control condition(s) under Article 30B of the Order.

### **3.5 LICENSING OF DOGS**

3.5.1 It is the policy of Council where an offence has been committed under Article 3 and 17 of the **Dogs (Northern Ireland) Order 1983 (as amended)** to –

***3.5.2 In the case of a 1<sup>st</sup> offence where a dog is not licenced -***

3.5.3 Issue the keeper or other person in charge of the dog a warning letter requiring the Dog to be licenced with the Council within 7 days. If no licence is obtained on Expiry of **7 day** period, offer the person found to be keeping a dog without a licence the opportunity of the discharge of any liability to conviction of the offence by payment of a fixed penalty.

***3.5.4 In the case of a 2<sup>nd</sup> and 3<sup>rd</sup> offence within a 12 month period where a dog is not licenced:***

3.5.5 Offer the person found to be keeping a dog without a licence the opportunity of the discharge of any liability to conviction of the offence by payment of a fixed penalty for that offence and a notice to obtain a licence within a specified period.

### **3.6 DOG(S) NOT IDENTIFIED BY MICROCHIP**

3.6.1 Refer to section 8: Licensing of Dogs.

### **3.7 CONTROL OF GREYHOUNDS**

3.7.1 It is the policy of Council where an offence has been committed under sections 1 and 2 of the Control of Greyhounds, etc. Act (Northern Ireland) 1950 to -

***3.7.2 In the case of a 1<sup>st</sup> offence where an offence has been committed under Section 1 and 2.***

3.7.3 Advise the keeper of the dog(s) regarding the legal requirements and issue a verbal/written warning regarding the penalty for non-compliance for a subsequent offence.

**3.7.4 In the case of a 2<sup>nd</sup> and 3<sup>rd</sup> offence within a 12 month period where greyhounds are not controlled and muzzled or more than two greyhounds are being exercised or led in a public place,**

3.7.5 Advise the keeper of the dog(s) regarding the legal requirements and offer the keeper or other person in charge of the dog(s) the opportunity of the discharge of any liability to conviction of the offence of straying by payment of a fixed penalty

### **3.8 DOG CONTROL ORDERS (currently under review)**

3.8.1 It is the policy of Council where an offence has been committed on lands which any 'Dogs Exclusion'; 'Dogs on Lead'; 'Dogs on Lead by Direction' Order applies -

**3.8.2 In the case of a 1<sup>st</sup> offence where an offence has been committed in relation to any Dog Control Orders (Dogs on Leads; Dogs on Leads by Direction; Dogs Exclusion; Fouling on Lands) designated under The Clean Neighbourhoods and Environment Act (NI) 2011.**

3.8.3 Advise the keeper or other person in charge of the dog regarding the legal requirements and further offences will be dealt with by issue of Fixed Penalty Notice.

**3.8.4 In the case of a 2<sup>nd</sup> and 3<sup>rd</sup> offences within a 12 month period where an offence has been committed in relation to any Dog Control Orders (Dogs on Leads; Dogs on Leads by Direction; Dogs Exclusion; Fouling on Lands) designated under The Clean Neighbourhoods and Environment Act (NI) 2011.**

3.8.5 Offer the keeper or other person in charge of the dog(s) the opportunity of the discharge of any liability to conviction of the offence of straying by payment of a fixed penalty.

3.8.6 A record of the offence and offenders name will be kept on the Council database.

3.8.7 Exemptions: Land held by the Department of Agriculture and Rural Development for the purpose of any of its functions under the Forestry Act (Northern Ireland) 2010 c. 10 (NI) is not subject to any of the above Dog Control Orders.

### **4.0 MISCELLANEOUS OFFENCES**

4.1 These will be dealt with in accordance with general enforcement principles, as set out in the Council's general Enforcement Policy.

## **5.0 RECURRING OFFENCES**

5.1 It is the policy of Council to assess recurring offences under general enforcement criteria. The matter will be dealt with in line with the Council's general enforcement procedure. The Council will decide to take no further action, issue an informal warning, issue a simple caution or instigate legal proceedings for the offence. The Council will use the appropriate range of enforcement actions as detailed in the Council's general Enforcement Policy.

## **6.0 NON-PAYMENT OF FIXED PENALTIES**

6.1 Where a person has chosen the opportunity of the discharge of any liability for an offence under the Dogs (Northern Ireland) Order 1983 as amended, the Litter (NI) Order 1994 or the Control of Greyhounds etc. Act (Northern Ireland) 1950 by payment of a fixed penalty and has not paid the fixed penalty within the specified time period, the matter will be dealt with in line with the Council's General Enforcement Policy. The Council may also decide to take no action, issue an informal warning, issue a simple caution or instigate legal proceedings for the original detected offence.

## **7.0 BREACH OF CONTROL CONDITIONS**

### ***7.1 In the case of a 1<sup>st</sup> offence where a control condition has not been complied with,***

7.1.1 Offer the keeper of the dog the opportunity of the discharge of any liability to conviction of the offence by payment of fixed penalty.

### ***7.1.2 In the case of a 2<sup>nd</sup> offence within a 12 month period where a control condition has not been complied with,***

7.1.3 Refer to Council's General Enforcement Policy.

### ***7.2. Failure to inform council of the transfer of ownership of a dog subject to control conditions***

#### ***7.2.1 In the case of a 1<sup>st</sup> offence where an owner has failed to notify council of a transfer of ownership,***

7.2.2 Offer the person subject to a control notice the opportunity of the discharge of any liability to conviction of the offence by payment of fixed penalty.

#### ***7.2.3 In the case of a 2<sup>nd</sup> offence within a 12 month period where an owner has failed to notify council of a transfer of ownership,***

7.2.4 Refer to Council's general Enforcement Policy.

## **8.0 POSSESSION OF AN ILLEGAL BREED – OFFENCES UNDER ARTICLE 25(A), 25(B) AND 25(C) OF THE DOGS (Northern Ireland) ORDER 1983 (as amended).**

8.1 Where an Authorised Officer believes they have observed an illegal breed they should impound the dog by formal seizure or voluntary surrender and follow Operational Guidelines for dealing with such offences including obtaining legal opinion where necessary on the most appropriate course of action.

8.2 Consideration will be given to guidance issued by DARD on the Dogs Amendment (NI) Act 2011 in relation to the “exemption” process. The incident file will be referred to an appropriate Council Officer with delegated powers who will decide on the most appropriate action to be taken.

## **9.0 DOG BREEDING ESTABLISHMENTS**

**9.1 In the case of a 1st offence where a person is operating a dog breeding establishment without a licence under Regulation 4 of the Welfare of Animals (Dog Breeding Establishments) Regulations (NI) 2013.**

9.1.1 Issue a warning letter in relation to legal requirements to licence and meet the standards required by Regulation. Formal action may be considered should standards be poor.

### **9.2 In case of further offences**

9.2.1 The operator will be subject to formal enforcement under these regulations in accordance with the Councils General Enforcement Policy. For example, where on inspection by the Council the establishment does not or cannot meet the standards required by Regulations or the Council has refused the application

9.2.2 The range of enforcement actions as permitted in Part III of the Regulations depending on history of compliance will be considered in accordance with the Councils General Enforcement Policy. Consideration will be given to guidance issued by DARD.

## **10.0 CO-OPERATION WITH OTHER COUNCILS**

10.1 The Council will work with all other Councils to ensure consistency in enforcement of all dog related legislation. Where offences take place outside the area in which a dog is licensed, and where sufficient evidence is presented that would justify enforcement action, that Council shall consider the offence to have occurred within its jurisdiction and take the appropriate action as defined within this enforcement policy.

## **11.0 REVIEW**

11.1 This policy will be reviewed annually and following any change to or introduction of dog control legislation.

## **12.0 RELATED DOCUMENTS**

1. General Enforcement Policy
2. Clean Neighbourhoods Enforcement Policy
3. Animal Welfare Enforcement Policy

## **13.0 EQUALITY SCREENING FORM (to be attached as an appendix to all policies)**

See attached.

## **14.0 DRAFT EQUALITY IMPACT ASSESSMENT AND OTHER IMPACT ASSESSMENTS**

Not applicable.

## Policy Screening Form

## Policy Scoping

**Policy Title: Dog Control Enforcement Policy**

**Brief Description of Policy (please attach copy if available). Please state if it is a new, existing or amended policy.**

This is an enforcement policy for dog control.

**Intended aims/outcomes. What is the policy trying to achieve?**

The policy is to promote efficient and effective approaches to regulatory inspection and enforcement undertaken in regard to the Dogs (NI) Order 1983 (as amended), the Litter Order 1994 (as revised) and Dog Control Orders designated under The Clean Neighbourhoods and Environment Act (NI) 2011 and the Welfare of Animals (Dog Breeding Establishments & Miscellaneous Amendments) Regulations (NI) 2013 without imposing unnecessary burdens on those subject to regulation.

**Policy Framework**

Has the policy been developed in response to statutory requirements, legal advice or on the basis of any other professional advice? Does this affect the discretion available to Council to amend the policy?

The policy sets an enforcement policy approach for the Council in the service area of Dog Control. The policy is reflective of a number of relevant guidance documents such as the Regulators Code, Code for Crown prosecutors, etc.

**Are any Section 75 categories which might be expected to benefit from the policy? If so, please outline.**

No. This policy will have no impact on equality.

**Who initiated or wrote the policy? (If Council decision, please state). Who is responsible for implementing the policy?**

<p><b>Who initiated or wrote policy?</b> Environmental Health LRG Project Group.</p>	<p><b>Who is responsible for implementation?</b> All relevant service area Directors, Managers and Officers.</p>
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**Are there any factors which might contribute to or detract from the implementation of the policy (e.g. financial, legislative, other)?**

In certain circumstances, the Council may derogate from such statutory responsibilities to the extent that is permitted by law and is proportionate.

**Main stakeholders in relation to the policy**

Please list main stakeholders affected by the policy (e.g. staff, service users, other statutory bodies, community or voluntary sector, private sector).

The business community e.g. dog breeders and the general public.

**Are there any other policies with a bearing on this policy? If so, please identify them and how they impact on this policy.**

The General Enforcement Policy.

**Available Evidence**

Council should ensure that its screening decisions are informed by relevant data. What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

Section 75 category	Evidence
Religious belief	N/A
Political opinion	N/A
Racial group	N/A
Age	N/A
Marital status	N/A
Sexual orientation	N/A
Men and women generally	N/A
Disability	N/A
Dependants	N/A

**Needs, experiences and priorities**

Taking into account the information gathered above, what are the different needs, experiences and priorities of each of the following categories in relation to this particular policy/decision?

Section 75 category	Needs, experiences and priorities
Religious belief	N/A
Political opinion	N/A
Racial group	N/A
Age	N/A
Marital status	N/A

Sexual orientation	N/A
Men and women generally	N/A
Disability	N/A
Dependants	N/A

**Screening Questions**

**1. What is the likely impact on equality of opportunity for those affected by this policy for each of the Section 75 categories?**

Category	Policy Impact	Level of impact (Major/minor/none)
Religious belief	None	None
Political opinion	None	None
Racial group	None	None
Age	None	None
Marital status	None	None
Sexual orientation	None	None
Men and women generally	None	None
Disability	None	None
Dependents	None	None

**2. Are there opportunities to better promote equality of opportunity for people within the Section 75 categories?**

Category	If yes, provide details	If no, provide reasons
Religious belief	None	None
Political opinion	None	None
Racial group	None	None
Age	None	None
Marital status	None	None
Sexual orientation	None	None
Men and women generally	None	None
Disability	None	None
Dependents	None	None

**3. To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion, or racial group?**

Category	Details of Policy Impact	Level of impact (major/minor/none)
Religious belief	None	None
Political opinion	None	None
Racial group	None	None

**4. Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?**

Category	If yes, provide details	If no, provide reasons
Religious belief	None	None
Political opinion	None	None
Racial group	None	None

**Multiple Identity**

Generally speaking, people fall into more than one Section 75 category (for example: disabled minority ethnic people; disabled women; young Protestant men; young lesbian, gay and bisexual people). Provide details of data on the impact of the policy on people with multiple identities. Specify relevant s75 categories concerned.

N/A

**Disability Discrimination (NI) Order 2006**

Is there an opportunity for the policy to promote positive attitudes towards disabled people?

N/A

Is there an opportunity for the policy to encourage participation by disabled people in public life?

N/A

**Screening Decision**

**A: NO IMPACT IDENTIFIED ON ANY CATEGORY – EQIA UNNECESSARY**

Please identify reasons for this below

This is a technical policy which sets out the principles of enforcement which will be followed. It has no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

**B: MINOR IMPACT IDENTIFIED – EQIA NOT CONSIDERED NECESSARY AS IMPACT CAN BE ELIMINATED OR MITIGATED**

Where the impact is likely to be minor, you should consider if the policy can be mitigated or an alternative policy introduced. If so, EQIA may not be considered necessary. You must indicate the reasons for this decision below, together with details of measures to mitigate the adverse impact or the alternative policy proposed.

**C: MAJOR IMPACT IDENTIFIED – EQIA REQUIRED**

If the decision is to conduct an equality impact assessment, please provide details of the reasons.

**Timetabling and Prioritising**

If the policy has been screened in for equality impact assessment, please answer the following questions to determine its priority for timetabling the equality impact assessment.

On a scale of 1-3 with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Priority criterion	Rating (1-3)
Effect on equality of opportunity and good relations	
Social need	
Effect on people’s daily lives	

The total rating score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the council in timetabling its EQIAs.

Is the policy affected by timetables established by other relevant public authorities? If yes, please give details.

**Monitoring**

Effective monitoring will help the authority identify any future adverse impact arising from the policy. It is recommended that where a policy has been amended or an alternative policy introduced to mitigate adverse impact, monitoring be undertaken on a broader basis to identify any impact (positive or adverse).

Further information on monitoring is available in the Equality Commission’s guidance on monitoring (*insert link*).

Identify how the impact of the policy is to be monitored

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### Approval and Authorisation

A copy of the screening form for each policy screened should be signed off by the senior manager responsible for that policy. The screening recommendation should be reported to the relevant Committee/Council when the policy is submitted for approval.

Screened by	Position/Job title	Date
Martina McNulty Seamus Donaghy	Group Chief EHO (SGEHC) Head Of Environmental Health & Neighbourhood Services (Armagh)	05 January 2015
Approved by	Position/Job Title	Date
Roger Wilson	Chief Executive	06 January 2015

**Please forward a copy of the completed form with policy attached to XXX Officer who will ensure that screening forms and policies are available on the Council website.**

**This officer is also responsible for issuing reports on a quarterly basis on those policies “screened out for EQIA”. This allows stakeholders who disagree with this recommendation to submit their views. In the event of any stakeholder disagreeing with the decision to screen out any policy, the screening exercise will be reviewed.**