

3. DOG CONTROL BYLAW – RESTRAINED OR PROHIBITED DOG AREAS.

Officer responsible Director of Policy	Author Terence Moody, DDI 941-8834
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The purpose of this report is for the Committee to consider a request to declare an area as a restrained dog control area under the provisions of the above bylaw.

CONTEXT

A letter has been received, as attached, requesting that the Committee consider permitting city parks to have signs which require dog owners to have their animals on leashes. The letter states that some years ago signs at the three entrances of Jellie Park stated “No dogs except on a leash” but now only state that dogs must be under effective control. The writer alleges he has been “set upon” by uncontrolled dogs and has witnessed many dozens of similar incidents. He requests that the Committee 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.

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. In developing the 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 that to dog owners. The bylaw that was introduced following the policy adoption has a provision that enables the Council to declare any public place to be a prohibited dog area, or restrained dog area, or a dog exercise area by resolution. The current requirements were adopted by the Council pursuant to clause 8(1) of the bylaw. Jellie Park was not one of those considered by the Council as requiring to be either a prohibited or restrained dog area.

DISCUSSION

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 Animal Control Team Leader and local Parks officers have discussed this matter, they do not believe a change of status in regard to the designation will lead to better outcomes and will have adverse effects on other law abiding dog owners in the park. The Animal Control Team Leader also raises the issue of the financial implications involved when considering a change to the Councils Dog Control Bylaws through the consultative process.

The matter of dogs attacking persons, as alleged by Mr Rea, are covered by the provisions of the Dog Control Act 1996 and are an enforcement matter that should be redirected to the Animal Control Section for investigation action. This is clearly a matter for the Animal Control section to discuss, and where possible resolve, with Mr Rea about the uncontrolled aggressive dogs in the ‘Jellie Park’ area.

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.