

PUBLIC CONSULTATION SUBMISSION

to

DUN LAOGHAIRE–RATHDOWN COUNTY COUNCIL

Attention of: Mr. Aidan J. ffrench
DLR Parks and Landscape Services
(parks@dlrcoco.ie)
Level 3, County Hall, Marine Road
Dun Laoghaire, Co. Dublin

regarding

DLR Open Space Strategy
Final Draft Report (April 2010)

and

**PROPOSED REVISION OF
ITS 'DOG MANAGEMENT STRATEGY'**

submitted by

DOGS UNLEASHED
a voluntary community group,
Liz Neligan, Chairperson

Dated: 15th September 2011

Summary

In this submission, we state our position as follows:

- We strongly endorse DLR County Council's commitment to '*maintaining a clean and pleasant environment for its citizens as well as for people working and visiting the County*'. However, this strategy paper does not sufficiently address practical methods for achieving this except by introducing more punitive bye-laws, more staff enforcers and more fines. There is a more effective approach.
- We also endorse DLR County Council's commitment to involving the community and in particular its stated intention '*to engage with dog owners*'. However, the proposed measures only serve to alienate a large segment of the community rather than engage with them.
- The most effective way to promote responsible dog ownership is to introduce policies that are fair, evidence-based and achieve a balance between people with different viewpoints. An anecdotal and reactive approach will not achieve the same result. We will support the Council in promoting responsible dog ownership if a policy is developed that is fair, evidence-based and democratic.
- We are in total agreement with the Council that dog-fouling is a problem. Responsible dog owners can act *in partnership* with Council enforcers to reduce this problem, but this will only happen if the enforcers are perceived as allies rather than oppressors.
- We contest the implication in the Council's draft 'Dog Management Strategy' that increased dog leashing will reduce the menace of dog fouling. It is our contention that the introduction of more restrictions on dog walkers, which supersede even the current bye-laws (which in DLR County are more stringent and punitive than the national laws) will be counter-productive.
- We oppose the bye-laws as 'collective punishment', which is absolutely in contravention of EU and international law – it is unlawful to punish the whole for the infractions of a few.
- Below, we outline a partnership approach, proposing that in return for the introduction of fair and balanced rules on dog leashing, we will actively campaign against those anti-social practices that detract from the public's enjoyment of our open spaces.

Who we are

'Dogs Unleashed' is a voluntary community group of ordinary citizens, concerned with the current restrictive 'dog control' bye-laws affecting dogs in DLR County.

Our main aim is to promote responsible dog ownership. We have developed our own website and Facebook page, and represent over 1,700 people who agree with our aims and have signed our petition (both online and in paper format). The numbers continue to rise each day. In addition, we have a number of veterinarians and dog trainers and behaviourists acting as advisors and are also in touch with dog owners with special needs.

The benefits of dog ownership

To quote from the Council's 'Open Space Strategy' draft report: *'Dogs are a great source of companionship for people of all ages and it is acknowledged that all pets have a therapeutic effect which can contribute significantly to people's quality of life and mental and physical health.'*

Given the many benefits of dog ownership, the Council's bye-laws should make owning and nurturing a healthy animal a viable and enjoyable experience. The present policy is moving towards restrictions that make dog ownership difficult for many and that undermine animal health and welfare, as well as the personal benefits of owning a dog. If public policy undermines dog ownership, it will, by implication, have a knock-on effect on the therapeutic effects mentioned, on many pet-related businesses and charities, on people who take in rescue dogs and on all those members of families (from young children to elderly grandparents) who benefit from what a dog brings to a household.

The issue of dog leashing

The County Council's bye-laws, which make leashing on beaches and parks compulsory at all times (except on Killiney Hill, an exception which is now under review) are more stringent than national laws, which state that all dogs must be kept under control but which do not make leashing compulsory. We believe that DLR County Council's restrictive bye-laws on dog leashing are:

- **counter-productive** because they alienate responsible dog owners;
- **misguided** because they are not directed at the principal hazard of dog fouling;
- **discriminatory** against the elderly, the weak, the encumbered (e.g. mothers with prams) and the infirm because they make dog walking an impossibility for people who find it difficult to continuously walk a dog on a leash;
- **undermining of public health policies**, which aim to encourage people to exercise (dragging a dog on a leash or stopping every few minutes while they sniff is not an effective way of taking exercise);

- **harmful to the environment** since many people have no option but to use their cars to drive to parks and beaches outside DLR County just so that they can allow their dogs to run free off leash (Sandymount Strand is a good example, governed by the more reasonable bye-laws of Dublin City);
- **injurious to animal welfare** since vets inform us (and indeed commonsense tells us) that dogs need to run, sniff, swim and socialise together in order to be healthy and wholesome animals;
- **is contrary to the recommendation of Guide Dogs for the Blind**, which says that guide dogs should be given the freedom to run around at least once every week in order to release stress;
- **oppressive** because they punish people for an ‘offence’ which is technical and has no victims. Having a dog off a leash does not in itself harm anyone. However, having a dog that menaces people, whether on or off a leash, is certainly harmful and absolutely unwanted;
- **disproportionate and unfair** because anyone with a well-trained, well-behaved dog can be fined €150 simply for enjoying nature in the company of their pet.

We do not believe that the suggested widening of the Council’s policy – of ‘allocating dog areas in all parks’ – is the total solution to off-leash exercise. Allowing dogs off leash only in designated dog pens is neither desirable nor advisable. Vets advise that with such concentrated usage, these dog pens could become an unhealthy environment. Dog behaviourists, too, believe that such dog pens will contribute to behavioural problems in nervous and timid dogs, encouraging canine aggression as a defence mechanism. Taking the extent and terrain of many public parks into account, the undersized fenced-off areas of flat grass designated for dogs are entirely inadequate for their purpose. Clearly this idea of ‘dog parks’ has been devised by people who have no experience with animal welfare or canine behaviour. A simple analogy might be: even though young men are mainly responsible for the dropping of beer cans and school children for the dropping of litter in parks near schools, are they to be punished collectively as groups or does one seek out the offenders and punish them? We think the latter.

Public consultation to date

DLR County Council has to balance the needs of those who enjoy the company of dogs with the needs of those who do not. As a major part of its public consultation for the ‘Open Space Strategy’, the Council conducted a questionnaire survey among 711 people. One finding of the survey reveals that dog fouling is the main deterrent to visiting their local park or open space for 18% of respondents (*Paragraph 4.7.2, p. 28*). Curiously, Paragraph 4.8.3 (*p. 29*) of the same report states that 18% of respondents commented on dog fouling *and* litter as deterrents. Obviously, dog fouling and litter are, in practice, two quite separate issues and people do actually make a distinction (even though ‘dog faeces’ is classified as litter under the Litter Pollution Acts 1997-2003). Also, the report of findings is not

clear as to whether this was 18% of the total sample of 711 people, or 18% of the 33% (232 people) who said they experienced some kind of deterrent (this Question 4 was in two parts). Whichever is correct, the outcome is hardly a weighty majority and not significant enough to form the basis for a major policy affecting thousands of people.

This is, of course, not to say that dog fouling is not an important issue in public spaces and we of Dogs Unleashed are entirely in agreement with the Council that it must be dealt with 'decisively through education, encouragement and enforcement' (*Paragraph 6.9.3, p. 60*). However, we are puzzled that, according to the Council's own figures, only 5 cases of fining for dog fouling have been issued between 2008 and November 2010, and no fines at all under the Parks or Beach bye-laws, despite these laws having been in force since 2003. It would seem that a major task for the Council to concentrate on is the enforcement of existing laws on dog fouling and to put those resources, currently being diverted into watching out for people with their dogs off leashes causing no harm or nuisance, to better use in monitoring 'blackspots' and employing 'incognito' surveillance to catch offenders who do not clean up after their dogs. Responsible dog owners have nothing to fear from such enlightened enforcement.

Moreover, Question 4 on deterrents in the 'Open Space Strategy' survey only gave respondents a list of pre-determined options, *which did not include 'litter', but did include 'dog fouling'*. Thus, respondents were not able to simply indicate that they did not visit their local park because of litter, which as we all know is a major issue in many parks.

These points are important because the Council's entire 'Dog Management Strategy' for the period 2011-2015 appears to be aimed at appeasing the 18% of people who stated that dog fouling was the main reason they did not visit parks. In the Action Plan at the end of the Strategy report, the aim of the Dog Management Strategy is to '*minimise or remove deterrents to use*' of the open space network (i.e. dog fouling).

The survey carried out for the 'Open Space Strategy' also found that 36% of people drive to parks. A suggestion to reduce this number of people using cars for short journeys was to provide 'allocated dog areas' in all parks in which people could let their dogs off leash. This shows that there is a demand to let dogs off leash. Why then is the Council proposing to 'review the [off leash] designation of Killiney Hill' and subject the one remaining park in the County, where walkers *can* walk their dog off leash, to compulsory leashing? Again, it gives the impression of bias by the Council against dog walkers. Many people who do not live in the area drive a not-inconsiderable and inconvenient distance to Shanganagh Park, where dogs must be under 'effective control', otherwise on a leash. Similarly, many people drive outside the DLR County to Sandymount Beach, where under the local Dublin City bye-laws dogs may run free on the beach, without leashes; once, of course, they get to the invisible boundary with DLR County, their owners must put them on a leash. The latter example illustrates how farcical the DLR bye-laws really are.

Finally, it must be commented upon that the total sample for this 'public consultation' survey was 711 people, representing 0.37% of the DLR population which, although strictly speaking a statistically 'representative' sample, is a very

small proportion of the population of DLR County and thus by no means a majority view. It would be interesting to know what percentage of the sample were dog owners and/or dog walkers. Of those surveyed, less than 3% (19 people) had a disability (compared to 9.3% or 18,000 people in the DLR population) and young people were totally under-represented, at 2% of those surveyed. We would suggest that both these groups are important members of the dog-walking community.

Complaints

Correspondence from an elected member of DLR Council has informed us that Council management have been receiving '*a high number of complaints from beach users claiming nuisance, interference, intimidation and attack on some occasions by dogs which are not under control*'. Several enquiries have revealed that most of these complaints are verbal, unrecorded reports (to lifeguards and other DLR personnel) and are thus not available for inspection; only 'formal' complaints to the Council are recorded. Therefore, no comprehensive written record exists of the range and number of complaints. This is important because it is also on the basis of these verbally reported, but unrecorded complaints that the Council is basing its new 'Dog Management Strategy', which will supersede the current, already restrictive bye-laws.

A CHARTER FOR PARTNERSHIP between Dun Laoghaire–Rathdown County Council and responsible dog owners

We are willing to support DLR County Council's aim to reduce dog fouling and protect the public from uncontrolled dogs through the following initiatives:

- **We will campaign for our followers to help 'patrol and control' public spaces by intervening** when they see incidents of dog fouling or by reporting incidents of canine aggression.
- **In association with the Council, and with various dog charity groups, we propose visiting local schools** and teaching children and young people about how to handle dogs and how to become responsible owners.
- **We will offer guidance, via our popular Dogs Unleashed website, on the key elements of responsible dog ownership** and help to promote that message in every way possible.
- **One key element we will publicise is the importance of licensing dogs.** We note that in Kerry, 'consistency of message and thorough application' of the national laws has resulted in dog licensing and dog control yielding a surplus of €41,000 for the Council in 2010. In contrast, a budget deficit in excess of €127,000 was recorded for the same period in Dun Laoghaire–Rathdown. Even more striking results have taken place in Northern Ireland.
- **We will develop good working relationships with DLR Council dog patrol staff** so that we can directly report stray or misbehaving dogs and irresponsible owners.

In turn, the Council's forthcoming 'Dog Management Strategy' should include and incorporate the following elements:

- **Formalise a complaints procedure** so that all incidents are recorded. In this way, the Council and the public will have clear knowledge of where problems occur and their extent, and on this evidence-based data take appropriate and proportionate steps to resolve them.
- **Introduce more balanced policies on leashing** so that dog owners and walkers are not deterred from using the open space network of Dun Laoghaire–Rathdown County where, according to the Council's own report, they are among the top users of open spaces, where they are 'valuable users of our parks' and where they play a valuable role in providing a sense of security for those 11% of respondents who feel unsafe in parks. For example, dogs walkers should be allowed to walk their dogs off leash at certain hours in all but the most ornamental parks,

or at all times in certain places. *Enforcing blanket leashing is not a balanced policy and is a disproportionate response.*

- **The freedom to walk a dog off leash on Killiney Hill should be retained** since this is a much-loved and used facility. To subject it to the same restrictive bye-laws that apply elsewhere will jeopardize relationships between law-abiding citizens and the Council, and undermine public respect for the bye-laws.
- **With regard to dog restrictions on beaches, the County Council should look to the excellent policies in other Councils, such as Fingal**, where leashes are compulsory only in those areas within 400 metres of a lifeguard (in other words, the areas where people swim). We assert owners' rights to access off-leash areas at all times throughout the year, which also allows *families with dogs* to enjoy the physical and therapeutic benefits of their family pets.
- **The issue of dog-fouling must be tackled by the Council** by increasing public awareness, putting litter bins in all open spaces, increasing education (through initiatives such as school visits mentioned above) and targeting campaigns to enforce the law in the most problematic 'blackspot' areas. The issue should *not* be tackled through punitive and demonizing enforcement of dog leashing, which has very little to do with dog fouling.

Conclusion

We intend to follow closely the debate on the Council's 'Dog Management Strategy'. **Our requests are fair and reasonable.** We urge that all measures and governance of such measures be driven by sound reason and judgement, and balanced with a level of proportionality that resolves the issues being addressed and does not penalise or marginalise any of our citizens or minority groups.

We therefore urgently request a formal facility and a communication process that will enable us to work with the Council in a cooperative way and allow the balanced promotion of the interests of dog owners and dog lovers throughout the County. We anticipate the opportunity to challenge any suggested policy which we feel is discriminatory and submit alternative policies, and to do this in a community-driven and democratic manner.

We have developed a number of recommendations and initiatives that will increase the effectiveness, efficiency and bio-diversity of the current programmes, enabling social interaction and fostering community development, as well as providing an outdoor classroom for biological and ecological studies. In addition, these activities could bring much needed additional income to our County. We would welcome the opportunity, at a later date, to present details of these initiatives to the Council.

To conclude, we look forward to working with the Council on this issue in the near future.

Liz Neligan, Chairperson

for DOGS UNLEASHED

40 The Beechs
Monkstown Valley
Monkstown, Co. Dublin
Tel: (087) 244 9936
E-mail: info@dogs-unleashed.org

Copies to:

- Eamon Gilmore, Leader of the Labour Party, Tánaiste and Minister for Foreign Affairs & Trade
- Phil Hogan, TD, Minister for the Environment, Community and Local Government
- Willie Penrose, TD, Minister of State at the Department of the Environment, Community and Local Government
- Fergus O'Dowd, TD, Minister of State at the Department of the Environment, Community and Local Government
- Simon Coveney, TD, Minister for Agriculture, Marine and Food
- Shane McEntee, TD, Minister of State at the Department of Agriculture, Marine and Food
- Sean Barrett, TD, Ceann Comhairle
- Mary Mitchell O'Connor, TD
- Richard Boyd-Barrett, TD
- All Dun Laoghaire/Rathdown County Councillors