



STAFF REPORT

TO: Councillors

FROM: John Bergman, Control Services (Nelson) Ltd, and
Jean Hodson, Manager Consents

REFERENCE: D402

SUBJECT: **REPORT ON DOG CONTROL POLICY AND PRACTICES - EP05/12/15** - Report Prepared for 14 December 2005 Full Council Meeting

1. REASON FOR REPORT

The Dog Control Act 1996 requires all territorial authorities to report annually to central government on their Dog Control Policy and Practices. The Act lists the information that is required in the report and this information is set out in this report, which is recommended to be adopted by Council.

2. THE REQUIREMENTS OF SECTION 10A OF THE DOG CONTROL ACT 1996

Each financial year a territorial authority must report on the administration of its Dog Control Policy and Practices. The report must include information relating to the number of registered dogs in the district, the number of probationary and disqualified owners, the number of dogs classified as dangerous and the relevant provision in which they were classified, the number of dogs classified as menacing in the district and the relevant provision of the Act that they were classified under.

Also the number of infringement notices issued by the territorial authority and the number of dog related complaints received and the nature of them is required to be reported, (a table is provided on these) and the number of prosecutions taken by the authority.

The territorial authority must give public notice of the report by publishing a notice in one or more daily newspaper circulating in the district and within one month of adopting the report, send a copy of it to the Secretary for Local Government.

3. BACKGROUND

The Dog Control Act 1996 was amended by the Dog Control Amendment Act 2003 with a focus on increasing public safety and education. As part of the amendments Government introduced the requirement for territorial authorities to report annually with certain information.

The Department of Internal Affairs recommends that the report may contain other information which would be useful for a community to understand how their Council is managing its dog control responsibilities. Therefore this report includes some additional information.

Each territorial authority is also required by the Act to have a policy on the control of dogs. This is not a new provision. The Dog Control Amendment Act 2003 required all territorial authorities to review their policies on the control of dogs by 1 September 2004. Council reviewed its Dog Control Policy and the associated Dog Control Bylaw, during June and July 2004 and which were subsequently adopted by the Environment and Planning Committee on 12 August 2004. The Dog Control Bylaw is available on the Council's website.

Following is the report on the administration of the Tasman District Council's policy and practices in relation to the control of dogs for the year 1 July 2004 to 30 June 2005. The statistics on dog registration are as at 30 June 2005.

4. PART 1

A. Dog Control and Enforcement Practices in Tasman District Council

Council's dog control activities are carried out by an Animal Control Contractor – **Control Services (Nelson) Ltd.** This company has been contracted by Council since 1999 to provide the delivery for mainly field activities and some associated administration work. Other enforcement activities provided by the company include Stock Control, Parking Enforcement, Illegal Camping and Abandoned Vehicles.

Three full time dog control officers are employed by Control Services to administer Council's policy and practices throughout the Tasman District. Nine casual or part-time staff attend to the emergencies and/or after hours activities in the outlying areas of Murchison (three), Golden Bay (two), Motueka (two) and the Tapawera and Wakefield districts (two). Two of the full time officers are warranted under the Animal Welfare Act 1999 and are members of the Motueka SPCA. Animal welfare issues in the District can be handled immediately with these MAF approved officers.

Council and Animal Control Officers have an excellent relationship with the three SPCA Branches in the Nelson District. Puppies under three months of age are generally taken to the Nelson SPCA which cares for them until such time as they are old enough for re-homing. Assistance is given to SPCA staff when it is required and the same can be said if assistance is required by our staff.

Good relationships thrive between staff and the local veterinarians, Police and dog obedience clubs. Problem dogs and their owners are referred to one particular obedience club which has proved to be successful.

B. Dog Registration/ Complaints and Enforcement in the District:

Number of rural dog owners in the Tasman District Council area:	4,100
Number of urban dog owners in the Tasman District Council area:	5,500
Total number of dog owners in the district:	9,600

Number of registered dogs in the Tasman District Council:	10,170
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Number of probationary owners:	Nil
Number of disqualified owners:	Nil

Number of dogs classified as dangerous under Section 31:

s31 1(a) due to owner conviction:-	
s31 1(b) due to sworn evidence:	6
s31 1(c) due to owner admittance:	

Dogs classified as menacing under Section 33A: 12

(Section 33A 1(b) the territorial authority considers the dog may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife).

Dogs classified as menacing under Section 33C: 30

(Section 33C (1) the territorial authority has reasonable grounds to believe that the dog belongs wholly or predominantly to one or more breeds or types listed in Schedule 4 of the amendment Act 2004).

Number of Infringement notices issued: 54

Failure to use or carry leash in a public place:	1
Failing to register a dog:	31
Failure to keep dog under control:	22

Number of dog related complaints: 787

Barking dogs:	273
Aggressive or rushing:	40
Wandering / fouling dogs:	252
Dog attacks on people:	40
Dog attacks on stock:	28
Dog attacks on domestic pets:	38
Welfare Concerns:	116

During the reporting period there were 10,170 dogs registered with the Tasman District Council and at the conclusion of this period no dog owners had been classified as either probationary or disqualified.

Dangerous Dogs

Six dogs were classified as dangerous under Section 31 of the Dog Control Act 1996. These classifications followed after sworn evidence was received from members of the public attesting to the dogs' aggressive behaviour.

Menacing Dogs

Forty two dogs were classified as menacing during the year and of these twelve were classified under Section 33A (1)(b)(i) of the Act as the territorial authority considered that they did pose a threat to persons, stock, poultry, domestic animals, and protected wildlife because of their observed or reported behaviour.

Thirty of the dogs were classified as menacing under Section 33C of the Act because the territorial authority has reasonable grounds to believe that the dogs belonged wholly or predominantly to one or more of the breeds or types of dogs listed in Schedule 4 of the Dog Control Act.

STATISTICS OF IMPOUNDINGS, COMPLAINTS, AND AFTER HOURS - 1 JULY 2004 - 30 JUNE 2005

AREA TOTALS	Jul-04	Aug-04	Sep-04	Oct 04	Nov-04	Dec-04	Jan-05	Feb-05	Mar-05	Apr-05	May-05	Jun-05	Annual Total
Dogs Impounded	12	29	13	18	9	10	9	17	12	16	8	16	169
Number Claimed	6	19	9	13	7	7	7	7	9	10	1	8	103
Re Homed	2	6	1	2	0	3	1	1	1	0	1	1	19
Disposed Of	3	2	1	3	0	0	1	3	0	0	1	2	16
Remain Impounded	1	2	2	0	2	0	0	6	2	6	5	5	31
COMPLAINTS													
Barking/Whining	24	24	16	20	12	21	29	28	27	27	19	26	273
Agress Behaviour	6	6	5	5	3	1	3	1	1	1	6	2	40
Wandering/Fouling	21	30	27	11	10	15	18	25	31	19	19	26	252
Attack On Persons	6	4	3	3	4	4	5	1	5	2	3	0	40
Attack On Stock	2	2	5	3	4	3	1	3	2	0	1	2	28
Attack On Pets	1	5	3	6	2	4	3	3	4	2	2	3	38
Welfare Concerns	2	20	3	4	4	6	14	12	10	15	15	11	116
<u>TOTAL COMPLAINTS:</u>	62	91	62	52	39	54	73	73	80	66	65	70	787
AFTER HOURS CALLS													
Dogs:	60	56	51	59	49	78	66	58	62	40	34	53	666
Stock:	9	8	18	19	15	3	7	4	13	7	6	3	112
<u>TOTAL AFTER HOURS:</u>	69	64	69	78	64	81	73	62	75	47	40	56	778

C. Dogs Prohibited, Leash only and Dog Exercise Areas

The Dog Control Bylaw 2004 sets out the areas in the District which are Dog Prohibited, Leash only and Dog Exercise Areas.

Council has received some comments from the community regarding the issues of dog control, beaches and birdlife.

A series of informative articles relating to dog control is being published in "Newslines", Council's fortnightly newsletter. These articles will serve to remind dog owners of their responsibilities.

D. Dog Registration and other Fees

The registration fee for dogs in the 2004/2005 year was \$30 for Urban Dogs (i.e those registered on properties less than 1 hectare in area) and \$19 for Rural Dogs.

In the current 2005/2006 year the fees are \$33 for Urban Dogs and \$22 for Rural Dogs i.e an increase of \$3 per dog over the previous year.

The registration fees are set each year as part of the Council's Annual Plan Process. The fees cover the Animal Control Activity cost.

5. PART 2 – STATISTICAL INFORMATION

Category	For Period 1 July 2004 – 30 June 2005
1. Total Number Registered Dogs	10,170
2. Total Number Probationary Owners	Nil
3. Total Number Disqualified Owners	Nil
4. Total Number Dangerous Dogs	6
• Dangerous by Owner Conviction Under s31(1) (a)	-
• Dangerous by Sworn Evidence s31(1) (b)	6
• Dangerous by Owner Admittance in Writing s31(1) (c)	-
5. Total Number Menacing Dogs	42
• Menacing under s33A (1) (b) (i) – i.e. by behaviour	12
• Menacing under s33A (1) (b) (ii) – by Breed Characteristics	-
• Menacing under s33C (1) by Schedule 4 Breed	30
6. Total Number Infringement Notices	54
7. Total Number Complaints Received	787
8. Total Number Prosecutions Taken	Nil

Schedule 4 of the Dog Control Act

The following breeds and types of dogs are subject to ban on importation and muzzling.

- Brazilian Fila, Dogo Argentino, Japanese Tosa.
- American Pit Bull Terrier

Infringement Offences

54 Infringement notices were issued to dog owners during the period.

31 were issued to owners for failing to register their dogs,

23 were issued for failing to keep their dogs under control. These were issued following aggressive behaviour against either people stock or domestic pets.

Complaints Received (table provided)

787 complaints were received by council throughout the year mainly relating to dogs behaviour.

126 complaints were received relating to wandering stock. Most stock complaints related to sheep, cattle or horses on the roads after hours and during darkness.

40 complaints were received about dogs rushing and behaving in an aggressive and threatening manner and **40** attacks on persons were recorded. **28** incidents were attended following attacks by dogs on stock. Many of these dogs were destroyed either during the attack or after.

Owners of dogs involved in attacks often decide to have their dogs destroyed rather than face the possibility of legal proceedings. In these cases consideration is given to the merits of court action.

Court action usually results in fines and the dogs being euthanased anyway.

There were **38** recorded complaints of dogs attacking domestic pets. Often these are the result of dog fights; however the owners of dogs involved in a proven attack on a domestic pet were issued with an infringement notice and fine for failing to keep the dog under control.

252 complaints were received from residents relating to wandering and fouling dogs.

Dogs causing a barking nuisance made up **273** of the complaints received throughout the year.

6. Further Comments on Dog Control Management

Education plays a major part in resolving these complaints, with lack of exercise, food, water and shelter being regular reasons for such behaviour.

Welfare concerns featured also with **116** complaints recorded for the year. Not all of these welfare complaints related to dogs. Other animals such as stock and domestic cats have been included in these statistics.

Fortunately, court action was not necessary against any dog owners this year. The issuing of infringement notices and the destruction of aggressive dogs prevented action in the courts.

Hearings

Two dog owners were given the opportunity to be heard by Councillors (Hearings) following their objection to their dogs either being classified as dangerous or appealing against the receipt of an infringement notice. Both were satisfactorily resolved.

Educational Visits

Dog Control Officers continue to provide educational visits to Schools and Kindergartens etc and the Veterinary Nurses and Animal Welfare Courses conducted at the Nelson Marlborough Polytechnic (Richmond Campus) receive regular lectures on Animal Welfare, Dog Control and Bite Prevention. These student lectures have been provided by staff for a number of years now.

Annual Property Visits

These property visits were conducted by staff during the months of May, June, July and August 2004, these visits continue in October 2005. Dog owners are visited during the year to check compliance with their obligations as a dog owner. The majority of dog owners do comply, however there are a very small number of owners who do not comply but do benefit from these educational visits and do comply. Council's policy is to undertake visits to the 5,500 urban dog owners annually and the 4,100 rural owners once every two years.

Animal Welfare Inspectors

Two officers have undergone Animal Welfare Investigating Training at MAF's expense and are now warranted under the Animal Welfare Act.

This is a real asset when animals are found to be neglected or have been treated cruelly. Very few territorial authorities have warranted Animal Welfare Inspectors on their staff although some are making enquiries about the possibilities now.

Dog Control Policy and Bylaw

During August, September and October 2004 Council, with the assistance of local residents and dog owners reviewed its Dog Control Policy and Bylaw. The review was conducted in accordance with the special consultative procedure set out in section 83 of the Local Government Act 2002. The current TDC Policy has been in place since 1997 and very few changes to it were required by way of submissions. Places were identified in which dogs are to be prohibited and/or exercised and times specified. Fees, education programmes, classification of dogs and owners and the issuing of infringement notices were all addressed.

When reviewing the Policy, Council, its residents and dog owners considered a number of very important aspects of what should be written into it including the importance of minimising the dangers, distress and nuisance to the community by uncontrolled dogs but still having regard to the exercise and recreational needs of dogs and their owners.

Council is serious about dogs being cared for properly and being controlled adequately.

7. RECOMMENDATIONS

- i) That this report written pursuant to Section 10A of the Dog Control Act 1996, be received and adopted by Council.
- ii) That public notification of the adopted report be given and a copy sent to the Secretary for Local Government and be made available on the Council's website.

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Control Services (Nelson) Ltd

Jean Hodson
Manager Consents