

# SOUTH WAIRARAPA DISTRICT COUNCIL

21 SEPTEMBER 2016

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## AGENDA ITEM C2

### ASSESSMENT OF A RESPONSIBLE DOG OWNER POLICY FOR SOUTH WAIRARAPA

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#### **Purpose of Report**

To enable Council to consider whether to adopt a responsible dog owner policy (RoP) for South Wairarapa.

#### **Recommendations**

Officers recommend that the Council:

1. *Receive the information.*
2. *That Council resolve to retain the current registration system at least until the amalgamation issue is resolved.*

## **1. Executive Summary**

Council has requested that the concept of a responsible dog owner policy (RoP) for the district be examined. This report sets out the findings.

The report outlines the necessary framework and operational requirements surrounding such a policy. Using this information the report then identifies relevant issues that might arise from the adoption of such a policy.

The report indicates that such a policy will be somewhat more complex and time consuming to administer and implement. Increased inputs to make the policy work have to be found from within the current resources.

This will place a strain on staff and the provision of normal services in this set up phase.

Other implementation issues (legal processes) mean that the policy could not reasonably be in place before the 2018-19 year which is only months before amalgamation, should that eventuate.

However, the report also shows that a RoP would enable deemed "responsible" dog owners to have a slightly reduced fee. It would likely encourage better dog control by dog owners who may want to qualify for registration under the Responsible Owner Policy.

## **2. Background**

Councillors have requested a responsible dog owner policy to be drafted. The nature and essential purpose of this policy is to acknowledge exemplary dog owners by offering a reduced registration fee.

## **3. Discussion**

### **3.1 Research**

The dog policies of a number of other Councils' have been reviewed. These Councils' include; Auckland, Kapiti, CHBDC, Hastings, Upper Hutt, Hutt City and Wellington.

All these Councils have a responsible owner policy in place and operational. The criteria used to establish RoP status are very similar for each Council

*(Please refer to Attachment 1- "Draft RoP" - this reflects closely what these Councils have adopted).*

In summarized form, all these Councils offer at least a 50 percent discount on the "standard" dog registration fee and charge an application fee.

There is a limited time frame when applications can be made. This is designed to allow sufficient time to complete all property checks and "paper work" before registration.

Only urban dog owners were able to apply for RoP status at these Council's.

### **3.2 Legislative requirements**

Any policy must be prepared in the accordance with the requirements of the South Wairarapa District Council Control of Dogs Policy 2013 and the Control of Dogs Bylaw 2013. It must also be prepared taking into consideration the requirements specified in the Dog Control Act 1996.

These provisions are not expected to cause any difficulty with setting up a RoP if that is Council's decision, but they will trigger the need for extensive legal processes to be followed.

The changes that would need to be made to the Policy and Bylaw (at least) relate to the registration types and fees sections so that they reflect the setting up of an RoP.

### **3.3 Responsible owner policy content**

As part of setting up a policy Council will need to have a clear focus on what it intends by way of a responsible owner as well as any dog covered by the policy.

It is suggested that the following meanings should apply.

*ROP Owner*

*A responsible dog owner complies with all the provisions of the Dog Control Act 1996, the Animal Welfare Act 1999, the South Wairarapa District Council Control of Dogs Policy 2013, the South Wairarapa District Council*

*Control of Dogs Bylaw 2013, and are of low concern to the public and require little attention from council's ACO's.*

#### *ROP Dog*

*A responsible owner's dog is one that is well behaved in public places, is not aggressive, does not wander or cause other forms of public nuisance.*

In addition any policy needs to contain criteria and procedures for qualification and dis-qualification, and a time slot for applications and consideration of those applications that ties in well with the annual registration round.

The necessary provisions are set out in the draft.

### **3.4 Logistics**

As set out in the draft policy there are extensive procedures to be undertaken if Council is to have an effective and meaningful process to vet owners/dogs suitability for RoP status.

A detailed property inspection would be required as well as obtaining a clear picture of the owner and their awareness of the requirements/criteria to become and remain a responsible owner (interview/questionnaire).

Among the Council's with an RoP in place, these activities are considered to be demanding of staff time.

### **3.5 Current Council fees and registration types**

Council's current registration structure recognises 5 basis classes of registration. These break down into effectively 3 types, neutered and unneutered dogs, and rural "working" dogs.

The numbers in each category are set out below for last year.

<b>TYPE</b>	<b>FEE</b>	<b>Number (2016)</b>
<b>Urban - Entire</b>	<b>\$95.00</b>	<b>210</b>
<b>Urban - Desexed</b>	<b>\$66.00</b>	<b>792</b>
Rural - Entire	\$64.00	405
Rural - Desexed	\$42.00	663
Up to 10 Rural Dogs - Flat Fee	\$210.00	787
Additional Rural Dog - Each Dog Over 10	\$20.00	(included above)
Dangerous Dog - Urban Desexed	\$99.00	1
Dangerous Dog - Rural Desexed	\$63.00	-

This current fee structure has an in built "reward" structure for dog owners based on whether a dog is de-sexed or not. There is also a "reward" based on location (urban vs rural).

The reward in both cases lies in the fee differential between the various types of approximately 30 percent. Recognising a de-sexed and/or in a rural area dog, is in fact, a form of responsible owner policy, but one that is simple in construct and easily administered.

Essentially if an owner opts to de-sex their dog or lives in a rural area, then a reward is given.

The focus on these factors reflects the fact that de-sexed dogs are generally (but not always) less likely to cause serious (attacks, biting behaviours) problems as the level of aggression is usually reduced. For rural dogs it recognises that neighbours are less likely to be affected by a dog behaving badly and therefore to complain causing a Council response.

However even when a dog is de-sexed or in a rural area, other issues can persist which are a cost for Council when complaints are made, for instance wandering and barking and to a degree aggressive (territorial) behaviour or causing a stock nuisance (chasing).

As such this approach while simple, can reward poor ownership as much as good ownership, as the only qualification is that the dog is de-sexed or in a rural area.

If an RoP is adopted the details of this current fee structure would need to be reviewed (for instance the neutered factor would need to drop out as this is but one factor in achieving RoP status for an owner). Any changes will then be identified and any necessary statutory adjustments required will be commenced.

### **3.6 Resources and funding**

In order to establish a measure of change and consequence from any decision to adopt an RoP, a scenario based assessment has been developed. This is by no means meant to be absolute, it is simply a way of identifying what may happen (changes in ownership patterns, budget impacts, resource requirements) once a policy is in place. The idea of this is to help inform Councils decision making.

#### **3.6.1 Resources**

Firstly it has been estimated (based on other Councils experience and our dog numbers/categories) that approximately 20 – 30 hours of work will be required prior to the RoP status taking effect along with all necessary changes to the current system and status of owners. This would enable new registration forms, consequent IT changes, letters advising of the change, advertising of change, and many other incidental matters to be dealt with.

Secondly it has been estimated that the initial transition to an RoP will require a minimum 2 to 3 full months to be set aside for the start-up inspections and certification of RoP individuals. This would broadly equate to 50 percent of the time of both Bylaw Officers for 3 months (1 FTE).

Thirdly that there will be a 10% fluctuation each subsequent year in ownership types after the establishment year, may settle down to something less than the initial figure, possibly 1 month each year.

The above estimates are based on the following; that approximately 360 dogs are able to apply for this status immediately. That to process these 360 dogs in terms of inspections/documentation in one month would require 20 working days equivalent assuming 1 FTE is applied to the task. That in turn would mean completing 18 inspections every day at 1 inspection every 25 minutes.

This assumes people could be available every 30 minutes during the day and does not allow for travel times. Allowing 2 months for inspections will still require 9 inspections every day (3.75 hours a day) without travel time. Therefore, ACOs would require a structured schedule within one township to minimise travel times. This could be achieved with 1 ACO at 0.5 FTE.

This is clearly impracticable, hence the longer estimates of 2-3 months.

### **3.6.2 Implementation issues**

In setting up an RoP there are other significant steps to undertake. The policy for responsible owners would need to be imbedded into the Council's Control of Dogs Policy and also the relevant Dog Control Bylaw. To do this requires an extensive process under the Local Government Acts special consultative procedure (Section 83). This would take up to 6 months to complete once all the necessary documentation could be prepared, if hearings are allowed for. In reality this process could not be commenced until February next year.

It would also require significant changes to the way the dog module within the Magiq system to be developed and installed. This would take some months to develop and install to fully operational status.

Lastly, the proposed process for qualifying for RoP will require significant one off inputs by staff. These would not be able to be handled in much less than 1 - 2 months (includes drafting documentation such as application forms, letter templates, notices), while the physical inspection of applicant sites would need to be spread out over a very long period (estimate is 3 months additional total work initially) to make it manageable and to ensure that normal work can also be covered.

These factors together mean that Council could not commence an RoP registration for the 2017-18 year, meaning its earliest commencement would be for the 2018 - 19 year, only a few months before amalgamation should it eventuate.

### **3.6.3 Budget Impacts**

Funding impacts would be determined by the base fee that was set for an RoP owner, as all other fees (within the area that an RoP would apply) would need to be higher so as to both "incentivise" and "reward" such owners relative to other dog owners.

In relation to whatever fee structure exists, the underlying reason for fees has to be kept in mind. The fees set by Council are a user pay charge on all dog owners to enable the effective and efficient operation of Council's dog

control activities as required by the Dog Control Act. This includes registration itself as well as incident response and management.

At present Council has a funding policy objective of 90 percent of the cost of dog control services coming from dog owners with the balance from rates. This is because Council has assessed a 90 percent private benefit and 10 percent public good component with this activity.

This funding approach has simply been applied to the scenario around an RoP being introduced.

As with all incentive systems, an RoP can be expected to work over time. The change in behaviour an RoP reduced fee seeks, should result in more owners, in fact the majority, achieving RoP eventually (say within 3-5 years).

Even under the current structure the fee differential between de-sexed/entire has led to a more or less 80:20 split in owner types in the urban area. The fiscal impact of this is to reduce revenue but not costs - given the work to be done remains reasonably constant - unless the base fee rises.

The question here is "does the base work required to be undertaken remain constant". Experience at other Council's suggests it does, even if the composition of the work shifts slightly.

With an RoP, a reduction in incidents resulting from poor ownership of a dog occurs due to dog owners with RoP status being more knowledgeable and better owners. This time reduction though is largely offset and sometimes exceeded by the inputs required to run an effective RoP system, especially the inspection component.

If work levels are reasonably constant then the reduction in revenue becomes a problem. Council cannot cut costs to balance income with expenditure. This means adjusting the base up again even if non RoP owners are charged more; it is simply a function of the fact that the mass of dog owners is required to generate a sufficient income for operations. The alternative is to increase rates inputs but this would require Council to change its funding policy.

The outcome of all this is that an RoP will in practice improve dog ownership and behavioural outcomes but will not reduce overall costs and funding needs.

Because of that, an RoP lower fee incentive could initially see charges reduced (because the mass of dogs would not qualify straight away) but within 2-3 years the base fee could have to be increased to run the dog control activity (because the mass of dogs would qualify by then).

If the base fee did not rise then punitive fees for non RoP owners would be needed, which perversely, would then incentivise the remaining non RoP owners to qualify. Alternatively rates inputs would need to increase.

The fact is the remaining owners are likely to be the ones who do not register in the first place and if they do, they remain the cause of most of the behavioural problems we have to deal with.

We do have a fairly strong approach to these types now in that we issue fines quickly and seek to enforce them. Charges have been increased for impounding's as well. This has increased our revenue from those causing the "problem" but it will never be enough to fund all activities.

What all this indicates is that the adoption of an RoP cannot be on the basis of achieving long term fee reductions for such owners, unless there is a commensurate change in the funding policy to enable more rates to be applied.

This may be a fairer outcome but needs to be discussed from the requirements of setting a new funding policy rather than just the adoption of an RoP.

### 3.7 New fee structure for RoP system

If an RoP approach is adopted based on the concepts covered in this report and the draft in appendix 1, only two of the current fees would change. These are the urban entire and urban de-sexed. These would be deleted and replaced with urban RoP and urban Non-RoP.

The table below shows the current classes and fees and the new fees that could result from going down the RoP path for urban dog owners.

## Current and Proposed Registration and Fee Structure

<i>Class</i>	<i>Fee 2016/17</i>	<i>New Class</i>	<i>New Fees</i>
<b>Urban - Entire</b>	<b>\$95.00</b>	<b>Urban Non RoP</b>	<b>\$110.00</b>
<b>Urban – Desexed</b>	<b>\$66.00</b>	<b>Urban RoP</b>	<b>\$60.00</b>
Rural – Entire	\$64.00		
Rural - Desexed	\$42.00		
Up to 10 Rural Dogs – Flat Fee	\$210.00		
Additional Rural Dog – Each Dog Over 10	\$20.00		
<b>Dangerous Dog – Urban Desexed</b>	<b>\$99.00</b>		<b>\$165.00</b>
Dangerous Dog – Rural Desexed	\$63.00		

If all current urban de-sexed dogs had RoP status, the "loss" would be around \$4800, while the gain from a higher fee for the dogs which do not

qualify would be \$3000 (overall -\$1800). The loss derived from the fees shown in the table is a relatively modest figure.

These figures are based on retaining the current more or less 80:20 split for de-sexed and entire dogs. Given the financial incentive to change is \$50.00 in the suggested structure; it could mean that more owners will migrate to RoP overtime and so this "loss" could grow. However it should also be noted that for at least year one the loss would likely be less. If the fee reduction increased to say \$10 for RoP owners then the net loss could grow to \$5000 overtime.

### **3.8 RoP benefits**

While reducing fees can be an outcome (at least initially), as noted above it is not really a feasible benefit long term. Council simply does not have the economies of scale necessary for it to work. The question then arises, "what are the benefits of an RoP".

An RoP places a strong emphasis on dog owner knowledge and the avoidance of problem behaviours. It also focusses on the housing of dogs (animal welfare) and managing bad behaviours by site layout.

This will help reduce, perhaps significantly, "minor" bad behaviours of dogs such as annoyances for others as well as some of the semi aggressive behaviours that can trigger more serious incidents such as attacks (e.g. barking at passers-by from behind a front fence or hedge). Barking problems and other nuisance events should be reduced, as if such an incident were proven, it would lead to loss of RoP status and higher fees.

The management of these lesser issues through an RoP system, while requiring increased front end investment by Council, would help officers focus on the more serious behavioural issues that can arise with dogs.

An RoP would result in a general upgrading of expectations for dog owners and so is seen as a pathway to a better managed, and cared for dog population. This outcome is not only good for dog owners and their dogs, but for everyone. It reflects a shift from the current reactive way of working to a mixed model of preventative management and response.

## **4. Conclusion**

Implementation of a Responsible Owner Policy is a difficult and complex process that will take some time to complete. Shifting the emphasis of Council's dog control system from its current response focussed mode to one with a stronger element of pro-activeness is desirable.

Such a change does not greatly reduce the base fee currently charged to owners so any change requires upward adjustment of the fee that would be applicable to non-qualifying owners so as to create an effective differential (incentive).



## **5. Appendices**

Appendix 1 – Draft Responsible Dog Owner Policy

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**Appendix 1 – Draft  
Responsible Dog Owner  
Policy**

# South Wairarapa District Council

## DOG CONTROL

**Responsible Owner Policy (to be incorporated into a revised Control of Dogs Policy)**

### Introduction

#### Background

The purpose of this policy is to encourage exemplary dog owners by offering advice, education and a reduced registration fee relative to other owners.

#### Legislative Requirements

This policy is prepared taking into account the requirements of the South Wairarapa District Council Control of Dogs Policy 2013 and the Control of Dogs Bylaw 2013.

It also takes into consideration the requirements specified in the Dog Control Act 1996.

### Definitions

#### Responsible Owner

A responsible dog owner complies with; the Dog Control Act 1996, Animal Welfare Act 1999, South Wairarapa District Council Control of Dogs Policy 2013 and the South Wairarapa District Council Control of Dogs Bylaw 2013.

*Note : Owners in this class are likely to be of low concern to the public and require little attention from ACOs. This is recognised by Council through offering a comparative reduced registration fee.*

#### Responsible Owners Dog

A responsible owners dog is one that is trained and consequently well behaved in public places, is not aggressive, does not wander or cause other forms of public nuisance, is under control at all times, is healthy and fit.

*Note : These dogs need to be encouraged by Council as an exemplary benchmark to further incentivise these dogs becoming more widespread within the community.*

#### Legislation

All other definitions used in this policy are defined in other legislation, particularly the Dog Control Act 1996 and SWDC Control of Dogs Bylaw 2013.

#### Urban site

An urban site is a property is “zoned” for an urban purpose in the Wairarapa Combined District Plan (WCDP) and on which urban rates are levied or which is shown in the WCDP as a rural settlement.

## **Policy**

### **Aim**

This policy aims to set a benchmark for high standards relating to a proactive dog control system within SWDC.

### **Purpose**

To encourage the public by providing advice and education on how to care for and manage their dogs while offering a financial benefit through lower comparative registration fees for dogs.

### **Outcomes**

1. Dog owners can demonstrate that they have adhered to the requirements of responsible dog ownership for at least the previous two years.
2. Public nuisance associated with uninformed and/or problematic owners/dogs is reduced.
3. A safer community is created where dogs are enjoyed and appreciated and kept in a healthy and happy state.

## **Criteria**

### **Applications**

1. Only dog/s owners located on an urban site can apply for this status.
2. Applications can be made anytime, but will only be reviewed during the month of March each year after a 1 year transition to the new policy is complete.
3. Property inspections will be carried out during the months of April/May.
4. A questionnaire must be completed at the time of application-a pass is a 100% score.
5. The required fee is paid when the application is submitted.
6. Any changes in address or phone numbers shall be notified to the Council within 1 month of the change.
7. The application shall not be processed if the applicant has had enforceable and confirmed (in the opinion of an authorised officer) complaints made about their dog(s) within the last 2 years.
8. The owner shall have registered the dog by due date (31<sup>st</sup> July) each year with the South Wairarapa District Council for more than 2 years. Alternatively, new residents who have had a dog registered at another Council for the previous two years as a responsible dog owner are eligible.
9. Once the status has been achieved, this will stand until something triggers a loss (***see Ineligibility***).

### **Dog(s)**

1. Dog/s must be micro-chipped
2. Dog/s must be de-sexed
3. Dog(s) shall have successfully completed a Council recognised dog obedience training course.

### **Site**

1. Dog owners who rent the properties they live in must have written consent from the land owner stating they are able to house dog(s) on the property and how many.
2. The property shall have a well-maintained fence that restricts the dog from accessing or viewing the front yard, or alternatively have a kennel and attached run, or alternatively, the dog may reside entirely within the residence.
3. A clean, healthy and safe environment shall be provided for the dog(s).
4. A shelter shall be provided as well as water and food at all times in accordance with the Animal Welfare Act 1999 for the dog(s).
5. Entrances to the property shall display suitable warning signs that a dog(s) is/are present on the property.

### **Ineligibility**

1. Owners who have dogs that are classified as menacing or dangerous under the Dog Control Act 1996 cannot apply.
2. Any breaches of the criteria in the opinion of an Authorised Officer shall result in the cancellation of Responsible Owner status and exclude the owner from reapplying for two full registration years and any part of the year in which they are deemed ineligible.
3. If the applicant is unsuccessful with an application for Responsible Owner status (e.g. fails the questionnaire or property inspection) then they shall be ineligible to reapply until the next registration year.

### **Timing of Process**

March:

- Applications processed once fee is paid.
- Questionnaire submitted and eligibility criteria reviewed.
- Letters sent to applicants who have not met eligibility requirements .
- Successful applicants contacted to arrange a property visit.

April/May:

- Property visits.
- Letters sent to applicants who fail the property inspection.
- Applicants who pass the property inspection notified and owner status changed to responsible owner for the next registration year.

June:

- Registration.

### **Procedures**

- 1) Once application and payment is made, an Animal Control Officer will check for completeness and compliance with the following;
  - a) Application received (application fee is paid), details are correct.
  - b) Dog registered with SWDC “on-time” for previous 2 years or is a responsible dog owner from another Council for previous 2 years.
  - c) No record of any incidents, complaints, classifications for the previous 2 years.
  - d) Up to date contact details, address, location, microchip, de-sexing certificate/document, DOB.
  - e) For rented property, record of landlord acceptance provided.
  - f) Assess questionnaire answers, record a pass for applicants scoring 100 percent.
- 2) Letter sent to inform the applicant of outcome.
- 3) If criteria met, contact made with owner to schedule a property inspection.
- 4) Inspections undertaken in April and May each year; no other time.
- 5) Inspection to verify:
  - a) Standard of fencing/kennelling that complies with the Welfare Code.
  - b) Fencing /screening that restricts the dog to the rear of the site and ensures that the dog has no line of sight to the sites frontage.
  - c) Supply water, food, shelter that complies with the Welfare Code.
  - d) Signs at entrances to site notifying people there are dogs on the property.
  - e) Yard/kennel is free of faeces.
  - f) Dog is fit and healthy and is micro chipped (test).
- 6) Letter sent to inform the applicant of outcome ( if a fail will set out the reasons).
- 7) The owner group changed in NCS.

### **Revocation**

Any owner can and will have their Responsible Owner status revoked immediately if in the opinion of an authorised officer of Council;

1. the owner does not comply with any provision of the Dog Control Act 1996.
2. the owner does not comply with any provision of the Animal Welfare Code.
3. the owner does not comply with any provision of the South Wairarapa District Councils Control of Dogs Policy 2013.
4. the owner does not comply with any provision of the South Wairarapa District Councils Dog Control Bylaw 2013.
5. Upon conviction for a dog related offence (by way of either an infringement notice or prosecution).