

5. PROPOSED REVIEW OF THE DOG CONTROL POLICY IN 2010

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8462
Officer responsible:	Inspections and Enforcement Manager
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PURPOSE OF REPORT

1. To consider the best means to address a number of issues that were identified during the consultation and hearing phases of the Dog Control Policy and Bylaw review in 2008.

EXECUTIVE SUMMARY

2. At its meeting of 19 June 2008 the Council:
 - (a) Resolved to adopt the Christchurch City Council Dog Control Policy 2008 and the Christchurch City Council Dog Control Bylaw 2008 as amended;
 - (b) Resolved that the necessary funding be allocated for signage to enable the implementation of the Dog Control Policy; and
 - (c) Identified a desire to address a number of issues raised in the consultation, namely:
 - (i) Establishing a Responsible Dog Owner sub-category for older persons (pensioners).
 - (ii) The inclusion of a property inspection as a criterion for Responsible Dog Owner status.
 - (iii) Investigating and resolving the "Limitation on Dogs"/permit requirements for the Christchurch District.
 - (iv) The introduction of Honorary Dog Rangers in local communities particularly in Banks Peninsula.
 - (v) Documenting the criteria and decision process for determining the establishment of designated dog parks or dog exercise areas.
 - (vi) Investigating the possibility of establishing a specified dog exercise beach(es).
 - (vii) Releasing some areas in the Port Hills out of grazing lease to establish future dog exercise areas.
 - (viii) The inclusion of 'dog hitching posts' near children's playground areas.
 - (ix) Liaison with the Department of Conservation regarding their Controlled or Open Dog areas under the Conservation Act 1987, or National Parks Act 1980.

The Council resolved to review the Dog Control Policy in 2010 to address these issues.

3. In regards to the resolution detailed in 2(b) funding has been allocated in the 2009-19 LTCCP for replacement and renewal of structures including signage in the Parks and Open Spaces Planned Capital Programme . The programme does not go to the detail of specifying signs for specific bylaws, but funding is being spent on upgrading signs at priority areas where Dog Control policy information is needed. Planning is ongoing to inform the community on the Dog Control Policy through a variety of means including signage. This work is not reliant on a review of the Policy.
4. Staff have investigated these matters and have determined that, except for (iii), the matters in 2(c) above that the Council wanted consideration given to in the proposed review are largely operational and can be considered or implemented outside the Policy review process. Indeed, preliminary work has begun on all the matters except (iii).

5. (i) Establishing a Responsible Dog Owner sub-category for older persons (pensioners).

For the 2008/09 period there were 3,955 registered dogs owned by people aged 65 years or older. The table below shows how these dogs were classified and the fees paid.

	Classification	Number of dogs	Fee per dog	Total fees
1	Dangerous dogs	5	\$120	\$600
2	Un-neutered dogs	203	\$85	\$17,255
3	Spayed/neutered dogs	453	\$75	\$33,975
4	Responsible Dog Owner status <ul style="list-style-type: none"> • First dog • Second and subsequent dogs 	2,558 552	\$52 \$37	\$133,016 \$20,424
5	Working dog <ul style="list-style-type: none"> • First dog • Second and subsequent dogs 	44 126	\$25 \$20	\$1,100 \$2,520
6	Disability assist dogs	14	\$0	\$0
	Total	3,955		\$208,890

It is presumed that the purpose of establishing such a sub-category would be to reduce dog registration fees for older persons. The current 2008 Dog Control Policy sets the framework for Dog Registration fees and Classification of Owners but does not state what the fees are. Fees are set through the Annual Plan process and it is not a requirement under the Dog Control Act 1996 to consult with dog owners in relation to fee increases. There is requirement, however, pursuant to section 37 of the Act to publicly notify the annual dog control fees fixed for the registration year one month preceding the start of the registration year. Reduced fees for older persons does not need a separate sub-category; rather this could be achieved by providing lower fees for older people within the existing categories through the Annual Plan and this does not require a Policy review. The public would then be advised in accordance with the Dog Control Act on the fees through the Annual Plan process as well as being informed through the normal advertising channels, the Council's public website and formal notification through the annual registration renewal.

If the Council was of a mind to give effect to create a new sub category for dog owners aged over 65 costing \$208,890, the Council would need to recover this shortfall requiring an extra \$7.50 on current dog registration fees for every other dog registered for the 2011/12 period.

The introduction of this new sub category would therefore have all dog owners subsidising the cost of the creation of this sub category. It is the recommendation of staff that Council not create this new sub category due to the consequential cost implications for all dog owners

The dog control account is currently funded 92 per cent from dog registration fees along with an 8 per cent contribution from rates.

Accordingly, the Council's decision can be achieved without the need for a Policy review. Any decision on establishing a separate fee for older persons will need to be addressed during the 2011/12 Annual Plan round.

6. (ii) The inclusion of a property inspection as a criterion for Responsible Dog Owner status.

There are a number of conditions to be fulfilled for Responsible Dog Owner status, one of which is that the property is fully fenced and gated and there is dog-free access to at least one door for visitors. These conditions are outlined in the application process for Responsible Dog Owner status. Currently no property inspection is included in the process to confer Responsible Dog Owner status, although Animal Control may choose to visit a property to check it.

Approximately 1,500 applications are received for Responsible Dog Owner status each year so considerable resource would be needed if a property inspection were required for each application. The cost implications need to be fully investigated to enable Council to further consider this issue.

Any responsible dog owners having previously breached either the Dog Control Act 1996 or the Christchurch City Dog Control bylaws 2008, are automatically removed from the Responsible Dog Owner status for a period of two years. They can reapply after this two year suspension period for re-instatement as a responsible dog owner.

As in paragraph 4 above the Policy sets the framework for Dog Registration fees and Classification of Owners but does not state what the conditions are in detail. These conditions can be amended or changed at any time and do not require a Policy review. The public could be apprised of any changes through normal advertising channels, the Council's public website and formal notification through the annual registration renewal notices.

7. (iii) Investigating and resolving the "Limitation on Dogs" permit requirements for the Christchurch District.

Clause 9(d) in the Policy states: "A Council permit needs to be issued to authorise anyone to keep two or more dogs on any property zoned commercial, industrial, residential, or rural residential in the Christchurch City Plan. This clause does not apply to the Wards of Banks Peninsula District."

Removing or amending clause 9(d) as above requires a review of the Policy; noting that to make such a change the entire Policy and Bylaw would have to be reviewed, in accordance with section 10 of the Dog Control Act 1996:

- (1) *Every territorial authority must adopt, in accordance with the special consultative procedure set out in section 83 of the Local Government Act 2002, a policy in respect of dogs in the district of the territorial authority.*
- (2) *For the purposes of subsection (1), the territorial authority must, under section 83(1)(e) of the Local Government Act 2002, give notice of the draft policy to every person who is, according to its register, the owner of a dog.*

The financial implications of removing or amending the limitation on dogs is considerable as a result of the consequential need to amend both the policy and bylaw. Based on the costs associated with the Dog Control Policy and Bylaw review that occurred in 2008, the costs would be proximately \$240,000 to consult with and provide information packs for approximately 30,000 registered dog owners.

8. (iv) The introduction of Honorary Dog Rangers in local communities particularly in Banks Peninsula.

This issue came about as a result of concerns about the number of additional areas in which dogs were being controlled or prohibited in Banks Peninsula and the relative lack of resources for enforcement to patrol these areas.

Animal Control staff currently provide a regular presence on the Peninsula with weekly visits to Akaroa and Lyttelton Wards addressing dog related matters.

It should also be noted that any member of the public can register a complaint with the Council which will result in an Animal Control Officer being assigned to investigate the matter and take enforcement action as required.

An agreement between the Animal Control Section and Regional Parks Operations Team, Transport and Greenspace Unit has resulted in a proposed trial to train some Regional Parks Park Rangers on dog control matters. These Rangers will, during this trial, provide education and/or information to the public on dogs in Regional Parks and will notify the Animal Control Section via the Request For Service process of any offending or re-offending of dog owners to enable enforcement action to proceed.

With the service Animal Control currently provides in Banks Peninsula along with the proposed assistance of Park Rangers within the Banks Peninsula Regional Parks, a better service may be provided without the additional costs associated of recruiting, training, equipping, co-ordinating and managing a group of volunteer Dog Rangers.

In addition the need for volunteer Dog Rangers on the Banks Peninsula wards is still not obvious as Council has only received 285 complaints over the last 12 months about dog related matters. Ninety per cent of these complaints came from the Lyttelton/Mount Herbert Wards and related to barking, wandering dogs and non-registration matters.

The Council can decide whether or not to introduce Honorary Dog Rangers without the need to review the Dog Control Policy.

9. (v) Documenting the criteria and decision process for determining the establishment of designated dog parks or dog exercise areas.

While other New Zealand city councils have recognised Christchurch City Council as a leader in the provision of dog parks and exercise areas, to date planning for dog parks or dog exercise areas has been done on an ad-hoc basis without the benefit of formalised decision processes or criteria. An increase in demand for the provision of dog parks and exercise areas means that clearer processes are required. Accordingly, staff in the Network Planning Team Greenspace, are developing a process so that identification of sites occur in appropriate locations. This will be an internal process (non statutory). Its implementation is dependant on funding through the LTCCP.

This work is able to be undertaken and implemented without the need for a review of the Dog Control Policy.

10. (vi) Investigating the possibility of establishing a specified dog exercise beach(es).

The Council may determine where specific dog exercise places are at any time and this could include one or more beaches as required. There are numerous places along the Council's coastline beaches that currently have no dog restraints (other than that they must be under effective control by voice, signal or leash), so in effect these are already dog exercise areas. Should further specific dog exercise areas be established the public could be apprised of the location of any existing and new areas through normal advertising channels, the Council's public website and formal notification through the annual registration renewal notices. Again, this can be achieved without the need for a Policy review.

If, however, the Council wishes to establish beach areas where dogs may be exercised without any controls, a policy and subsequent bylaw review would be required. It is a legal requirement to identify in a policy any such places within the Council's district that are to be designated by a bylaw made under this Act as dog exercise areas in which dogs may be exercised *at large*.

Given that there are currently numerous areas of coastline where dogs can be exercised under control, along with the ability of Council to establish additional dog exercise areas without a policy review, staff recommend that the issue of dog exercise areas can be effectively managed without the need for a Policy review.

11. (vii) Releasing some areas in the Port Hills out of grazing lease to establish future dog exercise areas.

This is a management issue which would require discussions between staff and the leaseholders if it was deemed appropriate to establish further dog exercise areas in the future. The proposed Port Hills Reserves Plan commencing in 2010, (managed by the Asset and Networks Planning Team) will review the provision of dog parks. A Policy review is not required to achieve this initial work.

12. (viii) The inclusion of 'dog hitching posts' near children's playground areas.

These posts can be considered when designing playground equipment and become part of the capital renewal or replacement programme. Dog hitching posts are already installed in some locations. This can be achieved without a Policy review as it is an operational matter.

13. (ix) Liaison with the Department of Conservation regarding their Controlled or Open Dog areas under the Conservation Act 1987, or National Parks Act 1980.

Council staff already liaise directly with Department of Conservation (DOC) staff on dog issues of mutual concern. Ongoing liaison is able to be achieved without the need for a Policy review. Staff peruse the DOC website on a regular basis.

The public can determine how to access places to take dogs on the DOC estate through DOC's publications.

Summary

14. The Council resolved to review the Dog Control Policy in 2010 to address a number of issues raised in consultation. To date this review has not commenced due to the programme of other regulatory policy work, (for example the Cruising Bylaw and Freedom Camping).
15. The Dog Control Policy can be reviewed at any point between now and the statutory ten year review period. The next review of this policy in the ten year timetable is scheduled for June 2016.
16. In summary, all but one of the issues identified by the Council may be undertaken without the need for a review of the Policy and can be achieved through operational changes or existing processes such as the Annual Plan. Any review of the Policy would be costly, and if the Bylaw then required review, further costs would be incurred.
17. Given the costs involved in a review of the Policy (and the likely consequential Bylaw review) and the proximity to the local body elections, it is recommended that a further review of the Policy not be commenced in 2010. Rather, that this Council refers a decision on the timing of a review of the Dog Control Policy to the incoming Council.

FINANCIAL IMPLICATIONS

18. There are considerable financial implications inherent in the review of the Dog Control Policy and Bylaw. In 2008, the Policy and Bylaw were reviewed together, which required consultation, inclusive of full information packs with the approximately 30,000 registered dog owner.
19. If the Policy were to be reviewed to amend the "Limitation on Dogs" permit requirements, the associated consultation would cost about \$120,000, plus staff time. If, as a consequence of this, the Bylaw also needed to be reviewed, further consultation would be required and hence a further cost of approximately \$120,000 plus staff time would be incurred.

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

20. Yes. A review of the Dog Control Policy and Bylaw has not been specifically budgeted for in 2010. It could be accommodated in budgets in the City and Community Long-Term Policy and Planning Activity but would be at the expense of other work.

LEGAL CONSIDERATIONS

21. The Dog Control Act 1996 and its amendments require the Council to adopt a Dog Control Policy and Council must give effect to the Policy by making appropriate bylaws. Hence the Dog Control Policy 2008 and the Dog Control Bylaw 2008 work together. The current bylaw is required to be reviewed before 2018 (see section 20 of the Dog Control Act 1998 and section 159 of the Local Government Act 2002). If a review of the policy is not done before that time then the policy will also need to be reviewed in conjunction with the bylaw review.
22. Should it be decided that a Policy review is required to address one or more of the issues c(i) – (ix) identified by the Council at its 19 June 2008 meeting, it is not possible to limit the policy review to only these issues. Rather the Policy must be reviewed as a whole and the Council can anticipate submissions on other clauses in the Policy as well, even if it does not propose any changes to them.
23. If any review of the Policy left it unchanged there would be no necessity to review the Bylaw. However, should there be any changes to the Policy as a result of the review, the Bylaw would also have to be reviewed and the changes in the Policy would have to be reflected in the Bylaw. These two could be reviewed together necessitating only a single special consultative procedure. This would require information being sent to all registered dog owners in addition to the usual information provision and requirements of the special consultative procedure; a costly process.

Have you considered the legal implications of the issue under consideration?

24. As above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

25. Not applicable.

STAFF RECOMMENDATION

That the Committee recommend to the Council that it:

- (a) Note that issues (c)(i), (ii), (iv), (v), (vi), (vii), (viii), and (ix) of the Council's resolution of 19 June 2008 can be achieved without the need for a Policy review as detailed in this report.
- (b) Not proceed with (c)(i) of this report which would create a sub category for dog owners aged 65 and over, thereby reducing or remitting their dog registration fees.
- (c) Note that removing or amending the policy clause in relation to the Limitation on Dogs (issue (c)(iii)) can only be achieved through a review of the Dog Control Policy and Bylaw.
- (d) Rescind its resolution of 19 June 2008 to review the Dog Control Policy in 2010 to address the issues identified.
- (e) Refer a decision on how soon to review the Dog Control Policy in 2010 to the incoming Council.