

1. REVIEW OF THE CHRISTCHURCH CITY COUNCIL DOG CONTROL POLICY

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The purpose of this report is to advise of a review of the recently adopted Dog Control Policy to determine whether further changes are required at this time.

INTRODUCTION

During 2003 the Council undertook a review of its then current Dog Control Policy made under section 10 of the Dog Control Act 1996. The original policy was adopted by the Council in 1997 and was amended in 1999. During the course of the Council's review, the Government undertook an urgent examination of the Dog Control Act 1996 on the basis of an attack on a child in a public place in Auckland.

Subsequently an amended Act came into force on 17 November 2003. The Dog Control Amendment Act 2003 contained a transitional provision as follows:

"A territorial authority must, before 1 September 2004, review its policy on dogs to ensure that it complies with section 10(4) of the principal Act on and from that date."

The previous section 10 of the Act had two further requirements added to the matters that a territorial authority must have regard to in developing a policy. These are;

- "(b) The need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults; and*
- (c) The importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs;"*

Submissions were made to the Select Committee on these matters, as it was considered the words included were difficult to objectively define in relation to the purpose, and, depending on the result expected might conflict with another criteria, that is the need to provide for the recreational needs of dogs and their owners. Given the range of dog attacks that occur from a wide range of dog breeds many of which, from the Department of Internal Affairs survey, probably occur in the home of the owner to owners themselves or their family members, it was difficult to avoid the *"inherent danger in allowing dogs to have uncontrolled access to places that are frequented by children"*. Similarly, determining how to measure *"fear of attack or intimidation by dogs"* objectively was considered difficult.

Despite these difficulties the matters were considered during the process of reviewing the Council's Dog Control Policy in 2003. The Council already had a requirement for the leashing of dogs on all roadways in the City and provisions restricting dogs from being close to children's play equipment areas where they existed in local parks and reserves.

THE 2003 REVIEW OF THE DOG CONTROL POLICY

On 22 August 2002 the Council resolved that staff investigate a bylaw that required dogs to be on a leash when in public places and report back to the Regulatory and Consents Committee. Following a report back from staff the Council at its meeting on 21 November 2002 resolved:

- "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 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.*
5. *That the working party on Dog Control also consider issues of tougher enforcement and a stronger visible presence of dog control officers.*
6. *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."*

The current policy which was adopted in 1997, and reviewed in 1999, was seen by the Working Party as difficult for both dog owners and the public to understand. Compliance difficulties with the current policy and the bylaw requirements were seen to have arisen from this and further educational efforts as well as better signage were seen to be needed to reinforce even current requirements. These were considered to be operational matters, which could be addressed in the implementation of the policy. The policy defined four types of areas in relation to dogs:

1. Prohibited;
2. Restrained (in which the dogs were required to a leashes;
3. Under control (voice control only); and
4. Special dog exercise areas.

It was considered that dog owners and the general public were confused as to the areas in which these categories applied and, in many cases, these were not made adequately clear by the signage. There was also a perceived lack of promotion of the dog control policy, and bylaw, and its requirements. In addition the then Parks and Waterways Unit had provided a list of ecologically sensitive sites that they considered should be made prohibited areas to protect wildlife.

The changes adopted included those to the prohibited areas on the beaches during the period of daylight saving times; changes to the areas around children's play areas in parks and reserves, and additional prohibited areas in selected ecological areas. In June 2003, the proposed amendments to the policy were publicly notified and sent to all registered dog owners as required by the Dog Control Act 1996. Brochures with provision for sending in submissions on a freepost basis were sent to all dog owners and copies made available at service centres and libraries. Online consultation was available on the 'Have Your Say' website. The closing date for submissions was 18 July 2003.

The 'Have Your Say' website provided 162 responses, and 20 individual email responses. The brochure response totalled 1,034, a number of which included lengthy letters. Twenty-six persons attended the hearings on 9, 10, and 11 September 2003. The submissions covered a wide range of matters. The Government legislative proposals to amend the Dog Control Act, following media coverage of the injuries caused by dogs to children, had also been publicised about the same time and there were comments on these. Both the brochure and the website contained questions to assist submitters to indicate their agreement or not to the proposals. An analysis of these revealed that there was considerable support for most of the suggested changes.

Some submissions requested the Council to take a more positive view of dog ownership and to publicise more actively those areas where dogs could be freely exercised. Conversely, more adequate signage displaying restrictions was seen to be needed. Some dog owners did not consider they should be expected to carry written information on where they were permitted (or not) to go to exercise their dogs.

Written submissions raised the following issues:

- The wording in relation to restrictions on playgrounds and the area to which they applied.
- The wording in relation to beach restrictions and the perceived extensions to such controls.
- The use of prohibited versus leashed requirements in ecologically sensitive areas.
- The need for an increased number of dog parks.
- The provision of "dog" beaches.
- The provision of areas where dogs could swim.
- The use of extendable leads as a means of adequate control.
- The need for additional signage regarding dogs.
- The need for more enforcement of the requirements.

- The introduction of a requirement for owners to carry leads at all times in public.
- The need for increased education of both dog owners and non-dog owners regarding dog safety issues.
- There were comments made in regard to the design of playgrounds in some parks as not being 'family friendly' particularly in relation to dogs.
- The proposals of the Government in relation to law changes regarding dogs.
- A number of submissions relating to controls being proposed for specific areas.

Where appropriate the Subcommittee has addressed these matters in the adopted changes to the Dog Control Policy.

THE AMENDED DOG CONTROL ACT

The Dog Control Act 1996, as amended in 2003, increased a number of controls available to territorial authorities relating to dogs. These included the ability to classify "menacing dogs" which means requirements are placed on these being muzzled when in public places and in the case of "dangerous dogs" both muzzled and leashed at all times in such areas. While the Act did not introduce a requirement that dogs be on leashes in all public places it does require that every dog owner must carry a leash when out with a dog in a public place. In the case of Christchurch City under the Bylaw all dogs on roadways must be leashed and this applies to a number of other areas in public use.

The Act also increased levels of fines, both in relation to those applying to prosecutions and as infringement fees.

The Government, through the Department of Internal Affairs, undertook to develop alongside the changes to the Act an educational programme on safety around dogs. They have developed a website (<http://www.dogsafety.govt.nz>) which contains 'safety with dogs' information and have published a booklet containing similar information. These are both widely available. SOLGM is preparing a Compliance Module for the guidance of local authorities to ensure, as far as is practicable, that all local authorities deal in the same manner with dog-related matters.

The Act also requires local authorities to report annually on dog-related matters, and to publicise such reports within the community. The first report under this requirement will be published following the end of the financial year in 2004. It will cover matters such as numbers of dogs registered; dogs classified as dangerous or menacing; infringement notices issued; prosecutions taken; dogs impounded, and the number and type of complaints received and dealt within the period.

DISCUSSION

The extensive review of the Dog Control Policy undertaken in 2003, together with the changes in the Dog Control Act 1996, appear to have satisfactorily addressed the issues raised in the requirements of section 10 of the Act. Some matters raised through the submission process, for example signage and the perceived need for further dog exercise areas, are being addressed through internal operational processes.

Further development of enforcement activities, including the implementation of the new provisions of the Act, is occurring. The appointment of other Council officers as dog rangers, with the power to issue infringement notices as now provided for in the Act, is being examined.

It is considered that these matters could be again reviewed in two years time once more experience of the effects of the provisions of the Act and the changes to the Policy has been obtained. This will also enable the changes and renewal of signage to be completed and the educational aspects of the programme to be further developed.

CONCLUSION

The above is considered to fulfil the requirement to review the Policy as set down in the transitional provision of The Dog Control Amendment Act 2003.

Committee

Recommendation: That a further review of the Dog Control Policy be considered in 2006 if it is considered necessary at that time.