MEETING
AGENDA
Ngā Take

www.westernbay.govt.nz

Western Bay of Plenty
District Council

REGULATORY HEARINGS COMMITTEE

Komiti Whakariterite Kōrero

RH5
Wednesday, 12 July 2017
Council Chambers
Barkes Corner, Tauranga
10.00am

Te Kaunihera a rohe mai i nga Kuri-a-Wharei ki Otamarakau ki te Uru

Notice of Meeting No RH5
Te Karere

Regulatory Hearings Committee
Komiti Whakariterite Korero

Wednesday, 12 July 2017
Council Chambers
Barkes Corner
10.00am

Councillors: His Worship the Mayor G Webber (Chairperson)
P Mackay
D Marshall
M Murray-Benge
J Scrimgeour
M Williams

Media
Staff

Miriam Taris
Chief Executive Officer
Western Bay of Plenty District Council

Agenda approved for distribution:

Rachael Davie
Group Manager Policy, Planning and Regulatory Services

Regulatory Hearings Committee
Mangai o Te Kaunihera

Quorum:

The quorum for this meeting is two members.

Role:

Subject to compliance with Council strategies, policies, plans and legislation:

- To carry out quasi-judicial decision-making on statutory and regulatory matters, and to ensure the proper exercise of statutory and regulatory functions
- To administer and determine applications relating to:
  - Animal Enforcement Notices
  - Regulatory Hearings (Building and Health)
  - Building Consent Objections
  - Stock Droving Applications
  - Bylaw Administration and enforcement
  - Notified Planning Hearings and Resource Consents
- To monitor and review the Chief Executive Officer's management of policy decisions and programmes for which the Committee is responsible under delegated authority
- To make decisions on matters not delegated to the Chief Executive Officer
- To exercise all decision-making powers of Council within the Committee's delegated functions and in accordance with its role and to monitor performance of the delegated functions
- To monitor matters relating to consents functions as decided under delegated authority and make decisions on matters not delegated

Pursuant to the Resource Management Act 1991 to receive reports on appeals to the Environment Court on Committee or Commissioner decisions made in relation to Resource Management Act matters and to provide guidance to staff authorised to negotiate and settle appeals on Council's behalf

Chairperson Delegations:

- Pursuant to the Resource Management Act 1991 should there be insufficient time for staff to consult with the Committee on appeals to the Environment Court (in relation to decisions from the Regulatory Hearings Committee or Independent Commissioner decisions), the authority to provide guidance be delegated to the Chairperson and Deputy Chairperson with a report back to the Committee at the next scheduled meeting.
- The power to appoint hearings panels of appropriately qualified members and/or Independent Hearings Commissioners to hear and decide on specific applications should there be insufficient time for the Committee to meet to establish a Hearings Panel provided there be a report back to the Committee at the next scheduled meeting.
- Pursuant to the provisions of the Sale and Supply of Alcohol Act 2012 the power to appoint from the District Licensing Committee list of members a quorum of appropriately qualified members to hear and decide on specific applications.

General Delegations:

All delegated decision-making powers in respect to the following functions:

a) Resource Management

- Decisions on subdivisions and other non-notified applications for discretionary or non-complying activities recommended for refusal or otherwise referred to the Committee by the Group Manager Policy, Planning and Regulatory Services
- Hearings of and decisions on notified applications to which there have been objections
- Conditions of approval, extensions
- Changes or cancellation of consent
- Conditions of surrender of consents
- Hearings of and decisions on objections to decisions and conditions of resource consents in relation to applications decided under staff delegated authority
- Hearings of and decisions on notices of requirement

b) Animal Enforcement Notices, including:
   - Objection to classification as probationary owner
   - Objection to disqualification
   - Objection to classification as a dangerous dog
   - Objection to abatement notice – barking dogs
   - Application for return of dog
   - Application for release of dog retained for threatening public safety

c) Stock Droving and Speed Restriction Applications under the relevant bylaws

d) Regulatory Hearings (Building and Health)

Joint Hearings

- The power to conduct Joint Hearings with other local authorities where considered necessary in accordance with the provisions of the First Schedule of the Resource Management Act and as mutually approved by Council and the relevant other authority(ies).
- The power to appoint members and/or Commissioners to Joint Hearings Committees.
- Subject to the provisions of the Act Joint Hearings within the Western Bay of Plenty District shall be conducted in accordance with operational protocols and procedures approved by the Regulatory Hearings Committee from time to time.

Hearing Panels

The power to appoint hearings panels of appropriately qualified members and/or Independent Hearings Commissioners to hear and decide on specific applications as directed by the Committee.

Other

The Committee may delegate any of its functions, duties or powers to a subcommittee or joint committee subject to the restrictions on its delegations and provided that any sub delegation to subcommittees or joint committees includes a statement of purpose and specification of task.

The Committee may, without confirmation by Council, exercise or perform any function, power or duty in like manner, and with the same effect, as the Council could itself have exercised or performed them.

Agenda for Meeting No. RH5

		Pages
	Present **In Attendance** **Apologies**	
	Hearings	
RH5.1	**Objection to Dangerous Dog Classification - Ashleigh Attewell** Attached is a report from the Compliance and Monitoring Manager dated 16 June 2017.	6-31
RH5.2	**Objection to Menacing Dog Classification - Perry Catley** Attached is a report from the Compliance and Monitoring Manager dated 16 June 2017.	32-58

Western Bay of Plenty District Council

Regulatory Hearings Committee

Objection to Dangerous Dog Classification – Ashleigh Attewell

Purpose

This report is provided to assist the Committee in making a decision on an application to uphold or rescind a dangerous dog classification in accordance with section 31(1)(b) of the Dog Control Act 1996.

Recommendation

1. ***THAT the Compliance and Monitoring Manager's report dated 16 June 2017 and titled 'Objection to Dangerous Dog Classification – Ashleigh Attewell' be received.***

2. ***THAT the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.***

3. ***THAT pursuant to section 31(4) of the Dog Control Act 1996 the Regulatory Hearings Committee upholds the dangerous dog classification.***

OR

4. ***THAT pursuant to section 31(4) of the Dog Control Act 1996 the Regulatory Hearings Committee rescinds the dangerous dog classification.***

Alison Curtis
Compliance and Monitoring Manager

1. Background

1.1 On 4 November 2016 Ashleigh Attewell was issued with a notice classifying her dog, a female English Bull Terrier known as "Misty", as a dangerous dog in accordance with section 31(1)(b) of the Dog Control Act 1996 (see **Attachment A**) after Council received sworn evidence attesting to the dogs aggressive behaviour (see **Attachment B**).

1.2 On 4 November 2016 Council received a letter of objection to the dangerous dog classification (see **Attachment C**).

1.3 Miss Attewell has objected to the classification on the grounds that she does not believe her dog presents a threat to any person or animal.

1.4 The dog was classified as menacing under Section 33A of the Dog Control Act 1996 on 1 November 2016. This classification was due to an incident on 27 October 2016 (service request number 226588) where Miss Attewell's dog attacked another dog in a public place causing it an injury that required veterinary treatment (see **Attachment D**). In addition, an infringement notice was issued to Mr Harley Buchanan, who was walking the dog at the time, for failing to control a dog (see **Attachment E**).

1.5 Following the incident on 27 October 2016 and as a result of a further and subsequent incident on 4 November 2016, an Attack Rating Report (see **Attachment F**) was completed to ensure consistency. This report resulted in the recommendation of "dangerous dog and infringement" at the higher end of the scale.

1.6 Miss Attewell has history of offending relating to her dogs roaming and attacking other dogs (see **Attachment G**).

1.7 Miss Attewell has provided information to Council that details only proposed steps that she will take to ensure the behaviour is mitigated, which include all of the requirements of the dangerous dog classification with the exclusion of desexing. It is noted that these proposed actions cannot be required as conditions of a hearing or any other Council process other than through a formal classification.

1.8 Miss Attewell has been offered free desexing of Misty through the desexing funding provided to Council from the Department of Internal Affairs' national programme to reduce harm from high risk dogs. Miss Attewell has not accepted Council's offer at this time.

1.9 Actions that officers would expect to be undertaken to prevent further risk include: means of confinement for the dog on the property, muzzling in a public place, corrective behavioural training through an experienced and qualified trainer, desexing, and owner participation in behavioural correction over an effective period of time with demonstrated improvement. None of these actions have been undertaken to date by Miss Attewell in appeal of the classification notice.

2. Legislation

2.1 Section 31(1)(b) of the Dog Control Act 1996 ("the Act") applies to a dog that:

"the territorial authority has, on the basis of sworn evidence attesting to aggressive behaviour by 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."

2.2 Section 31(3) of the Act offers a right of objection to a dangerous dog classification by lodging a written notice within fourteen (14) days after receiving the notice.

2.3 The criteria Council must apply to this application are set out in Section 31(4) of the Act:

"*When considering any objection the Committee shall have regard to:*

a. The evidence which formed the basis for the original classification; and
b. Any steps taken by the owner to prevent any threat to the safety of persons and animals; and
c. The matters advanced in support of the objection; and
d. Any other relevant matters -

and may uphold or rescind the classification."

2.4 Council may uphold or rescind the classification only i.e. there is no provision to modify the conditions of the classification.

3. Significance and Engagement

The Local Government Act 2002 requires a formal assessment of the significance of matters and decisions in this report against Council's Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.

The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.

In terms of the Significance and Engagement Policy this decision is considered to be of low significance because the key impact of the decision applies to a single animal's classification under the Dog Control Act 1996.

4. Engagement, Consultation and Communication

Interested/Affected Parties	Completed/Planned Engagement/Consultation/Communication
Dog owner	Direct communication with dog owner.
General public	Dog Control Annual Report - publication on Council website detailing outcome of hearings.

5. Issues and Options Assessment

THAT pursuant to section 31(4) of the Dog Control Act 1996 the Regulatory Hearings Committee upholds the dangerous dog classification.

Advantages	Disadvantages
▪ Appropriate controls will be required for the individual dog that will reduce public threat. ▪ Consistent with Council risk management approach for ensuring public safety measures are in place. ▪ Victims of negative dog behavior can be satisfied that their concerns have been accepted by Council. ▪ Future incidents and complaints are reduced about this specific dog's behaviour. ▪ Neutering reduces wandering tendency.	▪ Dog owner remains dissatisfied with Council decision – increased compliance cost for owner.

THAT pursuant to section 31(4) of the Dog Control Act 1996 the Regulatory Hearings Committee rescinds the dangerous dog classification.

Advantages	Disadvantages
▪ Dog owner is satisfied with Council decision - reduced compliance costs and controls for dog owner	▪ Higher risk of negative dog behaviour. ▪ Increased risk of harm (e.g. bite) as dog will be not be required to be muzzled in public place. ▪ Dog remains unneutered. Increased wandering leads to "territory" behavior from dog for the area wandered, and higher risk of territorial behavior, e.g. defending area. ▪ Public perception that Council is "soft" on negative dog behaviour.

6. Statutory Compliance

The recommendation in this report complies with legislation and Council Policy.

7. Funding/Budget Implications

Budget Funding Information	Relevant Detail
	There is no budgetary or funding impact associated with the recommendations in this report.

Western Bay of Plenty District Council

PEOPLE • PLAN • PROGRESS

Head Office Barkes Corner, Greerton, Tauranga
Private Bag 12803, Tauranga Mail Centre, Tauranga 3143
Ph 07 571 8008 (24 hours) • **F** 07 577 9820
Freephone 0800 WBOPDC - 0800 926 732
E customerservice@westernbay.govt.nz
www.westernbay.govt.nz

ATTACHMENT A

01 November 2016

ASHLEIGH ATTEWELL
140 LITTLE WAIHI ROAD
RD 9
TE PUKE 3189

Service Request No:226588

Dear Sir/Madam

Notice of Classification: Dangerous Dog

This is to notify you that this dog has been classified as a dangerous dog under Section 31(1) of the Dog Control Act 1996.

Name:	**Breed:**	**Colour:**	**Sex:**	**Age:**
MISTY	TERRIER, BULL	WHITE & BLACK	FEMALE	4 yrs 2 mths
Dog Id No: 50301				
Authority: Western Bay of Plenty District Council				

This is because Council has reasonable grounds to believe this dog constitutes a threat to the safety of any person, stock, poultry, domestic animal or protected wildlife.

A summary of the effect of the classification and your right to object is provided below.

Yours faithfully

Animal Services Officer

Please read important information printed over the page

ATTACHMENT A

Dangerous Dog Classification

Notice of Receipt

I, Ashleigh Attewell acknowledge that I have today been issued with a notice classifying my dog (namely Misty) as a dangerous dog.

The details of the notice have been explained to me and I fully understand the requirements of the Classification. I also understand that I will be liable for prosecution and there **will** be an order for the dog's destruction should I fail to comply with any of the requirements.

It has been explained to me that I **must** within one month:

- fence the dog into a portion of the property, which it is not necessary to enter to obtain access to a door of any dwelling on the property.
- purchase a muzzle.
- provide the dog with adequate exercise; however not exercise the dog in a public place without the muzzle being worn.
- cause the dog to be neutered by a registered Veterinarian and provide to the Council a Certificate certifying that the dog has been neutered.
- if the dog has been desexed, a certificate is still required.
- cause the dog to be microchipped and provide to the Council a veterinary or implanter's certificate or make the dog available to verify the dog is microchipped.
- apply to Council for written consent to dispose of the dog to anyone else. Note: the dangerous dog classification must be explained to the new owner and the dangerous dog classification requirements remain with the dog.

Owner's Signature: _____

Officer's Signature: _____

Date: 04 / 11 / 16

ATTACHMENT A

EFFECT OF CLASSIFICATION AS A DANGEROUS DOG
Section 32 and 36A, Dog Control Act 1996

You are required –

(a) Within one month after receipt of this notice, to ensure that the dog is kept within a securely fenced portion of your property which it is not necessary to enter to obtain access to at least one door of any dwelling on the property; and

(b) Not to allow the dog to be at large or in any public place or in any private way, (other than when confined completely within a vehicle or cage), without

  i. The dog being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and

  ii. The dog being controlled on a leash (except in a designated dog exercise area); and

(c) To produce to the Western Bay of Plenty District Council, within one month after receipt of this notice, a certificate issued by a registered veterinary surgeon and certifying –

  i. That the dog is or has been neutered; or

  ii. That for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and

(d) Where a certificate under paragraph (c)(ii) is produced to the Western Bay of Plenty District Council, to produce to the Western Bay of Plenty District Council, within one month after the date specified in that certificate, a further certificate under paragraph (c)(i); and

(e) In respect of every registration year commencing after receipt of this notice, to pay dog control fees for that dog at 150% of the level that would apply if the dog were not classified as a dangerous dog; and

(f) Not to dispose of the dog to any other person, without the written consent of the territorial authority in whose district the dog is to be kept.

You will commit an offence and be liable on conviction of a fine not exceeding $3,000 or an infringement notice of $300.00 if you fail to comply with any of the matters in paragraphs (a) to (f) above. In addition, on conviction the Court must order the destruction of the dog unless satisfied that the circumstances of the offence were exceptional and do not justify the destruction of the dog.

A dog control officer or dog ranger may seize and remove the dog from you if you fail to comply with all of the matters in paragraphs (a) to (f) above. The ranger or officer may keep the dog until you demonstrate that you are willing to comply with paragraphs (a) to (f).

You will also commit an offence and be liable on conviction to a fine not exceeding $3,000 or an infringement notice of $500.00 if you sell or otherwise transfer the dog, or offer to do so, to any person without disclosing that the dog is classified as a dangerous dog.

Full details of the effect of classification as a dangerous dog are provided in the Dog Control Act 1996.

REQUIREMENT TO HAVE DOG MICROCHIPPED
Section 36A(1)(a), Dog Control Act 1996

You are required, for the purpose of providing permanent identification of the dog, to arrange for the dog to be implanted with a functioning microchip transponder. Within 2 months of the date of this Notice, this must be confirmed by providing a veterinary certificate or making the dog available to the Western BOP District Council.

You will commit an offence and be liable on conviction to a fine not exceeding $3,000 or an infringement notice of $300.00 if you fail to comply with this requirement.

RIGHT OF OBJECTION TO CLASSIFICATION
Section 31(3), Dog Control Act 1996

You may object to the classification by lodging with the Western Bay of Plenty District Council a written objection within 14 days of receipt of this notice setting out the grounds on which you object. You are entitled to be heard in support of your objection and will be notified of the time and place when your objection will be heard.

ATTACHMENT B

Service Request 226588

BEFORE THE WESTERN BAY OF PLENTY DISTRICT COUNCIL

IN THE MATTER OF: an application under Section 31 of the Dog Control Act 1996

AFFIDAVIT OF Lyn Howe **MAKING APPLICATION IN SUPPORT OF DOG CLASSIFICATION PURSUANT TO SECTION 31 OF THE DOG CONTROL ACT 1996**

I, LYN HOWE of _____ solemnly and sincerely ~~swear~~/affirm; that on Thursday the 27th of October 2016, at about 10:20pm I was walk my little dog on a public walkway in Maketu when all of a sudden a white English Bull terrier dog cam running a around the corner towards me and my dog. It ran straight for my dog who immediately ran away. The other dog chased mine and caught him by the chest and throat.
The dog's owner came running around the corner and started hitting his dog and tried to wrestling it off. It took several minutes for him to do so as he had no control over his dog and it did not respond to his commands. The dog had no collar on and he had no lead with him. He had to sit on his dog in order to give me a chance to take my dog to safety.

The attack was completely unprovoked and extremely vicious. The dog gave no ~~on waring~~ warning and showed no sign of interaction with my dog in a normal way. The injuries inflicted where very serious and so close to the jugular that my dog is very lucky to be alive.

In my opinion this dog is very aggressive and a danger to other dogs and to the safety of people, and that given the opportunity it will attack again.

Affirmed at or sworn at TAURANGA this 4th day of November 2016

Before me L Grose-Ames
~~Registrar/Deputy Registrar~~
~~A Solicitor of the High Court of New Zealand~~
A Justice of the Peace
4116

Signed: L Howe

ATTACHMENT C

Melissa Murton

From: Harley Bee <greenfirewater@hotmail.com>
Sent: Friday, 4 November 2016 2:57 PM
To: Melissa Murton
Subject: Re: Misty classifaction

To whom it may concern

I object to Misty who resides at 140 little Waihi road Maketu being classed as a dangerous or menacing dog as the incident that has occurred was the first of its nature. Misty is now 4 or 5 years old, she is never chained up or restrained unless she is in season. Misty is constantly around people and children. Our children are aged 7,6,5,4,3, and 1 and their friends as well as socialised with many other dogs and has never reacted in an aggressive or dangerous manner towards people or domesticated animals ever before.

I do however have an explanation in why the incident in question has occurred. Misty is naturally a rodent and rabbit hunter and we have often let her pursue this trait and have taken her to friend's farms and in the forest to hunt rabbits and rats as in the wild they are classed as pest type animal. It's because of this when we were walking in the reserve down from our road even though it's a walking track in Heine sight, I believe it has a real bush type setting which Misty would have related that to her usual hunting and as described in both mine and the victim's statements that both dogs were unleashed and came around a blind corner at full speed to each other. The victims dog ran and Misty instinctively chased and caught it, because of the other dog's size and physic had mistaken it for a rodent or rabbit type animal not a domestic animal. I solemnly swear if this was in a normal setting this incident would not have occurred. To prove this I am willing for Misty to undergo any temperament tests what so ever, Or I can record my own and make available for your viewing. This was entirely an accidental situational event of Misty mistaking the small dog to being a pest type animal that she usually hunts. Not the act of a dangerous or menacing dog.

Ild like to add also to stress the fact that this was hugely because of the environment played a huge part which caused this accident to occur ,Even misty been a rodent and rabbit hunting dog we have two rabbits at our property which she has never attacked or been aggressive towards because I believe she knows there is I difference when it's time for hunting or not but like I mentioned the over sight by my part the walking track would have given her a false sense of a hunting type setting because of the very bush type environment and she would have related this to her usual hunting environment and there for acting more instinctively. This would have never happened If this was in a different setting such as at home, walking the street, playing at the park or at the beach all of which we routinely have taken her to unleashed were allowed her entire life of 4-5 years without a single incident.

I find the restrictions and oblagations that come with a dangerous dog classifaction very unneccary as none of the restrictions and the reasons they are in place did not play a role in how the incident took place. i:e the restriction of her been confined to the back yard so people can enter is not necessary she has never acted agressivly towards any person that has came to our house/property epically the dog rangers as they can verify everytime they have came to our house they were able to enter with out problem and with out danger what so ever from misty even been able to easily pick her up and walk her to there truck nicely by her collar with out any resist from her at all when they came to seize her after the incident in question took place.

The restriction were she is to be nutered is unnecessary as it was over 2 months before this incident took place she had her last heat and she did not go in to pup at that heat so maternal instinks were not at play or the cause of the incident. How ever we are planning on getting her nutered not because of behaviour reasons but because of age and we are planning on having one last litter then will be getting her fixed and don't mind providing certificate to prove this.

ATTACHMENT C

As to provide council with piece of mind we don't mind when ever misty is anywere eles apart from our property she will remain on a lesh and/ or muzzeled at al times weather that be on good faith or if appropriate can sign some sort of contract that will ensure this will allways happen.

I have contacted a number of dog behaviourists to inlist there help in providing an outside and unbiest oppion of Misty's true nature and there oppion weather they think a dangerous dog classifaction is necessary. I have already discussed with mellisa the dog ranger and said we will allow also for council to do there own temprement test on Misty but was declined as it was said that the report may look biest and I accept that.

Please take the time to consider my objection and if not instantly reverse the decision of classing my dog a dangerous or menacing dog at the very least all I ask is to be able to prove in some way such as temperament tests from an out side dog behaviourist or other means you find fit as to provide you with more knowledge about my dog Misty's true nature rather than her entire nature been classed because of one unfortunate incident of mistaken idententity in a false environment.

The steps which we will take to ensure this or anything like this won't happen again will be:

1. She will be confined to our fully fenced and secure section at all times.
2. When out walking or exercising in public she will Allways be placed on a lesh and/or Allways be muzzeled any were eles apart from our properety
3. She will under go dog behavioural testing and/or training.
4. Even tho this incident happened 2 months after her last heat and she had no pups with that heat so maternal instincts didn't play a role in this incident we are willing to get her neutered after one last litter and will provide certificate verifying this.

Sent from Windows Mail

CONTACT CENTRE REQUEST

ATTACHMENT D

Call Number:	**226588**	**Links:**	
Call Type	ANIMAL ANIMAL - Dog attacked (and made contact)	**Priority Level:**	ROUTINE
Contact Name:	LYNNE HOWE	**Received:**	27 Oct 2016 01:09p.m.
Contact Address:		**Creator:**	JAC
Contact Phone 1:			
Contact Phone 2:			
Contact Phone 3:			
Contact Email:			

Temporary Phone:** **A/H Reference:**

**(For this call if different from contacts usual details)

CONFIDENTIAL

Call Details:

Dog attack on Lyns dog (small dog weight 7.5kg) - dog is in surgery now - happened in the Kotukutuku walkway in Maketu & dog (english bull Terrier) came around corner no lead, no muzzle etc ahead of the owner saw Lyns dog & charged. Dog was grabbed around the throat & was shaking him, dog was yelping. Owner tried to prise the dog off but it did take a long time & Lyn tried to pull the dog off - owner had to jump on dog wrestle him to the ground & attempted to get dog off, in the end the dog had nearly run of breath then let go, took a good 2 or 3 minutes to get dog off - owner then held onto the dog until Lyn & her dog had left safely. Dog has deep puncture wounds & won't know extent until operation is underway to know full injuries, but there were bites around the neck, chest & leg. Owner of the dog that attacked details are:

Harley phone 027 8058685, renting at 140 Little Waihi Road. Harley was trying to be helpful & was sorry that it had happened, he has no money to pay for the vet bills & would have to pay it off, mentioned putting the dog down.

Parcel: 1554 **Location:** LITTLE WAIHI ROAD **Area:** MAKETU COMMUNITY
Notes: LITTLE WAIHI ROAD

Call Dates (Targets):

Created on:	27 Oct 2016 01:09p.m.	**Schedule by:**	29 Oct 2016 01:09p.m.	**Complete by:**	03 Nov 2016 01:09p.m.

Offender Details:

Surname:	**Christian Names:**	**Owner ID**

Postal Address:

After Hours Phone:	**Day Phone:**

Dog Name:	**Dog ID:**	**Dog Name:**	**Dog ID:**

Action Taken:	**Date:**	☐ **Tick appropriate Box**	**Date:**
☐ Phoned Complainant		☐ Dog Impounded	
☐ Phoned Complainant		☐ Stock Impounded	
☐ Phoned Complainant		TP/KK/SPCA No:	
☐ Phoned Offender		☐ Infringement No A	
☐ Phoned Offender		☐ Infringement No A	
☐ Visit Location/Other		☐ Infringement No A	
☐ Visit & Interview Complainant		☐ Keeping unregistered dog	
☐ Visit & Interview Offender		☐ Other	

PEOPLE • PLAN • PROGRESS

Western Bay of Plenty District Council

ATTACHMENT D

Personal Statement I.F.2 (a)

SR: 226588

Date: 27/10/2016

Time: 1428hrs

My name is LYN HOWE.

I reside at

Phone

I am Years old, my date of birth is

I am employed as a Statement taken by Melissa Norton

This is my statement, the statement is true and I make it with the knowledge that it is to be used in court proceedings, in compliance of section 82(1)c of the Criminal Procedure Act 2011.

Signed: L. Howe.

On Thursday the 27th of October 2016 I was walking my dog Oscar along the Katikatiaka Walkway.

It was about 10:20am I noticed that no one else was around, as we had walked right through and were on our way back, so I decided to let Oscar of the lead for a little run in the bushes.

Oscar was about a metre away from me when all of a sudden another dog came running around the corner towards us. It came out of nowhere and without warning ran straight for Oscar. He ran away and the dog chased him and within seconds the

Signature: L Howe

Continued: Yes / No

ATTACHMENT D

Personal Statement Continued

SR: 226598

Statement of: LYN HOWE Continues

dog had him on his back and had latched onto his chest. Oscar just yelped and I screamed and ran up to the other dog and started hitting.
Within moments a man appeared and started hitting the dog and tried wrestling it off Oscar. He was yelling at the dog and hitting it hard on the head for about three minutes until he managed to roll the dog and sit on its chest. At some point the dog let go of Oscar and I grabbed him and picked him up.
The man was very sorry and said he would stay sitting on the dog while I put Oscar in the car. I said that I would come back for his details. I also asked him if he had a lead or rope to tie his dog up with. He said no but that he would wait and hold the dog.
When I returned he wasn't there, so I took off back to the car to check on Oscar

Signature: L Howe Continued: Yes/No

ATTACHMENT D

Personal Statement Continued SR: 226598

Statement of: Lyn Howe Continues

and then drove up Little Waihi Road and as I got near the top the man was walking back down the road.
I stopped and got him to write his name on an old receipt. He wrote the name Harley and the number 027 805 8685 then his address 140 Little Waihi Road.
The man was bald - shaved head, European olive skin, not tall around 5 foot 6" he was wearing T-Shirt and long pants as far as I can remember
The dog was white with a big head, pointy ears, short legs and solid build with a broad chest and short coats. It had no collar on because there was nothing I could grab hold off. I didn't noticed any markings, but he told me that the dog was five years old.
After I got back from the vets I googled what I thought was the breed and discovered it was an English Bull Terrier

Signature: L Howe. Continued: Yes/~~No~~

ATTACHMENT D

Personal Statement Continued

SR: 226598

Statement of: Lyn Howe Continues

Oscar went to Te Puke Vets and required surgery for several deep puncture wounds.
I have bruising to my right hand, middle finger from hitting the dog.
I also have a slight puncture wound at the base of my thumb from me trying to open the dogs mouth.
I was very shocked to see this happening and I didn't think I was going to get my dog back alive. The man had no control over his dog and he even said to me that he's dog is dangerous and he might have to put it down.
He also offered to pay my Vet bill but said he has no money.

Signature: L. Howe. Continued: Yes/No

Statement taken and witnessed by [signature]
M Murton
ASO. 27/10/16 1502hrs.

SR. 226588

Tauranga City Council
TAU_4301-NZ
1st Ave
GST: 51-938-283
Ticket 0007223
12:03pm 18/10/16
Fee Paid $1.00
(Includes GST)
PARKING PAID UNTIL
12:33pm
Tues 18/10/16

Place ticket on dash
this side up. Ticket not
valid unless date and
expiry time visible.
Valid only in
ZONE 2

Harley
140 little Wahi Road
0278058685

ATTACHMENT D

ATTACHMENT D

ATTACHMENT D

ATTACHMENT D

Mrs L Howe

Ref: 8163

Te Puke Veterinary Centre
P O Box 50
Te Puke
G.S.T No 41-930-732
(07) 573 7606
admin@tepukevets.co.nz

Patient History for Oscar

Breed: Lhasa Apso X Poodle	Species: Dog Sex: Male (Neutered)
DOB: 08/12/2013 Age 2 yrs 11 mths	Colour: Red Sable
Current Weight: 7.95	Microchip: 900108001593478

27/10/2016 Ref: Kim C **Age 2 yrs 10 mths**

Vital Signs:	Name	Value	Notes	Low	High

History Details: Reason: Dog bite wound

JO-
Bite wound to neck overlying jugular vein, needs GA to suture but prior fluids and stabilisation. IVFT strated, IV cefazolin and morphine given

After 4hrous, mm colour good and bright and more comfortable. ACP/morphine, propofol, iso. Debrided wound. Extensive bruising along neck and shoulder and a couple of additonal small puncture wounds along with tear. Penrose drain placed, PGA in subcutaneous tissue, supramid in skin. Clav, temgesic and metacam injections. Home with clav and metacam oral

Invoiced Items:

Service Provided	No.
Consultation Fees	
Clinic Consult	1.00
Hospital Fees	
IV Fluid Therapy	1.00
Surgery Fees	
Anaesthesia Fees	
Medication	
Hartmans 1litre	1.00
Cefazolin Inj 1gm	1.00
Pain Relief - M30	0.10
Clavulox Inj	0.70
Pain Relief - TG	0.40
Clavaseptin 250mg	7.00
Metacam Inj	0.30
Metacam Oral Dog Single	2.50
cConsumables	
Materials	1.00
Penrose 1/4" 16" Drain	1.00

31/10/2016 Ref: Helen M **Age 2 yrs 10 mths**

Vital Signs:	Name	Value	Notes	Low	High

History Details: Reason: drain Removal
Appointment Notes: Overdue reminders
RMD looks good

ATTACHMENT D

Patient History for Oscar

Minor crusting of skin over shoulder- will scab and fall off

05/11/2016 **Ref: Bill R** **Age 2 yrs 11 mths**

Vital Signs:	Name	Value	Notes	Low	High

History Details: Stitches not ready to be removed , advise 4 more days of antibiotics then Re Ex , shaking head at home , ears very hairy - plucked - some inflammation , but no infection present .

Invoiced Items:

Service Provided	No.
Medication	
Clavaseptin 250mg	4.00

PEOPLE • PLAN • PROGRESS

ATTACHMENT E

Barkes Cnr, Greerton, Tauranga
New Zealand
Private Bag 12803,
Tauranga 3143, New Zealand
Phone: 64 07 571 8008
Fax: 64 07 577 9820
customerservices@westernbay.govt.nz
www.westernbay.govt.nz

INFRINGEMENT NOTICE

(Issued under authority of Section 66 of the Dog Control Act 1996)

Infringement No: A2780737

Full Name of Dog Owner	HARLEY BUCHANAN	
Full Address	140 LITTLE WAIHI ROAD RD 9 TE PUKE 3189	
Date of Birth	15/06/1986	☑ Male ☐ Female

ALLEGED INFRINGEMENT OFFENCE DETAILS

S.53(1) Failure to keep dog under control

Dog Control Act 1996

Date: Thursday, 27 October 2016		**Time:** 10:20am	
Road/Street	Little Waihi Road		
Suburb	MAKETU	**Town**	MAKETU

Post/Delivery:
☐ Delivered Personally ☑ Ordinary Post ☐ Registered Post

Infringement Fee Payable:
$200.00

DOG DETAILS

Dogs Name: Misty		**Breed:** English Bull Terrier	
Colour	**Reg No**	**Sex**	**Age**
White / Black	2017/2003	☐ Male ☑ Female	4yrs 2mths

PAYMENT OF INFRINGEMENT FEE

The infringement fee is payable within 28 days after: (Earliest date notice delivered personally, or posted) Wednesday, 2 November 2016

Officer Number Choose an item.	**Service Request Number** 226588	**NOTE** **PLEASE PRESENT THIS NOTICE WHEN MAKING PAYMENT**
The infringement fees may be paid to:	Western Bay of Plenty District Council, Barkes Corner, Greerton, TAURANGA	
Or at Area Offices:	Jellicoe Street, TE PUKE or Main Road, KATIKATI	

Please note that if you have been served with this Infringement Notice for failing to register a dog, payment of the infringement does not include the dog registration fee. You will still need to register your dog without delay and failing to do so may result in the issue of further infringement notices.

IMPORTANT: Please read the Summary of Rights printed overleaf

SUMMARY OF RIGHTS

E

Note: If you do not understand any of the following notes, you are advised to consult a lawyer.

1. This notice sets out an alleged infringement offence. In terms of Section 2 of the Dog Control Act 1996, you are liable as the owner of dog if-
   - you own the dog; or
   - you have the dog in your possession (otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, or damage, or distress, or for the sole purpose of restoring a lost dog to its owner); or
   - you are the parent or guardian of a person under 16 who is the owner of the dog and who is a member of your household living with and dependent on you.

Payments

2. If you pay the infringement fee within 28 days of the issue of this notice, no further action will be taken. Payment may be made at places indicated on the front of this notice.

Defences

3. You have a complete defence against proceedings if the infringement fee was paid to the Western Bay of Plenty District Council at any of the places for payment shown or within 28 days after you were served with a reminder notice. Note that late payment or payment at any other place will not be a defence.

Further action

4. If you wish to:-
   a) raise any matter relating to the alleged offence for consideration by the Western Bay of Plenty District Council; or
   b) deny liability for the offence and request a court hearing (refer to paragraphs 5 and 9 below); or
   c) admit liability for the offence, but wish to have a court consider written submissions as to penalty or otherwise (refer to paragraph 6 and 9 below), - you should write to the Western Bay of Plenty District Council at the address shown on the front page of this notice. Any such letter must be personally signed.

5. You have a right to a Court hearing. If you deny liability for the offence and request a hearing, the Western Bay of Plenty District Council will serve you with a notice of hearing setting out the place and time at which the matter will be heard by the court (unless it decides not to start Court proceedings). Note that if the Court finds you guilty of the offence, costs will be imposed in addition to any penalty.

6. If you admit the offence but want the Court to consider your submissions as to penalty or otherwise, you should in your letter:-
   a) ask for a hearing; and
   b) admit the offence; and
   c) set out the written submissions you wish to be considered by the Court.

   The Western Bay of Plenty District Council will then file your letter with the court (unless it decides not to commence court proceedings). There is no provision for an oral hearing before the Court if you follow this course of action.

   Note that costs will be imposed in addition to any penalty.

Non payment of fee

7. If you do not pay the infringement fee and do not request a hearing within 28 days after the issue of this notice, you will be served with a reminder notice (unless the Western Bay of Plenty District Council decides otherwise).

8. If you do not pay the infringement fee and do not request a hearing within 28 days after being served with the reminder notice, the Western Bay of Plenty District Council may file the reminder notice, or provide particulars of the reminder notice for filing, in the Court and you will become liable to pay **costs in addition to the infringement fee,** under section 21(5) of the Summary Proceedings Act 1957.

Queries/Correspondence

9. When writing or making payment please include:-
   a) the date of the infringement; and
   b) the infringement notice number; and
   c) the identifying number of the alleged offence and the course of action you are taking in respect of it; and
   d) your address for replies.

Notice of liability for classification as a probationary owner or a disqualified owner

If you commit three or more infringement offences (not relating to a single incident or occasion) over a period of 24 months, the Western Bay of Plenty District Council may classify you as-
- a probationary owner; or
- a disqualified owner

You will be treated as having committed an infringement offence if you:-
- have been ordered to pay a fine and costs under Section 78A(1) of the Summary Proceedings Act 1957 or are treated as having been so ordered under Section 21(5) of that Act; or
- pay the infringement fee specified in the infringement notice.

Probationary ownership starts from the date of the third infringement offence in the 24 month period. Unless terminated earlier by the Western Bay of Plenty District Council, probationary ownership runs for a period of 24 months.

Disqualification as a dog owner starts from the date of the third infringement offence in the 24 month period. The length of disqualification is determined by the Western Bay of Plenty District Council but may be no longer than 5 years.

Consequences of classification as a probationary owner or disqualified owner

During the period that a person is classified as a probationary owner, the person-
- must not be or become the registered owner of any dog except a dog that the person was the registered owner of at the time of the third infringement offence; and
- must dispose of every unregistered dog the person owns.

During the period that a person is classified as a disqualified owner, the person-
- must not own or become the owner of any dog; and
- must dispose of all dogs the person owns; and
- may have possession of a dog only for certain purposes (e.g. returning a lost dog to the territorial authority).

A person may object to being classified as a probationary or disqualified owner by lodging a written objection with the Western Bay of Plenty District Council. There is a further right of appeal to a District Court, if a disqualified person is dissatisfied with the decision of the Western Bay of Plenty District Council on his or her objection.

Full details of classification as a probationary owner or a disqualified owner, and the effects of those classifications, are provided in the Dog Control Act 1996.

FULL DETAILS OF YOUR RIGHTS AND OBLIGATIONS ARE IN SECTION 66 OF THE DOG CONTROL ACT 1996 AND SECTION 21(10) OF THE SUMMARY PROCEEDINGS ACT 1957.

NOTE: ALL QUERIES AND ALL CORRESPONDENCE REGARDING THIS INFRINGEMENT NOTICE MUST BE DIRECTED TO WESTERN BAY OF PLENTY DISTRICT COUNCIL AT THE ADDRESS SHOWN.

ATTACHMENT F

ATTACK RATING REPORT

OFFENDER NAME: BUCHANAN Harley
SERVICE REQUEST 226588

SERIOUSNESS	
Domestic pet injured - serious injuries	15
VICTIM IMPACT	
The victim has suffered significant physical and/or mental trauma + financial loss.	5
DOG SURRENDERED / DESTROYED	
The dog has not been surrendered for destruction.	4
OBSERVED AGGRESSION (PEOPLE) *(Based on the Officer's observation only)*	
No signs of aggression	0
NEGLIGENCE	
The incident is the direct result of gross negligence	4
CO-OPERATION	
Cooperative and forthcoming with information & contrition shown	0
REGISTRATION	
Registered	0
PREVIOUS HISTORY - DOG	
History without aggression	1
PREVIOUS HISTORY - PERSON	
Infringement / Prosecution (aggression / control)	4
BREACH OF CLASSIFICATION CONDITIONS	
N/A	0
RESTRAINT	
The dog was at large (known by owner)	4
RECURRENCE LIKELIHOOD	
Recurrence is highly likely	4
DAMAGES	
Damages unpaid	2
POTENTIAL FOR HARM	
Medium dog	2
TOTAL	45

Result Dangerous dog and infringement

<25 = Warning Letter and/or Infringement
<34 = Menancing dog classification and/or infringement
<50 = Dangerous dog and infringement
50+ = Dangerous dog and infringement or prosecution

ATTACHMENT G

ID/Date/Time	Details/Subtype	Contact/Location	Status	Referrals	Outcome
180438 15 Oct 2013 01:48p.m.	ANIMAL/DOG ROAMING	CONFIDENTIAL	COMPLETED	Melissa Murton	Verbal
182004 27 Nov 2013 09:17a.m.	ANIMAL/DOG ROAMING	CONFIDENTIAL	COMPLETED	Melissa Murton	Impounded
184525 30 Jan 2014 08:56a.m.	ANIMAL/DOG ROAMING	CONFIDENTIAL	COMPLETED	Melissa Murton	Impounded
185451 21 Feb 2014 09:15a.m.	ANIMAL/DOG ROAMING	CONFIDENTIAL	COMPLETED	Betty Hall	Impounded
188674 05 May 2014 08:34a.m.	ANIMAL/DOG BARKING	CONFIDENTIAL	COMPLETED	Melissa Murton	Warning
203756 18 May 2015 09:01a.m.	ANIMAL/DOG RUSH/ATTK ANIMAL	CONFIDENTIAL	COMPLETED	Melissa Murton	2nd Warning
211968 07 Dec 2015 08:52a.m.	ANIMAL/DOG ROAMING	CONFIDENTIAL	COMPLETED	Betty Hall	Infringed
218509 20 Apr 2016 10:27a.m.	ANIMAL/DOG BARKING	CONFIDENTIAL	COMPLETED	Melissa Murton	Final Warning
218519 20 Apr 2016 11:53a.m.	ANIMAL/DOG BARKING	CONFIDENTIAL	COMPLETED	Melissa Murton	Final Warning
226588 27 Oct 2016 01:09p.m.	ANIMAL/DOG RUSH/ATTK ANIMAL	CONFIDENTIAL	COMPLETED	Melissa Murton	Seized

ATTACHMENT G

ID/Date/Time	Details/Subtype	Contact/Location	Status	Referrals	Outcome
178092 07 Aug 2013 11:44a.m.	ANIMAL/DOG BARKING	CONFIDENTIAL	COMPLETED	Melissa Murton	Barking letter
180438 15 Oct 2013 01:48p.m.	ANIMAL/DOG ROAMING	CONFIDENTIAL	COMPLETED	Melissa Murton	Verbal Warning
182004 27 Nov 2013 09:17a.m.	ANIMAL/DOG ROAMING	CONFIDENTIAL	COMPLETED	Melissa Murton	Impounded
184525 30 Jan 2014 08:56a.m.	ANIMAL/DOG ROAMING	CONFIDENTIAL	COMPLETED	Melissa Murton	Impounded
188323 28 Apr 2014 10:17a.m.	ANIMAL/DOG BARKING	CONFIDENTIAL	COMPLETED	Geoff Gunn	Advise given
188674 05 May 2014 08:34a.m.	ANIMAL/DOG BARKING	CONFIDENTIAL	COMPLETED	Melissa Murton	2nd Warning Letter
188838 07 May 2014 01:26p.m.	ANIMAL/DOG BARKING	CONFIDENTIAL	COMPLETED	Melissa Murton	Final Warning Letter
188929 09 May 2014 02:10p.m.	ANIMAL/DOG BARKING	CONFIDENTIAL	COMPLETED	Melissa Murton	Verbal Warning
203756 18 May 2015 09:01a.m.	ANIMAL/DOG RUSH/ATTK ANIMAL	CONFIDENTIAL	COMPLETED	Melissa Murton	Warning
214031 26 Jan 2016 02:21p.m.	ANIMAL/DOG BARKING	CONFIDENTIAL	COMPLETED	Melissa Murton	Removal of one dog
218509 20 Apr 2016 10:27a.m.	ANIMAL/DOG BARKING	CONFIDENTIAL	COMPLETED	Melissa Murton	Final Warning Letter
218519 20 Apr 2016 11:53a.m.	ANIMAL/DOG BARKING	CONFIDENTIAL	COMPLETED	Melissa Murton	Final warning Letter
220726 13 Jun 2016 03:55p.m.	ANIMAL/DOG BARKING	CONFIDENTIAL	COMPLETED	Melissa Murton	Abatement Notice issued

Western Bay of Plenty District Council

Regulatory Hearings Committee

Objection to Menacing Dog Classification – Perry Catley

Purpose

This report is provided to assist the Committee in making a decision on an application to uphold or rescind a menacing dog classification in accordance with section 33A(b)(i) of the Dog Control Act 1996.

Recommendation

1. THAT the Compliance and Monitoring Manager's report dated 16 June 2017 and titled 'Objection to Menacing Dog Classification – Perry Catley' be received.

2. THAT the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.

3. THAT pursuant to section 33B(2) of the Dog Control Act 1996 the Regulatory Hearings Committee upholds the menacing dog classification.

OR

4. THAT pursuant to section 33B(2) of the Dog Control Act 1996 the Regulatory Hearings Committee rescinds the menacing dog classification.

Alison Curtis
Compliance and Monitoring Manager

1. Background

1.1 On 15 November 2016 Mr Catley was issued with a notice classifying his dogs as menacing in accordance with section 33A(b)(i) of the Dog Control Act 2011 (see **Attachment A**) after Council obtained a statement attesting to the dogs aggressive behaviour (see **Attachment B**). The dogs are a male, tan and white, Cocker Spaniel "Lead" aged approximately 6 years and female, black, Labrador Cross "Pipi" approximately 2 years ("the dogs").

1.2 Service Request 227181 relates to an incident on 7 November 2016. An Attack Rating Report (see **Attachment C**) was completed to ensure consistency. This report resulted in the recommendation of "menacing dog and infringement" at the highest end of the scale.

1.3 On 28 November 2016 Council received a letter of objection to the menacing dog classification (see **Attachment D**). Mr Catley has not offered an explanation for the grounds of objection to the classifications.

1.4 Table of Dog Complaint History

Date	Complaint Type	Outcome	Documents
09 Nov 2016	Aggressive Rushing	Classification / Infringement	**Attachment A** **Attachment E**
24 March 2016	Roaming	Arrange for Dog Trap	
05 Jan 2016	Dog Pickup	Dog impounded	
28 Aug 2015	Aggressive Rushing	2 Dogs seized for not being confined to property	
29 July 2015	Aggressive Rushing	Infringement issued	**Attachment F**
20 July 2015	Roaming	Warning Letter issued	**Attachment G**
17 Aug 2012	Roaming	Verbal warning	
14 Aug 2012	Roaming	Written warning	
02 April 2012	Roaming	Infringement issued	
21 March 2012	Roaming	Written warning	**Attachment H**
07 Feb 2012	Roaming	Verbal warning	

1.5 Mr Catley was delivered a Notice of Dog Owner Disqualification (the Disqualification Notice) in accordance with section 25 of the Dog Control Act 1996 for being a person committing three or more infringement offences (not relating to a single incident or occasion) within a continuous period of 24 months (see **Attachment I)**.

1.6 On 21 March 2017 the Disqualification Notice was delivered to Mr Catley's address. Animal services officers saw that the dogs were unconfined and able to freely leave the property in breach of section 52A Dog Control Act 1996 which states:

"*The owner of a dog must, at all times, ensure that either—the dog is under the direct control of a person; or the dog is confined within the land or premises in such a manner that it cannot freely leave the land or premises.*"

1.7 The person in charge of the dogs at the time, being Nicky Mulvaney, was in the house. At this time no written notice had been received from Mr Catley appealing

the Notice of Disqualification. Any such notice of appeal had to have been lodged by 4 April 2017.

1.8 The dog "Lead" is currently unregistered and Mr Catley has been issued an Infringement Notice for this offence (see **Attachment J**).

1.9 Mr Catley has provided no information to Council that details any steps that he may have taken to prevent any threat to the safety of persons and animals, following notice of the classification. Mr Catley has been offered free desexing of the dogs through the desexing funding provided to Council from the Department of Internal Affairs national programme to reduce harm from high risk dogs. Mr Catley has not accepted Council's offer at this time.

1.10 Actions that officers would expect to be undertaken to prevent further risk include: means of confinement for the dogs on the property, corrective behavioural training through an experienced and qualified trainer, desexing, and owner participation in behavioural correction over an effective period of time with demonstrated improvement. None of these actions have been detailed by Mr Catley in appeal of the classification notice.

2. Legislation

2.1 Section 33A(1)(b)(i) of the Dog Control Act 1996 applies to a dog that:

"A territorial authority considers may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of any observed or reported behaviour of the dog."

2.2 Section 33B of the Act offers a right of objection to a menacing dog classification by lodging a written notice within fourteen (14) days after receiving the notice.

2.3 The criteria Council must apply to this application are set out in Section 33B(2) of the Act:

"*When considering any objection the Committee shall have regard to:*

a. The evidence which formed the basis for the original classification; and
b. Any steps taken by the owner to prevent any threat to the safety of persons and animals; and
c. The matters advanced in support of the objection; and
d. Any other relevant matters -

and may uphold or rescind the classification."

2.4 Council may uphold or rescind the classification only, that is, there is no provision to modify the conditions of the classification.

3. Significance and Engagement

The Local Government Act 2002 requires a formal assessment of the significance of matters and decisions in this report against Council's Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.

The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.

In terms of the Significance and Engagement Policy this decision is considered to be of low significance because the key impact of the decision applies to a single animal's classification under the Dog Control Act 1996.

4. Engagement, Consultation and Communication

Interested/Affected Parties	Completed/Planned Engagement/Consultation/Communication
Dog owner	Direct communication with dog owner.
General public	Dog Control Annual Report - publication on Council website detailing outcome of hearings.

5. Issues and Options Assessment

THAT pursuant to section 33B(2) of the Dog Control Act 1996 the Regulatory Hearings Committee upholds the menacing dog classification.	
Advantages	**Disadvantages**
▪ Appropriate controls will be required for the individual dogs that will reduce public threat. ▪ Consistent with Council risk management approach for ensuring public safety measures are in place. ▪ Victims of negative dog behavior can be satisfied that their concerns have been accepted by Council. ▪ Future incidents and complaints are reduced about these specific dogs behaviour. ▪ Neutering reduces wandering tendency.	▪ Dog owner remains dissatisfied with Council decision – increased compliance cost for owner.

THAT pursuant to section 33B(2) of the Dog Control Act 1996 the Regulatory Hearings Committee rescinds the menacing dog classification.	
Advantages	**Disadvantages**
▪ Dog owner is satisfied with Council decision - reduced compliance costs and controls for dog owner.	▪ Higher risk of negative dog behaviour. ▪ Increased risk of harm (e.g. bite) as dogs will be unmuzzled in public place. ▪ Dogs remain unneutered. Increased wandering leads to "territory" behavior from dogs for the area wandered, and higher risk of territorial behavior, e.g. defending area. ▪ Public perception that Council is "soft" on negative dog behavior.

6. Statutory Compliance

The recommendation in this report complies with legislation and Council Policy.

7. Funding/Budget Implications

Budget Funding Information	Relevant Detail
	There is no budgetary or funding impact associated with the recommendations in this report.