

MINUTES

TITLE: Environment and Planning Subcommittee – Dog Control Act
DATE: Wednesday 2 September 2009
TIME: 9.30 am
VENUE: Council Chamber, 189 Queen Street, Richmond.

PRESENT: Crs M J Higgins, T E Norriss

IN ATTENDANCE: Regulatory Manager (J Hodson), Control Services (J Bergman and P Bergman), Executive Assistant (V M Gribble)

1 A BARNES, LACEBARK LANE, UPPER MOUTERE

Mr A Barnes was in attendance. He has objected pursuant to Section 33(a) of the Dog Control Act 1996 to the classification of Menacing Dog for his dog Sandy.

Mr P Bergman spoke to his report which was contained in the agenda.

Mr Barnes dog Sandy, bit a young child on the face just below the right eye causing puncture wounds, bruising and an abrasion which required medical attention.

After considering all the facts associated with this case it was decided to issue Mr Barnes with an infringement notice for failing to control a dog (\$200) and classify the dog as a menace requiring it to be muzzled whenever in public to prevent another incident. Mr Bergman also recommended to Mr Barnes that he refrains from taking his dog to the café.

Mr Barnes said his dog is 13 years old and the child had disturbed the dog while it was sleeping. Sandy has attacked three times while he has been at the Naked Bun café. Mr Barnes takes Sandy to work with him every day and now Sandy is kept in the car. He believes the classification is wrong but accepts it because he has no choice.

**Moved Crs Higgins/Norriss
EP09/09/**

**THAT the Menacing Dog Classification on Mr A Barnes dog Sandy be upheld.
CARRIED**

The reason being the owner agrees that the old age of the dog creates a risk that he will react adversely to interference by children.

2 A SIMMONS, DAWSON ROAD, UPPER MOUTERE

A and S Simmons were in attendance. They objected pursuant to Section 33(a) of the Dog Control Act 1996 to the classification of Menacing Dog for their dog Tiga.

Mr P Bergman spoke to his report which was contained in the agenda.

Ms Simmons' dog Tiga was in the charge of Ms Janet Mossop, was not on a lead and walking ahead of her handler when she rushed up and instigated an attack against one of Mrs Leuschke's dogs named Millie, who required intensive veterinary attention. During the attack Mrs Leuschke was also bitten on the leg which required medical attention.

Ms Hodson tabled an email from Ms Leuschke commenting on some aspects of Ms Simmons' submission on the event.

Ms Simmons tabled a letter written by Ms Mossop in which she makes comments on Ms Leuschke's record of events and notes written by Ms Mossop immediately after the attack and again after discussions with Mr Bergman.

Ms J Calder was in attendance to give evidence in support of Ms Simmons. She has been involved in dog training, obedience, agility and dog trials for many years. She is also an instructor with the Dog Training Club and introduces NZ Kennel Clubs Canine Good Citizen training throughout the Nelson area. She said Tiga never displayed any one of the displays of unacceptable behaviour when she was taken to the training class. She never showed any sign of aggression whatsoever. She believes any dog that is hassled by other dogs has the right to retaliate. Ms Calder cannot believe Tiga has a menacing order on her as she has never displayed any sign in the last ten weeks of training.

Ms Calder said Tiga will be judged for the foundation and bronze levels of training in the Canine Good Citizen programme this weekend. If she passes she will not be given the certificates as she has a menacing dog classification.

Ms Simmons said she will be having Tiga undertake the silver and gold levels of training.

Ms S Lloyd gave evidence on behalf of Ms Simmons. Her role with Halifax Veterinary Centre is with retraining of dogs with inappropriate behaviours. She has not assessed Tiga. When a dog is put in a situation where it shows anxiety or stressed it has two options, fight or flight. She said Mr & Mrs Simmons are very responsible and committed people.

Ms Simmons didn't believe the same situation would have occurred had she been in control of Tiga. She said Tiga is always chained up when nobody is at home and at night sleeps in the garage and does not wander. Ms Simmons owns chickens and a cat and Tiga interacts well with them.

Mr Simmons said Tiga doesn't like the muzzle and out walking now is not interested in exploring and spends a lot of time lying on her side trying to get the muzzle off. We are suggesting that Tiga, when off the property, will always either be muzzled to enable her to run free, or else will be under control on a lead with a haltee to enable better control. If we so away she would only ever stay in kennels or with someone else who has been through the Canine Good Citizen programme. They will continue to work with CGC until she gets her gold medal and any other recommendations that the Committee makes would be followed through on. We are both responsible people and wish to be recognised as such.

Mr & Mrs Simmons acknowledged they knew the repercussions if another attack occurred.

Mr Bergman said the menacing classification is a formal request to muzzle.

In reply to a question from Ms Hodson about the requirements for a dog to be on a leash, Mr P Bergman said it must be on a leash in any urban zone, eg any settlement area, if houses are there. A dog must be kept under control at all times, leashed or unleashed. Dogs running at each other and fighting is not under control.

Mr P Bergman said the idea of the classification is to make sure it will never happen again.

Ms Hodson said the course could still be undertaken, but a certificate wouldn't be given.

Ms Calder said Tiga could go through the course and she would take her right through the course and assessments but she would not get certificates.

Ms Hodson said the implication of the classification is that the dog must be muzzled in public.

**Moved Crs Higgins/Norriss
EP09/09/**

THAT:

- a) the objection be upheld and the Menacing Dog classification on Ms Simmons dog Tiga be cancelled, for the reason that the problem of aggression is unlikely to reoccur;**
- b) the muzzling of Tiga be left to the owner's discretion.**

CARRIED

The reason for the decision is the situation between the dogs is unlikely to reoccur because of the efforts the owners are undertaking to avoid the situation happening again.

The meeting concluded at 12.15 pm.

Date Confirmed:

Chair: