



CONFERENCE 16/17th April 2007 Duxton Hotel Wellington

CASE STUDY

Common Dog Control Polices and Bylaws across the Auckland Region

Auckland Regional Council, Rodney District Council, North Shore City Council, Waitakere City Council, Auckland City Council, Manukau City Council, Papakura District Council, Franklin District Council

Presenter

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Executive Summary

This was a joint venture involving all the local authorities in the Auckland region. The initiative was a response to the requirements of the Local Government Act 2002 (LGA) and the Dogs Control Act 1996 (DCA). It was instigated on the basis that;

- it would be more efficient for the Councils to work together in the development of their dog control policies and bylaws;
- it would be more convenient, and less confusing, for the public to have a common set of dog control policies and bylaws across the region;
- a common set of policies and bylaws would be easier to administer and police.

These objectives have not been fully realised. The aim of having a common set of bylaws tended to fall apart when local variations emerged as a result of the public submissions and the fact that each council processed their respective bylaws separately and over different time periods. Nevertheless, while the resulting sets of dog control policies and bylaws are not identical they do contain similar approaches, have a similar look and contain similar definitions.

The greatest advantage of a shared approach has been the fact that the local authorities could share their experience and expertise, particularly in the administration of dog bylaws. There were also costs savings in sharing legal opinions and employing a single consultant to prepare templates for the bylaws and associated documents, such as public notices and promotional material. The group established to undertake this work has been used subsequently as a peer reference groups for other bylaw work.

The Problem or Issue / Initial Environment

In considering the implications of Section 158 of the Local Government Act 2002, namely the need to review all bylaws within five years of the Act coming into force, the Auckland Chief Executive Officer's Forum (CEO's) decided that it would be more efficient if the local authorities worked together to review their bylaws. An officials steering group was established, with all the local authorities represented on it, to oversee the review of a raft of local authority bylaws. Some of the Councils were confronting a number of tricky issues, such as the control of prostitution, which clearly had cross-boundary implications and there was seen for a need for a coordinated response. The dog bylaws were also seen as one that would benefit from a collective approach. Given the general level of interest and anxiety over issues likely to be raised by the review of some of the bylaws and the directive coming

from the CEO's Forum, there was initially a general willingness to participate in the process. However, the level of commitment tended to wane later in the process in the case of the dog bylaws.

Dog owners tend to be very mobile within a large metropolitan area with few recognised dog exercise areas. People tend to live in one jurisdiction but frequent other districts in order to exercise their dogs. The situation was of particular interest to the Auckland Regional Council (ARC) as the ARC has 25 regional parks spread across every territorial local authority in the region (except Papakura District). The ARC had previously administered its own dog control policies and bylaws. However, the Dog Control Act 1996 clearly places the power to prepare and administer dog control policies and bylaws for all public places, which includes the regional parks, with the relevant territorial local authority. In the interests of consistency the ARC agreed that it should be party to this exercise. And, because of its interest in the topic and its relative neutrality, it was decided that the ARC should chair the Dog Bylaws Working Group.

The Dog Working Group was made up of officers from each of the local authorities, the Department of Conservation (DOC) and the Auckland Regional Council. The officers involved were those who were responsible for the developing and overseeing the administration of dog control policy and bylaws but were not necessarily involved in on the ground policing of the bylaws. In many cases the policing was contracted out. While DOC have no direct responsibilities under the Dog Control Act, they had just put in place dog exclusion areas under the Conservation Act and were keen to ensure these were recognised in the review of local bylaws. The Group met under the Chair of the ARC, but each officer was responsible for reporting back to their constituent authorities through their internal lines of responsibility and to the relevant political Committees.

Description of the Project / Response

The Dog Bylaws Working Group engaged a consultant to assist in the development of the bylaws. It was decided that a template be developed for the bylaws, using similar layout, terminology and definitions. This would then be adapted by each council to fit their circumstances. The major potential differences being between the rural and urban councils.

It was also decided that in the interests of sending consistent messages to the public that we would use common promotional material including a booklet describing the bylaws in simple terms. Some councils had used explanatory booklets in the past and had found them helpful in educating dog owners about their obligations. In fact, a number of Councils saw education as their primary management tool with the bylaws acting as the legal backup. The use of the internet and ensuring common messages on the Council websites was also a consideration. There were also attempts to get a common approach to using maps to describe dog management area, however some Councils have used descriptions or a combination of maps and descriptions. There was also an attempt to use common definitions for matters such as the definition of summer periods or hours of restriction.

On a number of occasions it was necessary to obtain legal opinions on various matters. In some cases some councils had already obtained an opinion and could share this with the Group or one council was commissioned by the Group to obtain the relevant legal advice. A template for the public notification was also developed and used by most council.

While all councils participated in the Dog Bylaws Working Group, some of them decided that there was little wrong with the way they currently expressed their bylaws and decided not to make full use of the templates developed by the Group. Furthermore, the attempts at developing a common approach tended to unravel once the public consultation processes began. In an attempt to satisfy local sensitivities and to reflect local circumstances the original template was not adhered to.

This may in part have been a result of the fact that the elected representatives not, having understood the reasons or shared the commitment to greater consistency across the region. It was also a reflection of the fact that the officers involved in developing the dog control policy and bylaws, were not necessarily the same people involved in the management of the public consultation process and the administration of the policy and bylaws.

Future ventures of this nature will need to give greater attention to ensuring that all parties, and the relevant parts of the parties, are more fully appraised of the intentions behind the project. This is especially important for those in middle management in charge of the different functional groups within the councils. A more effective risk analysis and communications plan may have helped. It would be necessary however to keep these under regular review to ensure that emerging issues are dealt with before they become a problem.

Results – Financial and Service Level Impacts

While it might be said that the attempt to get greater consistency across the region was not fully successful, there were nevertheless considerable benefits in working together on this project. There was the opportunity to keep costs down. Rather than each council separately employing consultants and obtaining separate legal advice and the like, the costs were shared by the Group. The total cost of the joint exercise was about \$18,000 (plus staff time) which would have been replicated 8 times if each council had undertaken the exercise. The costs were distributed on the basis of the relative population numbers in each council area with the ARC sharing the same proportion as the larger territorial councils. This was a considerable benefit to a smaller council such as Papakura District Council.

The major benefit however came from being able to share our collective experience and expertise. A body of expertise now exists with a number of people in the region that can be drawn on from time to time. The Group has continued to act a peer reference group for people working on other bylaw issues and in implementing the dog bylaws themselves.

Prospects / the Future

One interesting issue has arisen since putting the bylaws in place as it relates to the regional parks. The assumption was that the relevant local authority bylaw would apply to the regional parks and that the regional park rangers would be warranted to act as dog rangers, in terms of the Dog Control Act, on the regional parks. The respective councils would provide the formal backup if dogs needed to be impounded and would process any formal prosecutions. This has proved to be a logistical problem for the ARC for two reasons. These are;

- There are over 80 regional park rangers spread over six different local authority areas. It has been necessary to get these rangers warranted by the councils. This may mean repeatedly going back to each local authority to have new staff members warranted on a regular basis.
- While two councils have warranted the ARC staff without question, two others will only do this after the ARC staff have undertaken appropriate training, which one council says will necessitate them obtaining a Certificate in Animal Management, which is a twelve month part-time training course. The basis of their argument is that the Act does not allow for partial warranting. Dog control is not a major part of a regional park ranger's job and there are higher priorities for training resources. An alternative, which is being explored, is for the ARC to pay for any additional dog control services from the relevant local authority on the regional parks. The ARC is working directly with the relevant territorial local authorities to resolve the issue. However, should it become necessary the ARC will refer the matter back to the Working Group for further consideration.

Another issue was the lack of commitment to the process by some councils. While the process was endorsed by the CEO forum, it was not necessarily endorsed, or probably understood, by elected representatives and middle management within each local authority. With hindsight, it would have been prudent to have got more formal endorsement from middle management prior to the commencement of the process.

However, despite these minor reservations, the process has proved to be valuable, if for no other reason than that it established a recognised body of expertise within the region that can be called upon by the member councils.

Adaptability / Transferability

Joint council ventures of this nature are useful where there is a need to develop policies and bylaws with a common or similar look, particularly where the policies extend over a number of jurisdictions but deal with similar issues. This becomes particularly critical if a more restrictive or liberal approach in one jurisdiction could lead to people finding the least line of resistance thus shifting the burden of administration to another jurisdiction.

Even where similar policies are not necessary, there considerable advantages in sharing costs and avoiding duplication on matters such as expert advice, legal opinions, advertising and promotion, as well as sharing experience.

Conclusions

I would highly commend consideration of joint council ventures. The benefits can extend beyond the immediate goals of the exercise in the form of establishing mutual understandings, expertise and ongoing relationships that make for more efficient and effective governance across local authority boundaries.

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