
REPORT 5
(1215/52/IM)

ANNUAL REPORT ON DOG CONTROL IN WELLINGTON CITY FOR THE YEAR 1 JULY 2008 – 30 JUNE 2009

1. Purpose of Report

To report on dog control in Wellington City for the year 1 July 2008 - 30 June 2009 – as required under Section 10A of the Dog Control Act 1996¹.

2. Executive Summary

The Council's current approach acknowledges that the first step to responsible dog ownership is dog registration. This approach has seen the total number of registered dogs increase to 8770 for the 2008/09 registration year.

The number of dogs classified as menacing and dangerous have increased due to the increased focus by Officers in imposing these classifications as a mitigation measure to prevent harm to people, other animals and wildlife.

The number of infringement notices issued have increased by 25% between 2007/08 and 2008/09. This reflects the Council's focus on unregistered dogs and the connection between registration and responsible dog ownership.

The total complaints received by the Council have decreased by 2.6% between 2007/08 and 2008/09.

There were no prosecutions during the 2008/09 period for attacks resulting in serious injury.

3. Recommendations

It is recommended that the Committee:

- 1. Receive the information*
- 2. Agree to the attached report on the Council's policy and practices in relation to dog control for the year 1 July 2008 to 30 June 2009.*
- 3. Note that the report is required under Section 10A of the Dog Control Act 1996 and that Section 10A requires that the report be publicly notified and a copy provided to the Department of Internal Affairs.*

¹ s10A excerpt attached as appendix i

4. *Recommends to Council that it:*

- (a) *Agree to the attached report on the Council's policy and practices in relation to the control of dogs for the year 1 July 2008 to 30 June 2009.*

4. Background

The Council has a legal requirement to manage the provisions under the Dog Control Act 1996 and Dog Control Amendment Acts 2003, 2004 and 2006. The Dog Control Act provides the legislative framework for Council to manage dog behaviour, public safety and owner compliance².

The Council's Dog Control Policy was adopted in September 2004. The Policy makes provisions relating to the control of dogs in public places, within Wellington City. These policy provisions are enforceable under the Wellington City Council Consolidated Bylaw 2008 - Part 2 Animals.

The Council's Dog Control Policy was reviewed in 2009. The Dog Control Policy received 381 written submissions. Areas of concern raised by submitters included; the adequacy of dog exercise areas, application of the Responsible Dog Owner status criteria, micro-chipping of dogs, neutering menacing dogs, and dogs fouling. The Dog Control Policy was previously reviewed in 2004.

In May 2008, a dog exercise area survey was distributed to registered dog owners. There were 3494 responses, 38.9% of registered owners. The purpose of the survey was to find out where Wellington city dog owners exercise their dogs and which designated dog exercise areas are used most/least. Lyall Bay beach was the most frequently mentioned exercise area with more than three times the responses received for the second most mentioned area – Ataturk Memorial. It was identified that the most popular exercise areas are those that have the features of safety, parking, rubbish bins, a water source and interest for the dog.

The Dog Policy and Animals Bylaw was passed at full Council on 11 December 2009.

5. Discussion

The Council has a statutory duty, under Section 10A of the Dog Control Act 1996, to report annually on its Dog Control Policy and practices. The Council is also required to give public notice of the report and must send a copy to the Secretary of Local Government (Department of Internal Affairs), which will be sent on the resolution of the Council.

² *information regarding the menacing and dangerous classifications is attached as appendix ii*

5.1 Consultation and Engagement

There is no requirement for consultation and engagement.

5.2 Financial Considerations

There are no financial considerations.

5.3 Climate Change Impacts and Considerations

There are no climate change impacts.

5.4 Long-Term Council Community Plan Considerations

There are no Long-Term Council Community Plan Considerations.

The attached report meets the Council's statutory duty for the year:

1 July 2008 – 30 June 2009.

6. Conclusion

The annual report on dog control in Wellington City for the year 1 July 2008 to 30 June 2009 fulfills a statutory duty under Section 10A of the Dog Control Act 1996.

Appendix i: Dog Control Act 1996, Section 10A excerpt

Appendix ii: Dog Control Act 1996, Dangerous and Menacing classifications

Appendix iii: Section 10A Report

Contact Officer:

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Appendix i - Section 10A, Dog Control Act 1996

s10A - Territorial authority must report on dog control policy and practices

- (1) A territorial authority must, in respect of each financial year, report on the administration of—
 - (a) its dog control policy adopted under section 10; and
 - (b) its dog control practices.
- (2) The report must include, in respect of each financial year, information relating to—
 - (a) the number of registered dogs in the territorial authority district:
 - (b) the number of probationary owners and disqualified owners in the territorial authority district:
 - (c) the number of dogs in the territorial authority district classified as dangerous under section 31 and the relevant provision under which the classification is made:
 - (d) the number of dogs in the territorial authority district classified as menacing under section 33A or section 33C and the relevant provision under which the classification is made:
 - (e) the number of infringement notices issued by the territorial authority:
 - (f) the number of dog related complaints received by the territorial authority in the previous year and the nature of those complaints:
 - (g) the number of prosecutions taken by the territorial authority under this Act.
- (3) The territorial authority must give public notice of the report—
 - (a) by means of a notice published in—
 - (i) 1 or more daily newspapers circulating in the territorial authority district; or
 - (ii) 1 or more other newspapers that have at least an equivalent circulation in that district to the daily newspapers circulating in that district; and
 - (b) by any means that the territorial authority thinks desirable in the circumstances.

(4) The territorial authority must also, within 1 month after adopting the report, send a copy of it to the Secretary for Local Government.

Appendix ii: Dog Control Policy 2004 – Dangerous and Menacing Classifications

Classification as Dangerous Dog

Under the Act provision is made for classifying individual dogs as dangerous. This classification is made where:

- an owner of the dog has been convicted of an attack offence under section 57A(2) of the Act
- the territorial authority has sworn evidence that the dog has shown aggressive behaviour
- the owner admits that the dog constitutes a threat to the safety of any person, animal or stock.

This procedure is prescribed by law and is not open to interpretation by Council.

In addition to all other obligations the owner of any dog that is classified as dangerous must:

- ensure their property is fully fenced and gated
- ensure the dog is muzzled in any public place
- ensure the dog is neutered
- not dispose of the dog to any other person without the written consent of the territorial authority.

Classifying dogs as dangerous is an effective method of controlling individual dogs that have demonstrated aggressive or dangerous behaviour. Council will, where appropriate, classify dogs as dangerous.

Classification as Menacing Dog

Under the Act provision is made for classifying dogs as menacing. This classification is made where a territorial authority considers a dog may:

- pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of any observed or reported behaviour of the dog or
- has characteristics typically associated with a prohibited dog breed or type.

Menacing classification due to breed or type

In addition to all other obligations the owner of any dog that is classified as menacing due to breed or type must:

- ensure the dog is muzzled in any public place
- ensure the dog is neutered within 1 month of classification.

Menacing classification due to behaviour

In addition to all other obligations the owner of any dog that is classified as menacing due to behaviour:

- must ensure the dog is muzzled in any public place
- may be ordered by the Council to have the dog neutered, within 1 month of notification.

Classifying dogs as menacing is an effective method of controlling individual dogs that have demonstrated aggressive or dangerous behaviour. Council will, where appropriate, classify dogs as menacing

Supporting Information

1) Strategic Fit / Strategic Outcome

The Council has a statutory duty under the Dog Control Act 1996 to adopt a policy and bylaw on the control of dogs in Wellington. This paper supports the following Council outcomes - Outcome 2.1: Safety To ensure that people in Wellington feel safe at any time, Outcome 2.8 Public Health, Public Health efforts promote the health and wellbeing of the population, 6.5 Healthier - Wellington's population will enjoy a healthy lifestyle and high standards of public health.

2) LTCCP/Annual Plan reference and long term financial impact

The Dog Control Policy and Animals Bylaw are monitored and enforced by the Property, Housing, Consents & Licensing Directorate under Activity 6.5.3 and are funded from the operating project C478 Public Health.

3) Treaty of Waitangi considerations

N/A

4) Decision-Making

The report reflects the views and preferences of those with an interest in this matter who have been consulted with.

5) Consultation

a) General Consultation

This report has been prepared by Council officers in accordance with s10A reporting requirements provided by the Department of Internal Affairs.. No consultation is required for this report.

b) Consultation with Maori

N/A.

6) Legal Implications

This report meets the Council's statutory obligations under Section 10A of the Dog Control Act 1996.

7) Consistency with existing policy

The report is consistent with the Council's current Dog Control Policy and the Wellington Consolidated Bylaw 2008 – Part 2 Animals.