
ORDINARY MEETING

OF

PŪRORO HĀTEPE | REGULATORY PROCESSES COMMITTEE

MINUTES

Time: 1:30pm
Date: Wednesday, 15 September 2021
Venue: Virtual Meeting

PRESENT

Deputy Mayor Free
Councillor Condie
Liz Kelly
Councillor Matthews
Councillor O'Neill
Councillor Sparrow (Chair)
Councillor Woolf (Deputy Chair)

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1. Meeting Conduct

1.1 Karakia

The Chairperson declared the meeting open at 1:30pm and invited members to stand and read the following karakia to open the meeting.

Whakataka te hau ki te uru,	Cease oh winds of the west
Whakataka te hau ki te tonga.	and of the south
Kia mākinakina ki uta,	Let the bracing breezes flow,
Kia mātaratara ki tai.	over the land and the sea.
E hī ake ana te atākura.	Let the red-tipped dawn come
He tio, he huka, he hauhū.	with a sharpened edge, a touch of frost,
Tihei Mauri Ora!	a promise of a glorious day

1.2 Apologies

Moved Councillor Sparrow, seconded Councillor Matthews

Resolved

That the Pūroro Hātepe | Regulatory Processes Committee:

1. Accept the apologies received from Mayor Foster for absence, and Deputy Mayor Free for lateness.

Carried

1.3 Conflict of Interest Declarations

No conflicts of interest were declared.

1.4 Confirmation of Minutes

Moved Councillor Sparrow, seconded Councillor O'Neill

Resolved

That the Pūroro Hātepe | Regulatory Processes Committee:

1. Approves the minutes of the Pūroro Hātepe | Regulatory Processes Committee Meeting held on 8 September 2021, having been circulated, that they be taken as read and confirmed as an accurate record of that meeting.

Carried

1.5 Items not on the Agenda

There were no items not on the agenda.

1.6 Public Participation

There were no requests for public participation.

(Liz Kelly arrived at 1:34pm)

(Deputy Mayor Free arrived at 1:40pm)

(Councillor Woolf left the meeting at 2:14pm)

The meeting adjourned at 3:12pm and resumed at 4:07pm with the following members present: Councillor Condie, Deputy Mayor Free, Liz Kelly, Councillor Matthews, Councillor O'Neill and Councillor Sparrow.

2. General Business

2.1 Objection to a classification under the Dog Control Act 1996

Moved Liz Kelly, seconded Councillor O'Neill

Resolved

That the Pūroro Hātepe | Regulatory Processes Committee:

1. Receive the information.
2. Note:
 - a. the evidence which formed the basis for the classification
 - b. any steps taken by the owner to prevent any threat to the safety of persons or animals
 - c. the matters relied on in support of the objection
 - d. any other relevant matters
3. Agree to uphold the classification as a menacing dog
4. Delegate to the chairperson of the Pūroro Hātepe | Regulatory Processes Committee: the authority to issue a written decision, which will be sent to all parties and attached to the minutes of this meeting.

Carried

Attachments

- 1 Deliberation and Decision - Objection Menacing Dog Classification

The meeting concluded at 4:16pm with the reading of the following karakia:

Unuhia, unuhia, unuhia ki te uru tapu nui	Draw on, draw on
Kia wātea, kia māmā, te ngākau, te tinana, te wairua	Draw on the supreme sacredness To clear, to free the heart, the body and the spirit of mankind
I te ara takatū	
Koia rā e Rongo, whakairia ake ki runga	Oh Rongo, above (symbol of peace)
Kia wātea, kia wātea	Let this all be done in unity
Āe rā, kua wātea!	

Authenticated: _____

Chair

ORDINARY MEETING

OF

PŪRORO HĀTEPE - REGULATORY PROCESSES COMMITTEE

MINUTE ITEM ATTACHMENTS

Time: 1:30am
Date: Wednesday, 15 September 2021
Venue: Ngake (16.09)
Level 16, Tahiwī
113 The Terrace
Wellington

Business

Page No.

2.1 Objection to a classification under the Dog Control Act 1996

1. Deliberation and Decision - Objection Menacing Dog Classification 2

**DECISION OF THE WELLINGTON CITY COUNCIL REGULATORY PROCESSES
COMMITTEE**

Objection to Menacing Dog Classification – B. Tresidder and ‘Breaker’

1. The Committee agreed to uphold the decision to classify ‘Breaker’ as a Menacing Dog under the Dog Control Act 1996 (section 33A).
2. Under this classification the dog owner must comply with the following requirements:
 - They must not allow the dog to be at large or in any public place or in any private way, except when confined completely within a vehicle or cage, without being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and
 - They must, within 1 month after receipt of notice of the classification, produce to the territorial authority a certificate issued by a veterinarian certifying that the dog is or has been neutered; or 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
 - They must, if a certificate stating that the dog is not in a fit condition to be neutered is produced to the territorial authority, produce to the territorial authority, within 1 month after the date specified in that certificate, a further certificate under paragraph that the dog is or has been neutered.
 - Note that any classification as a menacing dog is in force throughout New Zealand.
 - Note that if the dog owner fails to comply with the above conditions, they would be in breach of the Act and could face a fine of up to \$3,000. Additionally, if the dog owner fails to comply with the above conditions, a dog control officer or dog ranger may seize and remove the dog concerned from the person’s possession and retain custody of the dog until they are satisfied that the conditions will be complied with, or until the dog is destroyed in accordance with section 71A of the Act.

REASONS FOR THE DECISION

3. The Committee were presented with written and oral evidence, from both the WCC Public Health team and from Bryan Tresidder (the dog owner), to consider when making their decision.
4. Following hearing from both parties the Committee adjourned to deliberate on the proceedings.
5. When making its decision, the Act required the Committee to have regard for the following factors:
 - The evidence which formed the basis for the classification
 - Any steps taken by the owner to prevent any threat to the safety of persons or animals
 - The matters relied on in support of the objection

- Any other relevant matters

DELIBERATIONS

Committee members present: Cr Sparrow, Cr Matthews, Cr O'Neill, Cr Condie, Liz Kelly, Deputy Mayor Free

Staff present: Claire Barlow, Sean Johnson, Hedi Mueller

The Committee commenced deliberations at 3:21pm

The Chair explained that the deliberations are being recorded for the purpose of supporting the accurate recording of minutes. Officers then briefly outlined the process which they were to follow.

The Deputy Mayor noted that the Committee are not able to make any amendments to the recommendations but are required to decide whether to uphold or rescind the Menacing Dog classification.

Committee members then discussed the evidence that had been presented from both the Public Health team and Mr. Tresidder.

Cr Matthews noted that there was little evidence to convince her that the Committee should overturn the recommendation to classify the dog, Breaker, as menacing. While the paperwork from the Public Health team could have been more comprehensive, and it would have been helpful to have a witness statement from Mrs. Evans, there was nothing to convince her that it was not Breaker that bit Mr. Evans and that the classification of Menacing Dog was not appropriate in this situation.

Cr Condie sympathised with Mr. Tresidder's view that the process had not been as good as it could have been, and the officer's report was short on detail. However, taking a precautionary approach, Breaker was not on a lead and very likely rushed at George, causing harm to Mr. Evans. The Dog Control Act is clear that if a dog rushes another dog or person, causing harm, the resulting fine can be as much as \$3000. The proposed classification of Menacing Dog does not impose an unreasonable amount of inconvenience and may very well prevent further harm.

The Chair then clarified requirements of this classification as requiring the dog to be muzzled in public, neutered, and microchipped.

Cr O'Neill raised the issue of a history of non-compliance with Breaker being off-leash and her concern that Mr. Tresidder did not seem to understand when a dog was committing a dangerous act. He had said himself that his dog had been attacked in the past. She was also concerned that there was not a statement from Mrs. Evans, who was the only other witness to this incident.

The Chair presented a contrary view in that he is far from convinced that they are dealing with a menacing dog, on this occasion. He was also unconvinced by the answers to questions he had asked of the Public Health/Animal Control staff. While he was leaning toward a decision to rescind the classification, he was maintaining an open mind until deliberations were complete.

He acknowledged the obvious breaches of walking the dog off-lead and not having the dog under control but did not think that this was sufficient reason to classify the dog as menacing. He noted that Mr. Tresidder said that George had previously shown aggression toward Breaker, and he felt that, knowing this, it was negligent for him not to have Breaker under his control.

The Chair noted that the officer's report stated that Breaker rushed at and attacked both George and Mr. Evans, but he disputes the accuracy of this as it is apparent from the evidence that Mr. Evans was bitten in the process of intervening in the dog fight and was collateral damage. He didn't believe that Breaker intentionally attacked Mr. Evans.

He felt the combination of previous misdemeanours of Mr. Tresidder, and his apparent downplaying the seriousness of the incident, had counted against him but didn't believe this proved that the dog was aggressive and posed a threat of future harm. He also felt that the correspondence from Raewyn Mullan, testifying to Breaker's good nature should have been given more consideration.

Liz Kelly stated that she supports the officer's recommendations to classify this dog as menacing. She believed that the owner minimised previous incidents, particularly one in which Mr. Tresidder himself left a trail of blood on the footpath after Breaker accidentally scratched his leg. She also believed that, by Mr. Tresidder's own words, the classification of menacing would not be too great an inconvenience. The dog was currently being muzzled while out walking and he was now too old to breed from, so neutering him would not be problematic.

Deputy Mayor Free stated that she would uphold the staff recommendations. It is not possible to separate the behaviour of the dog from that of the owner. She believed that Mr. Tresidder was being irresponsible in his denial of the seriousness of this incident when he knows that a friendly sniff of another dog can lead to an altercation. Council has a responsibility to protect other dogs and members of the public.

Cr Condie reiterated that there were some errors in the paperwork and that there needs to be honesty about that, as people need to feel that they have been treated fairly.

Members further discussed the need for improvements in the process and were reminded that their role was not to reinvestigate the process but to uphold or rescind the recommendations of officers.

Deliberations finished at 4:07pm and the Committee moved back into the public meeting.

CONCLUSION

6. Having regard to the relevant provisions of the Dog Control Act 1996, the Committee is satisfied that the classification of Breaker as a Menacing Dog should be upheld.

DATED this day Friday 24 September 2021



Councillor Malcolm Sparrow
Chair – Regulatory Processes Committee