

3. DOG CONTROL - DELEGATIONS TO OFFICERS

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The purpose of this report is to recommend that the Council delegate a number of its powers under the recently enacted Dog Control Amendment Act 2003 and revise its existing delegations relating to dog control.

BACKGROUND

On 17 November 2003 the Dog Control Amendment Act 2003 was enacted. It amends the Dog Control Act 1996. Most of the provisions of the amending Act came into force on 1 December 2003. This amending Act gives Councils, Dog Control Officers and Dog Rangers greater powers in relation to the control of dogs. A report outlining the key provisions of the amending Act was provided to the Council at its meeting on 11 December 2003.

In order that the Council is able to exercise its new powers in an efficient manner it is essential that it delegate a number of those powers to its officers.

It has also become necessary to review all earlier delegations made by the Council to its officers under the Dog Control Act 1996 and under the Christchurch City Dog Control Bylaw 1997. This is due to the disestablishment of a number of officer positions to whom delegations had previously been made, to changes brought about by the Dog Control Amendment Act 2003 to some of those delegated powers and to the omission to earlier delegate certain powers under the Council's bylaws. In this regard it is recommended that the Council revoke all former delegations to officers (other than the delegations sought in respect of the neutering of menacing dogs as set out in the report which precedes this report) and substitute the delegations listed below.

It is not proposed that the Council alter any of the delegations it has previously made under the Dog Control Act 1996 to the Council's Hearings Panel. However, two new delegations to the panel are now sought. These relate to the hearing of objections in relation to the classification of dogs as menacing and to determining whether or not any licence issued under any bylaw made under the Dog Control Act should be revoked or suspended.

DELEGATIONS SOUGHT

1. To the Council's Hearings Panel

- (a) To hear and determine any objection, pursuant to sections 33B and 33D of the Dog Control Act 1996, to the classification of a dog as menacing;
- (b) To determine, under clause 12 of the Christchurch City General Bylaw 1990, whether or not any licence issued under any bylaw made under the Act should be revoked or suspended.

2. To the Environmental Services Manager

- (a) To appoint Dog Control Officers and other staff pursuant to section 11;
- (b) To appoint Dog Rangers pursuant to section 12;
- (c) To authorise any person other than a Dog Control Officer or a Dog Ranger to issue infringement notices under section 66(1).

3. To the Team Leader Animal Control

- (a) To institute any prosecution for an offence under the Act or under any bylaw made by the Council under the Act and to make any decision in any matter relating to any such prosecution;
- (b) To apply for an injunction preventing a person from committing a breach of any bylaw made by the Council under section 20 of the Act and to make any decision in any matter relating to such an application;

- (c) To take enforcement action against any person who breaches any such injunction and to make any decision in any matter relating to such action;
- (d) To issue to the holder of any licence issued under any bylaw made by the Council under the Act a notice, pursuant to clause 12(1) of the Christchurch City General Bylaw 1990, calling on that person to appear before the Council Hearings Panel to show cause why that licence should not be revoked or suspended;
- (e) To commence, pursuant to Section 66 of the Act, proceedings in accordance with section 21 of the Summary Proceedings Act 1957 where an infringement notice has been issued and to make any decision in any matter relating to such proceedings;
- (f) To classify any person as a probationary owner pursuant to section 21;
- (g) To require a probationary owner to undertake a dog owner education programme or a dog obedience course (or both) under section 23A;
- (h) To disqualify a person from being the owner of a dog pursuant to section 25;
- (i) To extend any period of disqualification under section 28(6);
- (j) To classify any dog as a dangerous dog under section 31;
- (k) To classify any dog as a menacing dog under sections 33A and 33C;
- (l) To exempt, under section 33E(5), any dog or class of dog classified as menacing from the muzzling or control requirements under section 33E(1)(a);
- (m) To remit, reduce, or refund dog control fees, or part thereof, pursuant to section 39(3).

4. To Team Leader Animal Control and Animal Shelter Supervisor (severally)

- (a) To consent to the disposal of a dangerous dog under section 32(1)(f);
- (b) To authorise the release of a dog from custody pursuant to sections 32(5)(b) and 33E(3)(b);
- (c) To dispose of any dog pursuant to sections 69 and 70(7);
- (d) To exercise all of the Council's powers under section 71 (Retention of Dog Threatening Public Safety).

5. To Team Leader Animal Control, Dog Control Officers, and Administration Support Officers (all severally)

- (a) To provide register information pursuant to section 35(4);
- (b) To determine whether or not a dog should be delivered into the custody of a Dog Control Officer or a Dog Ranger pursuant to section 35(5)(c);
- (c) To issue instructions, under section 36A(3)(a), relating to the making available of a dog for verification that it has been implanted with a functioning microchip transponder;
- (d) To require, under section 40(1), a written statement that a dog is a working dog of a specified class;
- (e) To require, under section 40(2), the production of a certificate that a dog has been neutered;
- (f) To issue a replacement label or disc under section 46(3).

6. To Each Dog Control Officer

- (a) The power of the Council under section 42(2) to authorise the seizure and impoundment of an unregistered dog.
- (b) All of the powers of the Council, under Clause 5 of the Christchurch City Dog Control Bylaw 1997, in respect of the issuing of licences to keep two or more dogs of a greater age than three months.

Clause 32(1) of the Seventh Schedule of the Local Government Act 2002 and clause 7(1) of the Christchurch City General Bylaw 1990 authorise the Council to make the abovementioned delegations.

- Recommendation:**
- 1. That the Council revoke all of the powers which it had previously delegated to its officers under the Dog Control Act 1996 and the Christchurch City Dog Control Bylaw 1997 (other than the powers to require the neutering of menacing dogs).
 - 2. That the Council make the delegations listed in 1-6 above.