

Central Hawke's Bay District Council – Report

TO: Council

FROM: Animal Control Officer

DATE: 17 September 2009

FILE REF: DOG1-500

SUBJECT: **DOG CONTROL POLICY AND PRACTICES REPORT 2008 - 2009**

1.0 SUMMARY

The Dog Control Act 1996 ("the Act") requires all territorial authorities to report annually on their Dog Control Policy and Practices. This is a provision in the Act introduced by the Dog Control Amendment Act 2003.

Once Council has adopted the report, public notice must be given of the report and a copy sent to the Secretary for Local Government.

This report sets out the requirements of the Dog Control Act 1996 and puts forward the report for the 2008/2009 year for Council approval.

2.0 RECOMMENDATION

THAT

1. The report be received.
2. The report on Dog Control policy and practices for 2008/2009 is adopted for public notification.

REASON

To meet the requirements of section 10A of the Dog Control Act 1996.

3.0 BACKGROUND

The Dog Control Act 1996 has been amended by the Dog Control Amendment Act 2003 with a focus on increasing public safety and on education. One of the amendments central government introduced was the requirement for territorial authorities to report annually with specified information. The Central Hawke's Bay District Council's report is presented as follows:

Description of the Animal Control Activity

The control of dogs is a key responsibility of the Regulatory Department of the Council, and is undertaken through the Animal Control Activity. One Animal Control Officer is employed fulltime on the control and registration of dogs with backup as required from other Regulatory Services Officers. Some administration support is also provided by Corporate Services staff.

An animal pound is operated in co-operation with the local Society for the Prevention of Cruelty to Animals and the Council operates its pound from SPCA premises in Coughlan Road, Waipukurau. The SPCA staff service the pound on a cost recovery basis.

i) Education

Council provides dog owners with information regarding education programmes and obedience courses. Council promotes education through the local radio and newspaper, and has participated in regional television advertising to encourage registration. Animal control staff also make visits to schools and early childhood centres.

ii) Dog Control Policy

Each territorial authority is required by the Act to have a policy on the control of dogs. This is an existing provision of the original 1996 legislation. However, the Dog Control Amendment Act 2003 required all territorial authorities to review their policies on the control of dogs by 1 September 2004 in light of amendment to the principal legislation to reflect greater community concern over high profile dog attacks.

Council began a review of its 1997 Dog Control Policy and Bylaw in 2004. As a result of this review, a completely new draft policy and draft bylaw was prepared and these were adopted by Council at 31 March 2005.

iii) Responsible Dog Owners

Under the Central Hawke's Bay District Council Dog Control Bylaw, owners with more than two dogs within an urban area are required to obtain prior approval from Council. Council animal control officers inspect the property to judge its suitability for housing and controlling dogs prior to granting approval, known as the Responsible Dog Owner (RDO) status. RDO's also enjoy a discount on their registration fees, subject to ongoing compliance.

iv) Fees and Charges

Fees and charges are reviewed annually and set by Council resolution. Council's funding policy for animal control is that 90% of the total costs are met by fees and charges. Discounts are given to owners of rural dogs and those owners who demonstrate responsible ownership. An annual early payment discount of \$15 is available for fees paid prior to 1 August to encourage owners to register their dogs. Dog owners who do not register their dogs are contacted by the Animal Control Officer and if dogs continue to remain unregistered they are impounded and costs are recover if the dog is claimed within 7 days after removal.

v) Enforcement

With regard to offences and penalties, the approach is to treat each incident on a case-by-case basis and to use low-level enforcement for minor offences. Where an attack has occurred the provisions of Dog Control Act 1996 are followed.

STATISTICAL INFORMATION

Category	As at 30 June 2009	For Period 01 July 2008 - 30 June 2009
1) Total # Registered Dogs	5729	~ Not Required ~
2) Total # Probationary Owners	0	0
3) Total # Disqualified Owners	0	0
4) Total # Dangerous Dogs	0	1
➤ Dangerous by Owner Conviction Under s31(1)(a)	0	0
➤ Dangerous by Sworn Evidence s31(1)(b)	0	1
➤ Dangerous by Owner Admittance in Writing s31(1)(c)	0	0
5) Total # Menacing Dogs	14	26
➤ Menacing under s33A(1)(b)(i) - i.e. by Behaviour	5	6
➤ Menacing under s33A(1)(b)(ii)- by Breed Characteristics	0	0
➤ Menacing under s33C(1) by Schedule 4 Breed.	9	20
6) Total # Infringement Notices.	~ Not Required ~	70
7) Total # Complaints Received	~ Not Required ~	402
➤ Aggressive/rushing	~ Not Required ~	21
➤ Barking	~ Not Required ~	88
➤ Dog bites/people	~ Not Required ~	13
➤ Dog bites/animals	~ Not Required ~	9
➤ Bylaw breach	~ Not Required ~	8
➤ Miscellaneous/general	~ Not Required ~	97
➤ Wandering	~ Not Required ~	147
➤ Dog attack/stock	~ Not Required ~	19
8) Total # Prosecutions Taken	~ Not Required ~	0

4.0 OPTIONS

That the report on Dog Control policy and practices for 2008/2009 is adopted for public notification

5.0 STATUTORY IMPLICATIONS

Section 10A of the Dog Control Act requires that a Territorial Authority must report on Dog Control Policy and Practices:

- 1) A territorial authority must, in respect of each financial year, report on the administration of:
 - (a) its Dog Control Policy adopted under section 10; and
 - (b) its Dog Control Practices.

- (2) The report must include, in respect of each financial year, information relating to:
 - (a) The number of registered dogs in the territorial authority district;
 - (b) The number of probationary owners and disqualified owners in the territorial authority district;
 - (c) The number of dogs in the territorial authority district classified as dangerous under section 31 and the relevant provision under which the classification is made;
 - (d) The number of dogs in the territorial authority district classified as menacing under section 33A or section 33C and the relevant provision under which the classification is made;
 - (e) The number of infringement notices issued by the territorial authority;
 - (f) The number of dog related complaints received by the territorial authority in the previous year and the nature of those complaints;
 - (g) The number of prosecutions taken by the territorial authority under this Act.

- (3) The territorial authority must give public notice of the report:
 - (a) By means of a notice published in:
 - (i) One or more daily newspapers circulating in the territorial authority district; or
 - (ii) One or more other newspapers that have at least an equivalent circulation in that district to the daily newspapers circulating in that district; and
 - (b) By any means that the territorial authority thinks desirable in the circumstances.

- (4) The territorial authority must also, within one month after adopting the report, send a copy of it to the Secretary for Local Government.

6.0 CONSULTATION

6.1 External

N/A

6.2 Internal

N/A.

7.0 FINANCIAL

N/A.

8.0 STRATEGIC LINKS

LTCCP

9.0 POLICY/DELEGATION REFERENCE

Dog Control Policy and Bylaw 2004.

David Stiles NZIACO (Dip)
Animal Control Officer