

2. AMENDMENTS TO DOG CONTROL POLICY

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The purpose of this report is to examine the process and cost of undertaking amendment of the Council's Dog Control Policy to include a requirement that dogs be controlled by leashes in all public places in the Christchurch City Council area, except in prohibited areas and designated dog exercise parks.

CONTEXT

A letter was previously received requesting that the Council consider the installation of signs in city parks requiring dog owners to have their animals on leashes. The letter stated that some years ago signs at the three entrances to Jellie Park stated "No dogs except on a leash" but now only state that dogs must be under effective control. The writer alleged that he had been 'set upon' by uncontrolled dogs and had witnessed many similar incidents. He requested that the Council examine the bylaw with a view to permitting city parks, such as Jellie Park, to have signs, which require dog owners to have their animals on leashes.

The Committee **decided** that the following recommendations be adopted:

Staff

Recommendation: *That the Team Leader, Animal Control contact Mr Rea to discuss his concerns of uncontrolled aggressive dogs within the 'Jellie Park' area, with the view of resolving Mr Rea's concerns.*

Chairman's

Recommendation: *That the officers recommendation be adopted and that the Team Leader, Animal Control be asked to publicise the Council's Dog Control Policy through City Scene.*

The Council, at its meeting on 22 August 2002, declined to endorse the decision made by the Committee, and resolved instead "that the staff investigate a bylaw that requires dogs to be on a leash when in public places, and report back to the Regulatory and Consents Committee".

CURRENT POLICY

The Dog Control Policy and the Dog Control Bylaw 1997 are made under the provisions of the Dog Control Act 1996. This Act requires that a policy be developed and adopted under Section 10 in accordance with the special consultative procedure under section 716A of the Local Government Act 1974 in which every owner of a registered dog has to receive notice of the draft. The policy must identify matters including contents of proposed bylaws and those areas in which dogs shall be either prohibited or where they are required to be controlled on a leash. The Act requires that the territorial authority in adopting a policy shall have regard to the exercise and recreational needs of dogs and their owners and the need to minimise danger, distress, and nuisance to the community generally.

The Dog Control Policy went through the special consultative process under the Local Government Act and was adopted by the Council on the 23 April 1997. A subsequent amendment to the Policy was made in 2000 through the same process. In developing the original draft policy, advice was sought from the then Parks Unit regarding the appropriateness of declaring parks and reserves as those in which dogs were prohibited or where they should be restrained by leash. These draft provisions were included in the consultative process, which included extensive general publicity in addition to the information provided to dog owners. The bylaw introduced following the policy adoption has a provision that enables the Council to declare by resolution any public place to be a prohibited dog area, or restrained dog area, or a dog exercise area. The Council adopted the current requirements pursuant to clause 8(1) of the bylaw.

ISSUES FOR CONSIDERATION

In the report to the August meeting of this Committee it was advised:

In considering whether to change the status of any public place in regard to designation as prohibited or restrained dog control areas it should be noted this would require a review of the adopted Dog Control Policy. As the areas finally designated went through this extensive process, some dog owners may see this as unnecessary, particularly if it was removing free exercise areas. I cannot see any significant reason at this time to undertake the expensive process of reviewing the policy and certainly, as far as I am aware, Council has not made any financial provision for that purpose under the Animal Control output in the 2002/03 budgets.

The current bylaw has been made under the policy adopted in 1997 with a minor amendment made in 1999. In regard to controls on dogs the bylaw contains extensive provisions in addition to those contained in the Dog Control Act 1996. Some fifteen public places in whole or in part, are declared Prohibited Dog Areas. Dogs must be under control by means of a leash at all times while the dog is on a road (includes footpaths). On 61 parks or reserves, dogs must be restrained by the means of a leash, as must dogs on conservation areas of the Avon and Heathcote Rivers and the Estuary. In addition, dogs within ten metres of any children's playground equipment are prohibited and leashes must control dogs on open trays of vehicles and diseased dogs or bitches in heat.

Despite this there are still some problems as evidenced by the responses to the Citizens Survey, results in 2002 where 57 per cent mentioned 'wandering dogs' as being a problem over the last twelve months with about a quarter of these considering it either a 'fairly big' or 'very big problem'. In the year ended 30 June 2002 the Animal Control Section investigated 1,673 wandering at large complaints; 322 rushing at people complaints; 202 complaints of dogs biting people; and 66 cases of dogs in prohibited areas.¹

Given that the Council has in the order of 28,500 dogs currently registered, about 6% (if all the complaints were about separate dogs) are involved in wandering at large complaints, about 1% in rushing at people complaints, less than 1% dogs biting people, and less than a quarter of a per cent in prohibited areas. Despite this it is probably worthwhile to reconsider a review of the policy, as well as both increased educational measures and possible increased enforcement where that is appropriate.

The Regional Parks Team Manager has commented that in her view the existing dog control policy, with dogs off leash, but under control in the majority of parks is mostly acceptable, at least in areas of moderate use and low wildlife value. Her view is that social pressure and education should make people more responsible for their dog's behaviour and assist in co-existing with other park users. In her view dog walking and ownership have great physical and social benefits and there is a continuing need to provide the land base for dog owners to enjoy their pets.

However, she does consider that some ecologically sensitive sites should be made dog-prohibited areas. These are naturalistic areas that are used by a variety of wildlife where the presence of dogs has the potential to cause devastating harm. She would also like to see some other similar areas designated as 'restrained'.

Whether the Council, following the consultation process makes a decision requiring a change to the policy to require dogs on leashes in all parks and reserves, and other public places, there is a need for additional dog exercise parks to be provided. If the decision is made to introduce a complete restrained dog area over all public places, it is considered, that to fulfil the requirements of the Act to have regard to the exercise and recreational needs of dogs and their owners, a greater number and spread of dog exercise areas would be needed throughout the City. The costs of such areas are uncertain but would include fencing at about \$20 per metre, dog bins from \$135 to \$1,500 depending on type, and signage at about \$200 per sign. Ongoing costs could include bags at 23 cents each, bin emptying at \$1,000/year, grass cutting \$1,000/year, and general maintenance of fencing.

While there has been an amount of publicity undertaken in regard to dog control, albeit limited by the funding made available for this purpose, there still appears to be a lack of certainty as to the requirements of the policy, the Act, and the bylaw. This uncertainty exists both among dog owners, as well as members of the public, who have some interest in dog control. It may well be that the numbers on both cases are small but it is a matter that the Council could consider addressing. To do this will require the provision of additional funding, particularly in regard to signage at parks and reserves but also on roadways, as in the latter case all are restrained dog areas in the City.

¹ Environmental Services Unit, Annual Report for the year ended 30 June 2002, Christchurch City Council, September 2002

Any additional requirements for enforcement, such as declaring all public areas as 'restrained', would lead to the expectation that enforcement will occur, indeed if it is not expected that enforcement will occur where needed, it would seem to be unnecessary to introduce such controls. It would be necessary for the Animal Control Unit to be provided with additional resources, above those presently provided, for such enforcement activities. The extent of additional staff and the possible costs have not been determined as yet.

Additional resources for education and publicity will also be needed in addition to the costs of signage on roadways and at parks. In the case of the last two it would be expected the funding should come from the respective units controlling these areas, as the works are being undertaken for the 'public good', rather than as a service to individual dog owners.

The costs of preparing and printing a brochure with a submission form containing the suggested changes could be in the order of \$7,000 based on the costs experienced in developing the original policy. Postage and insert costs for sending to registered dog owners could be in the order of another \$7,000 but these would be reduced if the opportunity was taken to use the registration reminder to be mailed out in 2003. In addition to sending out individual copies of the proposed changes to registered dog owners, the policy must also be publicly notified for the 'general public' at least. This could consist of display notices in the both local newspapers. One 'quarter' page advert in The Press and The Star would cost about \$2,200. In addition 'City Scene' could be used as a medium for getting a wider audience.

The Council may want to undertake a wider publicity effort. Depending on the extent that the Council may wish to go in providing for changes, there could be more material being distributed which would influence the costs of printing any brochure. The above are estimates based on costs from the first major policy development. At that time, there were advertisements in the main and suburban papers and pamphlets were distributed to service centres. With few responses received from the dog owners or the public, half page ads were taken out in the two main papers. These contained the whole draft policy. The response from the whole process was 635 submissions from a population of 300,000 plus, and about 35,000 dog owners. If the Council wanted to deliver letterbox drops to each household, the cost of printing could rise to \$14,000 with possibly \$5,000 for delivery.

There would be additional costs, internally, for undertaking the receipt, summarising, and reporting on the submissions, as well as the costs of considering the submissions and undertaking hearings if that were considered necessary.

DISCUSSION AND CONCLUSIONS

As previously advised it is not clear that a change of status in regard to the designation of all public places to 'restrained' will lead to better outcomes and this could have adverse effects on other law abiding dog owners. If, however, the Council, after examining the results of the consultation decides to undertake the change, it is considered that more provisions for separate dog exercise areas spread throughout the City would be needed to fulfil the provisions of the Act. There would be additional costs involved in setting these up and this should be provided from the Parks budget, together with the costs of new signs for all parks. The matter of signage on roadways needs to be addressed and these signs should be funded from the City Streets budget.

Other additional costs would arise if a change were made, in regard to undertaking the additional enforcement or education that would be expected. The list of parks and reserves in the City is extensive. To ensure some proactive enforcement and/or education would require additional staff resources in the Animal Control Section. Whether this should come from the Animal Control account is a matter for the Council to decide. There is no additional money set aside for this at present, but doing the consultation at the time of sending out registration reminders would save on postage.

Given the increased costs that may be involved in increasing the areas in the City in which opportunities for free dog exercising are available, it is considered a small working party could examine a proposal for undertaking the required review of the dog control policy. The working party could examine proposals for further dog exercise parks, additional signage at parks and on roadways, and the costs of additional education and enforcement. This would enable any additional costs to be built into the draft budgets for the 2003/04 year, or to be considered when setting dog registration fees for that year.

Recommendation:

1. That the Council not amend clause 3 of the current Dog Control Policy but that it review the list of restrained and prohibited areas and that a working party with representatives of the Animal Control Unit Parks and Waterways Unit, City Streets Unit and Director of Policy's office be formed to undertake this review, and that Councillor representation be Councillors Sue Wells, Ishwar Ganda and Chrissie Williams.
2. That the Council strengthen its publicity on the existing dog control regulations.
3. That publicity be given to the levels of fines for which people are liable if they are served with an infringement notice.
4. That the Environmental Services Unit seek additional funding for dog control enforcement through the Annual Plan process.
5. That officers report back to the Committee on the issues involved in preparing a submission to central Government seeking to amend the Dog Control Act so that enforcement can be undertaken by other Council officers (eg parking enforcement staff) in addition to dog control officers.
6. That the working party on Dog Control also consider issues of tougher enforcement and a stronger visible presence of dog control officers.
7. That the City Streets and Parks and Waterways Units be asked to assist with the removal of outdated dog signs currently in place around the city and their replacement with new signs.