

Notice is given that an ordinary meeting of the Environment and Planning Committee - Hearing Panel will be held on:

Date: Thursday 6 August 2015
Time: 3.00 pm
Venue: Tasman Council Chambers
189 Queen Street
Richmond

Animal Control Subcommittee

AGENDA

MEMBERSHIP Crs S Bryant and T Norriss

(Quorum 2 members)

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Note: The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted.

AGENDA

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2 REPORTS

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2 REPORTS

2.1 DANGEROUS DOG CLASSIFICATION HEARING

Decision Required

Report To:	Animal Control Subcommittee
Meeting Date:	6 August 2015
Report Author:	Ross Connochie, Administration Officer - Regulatory
Report Number:	REP15-08-01

1 Summary

- 1.1 Ms Violet Heather Sylva has requested a hearing in support of her objection to the dangerous dog classification imposed on her dog (Sundah) following a Dog Attacking Person incident on 24 May 2015. The objection is made under the Dog Control Act (DCA) 1996 Section 31(3).
- 1.2 Sundah is a brown female Australian Kelpie Cross. Ms Sylva is the registered owner of Sundah.
- 1.3 Staff strongly recommend that the dangerous classification be upheld.

2 Draft Resolution

That the Animal Control Subcommittee

- 1. Receives the Dangerous Dog Classification Hearing report; and**
- 2. Upholds the dangerous classification, or**
- 3. Rescinds the dangerous classification.**

3 Purpose of the Report

- 3.1 To explain the process and reasoning behind the imposition of the dangerous classification.

4 Background and Discussion

- 4.1 The complainant was returning a wandering dog to its place of residence at 14 Fry Street Motueka. On entering the property the complainant opened a gate and took the wandering dog through it, two other dogs appeared from the rear of the property, they were barking and aggressive. As the complainant was exiting the property one of these dogs attacked and bit her on the back right thigh. This dog has since been identified as Sundah. As a consequence of this attack Sundah was classified as a dangerous dog.
- 4.2 On the 27 May 2015 Ms Sylva advised Animal control Officer Craig Crowley by phone that it could have been her dog Sundah who attacked the complainant. As there was another dog similar in appearance to Sundah on the property at the time of the attack Craig took both dogs to the complainant's residence. Sundah was physically identified by the complainant in the presence of Craig. The complainant stated that she was 90% certain that Sundah is the attacking dog.
- 4.3 In both a written statement and video recorded interview Ms Sylva states that although she did not witness the attack it is her belief that Sundah would not bite but could have, and had previously, jumped up on her, and that the bruising and puncture wounds were caused by Sundah's claws.
- 4.4 Having viewed the video recording of the complainants identification of Sundah and taking into consideration Ms Sylva's statement that the attacking dog was likely to be Sundah, staff are satisfied that Sundah has been correctly identified as the attacking dog.
- 4.5 The DCA Section 31(1)(b) directs a territorial authority to classify as dangerous any dog which the territorial authority has, on the basis of sworn evidence attesting to aggressive behaviour of the dog on one or more occasions, reasonable grounds to believe constitutes a threat to the safety of any person, stock, poultry, domestic animal or protected wildlife. It was considered that taking into account the unprovoked biting incident Sundah poses such a threat; accordingly Sundah has been classified as dangerous.
- 4.6 In this instance, the effect Council is seeking by imposing the dangerous classification is as stated in the DCA 1996 Section 32(1), specifically Paragraph (a) "*that the owner of the dog must ensure that the dog is kept within a securely fenced portion of the owners property that it is not necessary to enter to obtain access to at least one door of any dwelling on the property*". It should be noted that a dangerous classification is the only legal means by which Council can require a dog owner to confine a dog in such a manner.

5 Options

- 5.1 Uphold the Dangerous Classification
- 5.2 Rescind the Dangerous Classification

6 Strategy and Risks

- 6.1 The dangerous classification requires the owner to confine their dog so as to allow access to at least one door of any dwelling on their property. It is the opinion of staff that rescinding the dangerous classification would put the public at unnecessary risk.

7 Policy / Legal Requirements / Plan

- 7.1 DCA1996 Section 31(4): The territorial authority considering an objection for a dog classified under Section 31 may uphold or rescind the classification, and in making its determination must have regard to;
 - 7.1.1 the evidence that formed the basis for the classification; and
 - 7.1.2 any steps taken by the owner to prevent any threat to the safety of persons or animals; and
 - 7.1.3 the matters relied on in support of the objection; and
 - 7.1.4 any other relevant matters.
- 7.2 The territorial authority must as soon as practicable, give written notice to the owner of;
 - 7.2.1 Its determination of the objection; and
 - 7.2.2 the reasons for its determination.

8 Consideration of Financial or Budgetary Implications

- 8.1 There are no financial considerations for TDC.

9 Significance and Engagement

- 9.1 This decision is significant in that it reflects council acting as an enforcement body in a fair and reasonable manner.

Item 2.1

10 Conclusion

- 10.1 Council has a responsibility to impose on the owners of dogs obligations designed to ensure that dogs do not cause a nuisance to any person and do not injure, endanger, or cause distress to any person. By upholding the dangerous classification council will be seen to be taking the action necessary to significantly reduce the chances of Sundah being involved in any future biting incident.

11 Video Evidence

- 11.1 There will be two video recordings shown at the hearing, one concerning the complainant and the other V Sylva.

12 Attachments

Nil