

Environment Committee Meeting

26 August 2021

This Report relates to Item 18 in the Agenda

**“Dog Control Policy and Practices
Annual Report 2020/2021”**

Dog Control Policy and Practices Annual Report

1 July 2020 to 30 June 2021



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Background

The Marlborough District Council is required to manage and enforce provisions pursuant to the Dog Control Act 1996.

Section 10A of the Dog Control Act 1996 requires the Marlborough District Council (Council) to report annually on its Dog Control Policy and Practices and provide statistical information.

This report fulfils this statutory requirement for the financial year 1 July 2020 – 30 June 2021.

The objectives of this report are to:

- Report on Council's administration of dog control policies and practices; and
- Provide information on dog control activities.

This report will be provided to the Secretary for Local Government and it will be made publically available on the Marlborough District Council website within one month of its release.

Operations

The Dog Control function has been contracted out to Maataa Waka Ki Te Tau Ihu Trust since 1998. Council and the contractor are parties to a contract, under which the contractor provides animal control services to the Council (current contract).

- Contract commencement date - 1 April 2015.
- Expiry date - 31 March 2020.
- Contract renewal commencement date – 1 April 2020.
- Expiry date - 31 March 2022.
- Maximum contract term - seven years.

Council retains the administration of the contract, makes decisions on classifications of dog and owners, objections to classifications and infringements, and on decisions on whether or not to undertake prosecutions.

Dog Control Policy

The Council adopted a policy and bylaw which came into force on Monday 1 October 2012.

This policy deals with various matters, including dog areas, fees and education. Council must have regard to:

- a) The need to minimise danger, distress and nuisance to the community generally;
- b) The need to avoid the inherent danger in allowing dogs to have unimpeded access to public places that are frequented by children, whether or not the children are accompanied by adults;
- c) The importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs; and
- d) The exercise and recreational needs of dogs and their owners.

Council's objective is to encourage responsible dog ownership that allows owners to enjoy their dogs without infringing on the enjoyment and safety of others. Good dog owners should:

- a) Register their dogs and make sure they wear a current registration tag;
- b) Keep their dogs under control;
- c) Provide their dogs with care and attention;

- d) Provide their dogs with proper and sufficient food, water, shelter, and exercise;
- e) Not let their dogs be a nuisance to others;
- f) Make sure their dogs do not injure, endanger, intimidate or distress any person or other animal or damage property;
- g) Comply with the Act, any regulations and the Dog Control Bylaw.

Council has undertaken a review of our Dog Control Policy and Dog Control Bylaw which is required to be undertaken every 10 years. The review looked at dog access to all public places and included new Council reserves which have been created since the bylaws were previously reviewed. The proposed Policy and Bylaw went out for public consultation on 18 September 2020 and submissions closed on 9 November 2020. There were 679 submissions received. Hearings were held on 30 November and 1 December 2020.

The new Marlborough District Council Dog Control Policy and Bylaw were adopted by full Council on 24 June 2021 and come into effect on 1 August 2021.

A copy of the new Dog Control Policy can be viewed on the Council's website:

<https://www.marlborough.govt.nz/services/dogs-and-other-animals/dog-and-animal-laws/dog-control-policy>

A copy of the new Dog Control Bylaw can be viewed on the Council's website:

<https://www.marlborough.govt.nz/your-council/bylaws/dog-control-bylaw-2021>

Dog Exercise Areas

Dog areas are set out in Council's Dog Control Policy and Bylaw.

Dogs are allowed off leash in some areas, provided they are kept under control at all times. There are a total of 34 dog off leash areas in the Marlborough district. The new Dog Control Policy and Bylaw still has a total of 32 dog off leash exercise areas.

Dogs are prohibited from areas that have an intense public use, where dogs may compromise the enjoyment of the area, where ecological or economic values would be threatened, where space or sight lines is limited on narrow walkways and pedestrians may be threatened.

There are 39 dog prohibited areas in Marlborough, the majority being sports grounds, reserves and/or domains and wetland areas. The new Dog Control Policy and Bylaw has a total of 48 dog prohibited areas in the Marlborough district.

Dogs are allowed in any public area that is not identified as a dog prohibited area or dog off leash area but must be kept on leash and under control at all times. There are 67 public areas across the Marlborough district where dog are required to be on leash. In the new Dog Control Policy and Bylaw there are 78 public area where dog are required to be on leash as there are a number of new reserves.

Blenheim Central Business District (CBD) is dog prohibited, while Picton Central Business District allows dogs on a leash. However, the new Dog Control Policy and Bylaw allows dogs to be on leash in the Blenheim CBD.

Marlborough currently has one purpose built dog park at Renwick which is a fenced dog exercise area with three separate areas; a large dog area, a small dog area and a quiet zone.

Fees

The registration categories and fee structure for the 2020/21 year are set out in the table below:

Category	Annual Fee
Responsible Dog Owner Each dog must be desexed and microchipped, and have no infringement notice or conviction under the Dog Control Act 1996 for the last 2 years, ie, since 1 July 2018.	\$60
Standard Dog Any non-working dog that does not meet all of the responsible dog owner criteria. This includes any dogs that have been classified as 'menacing'.	\$90
Old Dog For dogs over 12 years (as of 1 July 2020) that were registered for the first time prior to 1 July 2008 (proof of registration is required).	\$45
Dangerous Dog This includes any dog classified as 'dangerous'. Dangerous dogs are excluded from the old dog and responsible dog owner categories.	\$135
Working Dog Includes farm dogs primarily used for herding stock, disability assist dogs, Police dogs and companion dogs). 10 + working dogs (for each extra dog).	\$20 \$10
Disability assist dogs and Police dogs	No fee

Note: that late penalty fees were charged (50 percent of the applicable fee) for payments made after 31 July 2020.

Funding

Dog Control is 80 percent funded from dog registration fees and 20 percent rates funded. The fees are set to cover the budgeted cost of the Dog Control function.

Education

A dog safety education course is available to schools and groups of primary school and pre-school aged children. The purpose of this course is to promote safety around dogs as well as responsible dog ownership and care. This programme is provided free of charge. There were 30 presentations provided to pre-school and primary schools for the year 1 July 2020 to 30 June 2021.

There were also five presentations to adults on dog safety and dog behaviour.

Five public events were also attended by the Education Officer.

An insert with information on dog registration, responsible ownership and dog owner obligations was sent to all dog owners with their dog registration forms.

Information on relevant topics such as barking dogs and roaming dogs is distributed to owners of dogs that come to Animal Control's attention.

Animal Control is also involved in a collaborative interactive safety programme that has developed from within the Marlborough Child Safety Group and is based on the “Clued Up Kids” project developed in Strathclyde, Scotland (2001). The pilot Marlborough Clued-Up Kids project was held in November 2006 and was designed to instil confidence and develop life skills through the practical hands-on application of safety messages. Year 5/6 students from Marlborough Schools are taken in small groups on a 15 minute rotating circuit of safety sets around Brayshaw Park, ie, Police, St Johns, Rail Safety, Water Safety, Emergency Response, Personal Safety, Dog Safety, Cycle Safety, ATV Safety, Home Hazards and Fire Safety. This event goes for one week in November each year. In 2020, a total of 15 schools and 703 primary school age children attended this event.



Each of the four Animal Control Officers also undertook five hours per week of patrolling across the Marlborough district to monitor roaming dogs and other potential breaches of the Dog Control Act 1996 and Bylaws and take appropriate enforcement action. The patrols are an opportunity for the Animal Control Officers to interact with the public to encourage compliance, responsible dog ownership, dog safety and to also check on doggie-doo stations and dog signage.

Dogs and Owners

There were a total of dogs registered 11,224 (last year 10,864) in the Marlborough district for the 2020/21 year.

As at 30 June 2021, the Marlborough district had a total of 10,639 active* dogs (last year 10,419) which included 2,816 dogs registered as working dogs (including disability assist dogs and Police dogs) (last year 2,790) and 7,823 dogs registered as non-working dogs (last year 7,629). *Active - means that the dog is alive and currently living at the address listed in the national dog database.

The Marlborough District Council Dog Control bylaw requires that no owner shall keep more than two dogs on a property (not zoned rural) without being the holder of a Multiple Dog Property Licence issued by Council.

The table below shows that 42 Multiple Dog Property Licences were issued which is up on the previous two years.

	2018/19	2019/20	2020/21
Multiple Dog Property Licence Issued	17	24	42

Enforcement

Disqualifications and Probationary Owners

There are no probationary owners in the Marlborough district.

There were three new disqualified owners in the Marlborough district in this reporting period. One other person is also a disqualified from dog ownership in the Marlborough district. Therefore there are currently four disqualified owners.

There were no other active disqualifications which expired over the 2020/2021 reporting period.

Period of Disqualification	Expiry Date	Section
3 Years (reduced to two on following an objection to the disqualification)	25 May 2022	25(1)(a)
5 Years	23 March 2025	25(1)(a)
5 Years	06 October 2025	25(1)(b)
5 Years	04 November 2025	25(1)(b)

Menacing and Dangerous Dogs

There are 2 new dogs which were classified as dangerous in the 2020/21 year in accordance with section 31 of the Dog Control Act 1996. A total of 8 dogs are classified as dangerous (last year there were 10).

There are 97 dogs classified as menacing (last year there were 103). For the dogs classified as menacing, 53 were classified as menacing based on observed and reported behaviour in accordance with section 31 and 44 were classified as menacing by breed or type listed in Schedule 4 in accordance with section 33C of the Dog Control Act 1996.

Infringements

A total of 239 infringement notices were issues in the 2020/21 year compared with 205 infringement notices were issued in the 2019/2020 year.

Infringements	Number Issued 2018/19	Number Issued 2019/20	Number Issued 2020/21
Total issued	192	205	239

The most common infringement notice was failure to register dog with 151 infringements. The table below shows the sections that the infringement notices were issued under. There was a marked increase in the number of uncontrolled dog infringement notices issues in 2020/21 compared to previous years.

Section	Breach	Number Issued 2018/19	Number Issued 2019/20	Number Issued 2020/21
18	Wilful obstruction of dog control officer or ranger.	2	3	2
19(2)	Failure or refusal to supply information or wilfully providing false particulars.	1	3	-
20(5)	Failure to comply with any bylaw authorised by the section.	7	3	-

32(2)	Failure to comply with effects of classification of dog as dangerous dog.	1	1	-
33EC(1)	Failure to comply with effects of classification of dog as menacing dog	19	10	10
41	False statement relating to dog registration	-	1	-
41A(4)	Falsely notifying death of dog	4	-	2
42	Failure to register dog	101	137	151
48(3)	Failure to advise change of ownership	-	-	1
52A	Failure to keep dog controlled or confined	45	30	22
53(1)	Failure to keep dog under control	11	17	51
72(2)	Releasing dog from custody	1	-	-

Complaints

A total of 2,650 complaints were received in the 2020/21 year. This is down on the total of 2,819 complaints were received in the previous year. All complaints were attended to and investigated.

The majority of complaints received related to roaming, found or lost dogs or dog nuisance barking. The number of dogs that were reported to Animal Control as found in the 2020/21 was 629 which were down from 778 in the previous 2019/20 year. It seems that a number of dogs that are found are posted onto social media sites to try and reunite the dogs with their owners before contacting Animal Control.

There were 64 complaints related to a dog attack, bite or rushing at a person compared with 53 in the previous reporting period. These complaints are the most time consuming complaints to investigate and determine what enforcement action should be taken.

Type of complaint	Number 2018/19	Number 2019/20	Number 2020/21
Barking	450	385	389
Bylaws	48	43	21
Dog Attack/ Bite/ Rush Person	47	53	64
Dog Bite Other	31	23	36
Dog Nuisance	23	34	49
Dog Rush Other	13	7	5
Found	519	778	629
Fouling	13	14	16
General Request/Other	96	622	634
Lost	229	326	302
Roaming	559	380	360
Uncontrolled	55	41	43
Unregistered Dog	38	59	64
Welfare	43	54	38
Total	2,164	2,819	2,650

Impounded/Unclaimed/Surrendered Dogs

A total of 193 dogs were impounded for the 2020/2021 year which is very similar to the 192 dogs impounded for the previous 2019/2020 year.

It appears that social media is increasingly being used by the public to report lost and found dogs to help reunite dogs with their owners with impounding by Animal Control being a last resort for some of the public. Animal Control does try to return lost and found dogs to their owners without impounding the dogs if they are able to contact the owners provided that the dogs are registered, microchipped and they have no previous history of roaming. Animal Control runs a Pound Hounds Facebook to advertise if any lost and found dogs have been impounded and they are unable to identify the owners as their dogs are not microchipped or wearing their dog registration tag and/or owners have not updated their contact details.

The majority of the dogs that were impounded were released to their owners. The dogs that were not claimed by their owners were sent to the SPCA, re-homed from the pound or euthanised, depending on temperament and characteristics.

All dogs unclaimed from the pound go through a temperament and characteristics test to make sure that they are suitable for re-homing to the SPCA or to members of the public. Members from the public who want to apply for a dog from the pound must complete an application form and have a background check of no previous breaches to the Dog Control Act 1996 to make sure they are suitable for Animal Control's rehoming programme.

There is a Care and Custody Agreement between Council and the SPCA with respect to the care and costs of caring for these dogs.

During 2020/2021, a total of 25 dogs were rehomed from the pound compared to 23 in the previous year. There were 23 dogs were rehomed to the SPCA (last year 18 dogs) and two dogs were rehomed to members of the public (last year five dogs).

Outcome for Impounded Dogs	Number 2018/19	Number 2019/20	Number 2020/21
Impounded dogs released to owner (% of total dogs released to owner)	264 (88.6%)	160 (83.3%)	158 (81.8%)
Impounded dogs rehomed (% of total dogs impounded rehomed)	22 (7.4%)	23 (12%)	25 (13%)
Impounded dogs euthanised (% of total dogs impounded euthanised)	12 (4%)	9 (4.7%)	10 (5.2%)

The table below shows the reason why dogs that were impounded were euthanised. All of the 10 dogs that were euthanised in 2020/21 had been involved in dog attacks on people, other dogs or stock. If court proceedings are taken for dogs attacking persons or animals and the court is satisfied that the dog has committed an attack as described in section 57 of the Dog Control Act 1996 and the dog has not been destroyed, the court must make an order for the destruction of the dog unless it is satisfied that the circumstances were exceptional and do not warrant destruction of the dog.

Reason for Euthanasia	Number 2018/19	Number 2019/20	Number 2020/21
Classified dangerous/menacing (deed)	2	1	-
Menacing breed or type	2	2	-
Health or welfare issues	-	-	-
Failed temperament test	4	4	-
Surrendered to Animal Control after an attack	4	2	7
Court Ordered Destruction	-	-	3
% of all dogs euthanised as American Pit Bull Terrier	16.6%	22.2%	0%

Prosecutions during 2020/21 under the Dog Control Act 1996

Dog Control Prosecutions	Hearing Date	Outcome
<p>Case One A dog which was classified as dangerous attacked another dog on 19 April 2020;</p> <ul style="list-style-type: none"> • s 57 one charge laid for the dog attacking animals, • s 41A one charge laid for a false statement made that the dog was dead, and • s 32 on charge that the owner was in breach of the dangerous dog classification requirements. 	6 October 2020	<p>Guilty plea to all charges by both defendants (owner and person in charge of the dog at the time of the incident). Court imposed the following;</p> <ul style="list-style-type: none"> • fine of \$500 for the s 57 charge; • \$500 emotional harm reparation payment (\$250 for each defendant); • fine of \$400 for the s 41A charge; • Service fees of \$57.50 and \$140.30; • \$130 to the Court for costs for each defendant. • \$339 for solicitors costs. • Court order made for the destruction of the dog.
<p>Case Two Incident on 9 May 2020 involving two dogs attacking sheep;</p> <ul style="list-style-type: none"> • s 57(2) two charges laid for the dogs attacking animals. 	4 November 2020	<p>Guilty pleas convicted and the Court imposed the following; fine of \$400 for each of the two charges (\$800 in total);</p> <ul style="list-style-type: none"> • \$1,729.50 to the victims for reparation for direct costs incurred by them; • \$400 as reparation for emotional harm to the victims; • \$130 to the Court for costs; • \$339 for solicitors costs; and • Court order made for the destruction of the two dogs.
<p>Case Three A dog attacked a person on 19 April 2020;</p> <ul style="list-style-type: none"> • s 57 one charge laid for the dog attacking a person, and • s 42 one charge for failure to register dog. 	9 June 2021	<p>Guilty pleas convicted and discharged with no Court fines or costs. The Court only imposed the following;</p> <ul style="list-style-type: none"> • \$300 reparation payment to the victim; and • Court order made for the destruction of the dog.

Unregistered Dogs

Animal Control runs a project to identify and follow up any unregistered dogs, being the Unaccounted for Dog Check Project. As part of this project dogs were found that had been previously registered, but not re-registered for the 2020/21 registration year. Dog registration forms were sent out by the start of June 2020 and reminder letters were sent to all dog owners who had not paid their dog registration fees by mid-July 2020. Follow up included phone calls, emails and property visits to the last known address.

Dogs that were still in Marlborough and alive were correctly registered. Records were also updated for those dogs that had died, changed address or were gone with no contact address. Owners of unregistered dogs received an infringement notice under section 42 of the Dog Control Act 1996.

Microchipping

In April 2021, the total number of dogs microchipped in the Marlborough district was 8,102. Working dogs or dogs born before 1 July 2006 are not required to be microchipped.

At the end of April letters were sent to the 874 dog owners that are legally required to get their dogs microchipped that were not currently showing as being microchipped.

For the month of May Animal Control held a '*\$15 May Microchipping Special*' instead of the normal \$25 fee that Animal Control charges.

By 30 June 2021, the total number of dogs microchipped in the Marlborough district was up to 8,592 with 444 dogs still needing to be microchipped.

There is a plan in place to follow up with the remaining dogs which are not microchipped that are required to be over registration and when any property visits are undertaken as part of the unaccounted for dog checks.

Copy sent to: Secretary for Local Government
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