

ANNUAL REPORT ON THE ADMINISTRATION OF WHAKATANE DISTRICT COUNCIL POLICY AND PRACTICES IN RELATION TO THE CONTROL OF DOGS FOR THE YEAR 1 JULY 2022 TO 30 JUNE 2023

1.0 INTRODUCTION

The Council applies the Whakatane District Council Policy on the Control of Dogs 2023, when administering its policy and practices for the control of dogs.

The 2022 Policy has provisions relating to the control of dogs in public places, exercise areas and prohibited areas, as well as leash requirements, all of which are enforceable under the Whakatane District Council Dog Bylaws. Signage is placed around towns identifying owner responsibilities when entering certain areas such as exercise and prohibited areas, eg, the need for owners to pick up after their dogs, prohibited Kiwi Zoned areas

Currently, the Council employs in-house the equivalent of four full-time staff that has a total of 89 years of animal control experience. The Animal Control Unit works with a number of key stakeholders in the community, eg, SPCA, local veterinarians, Courts and Police.

Services are provided 24 hours a day, seven days a week, with an after-hours contractor employed for any aggressive dogs, secure dog collections and roaming stock on district roads.

2.0 GENERAL

The Council has an education programme on safety around dogs, which is available for delivery by staff to Primary and Intermediate schools. Schools are canvassed by staff for opportunities to deliver the talk. A focus to staff is to educate the next generation of dog owners of their responsibilities. We also provide “bite prevention” seminars to what we call high-risk groups e.g., meter

readers, posties, district nurses, as well as other groups who have a need to visit clients at private residences.

There appears to be a general lack of understanding of dog behaviour. This problem has been addressed by providing a large amount of educational material for the public, as well as utilising the various media available to promote responsible dog ownership, e.g., static displays, newspaper articles and radio broadcasts.

Every person who has in their possession a dog over three months old is required to register their dog annually, and to advise the Council promptly of any change of address or ownership of the dog.

At the end of the financial year, 30 June 2023, 5783 dogs were registered.

Registration fees and charges are reviewed annually and set by Council resolution. The Council's funding policy for animal control is that fees and charges meet 70% of the total costs, while 30% comes from the general rate.

The Council's Animal Control staff spends a tremendous amount of time locating unregistered dogs every year. If owners do not meet the obligations to register their dogs, enforcement procedures are initiated. Infringement notices are issued if the owner fails to register after receiving an initial registration form followed by a reminder notice. The uplifting and impounding of unregistered dogs are also an option that Council undertakes as well

459 infringement notices were issued during the period 1 July 2022 to 30 June 2023, 279 for non-registration.

- **Barking Dogs**

In the 2022/23 financial year, the Council in respect of barking dogs handled 229 complaints. Continuous barking for long periods of time, or continually at night, is not acceptable to residents of the district.

The Council's practice in dealing with this type of issue is to notify the owner, in writing, that their dog is barking. This satisfies 50% of the complaints regarding barking, as much of the time owners are not even aware their dogs are barking. If there is a second complaint, a second letter is sent, and following a further complaint, a survey of residents is carried out to establish if there is a problem and provide suggestions for abatement. Lastly, if necessary, a request is made for the dog to be removed from the property.

- **Roaming Uncontrolled Dogs**

The Council regularly finds dogs roaming at large unaccompanied and under no direct control. In the 2022/23 financial year, council impounded 519 dogs which were either roaming or on someone else's property, trespassing. Impounding fees, sustenance charges, registration and micro-chipping costs are all required to be paid prior to the dog being released from the pound. Roaming dogs are the number one problem—staff handle more complaints for this than for any other. If staff is unable to catch the culprit, the dog is followed home, the owner spoken to and made aware of the requirements regarding responsible dog ownership. If a dog is seen out roaming a second time, an infringement notice is issued. Impounding and sustenance fees are set annually.

The Dog Control Act 1996 require owners to ensure that at all times their dog is under the direct control of a person, and that the dog is confined within the land or premises in such a manner that it cannot freely leave the land or premises. If an owner fails to ensure the above, a Dog Control Officer can enter the land to seize and impound the dog.

- **Dogs Defecating in Public Places**

There is a continuing problem with dogs fouling private and public areas. Not only is it unsightly and a nuisance, but it is also a health risk. Doggy Doo bag dispensers are placed around exercise areas and are available at no charge.

Staff rely on the public to help in this situation. Education is the tool we use—acceptance of one's responsibilities is the problem.

- **Dogs Attacking or Biting People, Pets or Property**

This can potentially put lives in jeopardy. People can also feel threatened by aggressive behaviour. The public are entitled to feel secure and to not be personally threatened. In the 2022/23 financial year, 252 complaints were received from members of the public about dogs attacking or threatening behaviour.

We take a "zero tolerance" approach in dealing with this type of complaint. However, we are somewhat restricted by how far the victim wishes to pursue the issue, e.g., if they don't want the dog put down, then the only option is to classify the dog as menacing or dangerous, depending on the situation, and place requirements on the owner, such as having the dog de-sexed, and muzzling requirements. An infringement notice is also issued. Court proceedings are initiated if the owner refuses to hand the dog over when the complainant and Council seeks a destruction order for the dog.

The total number of dogs classified as dangerous was 15 for the 2022/2023 period. In the majority of dog attack complaints, the owner surrenders the dog to the Council. Overall, the total number of dogs classified as dangerous is 15.

- **Exercise and Prohibited Areas**

Dogs require exercise. However, there is often a conflict between dog owners and non-dog owners. It is therefore important to identify areas where it is appropriate for dogs to be at any time or on some occasions. There should also be reasonable provision made for areas where dogs can be exercised on a leash or under control but unleashed.

In setting up "Exercise and Prohibited Areas", the Council had a mandatory obligation under the Dog Control Act 1996 to have regard to the exercise and recreational needs of dogs, and to minimise danger, distress, and nuisance to the community generally. This was done prior to establishing and finalising the Dog Control Bylaw.

Dogs in all exercise areas must be under control. A definition of control is given in the Bylaw as well as maps identifying "Exercise Areas" and "Prohibited Areas".

Prohibited areas are areas where dogs are totally prohibited at all times, e.g., Kohi Point, Mokorua Gorge, Bird Walk (kiwi-zoned areas). Any owner found taking a dog into these areas are issued with an infringement notice.

- **Prohibited Dogs**

Section 30A of the Dog Control Act 1996 prohibits the importation of any dog that belongs wholly or predominantly to one or more of the following breeds or types:

- **Brazilian Fila**
- **Dog Argentino**
- **Japanese Tosa**
- **American Pit Bull Terrier**

All dogs in the above categories are automatically classified as menacing and at the end of the 2022/2023 financial year a total of 184 dogs were classified under breed specific legislation. Of these 178 are predominately Pit-bull Terrier and 6 are predominately Dogo Argentino.

The prohibition does not apply to dogs assisting a person with a disability or under training to do so.

- **Menacing Dogs**

Section 33A of the Dog Control Act 1996 allows Councils to classify dogs as menacing due to their actions/deeds. A menacing dog is one, which has not been classified as dangerous, but one, which the Council considers, may pose a threat to any person or livestock. As of 30 June 2023, 56 dogs were classified as menacing due to deed. Prohibited dog breeds are automatically classified as menacing. For either reason for classification, menacing dogs must not be at large or in any public place without being muzzled. The Council now requires the de-sexing of menacing dogs who have been classified due to breed. As of 30 June 2023, the total number of dogs classified menacing was 240. There is a right of objection to such classification.

Currently 240 dogs are classified as menacing and are still active in the system.

The Council takes a "zero tolerance" approach in dealing with this type of complaint. Public safety is paramount and if there is the slightest risk to any person then the classification is imposed. Owners must accept responsibility for the actions of their dogs.

- **Infringement Notices Issued**

Listed below is a breakdown of infringement notices issued for the 2022/2023 financial year.

Every endeavour is made by the Council to obtain compliance from dog owners regarding control, and registration responsibilities. Communities throughout New Zealand expect dogs to be under total control and do not accept uncontrolled dogs causing a nuisance or threatening people. The issuing of infringement notices is a last resort for the Council.

Attacked /rush birds	4
Attacked/rush domestic animal	23
Attacked /rush person	9
Attacked /rush stock	3
Roaming/Dogs in public places	51
Effects of Dangerous dog	6
Non-registration	279
Failure to control or contain	2
Provided false information re dog	0
Dog taken into prohibited areas	0
Failure to implant microchip	40
Insufficient shelter	0

Wilful obstruction	1
Menacing dog effects not complied with	2
Off lead	2
Refused to supply information	0
Rush/person	6
Roaming attack	8
Roaming/Rush in public place	11
Rushing / Domestic animal	2
Rush at a vehicle	0
Failure to comply muzzle & leash requirement	7
Disqualified owner	0
Swapping a tag	1
Failure to comply with barking dog abatement	2
TOTAL	459

3.0 SUMMARY OF ACTIVITIES

Listed below is a breakdown of the Council's activities as required by the Department of Internal Affairs:

<i>Description</i>	<i>For period 1 July 2021 to 30 June 2022</i>	<i>For period 1 July 2022 to 30 June 2023</i>
Number of registered dogs in the Whakatane District	5792	5783
Number of probationary owners—discretionary	0	0
Number of disqualified owners	0	0
Number of dogs classified as Dangerous by Owner Conviction under s31(1)(a)	0	0
Number of dogs classified as Dangerous by Sworn Evidence under s31(1)(b)	11	15
Number of dogs classified as Dangerous by Owner Admitting in Writing under s31(1)(c)	0	0
Total menacing dogs	241	240
Number of dogs classified as Menacing under s33A (a)(b)(i), e.g. by behaviour	52	56
Number of dog-related complaints received and nature of the complaint:	1724	1863

<i>Description</i>	<i>For period 1 July 2021 to 30 June 2022</i>	<i>For period 1 July 2022 to 30 June 2023</i>
• Barking	230	229
• Attack/aggression	227	252
• At large/wandering	1163	1248
• Lead and kennel issues	14	13
• Restricted area	16	16
• Failing to remove faeces	11	8
• Other nuisance	63	97

4.0 SUMMARY

Councils approach in dealing with unregistered dogs has helped and increased the number of dogs registered although the total does fluctuate year to year. It appears that people considering ownership of a dog are thinking about the responsibility of ownership before committing to a period of ten-plus years. This is a good situation, as acquisition of a dog is very easy to come by.

The Council's overall approach will continue to focus on compliance rather than enforcement.

We offer “safety around dogs” presentations to organisations, outside Council, that have staff who visit residential premises, local schools, and community groups. We have found that this offer is not readily taken up as in previous years.

Collecting information from territorial authorities on a national level will enable central government to develop further guidelines or initiatives to help reduce the level of dog attacks nationally and obtain better compliance of owner responsibilities.

Carl Redaelli
MANAGER REGULATION MONITORING

10 July 2023