

12 December 2019

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Regulatory Services
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Our reference: DIV/19/8755

Dear [REDACTED]

Request for Information – Local Government Official Information and Meetings Act 1987

We refer to your email request dated 3 December 2019 for a number of requests relating to the enforcement of the Dog Control Act and stationary and moving vehicle offences under the Land Transport Act and associated legislation.

Your request has been processed according to the provisions of the Local Government Official Information and Meetings Act 1987 (the "Act").

Your request for information has been granted, and answers to your requests are below:

Dog Barking

1. What criteria does the Council and/or its Animal Management Officers, dog control officers or dog rangers use to decide whether or not the barking of any dog is loud?

Whether it is validated to be proven to be producing a lot of noise with a great deal of volume.

2. What criteria does the Council and/or its Animal Management Officers, dog control officers or dog rangers use to decide whether or not the barking of any dog is persistent?

Validated to be continual over a prolonged period 10 to 30 minutes or intermittently for 60 minutes.

3. What criteria does the Council and/or its Animal Management Officers, dog control officers or dog rangers use to decide whether or not the barking of any dog is creating a nuisance pursuant to Section 55(1) Dog Control Act 1996?

Based on complainant information and how it is affecting them.

4. What criteria does the Council and/or its Animal Management Officers, dog control officers or dog rangers use when deciding whether or not to issue an abatement notice pursuant to Section 55(1)(b) Dog Control Act 1996?

Based on validated monitoring from ACO and proof from information provided by the complainant.

5. What criteria does the Council and/or its Animal Management Officers, dog control officers or dog rangers use when deciding whether or not to issue an infringement notice or commence a prosecution for any offence related to dogs?

Previous history, whether it is an ongoing nuisance, proof of a breach, evidence provided and the seriousness of the offence.

6. Does the Council require that evidence used to justify enforcement action arising from a barking dog complaint be collected by a staff member of or contractor to the Council, rather than provided by a complainant?

Evidence is required from all three.

7. Does the Council require evidence from a bark recording device prior to issuance of an abatement notice or removal of a dog pursuant to Section 55 Dog Control Act 1996?

No we do not require evidence from a recording device.

8. Does the Council have a policy governing how its response to repeated barking complaints about a particular address is escalated (e.g. education after first complaint, warning after second, bark recording after third, etc)? If so, please provide details of that policy.

Yes we make every effort to discuss options and offer advice to resolve the barking.

9. Please provide details of any policies governing the Council's response to barking dog complaints – investigation, enforcement, abatement notices, removal of dog, bark recording, bark surveys, infringement notices, prosecution, identification of non-compliant owners, escalation of enforcement following repeated complaints. If those policies are documented in writing, please provide a copy of such.

There is a policy whereby ACOs work in accordance with the Dog Control Act Section 55.

10. For each of the years 2015, 2016, 2017 and 2018:

- **How many barking complaints were received by the Council in that year?**

2015- 941 , 2016- 902 , 2017- 973 , 2018- 844

- **On how many occasions in that year was it determined pursuant to Section 55(1) Dog Control Act 1996 that a nuisance had been created by the persistent and loud barking or howling of any dog?**

Unfortunately there is no time or resources to provide this information. It would involve searching through approximately 4000 requests for service.

- **On how many occasions in that year was a bark recording device used?**

None

- **On how many occasions in that year was an abatement notice issued pursuant to Section 55(1)(b) Dog Control Act 1996?**

Unfortunately there is no time or resources to provide this information. It would involve searching through approximately 4000 requests for service.

- **On how many occasions in that year was an infringement notice issued pursuant to Section 55(7) Dog Control Act 1996?**

None

Enforcement of Stationary Vehicle Offences

11. What evidence does the Council require before issuing a stationary vehicle infringement (e.g. a parking ticket) in respect of a vehicle?

The vehicle was on a public road. The road was within the controlling Authorities jurisdiction.

The offence was one that was listed in the Land Transport (Offences and Penalties) Regulations 1999. (Stationary Offences) or, listed in the Hutt City Council Bylaw Traffic, and Section 6 Land Transport (Road User) Rule 2004.

12. Does the Council require that any of that evidence be collected by a parking officer rather than being supplied by a member of the public? If so, what are the reasons for that policy?

Evidence may be collected by a parking warden relating to a parking offence observed by a member of the public.

There is no Council Policy however in cases where continual complaints are managed it may help resolve a complaint where evidence collected by a third party is accurate and that person can be called to give evidence in the case of a defended matter.

13. What is the Council's policy pertaining to reliance on photographs and/or videos provided by members of the public as evidence to substantiate that a stationary vehicle offence was committed?

Hutt City Council does not have a policy regarding photographs provided by members of the public.

14. For the purposes of evaluating evidence in support of a stationary vehicle infringement, does the Council consider a photograph of the vehicle clearly showing its registration plates to be sufficient evidence of the identity of the vehicle, or is there a requirement for further details (such as VIN) to be collected?

Generally, proof of the vehicle via a registration number is sufficient to support a stationary vehicle offence.

If the stationary vehicle infringement was in regard to false or misleading documents or particulars displayed, the VIN may be checked with the National Vehicle Register.

15. Does the Council issue moving vehicle infringements, for example for illegal use of a bus lane or violation of a multiple occupancy restriction? If so, what evidence is gathered by the Council to prove the identity of the offending vehicle and by whom is it gathered?

The Hutt City Council does not enforce any moving vehicle offences.

16. Please provide details of any policies and procedures for collection of evidence and issuance of infringements in respect of both stationary and moving vehicle offences.

Please see attached training power point which steps through a chain of evidence specifically slide 22.

17. Does the Council store evidence gathered in respect of stationary or moving vehicle offences under chain of custody procedures? If so, please provide details of those procedures and how the Council can prove that evidence such as photographs have not been altered between the time of the offence and the time evidence is presented in court.

The chain of evidence follows an electronic procedure where information is recorded at the road side.

Photographs and an electronic copy of the parking infringement remains with the parking wardens hand held device until the devices information is uploaded at the end of each day. The photographs are uploaded date stamped and the infringement information regarding time and date are recorded electronically on the data base.

No one has access to the data base except to reproduce the documents for enquiries or a pending court hearing.

Documents can only be reproduced exactly how they were stored at the road side.

If you require any more assistance, please contact me. My contact details are at the top of this letter.

Yours sincerely



Geoff Stuart
Divisional Manager Regulatory Services