

3. IMPLEMENTATION OF AMENDED DOG CONTROL POLICY: BYLAW AMENDMENT

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The purpose of this report is to commence the special consultative procedure under the Local Government Act 2002 for the purpose of making a bylaw which will amend the Christchurch City Dog Control Bylaw 1992. The amendment is necessitated by an amendment to the Council's Dog Control Policy which the Council adopted at its meeting on 23 October 2002.

BACKGROUND

On 23 October 2003, the Council formally adopted an amended policy on dogs. The Council is required to have such a policy by Section 10 of the Dog Control Act 1996. As required by Section 10, the Council, in adopting the amended policy, used the special consultative procedure set out in Section 83 of the Local Government Act 2002.

In order to implement one of the changes introduced by the amended policy an amendment is required to the Christchurch City Dog Control Bylaw 1992. The change in question, (amendment number 3 in the amended policy), is a change to the present bylaw restrictions concerning dogs near children's play equipment in Council reserves. The present restriction is contained in Clause 11(1) of the Bylaw. It provides that no dog is allowed within 10 metres of any such equipment other than solely for the purpose of being walked through that area and so long as it is held on a leash. The change introduced by the amended policy provides that dogs are not to be permitted within 1 metre of such equipment and no exemption is granted for dogs being walked through such an area.

Clause 11(2) of the bylaw, as it presently stands, provides an exemption for working dogs (ie guide dogs, hearing ear dogs, police dogs, etc) in these areas. The amended policy does not alter this exemption.

PROCEDURE FOR AMENDING THE BYLAW

Before making an amending bylaw, the Council must first address the matters set out in section 155 of the Local Government Act 2002. Once those matters have been addressed, the Council must follow the special consultative procedure set out in Section 83 of that Act.

At its meeting on 20 November 2003 the Council addressed the matters referred to in section 155. In this regard, the Council determined that:

- (a) A bylaw amending clause 11 of the Christchurch City Dog Control Bylaw 1997 was the most appropriate way of amending the restrictions imposed by that clause; and
- (b) The draft bylaw, contained in the attached statement of proposal, was the most appropriate form of bylaw for this purpose; and
- (c) The draft bylaw did not appear to give rise to any implications under New Zealand Bill of Rights Act 1990; and
- (d) The special consultative procedure for making the bylaw be commenced by the Council at its meeting on 11 December 2003.

COMMENCEMENT OF SPECIAL CONSULTATIVE PROCEDURE FOR MAKING THE AMENDING BYLAW

In order to now commence the special consultative procedure to make the amending bylaw the Council must comply with section 83(1) of the Local Government Act 2002. For this purpose the Council must:

- (a) Adopt, in accordance with section 83(1)(a) a statement of proposal together with a summary of information contained in that proposal. That summary must comply with section 89; and
- (b) Include, in accordance with the requirements of section 83(1)(b), the statement of proposal on the agenda for a subsequent meeting of the Council; and

- (c) Make, in accordance with section 83(1)(c), the statement of proposal available for public inspection both at the Civic Offices and such other places as the Council determines necessary to provide all rate payers and residents of the district with reasonable access to the statement; and
- (d) Give, in accordance with sections 83(1)(e) and 83(1)(g), public notice (and such other notice as the Council considers appropriate) of the proposal and the consultation being undertaken, together with notice of the period within which submissions on the proposal may be made to the Council. (This period must not be less than 1 month after the date of first publication of the notice).

STATEMENT OF PROPOSAL

Attached to this report is a statement of proposal in an abridged form. In its unabridged form it will comply with the requirements of sections 83(1)(a) and 86 of the Act. In its unabridged form, the statement will comprise of:

- (a) A draft of the bylaw as proposed to be amended (as required by section 86(2)(a)); and
- (b) The reasons for the proposal (as required by section 86(3)); and
- (c) A report of the Council's consideration under section 155 of the problem being addressed by the proposal (as required by section 86(3)(b)(i)).

Section 86(2)(a) requires that the statement of proposal contain a draft of the bylaw as proposed to be amended. The Christchurch City Dog Control Bylaw 1997 presently comprises six pages. In order to keep the size of the attachments to this report to a minimum, the full draft of the Christchurch City Dog Control Bylaw 1997, as proposed to be amended, is not included. Instead, the attached statement of proposal only contains a draft of that clause of that bylaw which is proposed to be amended together with a draft of the bylaw which will make that amendment. If the Council adopts this statement of proposal then it must do so on the basis that it is adopting it in its unabridged form. In other words the statement incorporates the full draft of the Christchurch City Dog Control Bylaw 1997 as proposed to be amended, together with the draft of the bylaw which will make the amendment.

SUMMARY OF INFORMATION CONTAINED IN THE STATEMENT OF PROPOSAL

Section 83(1)(a)(i) of the Act requires the Council to prepare a summary of the information contained in the statement of proposal. That summary must comply with section 89.

Section 89 requires that the summary:

- (a) Be a fair representation of the major matters in the statement of proposal; and
- (b) Be in a form determined by the Council; and
- (c) Be distributed as widely as reasonably practicable (in such manner as determined appropriate by the Council, having regard to the matter to which the proposal relates) as a basis for general consultation; and
- (d) Indicate where the statement may be inspected and how a copy may be obtained; and
- (e) State the period in which submissions on the proposal may be made to the Council.

Attached to this report is a summary of information which complies with the requirements of Section 89. It is recommended that the Council formally adopt this summary (for the purposes of section 89(b)) and also resolve to publish it in both the 'The Press' and the 'Christchurch Star' newspapers and on the Council's website (for the purpose of satisfying section 89(c)).

SUGGESTED TIMETABLE FOR CONSULTATION PROCESS

It is recommended that the statement of proposal put on the agenda for the meeting of the Council on 26 February 2004. It is also recommended that the first public notice of the proposal and the consultation to be undertaken be given on Wednesday 17 December 2003 and the period within which submissions on the proposal may be made be from that date until Friday 23 January 2004.

It is also recommended that all submissions on the proposal be heard by the Dog Control Subcommittee and that Subcommittee report directly to the Council at its meeting on Thursday 27 February 2004.

Staff

Recommendation:

That the Committee recommend that the Council resolve:

1. To adopt the statement of proposal (in its unabridged form) and the summary of information attached to this report.
2. To include that statement of proposal (in its unabridged form) on the agenda for the meeting of the Council on 27 February 2004.
3. That the statement of proposal (in its unabridged form) be made available for public inspection at all Council Service Centres, Council libraries and on the Council's website.
4. That public notice of the proposal be given in 'The Press' and in the 'Christchurch Star' newspapers and on the Council's website on Wednesday 17 December 2003.
5. That the summary of information be distributed by way of publication (together with the public notice of the proposal) in 'The Press' and in the 'Christchurch Star' newspapers and on the Council's website on Wednesday 17 December 2003.
6. That the period within which submissions on the proposal may be made to the Council be between Wednesday 17 December 2003 and Friday 23 January 2004.
7. That all submissions on the proposal be heard by the Dog Control Subcommittee which shall report to the Council at its meeting on Thursday 27 February 2004.

Chairman's

Recommendation:

That the above recommendation be adopted.