
MINUTES

of the

ANIMAL CONTROL SUBCOMMITTEE MEETING

held

1.00 PM, Tuesday, 7 July 2020

at

**Tasman District Council Sabine Room, 189 Queen Street,
Richmond**

Present: Councillors S G Bryant, D Wensley

In Attendance: Regulatory Services Manager (A Humphries), Regulatory Support Officer (R Connochie), Executive Support Officer (L Atkins)

Part Attendance: Elizabeth Balls and Cherie Sauvignon

1 OPENING, WELCOME

The Chair introduced everyone and explained the hearing process. He invited Elizabeth Balls to speak.

Ms Balls thanked everyone for letting her speak today. She explained that she and her partner take the role of dog owners seriously. She noted Bonnie needs extra discipline as she had an incident six years ago, but there have been no issues then, as they have taken measures to prevent further attacks.

Ms Balls explained she worked with Animal Control to put safety solutions in place at home within weeks of the previous incident. They live on a rural property with farm style fencing and have installed netting on the fences and gates and erected no entry and dog warning signs on the gates. They also used a dog trainer (Canine Corrections) to learn how to get more control over Bonnie, so now the dog is better at meeting new people and she waits for instructions.

Ms Balls explained that Bonnie sees her role as protector of the property and is also a loving family dog. Bonnie does not roam and shows no aggression towards passers-by, she just chases people on her property. The only time Bonnie leaves the property is to go to the vet, so Ms Balls

is challenging the menacing classification for this reason. Bonnie lives on a seven acre property, so she can exercise there. As an eight year old dog, she has been to the vet ten times and has had no problems there towards staff, even on overnight stays.

Ms Balls explained her issues with this incident, as she and her partner protect the public from their dog, but this person (Mr Rutledge) caused the incident as he jumped over their fence and trespassed on their property. She explained that he had seen the dog on their property and disregarded their signs, so the menacing classification is not fair, as she would have to muzzle Bonnie when she takes her to the vet. If this classification is rescinded, she understands she would be responsible for any future incidents. She pointed out that the report implied her partner was not worried that the man was bitten, but that is not the case.

The Chair responded and noted that if this man had not entered their property in this manner, we would not need this hearing.

Ms Balls agreed, as most people go to the front door. This man saw their warning signs and still jumped over the fence. He disregarded the dog warning signs as generic signs and wanted to look at a car on their property he was interested in. Ms Balls noted she warns people about the dog when she sees them entering the property.

Cr Wensley thanked Ms Balls for her statement and noted that she had sympathy, as this man's behaviour was unusual in that he had jumped the fence and claimed that the access to the property was confusing. Cr Wensley noted a child would have had a worse outcome and asked Ms Balls how Mr Rutledge was confused about access.

Ms Balls' response was that it would be hard for a child to climb the fence and Bonnie would attack a child, as she only attacks men. Other people have no problem finding the front door as access is not confusing and an Animal Control Officer had noted this. Most visitors use the main entrance, not the side gate.

The Regulatory Services Manager noted that on Google Maps we can see very good signage on the property, (he loaded a map of the property on the meeting room screen for all to see the signs).

Cr Wensley asked Ms Balls what Bonnie does when she is not at home. Ms Balls explained Bonnie is in her kennel, which includes a run.

Ms Balls explained there have been no incidents in the last six years. Bonnie is a little dog, (an English Bull Terrier crossed with a Staffordshire Bull Terrier) only weighing 10-12 kilos. She showed a photograph of Bonnie lying in bed with her daughter.

The meeting attendees looked at the property on the Council map (on the screen) and noted the main entrance on Awa Awa Road has several dog warning signs. Ms Balls noted the man drove past the main entrance, parked on the side of the road and entered by climbing over the fence, not using the gate. Bonnie saw him and ran up to him and bit his hand. It was noted there are signs on both fences and a do not enter sign on one gate, as well as dog warning signs on the main entrance.

2 REPORTS

The Regulatory Support Officer Mr Connochie spoke to his report which was taken as read. He explained that Section 33a of the Dog Control Act was used to classify Bonnie as menacing, as the Council felt she did not warrant a dangerous dog classification. The menacing classification requires the dog to wear a muzzle in public places, not in an enclosed vehicle or on private property.

He noted there were incidents in 2013 and 2014 with Bonnie - the first one Bonnie was released from a vehicle and attacked a person, the Council gave a warning and required the owner to ensure the fences at home were secure.

The next incident was when Bonnie accessed a person on the property before they got to the front door and the Council considered a dangerous dog classification. As Ms Balls and her partner had already taken care of the property issues, the Council did not classify Bonnie as dangerous.

The third incident was the recent one where a person jumped over the fence and an attack did take place. As there have been three attacks there is concern that if Bonnie is in a public place she may attack another person.

The 2014 attack could have resulted in a menacing classification but was not used as it was thought that Bonnie never left the property. After the third attack, a menacing classification was given in order to protect the public, the dog and the owner. In that if Bonnie wears a muzzle in public, as she cannot attack. If she does attack again, both the dog and the owner will be in serious trouble.

When Bonnie visits the vet, she will need to travel in an enclosed vehicle or cage and wear a muzzle when she is not contained. The Council cannot say the dog will never be in a public place, so the menacing classification is the appropriate action. The Council has not imposed other penalties for the dog attack person or failing to control a dog, as it is aware of the circumstances. This classification is just for the safety of the public and is not against the dog's owners.

The Regulatory Services Manager noted the attitude of the owner is important in dog attacks and in this case the owner has done everything to protect the public, but a foolish trespasser caused the incident, however there is still potential for the animal to bite. He referred to a similar incident where the Council had to prosecute and have the dog euthanised, as the owner did not want to take any mitigating action. He noted the Council does understand her situation but it has to protect the public.

The Chair asked the Regulatory Support Officer about the dog-free access to the front door, ensuring that the property is well signed and the dog is confined. He responded that the dog only needs to be muzzled when in a public area, such as going to the vet (Motueka Vet Centre).

Cr Wensley raised the issue that a dangerous dog classification was considered for the 2014 incident and she is concerned about the ongoing risk if the owner moves house or has a change in circumstances. As Bonnie has attacked a person three times, Cr Wensley felt taking no action was not an option. She noted there have been no penalties or fines from the Council and the owner only has to muzzle Bonnie when she visits the vet.

The Regulatory Support Officer noted the owner took action to protect the access to the front door.

Councillors asked for an earlier picture of the bite as the one provided is day ten, but none was available.

The Chair gave Ms Balls the Right of Reply.

Ms Balls had nothing more to add and felt she cannot argue with the comments. She noted her concern is if she has to muzzle her dog when going to the vet and she asked what will happen if someone jumps over their fence again and Bonnie attacks them.

The Regulatory Services Manager noted if another person such as a burglar entered the property over the fence and there was another attack, the Council would look at the circumstances. He noted the owner has acted well this time and has taken measures to protect the public from Bonnie at their property and the dog is not in public.

Ms Balls wanted to have her comment on record that they are responsible dog owners and are doing all they can.

The Chair thanked Ms Balls for her attendance and informed her that she would be advised of the outcome of this hearing by the end of the following week and that the Committee would deliberate on all that had been discussed today in the confidential session.

Ms Balls and Ms Sauvignon left at 1.39pm.

CONFIDENTIAL SESSION

3.1 Procedural motion to exclude the public

Moved Cr Bryant/Cr Wensley

ACS20-01-1

THAT the public be excluded from the following part(s) of the proceedings of this meeting. The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

3.2 Deliberations of Panel for Animal Control Subcommittee Hearing

| Reason for passing this resolution in relation to each matter | Particular interest(s) protected (where applicable) | Ground(s) under section 48(1) for the passing of this resolution |
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| The public conduct of the part of the meeting would be likely to result in the disclosure of | 48(i)(d) - To deliberate in private in a procedure where a right of | s48(1)(a) |

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|--|---|---|
| <p>information for which good reason for withholding exists under section 7.</p> | <p>appeal lies to a Court against the final decision.</p> | <p>The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</p> |
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CARRIED

The meeting moved into Confidential session at 1.39pm and resumed in Open at 1.45pm.

Menacing Dog Classification of BONNIE dog owned by Ms Elizabeth Balls.

Moved Cr Bryant/Cr Wensley

ACS20-01-2

The Sub-Committee upholds the menacing classification for the dog Bonnie for the reason that the level of penalty imposed by the Council was proportionate to the circumstances and to prevent as far as possible any further incidents of this nature which would pose a threat to any person, and to prevent any further transgressions against the Dog Control Act 1996.

CARRIED

The meeting concluded at 1.46 pm

Date Confirmed:

Chair: