

Chairperson and Committee Members
REGULATORY MANAGEMENT COMMITTEE

3 DECEMBER 2009

Meeting Status: Public

Purpose of Report: For Decision

ANNUAL REPORT ON DOG CONTROL POLICY AND PRACTICES 2008-2009

PURPOSE OF REPORT

- 1 To report the activities of the Kapiti Coast District Council Dog Control Section as required by Section 10A of the Dog Control Amendment Act 2003.

SIGNIFICANCE OF DECISION

- 2 The recommendations in this report do not trigger the Council's significance policy.

BACKGROUND

- 3 Whilst the Dog Control Act 1996 remains the definitive legislation, the Dog Control Amendment Act 2003 introduced a number of new provisions; in particular it introduced Section 10A which requires Territorial Local Authorities to report on their Dog Control Policies and Practices as follows:

- (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) *1 or more daily newspapers circulating in the territorial authority district; or*
- (ii) *1 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 1 month after adopting the report, send a copy of it to the Secretary for Local Government.*

4 This report details the information required by Section 10A of the Dog Control Act 1996 as amended in 2003.

Dog Control Policy

5 This report is based on the policy adopted in 1997. A new Dog policy was adopted by Council on 12th November 2009.

Effective Dog Control

6 Effective Dog Control is consistent with Outcomes 1 and 7 of the Long Term Council Community Plan:

Outcome 1: there are healthy natural systems that people can enjoy;

Outcome 7: the District has a strong healthy, safe and involved community.

CONSIDERATIONS

Issues and Options

Council's Dog Control Policy Objectives

7 These objectives are part of the Dog Control policy previously adopted by Council in 1997. This has now been reviewed and a new policy was adopted by Council on 12th November 2009. The Dog Control practices described in this report are based on the 1997 Dog Control policy objectives.

Objective 1

8 All dogs in the district are kept under proper and appropriate control at all times.

Objective 2

9 To eliminate or minimise the distress, danger and nuisance caused by dogs to the general public and their property.

Objective 3

10 To ensure that the owners of dogs comply with their obligations under the Act.

Objective 4

11 To provide for the exercise and recreational needs of dogs and their owners.

Objective 5

12 To recognise good and responsible ownership and to reward them by reduced fees. Responsible owners who comply with the Kapiti Coast District Council Dog Control Bylaw 1997 and the provisions of the Dog Control Act 1996 will be rewarded by reduced fees.

Council's Dog Control Practices

13 To meet the policy objectives Council employs the following practices:

- Council employs an Animal Control Section within the Assets & Services Group. During the reporting period there were three full-time Animal Control officers who reported to the Senior Animal Control Officer.
- Districtwide dog control patrols operate 8.00am to 5.00pm, Monday to Sunday inclusive. Additionally, there is an after hours call out service, and staff are rostered to respond to urgent animal and stock control issues.
- A new Council pound facility was built and commissioned in 2008. The new pound had some initial teething problems as the scope of the project had to be downsized to meet the available budget. These initial issues have now been addressed and the pound facility provides improved working conditions for staff and has also vastly improved conditions and security for the care and welfare of impounded dogs.
- The Animal Control staff liaise closely with both the Kapiti SPCA and Horowhenua Animal Rescue in Levin. This liaison has proved very successful for allowing opportunities to re-home unclaimed dogs that are assessed as being suitable for re-homing and also for the sharing of information regarding animal welfare issues.
- The Animal Control Team with assistance from the Customer Service Team undertakes all statutory requirements, including dog registration, issue of infringement notices and prosecutions. Dog registration fees are reviewed annually and are structured to encourage owners to have their dogs spayed / neutered. A discounted "Approved Owner" rate is also available for owners who can demonstrate a high standard of control.
- From time to time Council Staff provide education material and information promoting responsible dog ownership. Examples of awareness programmes and information include:
 - Child safety information;
 - Responsible dog ownership information;

- School education programmes;
- Health and hygiene information;
- Dog information brochures.
- Other dog control information (eg. information on exercise zones) is published or broadcast regularly in/on local media. It is also available on Council's website and on request from the Customer Service Centres at Rimu Road, Waikanae and Otaki.
- A procedure is in place for special permits to be issued to owners who wish to have more than two dogs on a residential property. The application procedure for these permits ensure that the keeping of dogs does not create a nuisance to other residents.
- Excellent registration results were achieved during the year with over 99% of known dogs registered. If owners had not registered their dog by the end of September they were served with an infringement notice.
- Dogs classified as menacing by breed are required to be neutered/ spayed at the time of registration. If a dog is impounded after the timeframe for compliance, the owners are required to make an appointment with a vet before the dog is released.
- Council classifies as menacing those dogs belonging to the breed or type listed in schedule 4 of the Dog Control Amendment Act 2003. Those breeds or types of dogs currently listed are as follows:
 - **Breed of Dog:** Brazilian Fila, Dogo Argentine, Japanese Tosa;
 - **Type of Dog:** American Pit Bull Terrier.
- Council where appropriate will also classify dogs as either dangerous or menacing if a substantiated complaint is received about the reported behaviour of the dog.
- A difficulty with the dog classification process came to light during the year. A number of dogs were classified as menacing or dangerous by an officer not holding the appropriate delegation and warrant. All owners of the incorrectly classified dogs were notified and the classifications revoked. The staff involved in classifying dogs now have the appropriate delegations and warrants.
- The recent Kapiti Coast District Council Bylaw 2008 provides for dogs and their owners to have access to public places which allows for their reasonable and exercise needs whilst ensuring that danger, distress and nuisance to the rest of the community is minimised. Three basic categories of Dog Access Zone are provided for in the Bylaw:
 - **Prohibited zone:** Dogs not allowed under any circumstances;
 - **On leash zone:** Dogs allowed only when under leash control;

- **Exercise zone:** Dogs allowed to run freely, but in view and under direct voice control.

Statistical information

- 2,873 service requests relating to Animal Control were received during the year of which 1,794 were complaints about animal behaviour. Customer Service staff are generally the first point of contact for all animal control issues which they formally record within the computerised service request system.

STATISTICS

Dogs & Owners	2008/2009	2007/2008
Dogs registered as at 30 June 2009	6,353	6,153
Probationary owners	0	0
Disqualified owners	1	1
Classified dangerous dog as at 30 June 2009	5 (Sec 31(1) b)	4
Classified menacing dog 33A – <i>classified by deed</i>	70	42
Classified menacing dog 33C – <i>classified by breed</i>	72	49
Complaints		
Attacks on persons, stock, poultry, domestic animals (<i>refer footnote</i>)	121*	60
Dog Threatening	168	148
Wandering	741	917
Barking	487	387
Fouling	32	Not recorded
Bylaw non compliance	42	38
Complaints about Stock	203	225
Total	1,794	1,775
Infringements Issued		
Keeping an unregistered dog	115	53
Failure to Notify Change of address	2	0
Failure to keep a dog under control	53	45
Failure to comply with a by law	4	15
Wilful obstruction of a dog control officer	2	0
Failure to supply requested details	1	0
Failure to comply with the effects of a classified dog	35	10
Failure to comply with the effects of a disqualified owner	0	0
Failure to provide the necessities	0	0
Failure to implant microchip	13	16
Falsely notifying death of a dog	0	0
Failing to comply with barking dog abatement notice	1	0
Total	226	139
Infringements Cancelled (<i>refer footnote</i>)	100**	73
Prosecution		
Section 58 being the owner of a dog which caused serious injury to a person	0	2
Section 57 being an owner of dog which committed an attack	5	0
Total	5	2
Prosecution Outcomes		
Guilty & Order for Destruction of Dog	1	2

Dogs & Owners	2008/2009	2007/2008
Guilty & extenuating circumstances no order for destruction	0	0
Not Guilty	0	0
Outstanding still before Court	4	
Impounding		
Impounded dogs returned to owner	392	368
Impounded dogs euthanized	83	75
Impounded dogs surrendered to SPCA or Animal Rescue	34	20
Impounded dogs re-homed through pound	17	11
Total	526	474

**The increase in attacks reported is not attributable to any particular factor*

***48 Infringements were cancelled following compliance with requests to register. A further 34 were cancelled after a number of menacing & dangerous classifications were revoked (refer Section 13 of this report)*

FINANCIAL CONSIDERATIONS

14 The operating costs were met within existing budgets.

LEGAL CONSIDERATIONS

15 The only legal consideration to be considered as part of this report is Section 10 of the Dog Control Act 1996.

DELEGATION

16 This Committee has the delegation to consider and adopt this report under Part B.2(7.2) of the Governance Structure which reads:

Animal Control

7.3 Authority to consider and adopt an Annual Report on Dog Control Policy and Practices in the District under section 10 and 10A of the Dog Control Act 1996.

CONSULTATION

17 No additional consultation is required.

POLICY IMPLICATIONS

18 The current Dog Control Policy 1997 has been reviewed and a new policy was adopted by Council on 12th November 2009. The Dog Control Practices described in this report are based on the 1997 Dog Control Policy objectives

PUBLICITY CONSIDERATIONS

19 There are no publicity considerations.

OTHER CONSIDERATIONS

- 20 A copy of this report must be forwarded to the Secretary for Local Government within one month of its adoption.

CONCLUSION

- 21 The Council is required to report on its Dog Control Policy and Practices on an annual basis.
- 22 This report represents the information required by the legislation to cover the period from 1 July 2008 to 30 June 2009.

RECOMMENDATIONS

- 23 That report AS-09-717 (Annual Report on Dog Control Policy and Practices 2008-2009) be received.

Report prepared by:

Approved for submission by:

Bryan Edwards

Gary Simpson

**SENIOR COMPLIANCE & ANIMAL
CONTROL OFFICER**

**GROUP MANAGER, ASSETS AND
SERVICES**