

# ANNUAL REPORT

DOG CONTROL POLICY AND PRACTICE

2018/19

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## INTRODUCTION

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This is Waipa District Council's report on Council's Dog Control Policy and Practices for the period 1 July 2018 to 30 June 2019, as required by section 10A Dog Control Act 1996.

## SUMMARY

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The Dog Control Act 1996 ("the Act") requires all territorial authorities to report annually to central government on their Dog Control Policy and Practices.

The format of the report follows that previously prescribed by the Secretary for Local Government, Department of Internal Affairs.

## PART 1 – DOG CONTROL POLICY AND PRACTICES

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### 1. Dog control in district

- 1.1. The total number of active dogs on Council's register at the end of the 2018/19 registration year peaked at 8561, up from 8229 in 2017/18 an increase of 332 (4.0%). Only 135 were recorded as unregistered at the end of the year. This is a consistent level of growth over the past 5 years and is in keeping with levels of population growth across the district.
- 1.2. Council provides a twenty-four hour animal control service, with Council's Animal Control Officers covering business hours. Council is in the process of awarding a new contract that combines after-hours animal control activities with noise control and general property security.
- 1.3. Council also liaises with the local Police (which included joint training), veterinarians and re-homing organisations. An active Institute of Animal Management has also been valuable.
- 1.4. Council continues to employ three full time Animal Control Officers, an Animal Control Officer Co-ordinator and an Animal Control Administrator, with the Environmental Services Team Leader as supervisor of the team. An additional fixed term Administrator has been employed due to the growth in dog numbers and internal organisational demands. A new role, Manager Compliance is now responsible for the overall group (Animal Control, Health and Licensing, Enforcement and Building Compliance).
- 1.5. Council continues to operate two animal control pounds, one in Cambridge and one in Kihikihi with facilities for impounding dogs. The latter is now considerably overdue for replacement. A site adjacent to the existing pound site was confirmed as the preferred site in 2016 and progressed to the design stage, however public opposition saw this option eventually rejected by Council. An alternative site has been identified and Council is proceeding with investigations to ensure it is suitable. Improvements have continued at both pounds, and an independent health and safety audit has been completed. This has resulted in providing office space at pounds for administration and micro-chipping so members of the public do not have to enter the pound itself.
- 1.6. A number of processes have been changed, with offal holes no longer used for disposal, and dog carcasses being transported to Hamilton for cremation.

- 1.7. Overall the number of complaints and subsequent enforcement action has fallen slightly. There have been 464 dogs impounded (478 last year), with 389 dogs claimed, 35 dogs euthanised, and 35 re-homed, and one dog stolen from the pound, with five dogs still pending.
- 1.8. Dog owners claiming impounded dogs are required to pay an impounding fee, as well as registration fees if the dog is unregistered, plus micro-chipping fees if applicable (i.e. if unregistered). In addition, sustenance fees are charged for each additional day the dog is in the pound. However a dog impounded for the first time will often be released for free if registered at the time of impounding. Council has simplified its impounding fees for 2019/20 to a set rate per impounding rather than an increasing scale.
- 1.9. The associated fleet vehicles dedicated for use by animal control staff were replaced in the 2012/13 year. A further vehicle was added in 2013/14 increasing the fleet to four dedicated vehicles. Council chose to sign-write these vehicles as being specific to Animal Control. There have been no changes in the reporting year.
- 1.10. Microchipping continues to be a key focus. Appointment times are available for dog owners to book to have Council microchip their dogs. Letters are sent to all owners that are legally required to chip their dogs, and who have not already produced a microchip certificate to Council. Legislation requires dogs being registered for the first time to be chipped within two months of registration (with herding dogs exempt from the requirement), and classified dangerous and menacing dogs are also required to be micro-chipped.
- 1.11. This process is followed by the issue of infringements to owners of all non-complying dogs, with a 28-day waiver opportunity. Owners are charged only \$27 to cover microchip costs, and Animal Control Officers, who have received training, carry out the micro-chipping. Council has noted an increase in the number of owners failing to microchip their dogs and waiting to be infringed (or in some cases disqualified) before taking action.
- 1.12. The continued focus on unregistered dogs has resulted in a re-registration rate exceeding 98%. 135 dogs were known to be unregistered as at 30 June, and most have received infringement notices for that offence where it has been confirmed that the dog is still in the District. Council has continued to send annual renewal notices earlier than it has in the past, in May, and has offered the chance to win free registration for the life of the dog and other prizes as an incentive for early registration. This has been well received.

## **2. Dog control enforcement practices**

- 2.1. For the period to the end of June 2019 Council received 2133 dog-related complaints that required action and a further 2038 general enquiries. This does not include complaints about stock or other animals.
- 2.2. The first approach by animal control staff when following up complaints is generally one of using education. If a registered dog is picked up for a first wandering offence, the dog is usually returned to the owner with a verbal warning rather than impounding.
- 2.3. Complaints relating to wandering dogs numbered 989 this year (1081 last year), and 476 complaints were received in relation to barking dogs (546 last year). These are also the most common complaints in other Districts. In the case of wandering dogs, animal control staff work with complainants to track and capture dogs, sometimes using Council-owned cage traps.

- 2.4. Most barking complaints are resolved swiftly once the owner is aware of the problem. In more persistent cases, the Animal Control Officer will ask the complainant(s) to keep a log of the barking and will survey other neighbours to establish if the barking is a problem. An Abatement Notice can then be served under the Act, with any objections heard by Council's Regulatory Committee. Staff have found this a useful tool and have in recent years have not had to ask an owner to remove their dog from a property and keep it elsewhere permanently.
- 2.5. General aggression complaints increased slightly compared to last year, as did reported attacks. Council received 186 complaints related to attacks, rushing or aggressive dog incidents (176 last year). When attack incidents are investigated, a rating sheet is completed by staff to help ensure a consistent approach to enforcement as there is discretion in the Act as to what action can be taken, ranging from a verbal warning to prosecution. Cases are assessed on an individual basis.
- 2.6. Council submitted feedback to the Associate Minister for Local Government during 2016 that infringement notices could be made available for minor attacks to increase Council's enforcement options, but this did not eventuate. This has resulted in an increase in menacing classifications as few other options exist in many cases where an attack does not warrant prosecution and no infringement offence is committed.
- 2.7. To the end of June 2018, 121 infringement notices were issued.
- 19 for breach of section 20(5) breach of bylaw
  - 1 for breach of section 28(5) disqualified owner in possession of dog
  - 13 for breach of section 33EC(1) failure to comply with menacing classification
  - 8 for breach of section 36A failure to microchip
  - 1 breach of section 41 makes false registration statement
  - 58 breach of Section 42 for non-registration
  - 4 breach of Section 52(a) failure to confine
  - 17 breach of Section 53(1) failure to control.
- 2.8. Only 18 of these infringement notices have been paid to Council to date, with the majority being filed in court. This does not make them a particularly effective enforcement measure.
- 2.9. The relatively small number of infringements is due principally to the high registration rate and the focus on getting dogs registered rather than on enforcement action. Eight owners were disqualified due to three or more infringements within the prescribed period. One appealed and had their disqualification upheld. A further four have appealed and are awaiting a hearing date. For the first time Council applied for and was granted a search warrant to enter a dwelling and seize a dog from a disqualified owner.
- 2.10. There were no prosecutions by Council in 2018/19; however a small number of section 71 notices were issued which lead to owners surrendering dogs at which time it was decided not to proceed with legal action.

### **3. Dogs prohibited, leash only and dog exercise areas**

- 3.1. In Waipa, Council's policy is for all dogs to be on a leash in public places and most dog owners adhere to this. There are also dog prohibited areas, such as sports grounds, children's playgrounds and schools. Signage is installed in exercise and prohibited areas to distinguish them.
- 3.2. There remains a total of 42 dog faeces receptacles which are regularly emptied. They are located mainly at exercise areas. The dog exercise areas and dog faeces receptacles are well-used by dog owners. A contract continues to be in place with a contractor who empties the dog faeces bins. This allows Animal Control Officers to concentrate on their core duties.

### **4. Dog registration and other fees**

- 4.1. The fees for the 18/19 year were held at the previous levels and essentially had not increased in over 5 years. The fees for 2019/20 have increased by \$1 for urban dogs. The fees are low compared to many other locations.
- 4.2. There are still discounts of \$15 and \$10 available to urban owners for fencing and neutering respectively. These can be regarded as good preventative measures to stop dogs wandering which account for the majority of complaints referred to Council. Rural dogs pay a lesser registration fee due to them generally having less access to Council services.
- 4.3. Council staff follow up on unregistered dogs each year and, following an initial reminder letter and a follow-up phone call, issue infringement fines. If registration took place immediately the infringement fine was sometimes waived, except in the case of repeat offenders. There were also a small number of seizures of dogs that were held until the owner completed registration.
- 4.4. Dog owners are now able to pay online, and Council has implemented a pre-payment arrangement where owners who struggle to pay registration can start paying in advance for the coming year's registration. This is as the result of an invite from Council to participate. While great for the customer, online payments take a considerable amount of administration time.
- 4.5. The levy share for Waipa District in the operation of the National Dog Database for the 2018/19 was \$5,219.

### **5. Dog education and dog obedience courses**

- 5.1. An annual newsletter is sent to all dog owners, and each year Council either organises or attends a seminar or event to which owners/public are invited. An electronic newsletter is also circulated. Staff assisted with workshops and open days conducted by Council and carried out school, kindergarten, Plunket group and other visits. Animal Control Officers also attend local puppy pre-school classes each month to provide education on Council/legislative requirements of dog ownership.
- 5.2. All new dog owners in the district are issued with an "owner information and dog registration pack" which contains a variety of information of interest to dog owners (including dog training and obedience courses) and Council also has a number of information leaflets to assist owners.
- 5.3. Statistics show that most dog attacks on children occur in the home where the dog and/or child resides, and these attacks are not usually brought to the attention of animal control. This is where

pre-school education is important to teach children how to behave appropriately around known dogs, and not to approach unknown dogs.

- 5.4. Council has also been a lot more active in the online and social media space with an increased number of dog related press releases and articles, and has been able to provide education when matters are seen being discussed in social media. However the negative aspect of social media, circulating mis-information and criticising Council has also been prominent.

## **6. Disqualified and probationary dog owners**

- 6.1. Eight owners were disqualified due to three or more infringements within the prescribed period. One appealed and had their disqualification upheld. A further four have appealed and are awaiting a hearing date. For the first time Council applied for and was granted a search warrant to enter a dwelling and seize a dog from a disqualified owner. Owners do not appear to appreciate that unlike other infringement notices, that dog control infringements can lead to this significant level of action. Council is planning publicity on this topic once the hearings are concluded.

## **7. Menacing and dangerous dogs**

- 7.1. At the end of June 2019 8 dogs were classified as dangerous in the District out of a population of over 8,500 dogs and 118 as menacing.
- 7.2. Dangerous dogs are classified following receipt of a sworn statement from a complainant attesting the dog is a threat to any person or domestic animal, or following prosecution. Menacing dogs can be classified under two subsections of the Act (commonly referred to as "breed" or "deed") i.e. 33A due to reported or observed menacing behaviour of the dog, and 33C due to the dog's breed or type being one listed in schedule 4 of the Dog Control Act - in most cases an American Pitbull Terrier type.
- 7.3. Any new dog of a menacing breed/type identified following registration, is classified and referred to Animal Control Officers for a compliance check. Dogs classified menacing due to "deed" go through a similar process. One owner objected to a dangerous classification which was heard by an independent Officer (due to a staff member owning one of the dogs involved). Council approved the Officers recommendation that the classification be upheld. Another had their dangerous classification overturned and replaced with a menacing classification.
- 7.4. Council's Dog Control Policy requires menacing dogs to be neutered and most owners comply with this requirement without further enforcement. Council staff follow this up during compliance checks. Animal Control Officers endeavour to assist owners with full compliance by providing low-cost micro-chipping. The dangerous dog classification is a more useful tool, due to the legislative requirement for the dog to be kept within a fenced enclosure. In some cases the owner has arranged for the dog to be destroyed following an attack rather than be classified.
- 7.5. Under the Act, owners may object within 14 days to classifications, which are usually heard by Council's Regulatory Committee.
- 7.6. As discussed previously, the steady increase in menacing classifications is partly due to a gap in enforcement options when following an attack, a decision is made not to prosecute. No infringement offence exists for an attack. So unless the dog owner has committed another offence, classification is the only alternative. A high-value infringement for minor attacks would be a useful



addition to the schedule. Monitoring compliance can be onerous and an increasing requirement, as new dogs are added to the list.

- 7.7. Council has continued with its policy that any American-Staffordshire terrier that does not have pedigree papers will be considered “predominantly American pit-bull type” where it exhibits those traits.

## **8. Other information**

- 8.1. Council requires owners of more than five dogs on rural properties and owners of more than two dogs on any urban land to apply for a three-year permit from Council. As registration applications are received, owners are advised to apply for a permit.
- 8.2. Waipa District Council has entered an arrangement with a charity to manage and better promote the rehoming of unclaimed dogs within the District. Council continues to operate a very successful Facebook page ([facebook.com/WaipAnimalControl](https://facebook.com/WaipAnimalControl)). This has provided an additional avenue to promote rehoming, and to provide general information to dog owners. This works in conjunction with Council’s formal Facebook page ([facebook.com/WaipDistrictCouncil](https://facebook.com/WaipDistrictCouncil)).
- 8.3. Council is also working closely with its neighbours, including through shared training assisted by the New Zealand Institute of Animal Management. This has seen a range of training opportunities for staff.
- 8.4. Council has also made a significant investment in dog agility related equipment with the aim of developing “destination dog parks” in Te Awamutu and Cambridge areas. A full set of agility equipment has been installed in two parks and has been well received.
- 8.5. With the recent movement of Council systems to “the cloud” staff will hopefully be able to complete a range of administration tasks in the field, using tablets.



## PART 2 – STATISTICAL INFORMATION

Category		1 July 2015 – 30 June 2016	1 July 2016 – 30 June 2017	1 July 2017 – 30 June 2018	1 July 2018 – 30 June 2019
1	Total # registered dogs	7738	8033	8229	8561
2	Total # probationary owners	0	0	0	0
3	Total # disqualified owners	1	1	7	15
4	Total # dangerous dogs (current at end of period)	8	5	6	8
	▪ Dangerous by owner conviction under s31(1)(a) – new	0	0	0	0
	▪ Dangerous by sworn evidence s31(1)(b) - new	1	1	3	3
	▪ Dangerous by owner admittance in writing s31(1)(c) - new	0	0	0	1
5	Total # menacing dogs (end of period)	77	95	113	118
	▪ Menacing under S33A(1)(b)(i) - i.e. by Behaviour - new	8	9	10	13
	▪ Menacing under s33A(1)(b)(ii)- by Breed Characteristics – new	0	0	0	1
	▪ Menacing under s33C(1) by Schedule 4 Breed – new	25	12	30	14
6	Total # infringement notices (excluding cancelled)	59	133	146	121
7	Total # complaints received (needing action)	2,263	2147	2334	2133
	▪ Aggressive	55	46	53	64
	▪ Bins/signs	18	10	24	18
	▪ Bite/attack	84	80	85	75
	▪ Barking	476	466	546	476
	▪ Breach of Council bylaw or permits	40	34	34	14
	▪ Lost dog/other	330	307	354	360
	▪ Rushing in public place	43	48	38	47
	▪ Unregistered	66	71	57	48
	▪ Wandering	1,108	1,049	1,081	989
	▪ Worrying animals	25	9	13	5
	▪ No water, shelter, food or exercise	18	27	48	37
8	Total # prosecutions taken	0	0	0	0

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