

Notice of Meeting:

I hereby give notice that an ordinary Meeting of the Dog Control Hearings Panel will be held on:

Date: Tuesday 28 May 2024
Time: 9:30 am
Meeting Room: Committee Room 1 and Audio Visual Link
Venue: Municipal Building, Garden Place, Hamilton

Lance Vervoort
Chief Executive

Dog Control Hearings Panel
He Koomiti Whiriwhiri I Ngaa Take Kuri
OPEN AGENDA

Membership

Chairperson Cr Mark Donovan
Heamana

Members Cr Moko Tauariki
Cr Andrew Bydder
Cr Anna Casey-Cox
Cr Melaina Huaki

Quorum: Three members

Meeting Frequency: As required

Amy Viggers
Mana Whakahaere
Governance Lead

6 May 2024

Telephone: 07 838 6699
Amy.Viggers@hcc.govt.nz
www.hamilton.govt.nz

Purpose

1. To conduct fair and effective hearings and make determinations on objections under the Dog Control Act 1996.

<i>The Dog Control Hearings Panel is delegated the following Terms of Reference and powers:</i>
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Terms of Reference:

2. Hear and determine any objections under the Dog Control Act 1996.

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1 Apologies – *Tono aroha*

2 Confirmation of Agenda – *Whakatau raarangi take*

The Committee to confirm the agenda.

3 Declaration of Interest – *Tauaakii whaipaaanga*

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

Council Report

Item 4

Committee: Dog Control Hearings Panel **Date:** 28 May 2024
Author: Charlotte Mitchell **Authoriser:** Michelle Hawthorne
Position: Graduate Governance Support **Position:** Governance and Assurance Manager
Report Name: Confirmation of the Dog Control Hearing Open Minutes - 21 February 2024

Report Status	Open
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Staff Recommendation - *Tuutohu-aa-kaimahi*

That the Dog Control Hearings Panel confirm the Open Minutes of the Dog Control Hearings Panel Meeting held on 21 February 2024 as a true and correct record.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Dog Control Hearing Panel Unconfirmed Open Minutes 21 February 2024



Dog Control Hearings Panel
Te Koomiti Whiriwhiri I Ngaa Take Kuri
OPEN MINUTES

Minutes of a meeting of the Dog Control Hearings Panel held in Committee Room 1 and via Audio Visual Link, Municipal Building, Garden Place, Hamilton on Wednesday 21 February 2024 at 9:30 am.

PRESENT

Chairperson Cr Mark Donovan
Heamana
Members Cr Moko Tauariki
Cr Andrew Bydder
Cr Anna Casey-Cox (via Audio-Visual Link)

In Attendance: Kelvin Powell - City Safe Unit Manager
Susan Stanford - Animal Control Manager
Trudi Swanson - Team Leader – Animal Education and Control Officers
Carmen Fookes – Policy and Bylaw Advisor

Governance Team: Amy Viggers – Governance Lead
Arnold Andrews – Governance Advisor

- Apologies – Tono aroha**
Resolved: (Cr Donovan/Cr Bydder)
That the apologies for absence from Cr Huaki are accepted.
- Confirmation of Agenda – Whakatau raarangi take**
Resolved: (Cr Donovan/Cr Tauariki)
That the agenda is confirmed.
- Declarations of Interest – Tauaakii whaipaaanga**
No members of the Panel declared a Conflict of Interest.
- Confirmation of the Dog Control Hearings Panel Open Minutes 7 August 2023**
Resolved: (Cr Donovan/Cr Casey-Cox)
That the Dog Control Hearings Panel confirm the Open Minutes of the Dog Control Hearings Panel Meeting held on 7 August 2023 as a true and correct record.

5. **Objection to Dangerous Classification - Pehi Edmonds**

Mr Edmonds voiced his concerns regarding the dangerous classification and explained to the Panel that he has lost his dog, that he did not object to the dangerous classification anymore and has accepted full responsibility for his dog’s actions. He responded to questions from Elected Members concerning how the Animal Control team can help improve the complaint process.

Animal Control Manager and Team Leader – Animal Education and Control Officers took the report as read. They responded to questions from Elected Members concerning dangerous dog classification conditions, process for sworn evidence, definition of aggressive behaviour and usage of the term ‘rushing’ and breed of the dog.

During the discussion of the above Item (Item 5: Objection to the dangerous classification from Pehi Edmonds) the meeting moved into a public excluded session at the request of Elected Members.

6. **Resolution to Exclude the Public**

Resolved: (Cr Donovan/Cr Bydder)

Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

That the public be excluded from the following parts of the proceedings of this meeting, namely consideration of the public excluded agenda.

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.

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Confirmation of the Dog Control Hearings Panel Public Excluded Minutes 7 August 2023) Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)

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:

Item C1.	to maintain the effective conduct of public affairs through protecting persons from improper pressure or harassment	Section 7 (2) (f) (ii)
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Dog Control Hearings Panel 21 FEBRUARY 2024 - OPEN

During the Public Excluded session of the meeting the following was resolved to be released to the public:

That the Dog Control Hearings Panel:

- a) receives the report;
- b) confirms it has considered the mandatory matters specified under the Dog Control Act 1996, and other matters relevant to the objection;
- c) notes that the Dog Control Hearings Panel in determining any objection can only either uphold or rescind the classification under the Dog Control Act 1996;
- d) upholds the dangerous classification; and
- e) approves the release of the above resolution to the public via the open minutes of the meeting.

Meeting moved to Public Excluded at 9.51am.

Meeting closed at 9.55am.

Council Report

Item 5

Committee: Dog Control Hearings Panel **Date:** 28 May 2024
Author: Susan Stanford **Authoriser:** Kelvin Powell
Position: Animal Control Manager **Position:** City Safe Unit Manager
Report Name: Objection to Dangerous Classification - Thompson

Report Status	Open
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Purpose - *Take*

1. To seek a determination from the Dog Control Hearings Panel on the classification of Kaiwhai (the Dog) owned by R Thompson (the Owner) as a dangerous dog.

Staff Recommendation - *Tuutohu-aa-kaimahi*

2. That the Dog Control Hearings Panel:
 - a) receives the report;
 - b) confirms it has considered the mandatory matters specified under the Dog Control Act 1996, and other matters relevant to the objection;
 - c) notes that the Dog Control Hearings Panel in determining any objection can only either uphold or rescind the classification under the Dog Control Act 1996; and
 - d) upholds the dangerous classification.

Executive Summary - *Whakaraapopototanga matua*

3. On 27 February 2024 Council received a complaint regarding Kaiwhai a tan and white Mastiff cross aged approximately 1 year and three months (the Dog). When responding to the complaint Council staff observed the Dog displaying aggressive behaviour. Refer to **Attachment 1**.
4. The [Dog Control Act 1996](#) sets out the circumstances in which Council may classify a dog as dangerous.
5. Staff recommend that the classification of the Dog as Dangerous is upheld.
6. Staff consider the decision in this report has low significance and that the recommendations comply with the Council's legal requirements.

Background - *Koorero whaimaarama*

7. On 27 February 2024 Council received a complaint regarding the Dog. When responding to the complaint Council staff observed the Dog displaying aggressive behaviour. Refer to **Attachment 1**.
8. The complaint broadly involved a complaint of the Dog roaming on 27 February 2024, and that the Dog was known to the complainant as the Dog is out regularly barking and rushing at people. Refer to **Attachment 1** for further details.

9. On 15 March 2024 the Dog was classified by Council Staff as dangerous Refer to **Attachment 2** for the Notice of Classification.
10. On 26 March 2024 an objection to the classification of the Dog as dangerous was received from the Owner. Refer to **Attachment 3** for a copy of the objection.
11. As a result, a hearing has been convened to hear the objection. The Hearing Panel should note that:
 - i. The Owner has advised that they wish to be heard in person.
 - ii. The Complainant/witness has advised that they do not wish to be heard in person.
12. The normal order of the procedure of a hearing is as follows:
 - i. Opening of the meeting by the Chair;
 - ii. the Owner presents their objection and supporting evidence;
 - iii. Any witnesses in support of the objection speak to their evidence;
 - iv. The Complainant and any witnesses in opposition of the objection speak to their evidence;
 - v. Council staff summarise the Council report and makes any comments regarding information provided at the hearing;
 - vi. The Owner has the opportunity to respond to any new matters or points not already covered during the hearing;
 - vii. The hearing is closed or adjourned for a decision to be made.
13. For the avoidance of doubt:
 - i. The Chair of the hearing may change the order of the hearing at their discretion.
 - ii. There is no opportunity for cross examination at the hearing by any party.
 - iii. Members of the Hearings Panel may ask questions for clarification of the parties during the hearing.

Discussion - *Matapaki*

14. Section 33B(2) provides that in making its determination it **must** have regard to:
 - i. the evidence which formed the basis for the classification;
 - ii. any steps taken by the owner to prevent any threat to the safety of persons or animals;
 - iii. the matters relied on in support of the objection; and
 - iv. any other relevant matters.

Evidence which formed the basis for the classification

15. In deciding to classify the Dog, Staff have relied on the following evidence:
 - i. Council's Animal Education and Control (AEC) received a complaint on 27 February 2024 of a known aggressive dog out roaming refer to **Attachment 1**
 - ii. The behaviour of the Dog noted by the Animal Education and Control Officer (AECO) who investigated the roaming. In their notes they described the Dog as displaying "full on aggression" refer to **Attachment 1**.
 - iii. A statement about the behaviour of the Dog as witnessed by the AECO Team Leader who assisted on the day refer to **Attachment 4**.

- iv. That the Dog had be classified as menacing based on behaviour in September 2023 and was still being allowed to roam and behave aggressively to members of the public refer to **Attachment 5**

Matters relied on or advanced in support of the objection

16. The Owner(s) object to the classification on the following grounds:
- i. The Dog was meant to be a guard dog as they have had burglaries;
 - ii. Conflict with the neighbours who tease the Dog and yell profanities at the Dog and family;
 - iii. The Dog hasn't bitten or hurt anyone;
 - iv. The Dog is only protecting his property; and
 - v. The Dog was only aggressive to AECO's because he was forcibly removed from property by an officer previously. For full details refer to **Attachment 3**.

Steps taken by the owner to prevent any threat to the safety of persons or animals.

18. Staff are not aware of any steps taken by the Owner(s) to prevent any threat to the safety of persons or animals, the Owner(s) may have further information on this matter at the hearing.

Other relevant matters

19. The Dog Control Act 1996 requires consideration of any other matters that the Hearings Panel considers relevant.
20. Council's Dog Control Policy provides direction on how Council will fulfil its legislative responsibilities pursuant to the [Dog Control Act 1996](#) and the Dog Control Bylaw. The Hearing Panel should consider whether its decision is consistent with the purposes in the Dog Control Policy, specifically:
- i. the need to minimise danger, distress, and nuisance to the community generally;
 - ii. the need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults;
 - iii. the importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs; and
 - iv. the exercise and recreational needs of dogs and their owners.
21. Ownership history and recorded dog behaviour can be a relevant consideration if it provides evidence of prior good or poor dog or ownership behaviour. Council has records of complaints and/or infringements regarding dogs registered to the Owner as follows:
- i. Hamilton City Council has received nine complaints relating to the Dog between 25 March 2023 and 10 March 2024, a period of 10 months Refer to **Attachment 6**.

Options

22. Under the [Dog Control Act 1996](#), territorial authorities have two options when considering an outcome of an objection to a dog being classified as dangerous,
- i. to uphold the classification; or
 - ii. to rescind the classification.
23. There are no other options open to the Dog Control Hearings Panel under the [Dog Control Act 1996](#).

24. The staff recommendation is that the Hearings Panel uphold the classification for the following reasons:
- i. The level of aggression from the Dog observed by Council Staff and the complainant;
 - ii. The ongoing incidents of roaming and aggression reported to Council about the Dog. Council have received nine complaints in ten months, see animal history refer to **Attachment 6**;
 - iii. The young age of the dog and the level of aggression it is already displaying, see animal record refer to **Attachment 7**. The Dog is approximately 1 year and 3 months old and the first signs of aggression were reported when the Dog was approximately 6 months old refer to **Attachment 6**;
 - iv. The Owner's inaction to do anything to prevent the Dog from being able to leave the section even after a menacing classification was issued. A dangerous classification under the [Dog Control Act 1996](#) places greater responsibility on the Owner to contain the Dog in a secure area of the property, which should restrict the Dog's ability to freely leave the property and allow safe access to the front door for visitors.

Financial Considerations - *Whaiwhakaaro Puutea*

25. This is a regular operating activity funded through the Long-Term Plan.

Legal and Policy Considerations - *Whaiwhakaaro-aa-ture*

26. There is no provision under the Dog Control Act 1996 to appeal this decision to the District Court

Dangerous dog classification

27. [Section 31](#) of the Dog Control Act provides that a territorial authority must classify a dog as a dangerous dog if:
- i. the owner of the dog has been convicted of an offence under [section 57A\(2\) \(Rushing dog\)](#); or
 - ii. on sworn evidence attesting to aggressive behaviour reasonable grounds to believe that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife; or
 - iii. the owner of the dog admits in writing that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife.

Effect of a dangerous dog classification

28. If a dog is classified as a dangerous dog under [section 31](#) of the Dog Control Act the owner of the dog:
- i. must ensure that, from a date not later than 1 month after the receipt of notice of classification, the dog is kept within a securely fenced portion of the owner's property that it is not necessary to enter to obtain access to at least 1 door of any dwelling on the property; and
 - ii. 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;
 - iii. muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and

- iv. controlled on a leash (except when in a dog exercise area specified in a bylaw; and
 - v. must within 1 month after receipt of notice of the classification, produce to the territorial authority a certificate issued by a veterinarian certifying—
 - a. that the dog is or has been neutered; or
 - b. 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
 - vi. must, if a non-neutering certificate is produced to the territorial authority, produce to the territorial authority, within 1 month after the date specified in that certificate, a further certificate that the dog has now been neutered.
 - vii. must, in respect of every registration year commencing after the date of receipt of the notice of classification, be liable for 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
 - viii. must not, without the written consent of the territorial authority in whose district the dog is to be kept, dispose of the dog to any other person.
29. A dangerous classification extends to the whole of New Zealand and remains in place for the life of the dog.
30. There is no provision under the Dog Control Act 1996 to appeal this decision to the District Court.

Right to make an objection

31. Section 31(3) provides a dog owner with the right to object to the classification. If a dog is classified under section 31(1)b as a Dangerous dog, the owner:
- i. may, within 14 days of receiving notice of the classification, object in writing to the territorial authority in regard to the classification; and
 - ii. has the right to be heard in support of the objection.
32. The territorial authority considering an objection under subsection (1) may uphold or rescind the classification, and in making its determination must have regard to:
- i. the evidence which formed the basis for the classification; and
 - ii. any steps taken by the owner to prevent any threat to the safety of persons or animals; and
 - iii. the matters relied on in support of the objection; and
 - iv. any other relevant matters.
33. The territorial authority must, as soon as practicable, give written notice to the owner of:
- i. its determination of the objection; and
 - ii. the reasons for its determination.

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

34. The purpose of Local Government changed on the 14 May 2019 to include promotion of the social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the 4 wellbeings').
35. The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report as outlined below.
36. Staff consider that the keeping of animals can enhance the quality of life and wellbeing for individuals and families; however, the Council also has a responsibility to protect the

community from unreasonable animal nuisances – families, whanau, iwi, hapuu, and communities should be safe from dangerous animals.

Risks - *Tuuraru*

37. Public safety risk: If a dog that should have been classified as dangerous is not, it may continue to pose a potential threat to the public or other animals. This could result in attacks or incidents that cause harm. Failure to properly classify a dog as menacing could put public safety at risk.
38. Reputation and perception: Failure to properly classify a dog as dangerous may affect the public perception of Council's approach to enforcement.

Significance & Engagement Policy - *Kaupapa here whakahira/anganui*

39. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the recommendation(s) in this report has/have a low level of significance.
40. Given the low level of significance determined, the engagement level is low. No engagement is required.

Attachments - *Ngaa taapirihanga*

- Attachment 1 - Animal compliant record
- Attachment 2 - Dangerous classification documentation
- Attachment 3 - Objection from owner
- Attachment 4 - Team Leader statement
- Attachment 5 - Menacing classification documentation
- Attachment 6 - Kaiwhai's Animal history
- Attachment 7 - Kaiwhai's Animal record

COMPLAINANT

Complaint Received	27/02/2024
Name	Anonymous Anonymous Anonymous
Address	No Details Provided C/- Hamilton City Council Private Bag 3010

Officer	D17
Home Phone 1	
Home Phone 2	
Mob Phone	

PROPERTY

Property Address	██████████ Newton 3200	Flat B DP S36241	Safety Alert	YES	Aggressive dog, man who called is also very aggressive
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ANIMAL DETAILS

Animal Number	246215	Animal Name	Kaiwhai	Tattoo	900141000 355935
Animal Location	██████████ ST Newton 3200	Color	TAN /WHI	Sex	M
Owner Address	██████████ street Newton Hamilton 3200	Owner Name	Reokore Thompson	NAR No.	1219167

REQUEST DETAILS

Offence Date		Just recieved a call about a dog who is constantly out all the time barking and rushing people. The caller is very upset that nothing has been done about this dog. He didn't provide any details other than the dog is a "mutt" and it lives at ██████████ street in Newton
Major Category	Animal Control (heading only)	
Minor Category	Dogs - Offences (heading only)	
Category 3	Dogs - Failure To Keep Control of Dog	
Category 4		

INVESTIGATION DETAILS

Officer	AHU
Start Date	11/03/2024 10:42
Finish Date	11/03/2024 10:42
Outcome	* Completed
Task	Investigation

D17 (& D37) 27/02/2024 8.57am

Arrive in [REDACTED] Street - sight offending dog loose at the bottom of [REDACTED] St near its driveway. Photos taken by D37. We have herded the dog back up its driveway with the AECO vehicle (Due to previous knowledge of the dogs behaviour) to the closed driveway gate. The dogs behaviour was territorial. We have backed up to get poles out and have observed this dog go under the driveway gate so it is not contained.

Also the dog is already classified as a menacing dog based on its observed behaviour.

We have approached the driveway gate. The dog was now on its front deck barking in an aggressive manner. We have called out to the house as there was a car present. A woman has come out onto the deck gone inside and come out onto the deck again and the dogs aggression has escalated and the dog has come flying at the driveway gate towards the AECO's showing full on aggression. This has required the AECO's to yell and utilize their equipment to discourage the dog from coming off the property.

The dog owner has said the dog is only aggressive with AECU staff. It is fine with her friends and others who visit the property. She has called the dog away and after a little secured the dog. We have advised her of our observations and the complaint, and I have advised her that I will be fining her and increasing her classification on her dog from a menacing classification to a dangerous classification based on our observations. She has said that she thought this was unfair. We have departed the property and spoke to the complainant and advised him of the outcome.

He was visibly upset about the dog being loose and the ongoing risk the dog poses to people and in this case his children this morning. He is going to send photos of the dog loose via email. The photos have been received and attached as have the photos for D37.

Infringement No 15126 issued for breach of Menacing Classification. Infringement No 15127 issued for failing to contain the dog to its property. [REDACTED] - 27/02/2024)

D17 05/03/2024

I have created a Dangerous Dog Classification and got this sworn at the District Court today. N.F.A. ([REDACTED] - 05/03/2024)

D17 11/03/2024 10.32am. Tried phoning the dog owner but went straight to voicemail again - left voicemail message about outcome. Text also sent. "To [REDACTED] Dog Control Officer here.

We have had another complaint about your dog roaming this morning at 5 am on someone else's property.

You need to ensure your dog is contained. Also your dog is being classified as a dangerous dog due to displays of aggression towards people. This means that your dog will need to be contained to a fenced portion of your property enabling people to get to your door without encountering the dog. Outside of this area your dog needs to be muzzled. Your dog registration fee will be 150% of normal."

N.F.A. [REDACTED] - 11/03/2024)

Opened new Investigation as per D17 request.

Dog is being classified as Dangerous. [REDACTED] - 11/03/2024)

Previous Complaints for Dog

CRM No.	328968/2023	Task	2INV
Animal	246215	Outcome	ADVC
Maj Cat.	Animal Control (heading only)	Officer	D41
Min Cat.	Dogs - Offences (heading only)	Opened	26-May-23 08:39:00 AM
Cat 3	Dogs - Roaming (heading only)	Closed	21-Jun-23 02:24:00 PM
Cat 4	Dogs - Roaming - Public Place		

CRM No.	337439/2023	Task	2INV
Animal	246215	Outcome	ADVC
Maj Cat.	Animal Control (heading only)	Officer	D40
Min Cat.	Dogs - Offences (heading only)	Opened	13-Jul-23 03:59:00 PM
Cat 3	Dogs - Rushing (heading only)	Closed	16-Aug-23 07:54:00 AM
Cat 4	Dogs - Rushing Person - Urgent		

CRM No.	346936/2023	Task	2INV
Animal	246215	Outcome	S52A
Maj Cat.	Animal Control (heading only)	Officer	D44
Min Cat.	Dogs - Offences (heading only)	Opened	01-Sep-23 07:18:00 AM
Cat 3	Dogs - Rushing (heading only)	Closed	13-Sep-23 11:11:00 AM
Cat 4	Dogs - Rushing Person - Urgent		

CRM No.	347602/2023	Task	2INV
Animal	246215	Outcome	S52A
Maj Cat.	Animal Control (heading only)	Officer	D41
Min Cat.	Dogs - Offences (heading only)	Opened	05-Sep-23 07:29:00 AM
Cat 3	Dogs - Roaming (heading only)	Closed	08-Sep-23 12:48:00 PM
Cat 4	Dogs - Roaming - Public Place		

CRM No.	350029/2023	Task	2INV
Animal	246215	Outcome	MENC
Maj Cat.	Animal Control (heading only)	Officer	D17
Min Cat.	Dogs - Offences (heading only)	Opened	15-Sep-23 01:54:00 PM
Cat 3	Dogs - Offences - Officer (heading only)	Closed	15-Sep-23 03:38:00 PM
Cat 4	Dogs - Officer - Serve Dog Classification		

CRM No.	372741/2024	Task	2INV
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Animal	246215	Outcome	2CMP
Maj Cat.	Animal Control (heading only)	Officer	D40
Min Cat.	Dogs - Offences (heading only)	Opened	02-Jan-24 02:04:00 AM
Cat 3	Dogs - Roaming (heading only)	Closed	07-Jan-24 10:06:00 AM
Cat 4	Dogs - Roaming - Public Place		

CRM No.	372751/2024	Task	2INV
Animal	246215	Outcome	SEIZ
Maj Cat.	Animal Control (heading only)	Officer	D40
Min Cat.	Dogs - Offences (heading only)	Opened	02-Jan-24 09:37:00 AM
Cat 3	Dogs - Roaming (heading only)	Closed	07-Jan-24 10:03:00 AM
Cat 4	Dogs - Roaming - Public Place		

CRM No.	385784/2024	Task	2INV
Animal	246215	Outcome	S33
Maj Cat.	Animal Control (heading only)	Officer	D17
Min Cat.	Dogs - Offences (heading only)	Opened	27-Feb-24 08:27:00 AM
Cat 3	Dogs - Failure To Keep Control of Dog	Closed	05-Mar-24 12:42:00 PM
Cat 4			

CRM No.	385784/2024	Task	2ACO
Animal	246215	Outcome	COMP
Maj Cat.	Animal Control (heading only)	Officer	AHU
Min Cat.	Dogs - Offences (heading only)	Opened	11-Mar-24 10:42:00 AM
Cat 3	Dogs - Failure To Keep Control of Dog	Closed	11-Mar-24 10:42:00 AM
Cat 4			

CRM No.	385784/2024	Task	2INV
Animal	246215	Outcome	DANG
Maj Cat.	Animal Control (heading only)	Officer	D17
Min Cat.	Dogs - Offences (heading only)	Opened	11-Mar-24 10:42:00 AM
Cat 3	Dogs - Failure To Keep Control of Dog	Closed	11-Mar-24 10:44:00 AM
Cat 4			

CRM No.	388461/2024	Task	2INV
Animal	246215	Outcome	S33
Maj Cat.	Animal Control (heading only)	Officer	D47

Min Cat.	Dogs - Offences (heading only)	Opened	10-Mar-24 01:07:00 PM
Cat 3	Dogs - Roaming (heading only)	Closed	11-Mar-24 10:57:00 AM
Cat 4	Dogs - Roaming - Public Place		

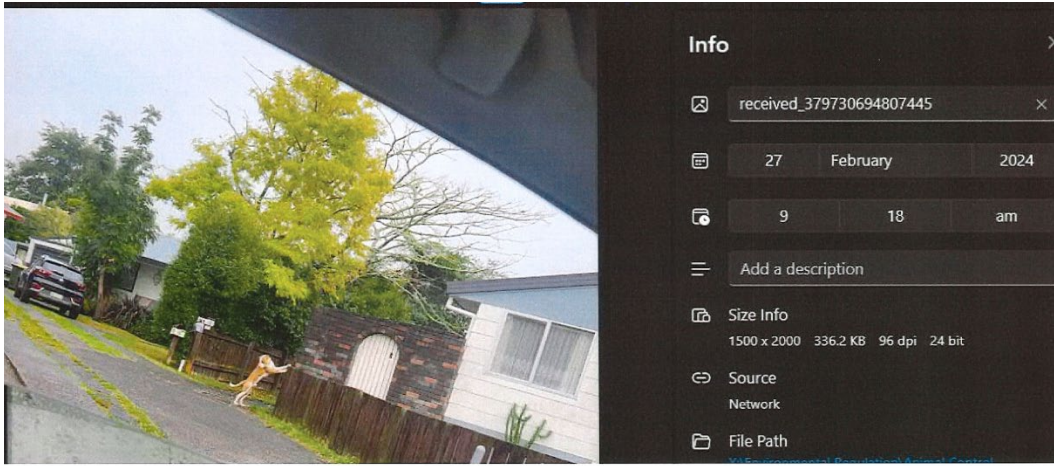
CRM No.	388545/2024	Task	2INV
Animal	246215	Outcome	ADVC
Maj Cat.	Animal Control (heading only)	Officer	D17
Min Cat.	Dogs - Offences (heading only)	Opened	11-Mar-24 10:04:00 AM
Cat 3	Dogs - Roaming (heading only)	Closed	11-Mar-24 10:50:00 AM
Cat 4	Dogs - Roaming - 52A Free To Leave		

CRM No.	389477/2024	Task	2INV
Animal	246215	Outcome	DANG
Maj Cat.	Animal Control (heading only)	Officer	D17
Min Cat.	Dogs - Offences (heading only)	Opened	15-Mar-24 01:03:00 PM
Cat 3	Dogs - Offences - Officer (heading only)	Closed	15-Mar-24 02:25:00 PM
Cat 4	Dogs - Officer - Serve Dog Classification		

Item 5

Attachment 1

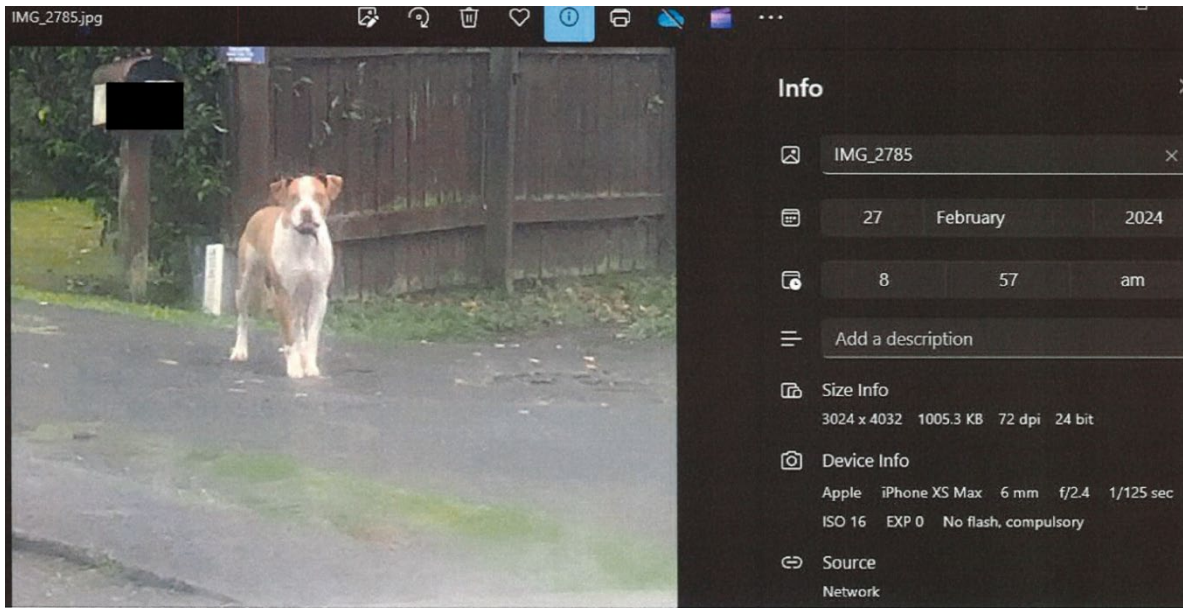




Item 5

Attachment 1

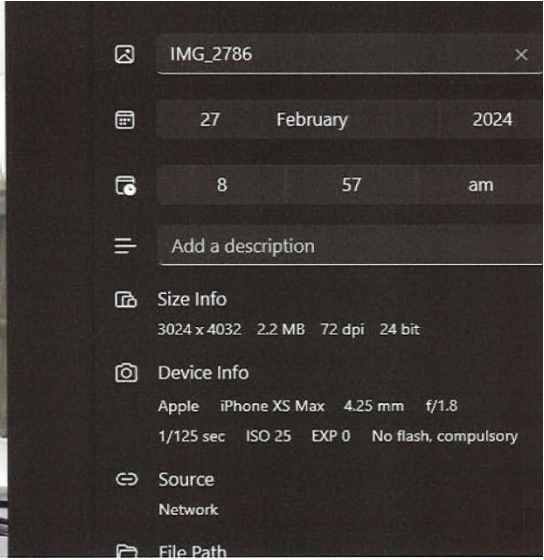




Item 5

Attachment 1





Item 5

Attachment 1

15 March 2024

[REDACTED] Thompson
[REDACTED]



Private Bag 3010
Hamilton 3240
New Zealand

TEL 07 838 6699
FAX 07 838 6599
EMAIL info@hcc.govt.nz
hamilton.govt.nz

Dear [REDACTED]

Classification of Dog as Dangerous – Section 31 of Dog Control Act 1996

Section 31 of the Dog Control Act 1996 ("DCA") enables Hamilton City Council ("HCC") to classify a dog that it considers poses a threat to any person, stock, poultry, domestic animal or protected wildlife because of:

- a) the owner of the dog has been convicted of an offence in relation to the dog under section 57A(2); or
- b) the territorial authority has, on the basis of sworn evidence attesting to aggressive behaviour by the dog on 1 or more occasions, reasonable grounds to believe that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife; or
- c) the owner of the dog admits in writing that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife.

As a result of sworn evidence, HCC has classified the dog as a **DANGEROUS** dog under Section 31(1)(b) of the Dog Control Act 1996. The Notice of Classification is enclosed.

If you do not agree with the Classification, you may object in writing within 14 days of receiving the Classification. You must email your objection through to dog.registration@hcc.govt.nz. You must have valid grounds for an objection and produce evidence.

If you have any questions regarding this, please call Animal Education and Control on 07 838 6632.

Regards

Animal Education and Control Manager

Animal Education and Control Centre
217 Ellis Street, Hamilton
Phone 07 838 6632
Email: dog.registration@hcc.govt.nz

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NOTICE OF CLASSIFICATION OF DOG AS A DANGEROUS DOG

SECTION 31, DOG CONTROL ACT 1996

TO: (Name of Owner) s7(2)(a) Thompson

DOG: (Description) Male, Neutered, Mastiff Cross, Tan and White in colour, Named KAIWHAI, aged 1 year and 1 month approximately, Microchip 900 141 000 355 935

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.

This is because of the highly aggressive behaviour observed by and displayed towards Animal Education and Control Officers and Members of the Public.

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

For the purposes of the Dog Control Act 1996, you are the owner of a 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.

Signature of officer

Date

15/3/2024

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Version 3
15.1.04

Animal Education & Control

Attachment 2



Private Bag 3010
Hamilton 3240
New Zealand

TEL 07 838 6699
FAX 07 838 6599
EMAIL info@hcc.govt.nz
hamilton.govt.nz

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 that 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 breath 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 Hamilton City 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 Hamilton City Council, to produce to the Hamilton City 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 the 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 to a fine not exceeding \$3,000 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.

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Version 3
15.1.04

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 if you sell or otherwise transfer the dog, or offer to do so, to any other person without disclosing that the dog is classified as a dangerous dog.

As from 1 July 2006, you are also required, for the purpose of providing permanent identification of the dog, to arrange for the dog to be implanted with a functioning microchip transponder. This must be confirmed by making the dog available to the Hamilton City Council in accordance with the reasonable instructions of the Hamilton City Council for verification that the dog has been implanted with a functioning microchip transponder of the prescribed type and in the prescribed location.

You will commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you fail to comply with this requirement-

- within 2 months from 1 July 2006 if your dog is classified as menacing on or after 1 December 2003 but before 1 July 2006;
or
- within 2 months after the dog is classified as menacing if your dog is classified as menacing after 1 July 2006.

If the dog is in the possession of another person for a period not exceeding 72 hours, you must advise that person of the requirement to not 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 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. You will commit an offence and be liable on conviction to a fine not exceeding \$500 if you fail to comply with this requirement.

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

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

You may object to the classification by lodging with the Hamilton City 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 the objection and will be notified of the time and place at which your objection will be heard.

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15.1.04

[REDACTED]
Animal Education and Control Manager | City Safety & Resilience

DDI: [REDACTED]@hcc.govt.nz



Hamilton City Council | Private Bag 3010 | Hamilton 3240 | www.hamilton.co.nz

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From [REDACTED] Thompson [REDACTED]
Sent: Tuesday, March 26, 2024 5:10 PM
To: Dog Registration <Dog.Registration@hcc.govt.nz>
Subject: Object to My dog being classified as a dangerous Dog

I [REDACTED] Thompson (Dog Owner) am appealing to my Dog (kaiwhai) being classified as a dangerous dog. My reasons being he was meant for my family to be a guard dog seeing as we have had burglaries up until the point of getting kaiwhai. Almost Daily conflict between my self and neighbours for them teasing him and yelling profanity towards him and myself, while also threatening to slit his throat, sneaking up over driveway to light fires and up until I contacted the police 5-6 weeks ago had been lighting fireworks in our driveway at 12:30am. He hasn't injured bit or hurt anyone or anything, if anything he's only protecting our property. We have had multiple visitors arrive here without him attacking or charging for them. When the dog control ranger had forcefully removed kaiwhai from our property (Neighbours on other side can vorge) he was removed so roughly that of course he's gonna kick up a stink. Because they had mistaken him for another dog who looks 90% like Kaiwhai EXCEPT she's a female from a photo that they had received, who lives at the end of our driveway for him. As a result of wrongful. Identification I had to pay for him to be neutered. And got no apologies for them getting it wrong. The ranger had also mentioned on a previous visit that Kaiwhai was playing with the kids down our road. So now I'm confused. So my dog he isn't as dangerous as whoever is saying he is. He actually our family dog, he's loving and playful and listens when spoken to on command. So I don't get how he can be classified as dangerous.

Yours sincerely

[REDACTED] Thompson

From: [REDACTED]
Sent: Monday, 8 April 2024 8:54 am
To: [REDACTED] Thompson
Subject: FW: Objection to dangerous classification
Attachments: Public hearings - dangerous and menacing dogs (v3).pdf

H [REDACTED]
 I have received a schedule for your dogs dangerous classification hearing. I must complete the report by 24 April, so could you please have all information on why you are objecting / why your dog is not dangerous, including any supporting documentation you have to me by 17 April. This will give me time to ensure it is in the report.
 Regards
 [REDACTED]

[REDACTED]
 Animal Education and Control Manager | City Safety & Resilience

DDI: [REDACTED] @hcc.govt.nz



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From: [REDACTED]
Sent: Wednesday, March 27, 2024 1:34 PM
To: reokore80 [REDACTED]
Subject: Objection to dangerous classification

H [REDACTED]
 I have received your objection to the classification of your dog Kaiwhai as dangerous.

Objections to classification are heard by a panel of Councillors in the Regulatory and Hearings Committee, I have attached an information sheet on this process for your information. As part of this process I write a report for the Councillors and everyone involved gets a copy, including yourself. There is space in the report for me to include the reasons for your objection, why you don't think your dog should be classified and any supporting evidence you want to provide.

The next steps are:

- I will let our Governance team know of your objection. The Governance unit organise the hearings, and someone from there will contact you regarding dates and about the process.
- I will start the report.
- You send me all the information about why you are objecting and any supporting evidence you want included in the report. Once Governance have set a meeting date I will let you know when I need the information by.

If you have any question feel free to drop me a line.

Regards
 [REDACTED]

I, [REDACTED] state:

1. I am employed as an Animal Education and Control Officer Team Leader for Hamilton City Council. I was assisting officer [REDACTED] who was the investigating officer for a report of an aggressive dog out on [REDACTED] Street on 27th February 2024.
2. At 8.27am the report came through as CRM#385784, the report was of an aggressive dog from [REDACTED] Street out in the street.
3. The dog from this address is known to our team for previous aggressive behaviour. I have attended with [REDACTED] to provide assistance.
4. On arrival to the address the dog known to me as Kaiwhai was loose in the street.
5. Before even exiting the vehicle the dog Kaiwhai has shown aggression to us by barking, growling, and lunging towards us.
6. We have used our voices to tell the dog to go home, as the dog entered the driveway of [REDACTED] Street (where the dog is known to live) [REDACTED] has used the vehicle to put pressure on the dog to return to the property. Once the dog was further up the drive we have reversed back to the street and exited the vehicle with catch poles for our safety.
7. The dog was still showing signs of aggression.
8. As we approached on foot the dog has pushed back under the gate into the property, we have called out to get the attention of the dog owner to discuss the complaint and lack of containment.
9. As soon as the owner has opened her door the dog has come charging at the gate where we were standing. I have shouted at the dog and used my catch pole to stop it coming back through the gate or over it. The dog's behaviour was highly aggressive, I believe that it would have attacked us, if I had not used my tools knowledge and skills as an Animal Control Officer to defend myself.
10. After exiting the property, we have spoken to a resident in the street who has told us about multiple encounters with this dog loose in his street. I have asked him about the behaviour the dog displays and he has described the same behaviour I had just witnessed from the dog Kaiwhai.
11. I believe this dog poses a high risk to public safety.

I confirm the truth and accuracy of this statement. I make this statement with the knowledge that it is to be used in court proceedings. I am aware it is an offence to make a statement that is known by me to be false or intended by me to mislead.

[REDACTED]

18/4/2024

15 September 2023

[REDACTED] Thompson

Dear [REDACTED]

Classification of Dog as Menacing Dog Section 33A Dog Control Act 1996

Section 33A of the Dog Control Act 1996 ("DCA") enables Hamilton City Council ("HCC"), to classify a dog that it considers poses a threat to any person, stock, poultry, domestic animal, or protected wildlife because of:

- a. any observed or reported behaviour of the dog; or
- b. any characteristics typically associated with the dog's breed or type.

As a result of the observed or reported behaviour HCC has classified the dog as a Menacing Dog under s33A of the Dog Control Act 1996. The Notice of Classification of Dog as Menacing Dog ("the Notice") is enclosed.

HCC requires you to have the dog de-sexed, and to provide a copy of the de-sexing certificate to HCC within one month from the date shown on the Notice.

You may be able to take advantage of discounts available through HCC for de-sexing fees with a contracted veterinarian. Microchipping is also available at the Animal Education and Control Centre. If you would like further information about these services, please contact the Animal Education and Control team on 838 6632.

Please ensure that you comply with the requirements of the classification within the timeframes outlined in the enclosed Notice to avoid any further enforcement action. If you do not agree with the Classification, you may object in writing within 14 days of receiving the Classification. You must have valid ground for an objection and produce evidence that your dog is not of a breed or type listed above.

If you have any questions regarding the Notice of Classification, please contact HCC's Animal Education & Control Centre, phone 838 6632.

Regards



[REDACTED]
Acting Animal Education and Control Manager

Animal Education and Control Centre
217 Ellis Street, Hamilton
Phone 07 838 6632
Email animal.web@hcc.govt.nz

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New Zealand

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EMAIL info@hcc.govt.nz
hamilton.govt.nz

Notice of Classification of Dog as Menacing Dog

Section 33A, Dog Control Act 1996

To: *
(name of owner)

[REDACTED] Thompson

Address:

**Male, Unneutered Mastiff Cross, Tan and White in
colour, Named KAIWHAI, aged 8 months
approximately, No Microchip**

This is to notify you* that this dog has been classified as a menacing dog under section 33A(2) of the Dog Control Act 1996.

This is because of the aggressive behavior displayed by the dog on Friday, 1st September 2023, in Hamilton

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

[REDACTED]
Animal Education and Control Manager

15/9/2023
Date

* For the purposes of the Dog Control Act 1996, you are the owner of a 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, 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.

S 33E(1) Effect of classification as a menacing dog

Sections 33E, 33F, 36A, Dog Control Act 1996

You —

- (a) must not 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 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
- (b) must produce to HCC within 1 month after receipt of this notice, a certificate issued by a veterinary surgeon 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

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- (c) must, if a certificate under paragraph (b)(ii) is produced to HCC, produce to HCC, within 1 month after the date specified in that certificate, a further certificate under paragraph (b)(i).

You will commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you fail to comply with all of the matters in paragraphs (a) to (c) above.

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 (c) above. The officer or ranger may keep the dog until you demonstrate that you are willing to comply with paragraphs (a) to (c).

You are also required, for the purposes of providing permanent identification of the dog, to arrange for the dog to be implanted with a functioning microchip transponder. This must be confirmed by making the dog available to HCC in accordance with the reasonable instructions of HCC for verification that the dog has been implanted with a functioning microchip transponder of the prescribed type and in the prescribed location.

You will commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you fail to comply with this requirement within 2 months after the dog is classified as menacing.

If the dog is in the possession of another person (for a period not exceeding 72 hours), you must advise that person of the requirement to not 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 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. You will commit an offence and be liable on summary conviction to a fine not exceeding \$500 if you fail to comply with this requirement.

Full details of the effect of the classification of a dog as menacing are provided in the Dog Control Act 1996. This is available to view online at www.legislation.govt.nz.

Right of Objection to Classification Under Section 33C

Section 33D, Dog Control Act 1996

You may object to the classification of your dog as menacing by lodging with HCC a written objection within 14 days of receipt of this notice setting out the grounds on which you object.

You have the right to be heard in support of your objection and will be notified of the time and place at which your objection will be heard.

Animal History

AN 246215 - Kaiwhai

Date & CRM	Complaint	Outcome & notes
26/5/2023 CRM328968	Roaming dog	Dog sighted on the street/footpath of David St. Followed home by officers. Dog charged the AECO ute displaying aggression. Dog not registered. Owner spoken to about registration and containment. Dog registered. Outcome: Advice given
13/7/2023 CRM337439	Urgent rushing – dog rushed person in street who was checking their mailbox.	Area patrolled; no dog sighted on street. Dog matching the description was seen at a residence and was free to leave. Complainant uncontactable for a statement. Containment discussed with dog owner. Outcome: Advice given
1/9/2023 CRM 346936	Urgent rushing – complainant was putting out their rubbish when the dog rushed at him barking and growling.	Complainant identified the address the dog came from. AECO attended address and spoke with owner, history, containment, and aggression discussed with dog owner. Outcome: INF 14555 and dog classified as menacing
5/9/2023 CRM 347602	Roaming dog	Complainant identified address where dog came from. AECO attended address where gate was open, spoke to dog owner about containment, dogs aggression in the street, and history – noting this event will result in an infringement. Outcome: INF 14346
15/9/2023 CRM350029	Serve dog classification	Menacing classification document given to dog owner.
02/01/2024 CRM 372741	Roaming dog	Refer to CRM 372751
02/01/2024 CRM 372751	Roaming dog	AECO's in area attended, saw dog on street have tried to get it back on its property but has stood its ground in front of the gate showing aggression towards AECO's. Dog seized. Outcome: Dog seized and impounded Dog held until it was desexed as it was in breach of its menacing classification
27/02/2024 CRM 385784	Roaming dog	AECO's patrolled area, sighted dog loose on street near driveway. AECO's have tried to herd dog back into its section, dog has stood its ground and shown aggression. Officers went to pole dog when it has gone under the driveway gate. Owner came out and dog has then run at AECO's showing elevated aggression. Dog owner informed of further complaint received and because of dogs roaming and aggression they will be receiving and infringement and dogs classification increased to dangerous.

		Outcome: INF 15127 and dangerous classification
10/03/2024 CRM 388461	Roaming dog	AECO contacted complainant who noted they have video footage of dog out. Dog well known to AECO's. Owner infringed for dogs roaming and not complying with effects of classification. Outcome: INF 15162 and 15163
11/03/2024 CRM 388545	Roaming dog	Complainant contacted and discussed situation. Dog owner phoned no answer, sent a text re impending classification and addition infringements that are being issued. Outcome: advice given
15/03/2024 CRM 389477	Serve dog classification	Dangerous dog classification documentation served on dog owner.

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1 of 1

Document Browse

Dangerous Animal

3 Memos Recorded

Animal Type 1 Dogs Number 246215
MicroChip Brand MICROCHIP Id 900141000355935
Alpha Key [REDACTED]
Assessment 31197 Parcel 10590
Owner 1219167
House Number [REDACTED]
Street Name [REDACTED]
Suburb Name [REDACTED] 3200

Owner Details

Name [REDACTED] Thompson

Address [REDACTED]

Mobile Phone [REDACTED]

Home Phone [REDACTED]

Business Phone [REDACTED]

e-Mail Address [REDACTED]

Animal Details

Kept at Address [REDACTED] Hamilton 3200
OutsideTag [REDACTED] Ref [REDACTED] Dangerous Dangerous Agency
Animal Name Kaiwhai Neutered Y Gender Male
Breed MAST Mastiff Cross CRXX Cross
Main Colour TAN Tan Second WHI White
Birth 10/01/2023 Age 1 Years 3 Months Death [REDACTED] Depart [REDACTED]
Features 1403011 Permit Number [REDACTED]

Registration Details

Tag Number 14748 Tag Set 2023/24
eTran [REDACTED] Recpt Date 20/06/2023 Reg Till 30/06/2024

By Law Code Search

Code Type [REDACTED] Code Value [REDACTED]

As at 18/4/2024

Council Report

Item 6

Committee: Dog Control Hearings Panel **Date:** 28 May 2024
Author: Susan Stanford **Authoriser:** Kelvin Powell
Position: Animal Control Manager **Position:** City Safe Unit Manager
Report Name: Objection to a Menacing classification - Hockley

Report Status	<i>Open</i>
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Purpose - *Take*

1. To seek a determination from the Dog Control Hearings Panel on the classification of the dog Marlin owned by D Hockley as a menacing dog because of the observed or reported behaviour of the dog pursuant to section 33A of the Dog Control Act 1996.

Staff Recommendation - *Tuutohu-aa-kaimahi*

2. That the Dog Control Hearings Panel:
 - a) receives the report;
 - b) confirms it has considered the mandatory matters specified under the Dog Control Act 1996, and other matters relevant to the objection;
 - c) notes that the Dog Control Hearings Panel in determining any objection can only either uphold or rescind the classification under the Dog Control Act 1996; and
 - d) upholds the menacing classification because of the observed or reported behaviour of the dog pursuant to section 33A of the Dog Control Act 1996.

Executive Summary - *Whakaraapopototanga matua*

3. On 23 February 2024 Council received a complaint regarding Marlin, a flat coated retriever Mastiff cross(the Dog), note on the desexing form the Dog is noted as an American Pitbull Terrier, who was out roaming and contained at the complainant's house. **Attachment 1** contains the investigation undertaken by staff.
4. The Dog Control Act 1996 sets out the circumstances in which Council may classify a dog as menacing.
5. Staff recommend that the Dog Control Hearings Panel upholds the classification of the Dog as menacing because of the observed or reported behaviour of the dog pursuant to section 33A of the Dog Control Act 1996.
6. Staff consider the decision in this report has low significance and that the recommendations comply with the Council's legal requirements.

Background - *Kooreo whaimaarama*

7. The complaint broadly involved; A roaming dog that was on the complainant's section, unrestrained and free to leave. The complainant waited with the dog until the Animal Education and Control Officer (AECO) arrived. When the AECO arrived and got out of his vehicle the Dog has rushed at him showing aggression. The complainant has put the Dog in the AECO's vehicle as it was ok with them.
8. **Attachment 1** contains the investigation undertaken by staff. Key points of the investigation include:
 - i. Animal Education and Control Officer attended the job.
 - ii. When AECO arrived, they could see the Dog with the complainant at the front of the house, they have got out of the vehicle (without a catchpole) and the Dog has barked, growled, and run towards them.
 - iii. The officer has then gotten back in their vehicle and retrieved a catchpole before getting out again. The Dog has then come close to the officer showing its' teeth lunging and growling, AECO has had to use his catchpole to keep the dog away from them.
 - iv. The complainant has then said they can put the Dog in the vehicle as it is fine with them. AECO has left their lead on the ground for the complainant and returned to the vehicle.
 - v. The complainant has put the Dog in the vehicle with no incident.
 - vi. The Dog has then been taken to the Animal Education and Control centre scanned and impounded, and the Owner notified and informed the Dog was to be classified based on behaviour.
9. On 19 March 2024 the Dog "Marlin" was classified by staff as menacing under sections 33A (observed behaviour) of the Dog Control Act 1996. Refer to **Attachment 2** for the Notice of Classification.
10. On 8 April 2024 correspondence was received objecting to the menacing classification of the Dog **Refer to Attachment 3**.
11. As a result, a hearing has been convened to hear the objection. The Hearing Panel should note:
 - i. The Owners have advised that they wish to be heard in person.
 - ii. The Complainant has advised that they do not wish to be heard in person.
12. The normal order of the procedure of a hearing is as follows:
 - i. Opening of the meeting by the Chair.
 - ii. the Owner presents their objection and supporting evidence.
 - iii. Any witnesses in support of the objection speak to their evidence.
 - iv. The Complainant and any witnesses in opposition of the objection speak to their evidence.
 - v. Council staff summarise the Council report and makes any comments regarding information provided at the hearing.
 - vi. The Owner has the opportunity to respond to any new matters or points not already covered during the hearing;
 - vii. The hearing can be resolved to move into a public excluded session (section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular

interest or interests protected by Section 7(2)(f)(ii) to maintain the effective conduct of public affairs through protecting persons from improper pressure or harassment) for a decision to be made.

13. For the avoidance of doubt:

- i. The Chair of the hearing may change the order of the hearing at their discretion.
- ii. There is no opportunity for cross examination at the hearing by any party.
- iii. Members of the Hearings Panel may ask questions for clarification of the parties during the hearing.

Discussion - *Matapaki*

14. Section 33B provides that in making its determination Council **must** have regard to:

- i. The evidence which formed the basis for the classification;
- ii. any steps taken by the owner to prevent any threat to the safety of persons or animals;
- iii. the matters relied on in support of the objection; and
- iv. any other relevant matters.

Evidence which formed the basis for the classification

15. In deciding to classify the Dog, staff have relied on the following evidence:

- i. The experience and expertise of and investigation notes of the Animal Education and Control Officer who attended the complaint and observed the aggressive behaviour displayed Refer to **Attachment 1**.

Matters relied on or advanced in support of the objection

16. The Owner(s) object to the classification of the Dog on the following grounds.

- i. That the Dog got loose accidentally during a house shift when he got a fright from a loud noise;
- ii. The Dog was frightened and didn't know the area;
- iii. The Dog was a rescue dog who may have been beaten as a puppy and seeing the Animal Education and Control Officer with a pole he would have been scared and barked in self-defence;
- iv. The property they are now in is fully fenced and the Dog has a steel cable run so he is contained at all times; and
- v. Wearing a muzzle would impact the ability to run the Dog the distances they currently do Refer **Attachment 3**.

Steps taken by the owner to prevent any threat to the safety of persons or animals

17. The Owner(s) have taken the following steps to prevent any threat to the safety of persons or animals have a fully fenced section with a cable run to keep the Dog contained **Refer to Attachment 3**.

Other relevant matters

18. The Dog Control Act 1996 requires consideration of any other matters that the Hearings Panel considers relevant.

19. Council's Dog Control Policy provides direction on how Council will fulfil its legislative responsibilities pursuant to the [Dog Control Act 1996](#) and the Dog Control Bylaw. The Hearing Panel should consider whether its decision is consistent with the purposes in the Dog Control Policy, specifically:
 - i. the need to minimise danger, distress, and nuisance to the community generally;
 - ii. the need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults;
 - iii. the importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs; and
 - iv. the exercise and recreational needs of dogs and their owners.
20. Ownership history and recorded dog behaviour can be a relevant consideration if it provides evidence of prior good or poor dog or ownership behaviour.
21. Council has five prior complaints relating to the Dog, one in 2022 for not being registered, two in 2023 for roaming and two in 2024 for roaming. Council has received one complaint after issuing the menacing classification for barking **Refer to Attachment 4.**

Options

22. Under the [Dog Control Act 1996](#), territorial authorities have two options when considering an outcome of an objection to a dog being classified as menacing:
 - i. to uphold the classification; or
 - ii. to rescind the classification.
23. There are no other options open to the Dog Control Hearings Panel under the [Dog Control Act 1996](#).
24. The staff recommendation is **option 1** that the Hearings Panel uphold the classification for the following reasons:
 - i. Animal Education and Control staff believe the Dog may pose an ongoing risk due to the level of aggression witnessed by staff on the day he was out roaming.
 - ii. The Dog's behaviour seems to be escalating, in an earlier encounter another AECO described the Dog's behaviour as territorial Refer Attachment 4 and in the latest incident the Dog has shown aggression even when not in his own home/territory.
 - iii. The only way to reduce the potential risk of an attack is to ensure containment and to muzzle him in public. The correct style and fit of a muzzle will not prevent or interfere with a dogs' breathing during exercise. A properly fitted cage muzzle will prevent the ability to bite but allows the dog to breathe, pant, and drink water.
 - iv. Muzzling can only be enforced under the menacing and dangerous classifications of the Dog Control Act 1996.

Financial Considerations - *Whaiwhakaaro Puutea*

25. This is a regular operating activity funded through the Long-Term Plan.

Legal and Policy Considerations - *Whaiwhakaaro-aa-ture*

Menacing Dog Classification

26. [Section 33A](#) of the [Dog Control Act 1996](#) provides that a territorial authority may classify dog as menacing that has not been classified as a dangerous dog under section 31; but a territorial

authority considers may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of—

- i. any observed or reported behaviour of the dog; or
- ii. any characteristics typically associated with the dog's breed or type.

Council's Dog Control Policy – Neutering of dogs classified as menacing

- 27. Council's Dog Control Policy provides direction on how Council will fulfil its legislative responsibilities pursuant to the [Dog Control Act 1996](#) and the Dog Control Bylaw.
- 28. The [Dog Control Policy](#) requires mandatory neutering of dogs classified as menacing in accordance with the provisions of the [Dog Control Act 1996](#). Mandatory neutering also includes dogs classified as menacing by other territorial authorities where that dog is in the jurisdiction of Hamilton City Council.

Right to make an objection

- 29. Section 33B provides a dog owner with the right to object to the classification. If a dog is classified under section 33A as a menacing dog, the owner:
 - i. may, within 14 days of receiving notice of the classification, object in writing to the territorial authority in regard to the classification; and
 - ii. has the right to be heard in support of the objection.
- 30. The territorial authority considering an objection under subsection (1) may uphold or rescind the classification, and in making its determination must have regard to—
 - i. the evidence which formed the basis for the classification; a
 - ii. any steps taken by the owner to prevent any threat to the safety of persons or animals;
 - iii. the matters relied on in support of the objection; and
 - iv. any other relevant matters.
- 31. The territorial authority must, as soon as practicable, give written notice to the owner of—
 - i. its determination of the objection; and
 - ii. the reasons for its determination.

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

- 32. The purpose of Local Government changed on the 14 May 2019 to include promotion of the social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the 4 wellbeings').
- 33. The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report as outlined below.
- 34. Staff consider that the keeping of animals can enhance the quality of life and wellbeing for individuals and families; however, the Council also has a responsibility to protect the community from unreasonable animal nuisances – families, whanau, iwi, hapuu, and communities should be safe from dangerous animals.

Risks - *Tuuraru*

- 35. Public safety risk: If a dog that should have been classified as menacing is not, it may continue to pose a potential threat to the public or other animals. This could result in attacks or incidents that cause harm. Failure to properly classify a dog as menacing could put public safety at risk.

36. Reputation and perception: Failure to properly classify a dog as menacing may affect the public perception of Council's approach to enforcement.

Significance & Engagement Policy - *Kaupapa here whakahira/anganui*

37. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the recommendation(s) in this report has/have a low level of significance.
38. Given the low level of significance determined, the engagement level is low. No engagement is required.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Animal Compliant Record

Attachment 2 - Menacing classification documentation

Attachment 3 - Objection received

Attachment 4 - Animal History.

Animal Complaint Record 385066/2024

COMPLAINANT

Complaint Received		23/02/2024	Officer	D40
Name		[REDACTED]	Home Phone 1	N/A
Address		[REDACTED] Hamilton 3206	Home Phone 2	N/A
			Mob Phone	[REDACTED]

PROPERTY

Property Address	[REDACTED] Bader 3206	Lot 134 DP S3023	Safety Alert	NO
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ANIMAL DETAILS

Animal Number	243272	Animal Name	Marlin	Tattoo	[REDACTED]
Animal Location	[REDACTED] Bader 3206	Color	RED /WHI	Sex	M
Owner Address	[REDACTED] Bader Hamilton 3206	Owner Name	[REDACTED]	NAR No.	1189453

REQUEST DETAILS

Offence Date		[REDACTED] called she has a contained roamer with her at [REDACTED] street. The dog is registered, he is tan, she is unsure of the breed.
Major Category	Animal Control (heading only)	
Minor Category	Dogs - Offences (heading only)	
Category 3	Dogs - Roaming (heading only)	
Category 4	Dogs - Roaming - Public Place	

INVESTIGATION DETAILS

Officer	D40	<p>23/2/24 11.30am Arrive at comp's property, I could see the comp had the dog with her on the front doorstep but not on a lead and no front fence or gate. As I stepped out of the ute, the dog has barked, growled, and ran over towards me. I've gotten back into the ute and then got back out holding a catching pole.</p> <p>The dog has come up close, snarling, showing its teeth, growling, and lunging. I've used the pole to keep the dog away.</p> <p>The comp has then said the dog is fine with her, so she is happy to put him in the truck. I've left my lead on the ground and got back into the ute. The dog has calmed down, the comp has put a lead on him and put him in the back of the ute.</p> <p>Scanned and microchip found "Marlin" registered to [REDACTED] S Impounded K11 KR51694</p> <p>Impoundment letter sent.</p> <p>Phoned and spoke to dog owner, advised the dog has been impounded and that we would be classifying Marlin as Menacing due to the aggression he has shown. I've explained what the classification entails.</p> <p>MARLIN TO BE CLASSIFIED AS MENACING BASED ON BEHAVIOUR ([REDACTED] - 23/02/2024)</p>
Start Date	23/02/2024 11:11	
Finish Date	23/02/2024 01:20	
Outcome	Animals - Impounded	
Task	Investigation	

Previous Complaints for Dog

CRM No.	298898/2022	Task	2INV
Animal	243272	Outcome	ADVC
Maj Cat.	Animal Control (heading only)	Officer	D17
Min Cat.	Dogs - Offences (heading only)	Opened	08-Dec-22 01:10:00 PM
Cat 3	Dogs - Ranging Offences Detected By Officer (heading only)	Closed	12-Dec-22 04:17:00 PM
Cat 4	Dogs - Ranging - Unregistered Dog Report Compliance		

CRM No.	339392/2023	Task	2INV
Animal	243272	Outcome	ADVC
Maj Cat.	Animal Control (heading only)	Officer	D45
Min Cat.	Dogs - Offences (heading only)	Opened	26-Jul-23 11:51:00 AM
Cat 3	Dogs - Roaming (heading only)	Closed	26-Jul-23 01:42:00 PM
Cat 4	Dogs - Roaming - Public Place		

CRM No.	367876/2023	Task	2INV
Animal	243272	Outcome	ADVC
Maj Cat.	Animal Control (heading only)	Officer	D45
Min Cat.	Dogs - Offences (heading only)	Opened	05-Dec-23 09:10:00 AM
Cat 3	Dogs - Ranging Offences Detected By Officer (heading only)	Closed	06-Dec-23 07:58:00 AM
Cat 4	Dogs - Ranging - Urban Patrols		

CRM No.	382644/2024	Task	2INV
Animal	243272	Outcome	ADVC
Maj Cat.	Animal Control (heading only)	Officer	D47
Min Cat.	Dogs - Offences (heading only)	Opened	14-Feb-24 04:19:00 PM
Cat 3	Dogs - Roaming (heading only)	Closed	15-Feb-24 10:34:00 AM

Cat 4 Dogs - Roaming -
Public Place

CRM No.	384230/2024	Task	2INV
Animal	243272	Outcome	ADVC
Maj Cat.	Animal Control (heading only)	Officer	D17
Min Cat.	Dogs - Offences (heading only)	Opened	20-Feb-24 01:44:00 PM
Cat 3	Dogs - Roaming (heading only)	Closed	20-Feb-24 02:22:00 PM
Cat 4	Dogs - Roaming - Public Place		

CRM No.	385066/2024	Task	2INV
Animal	243272	Outcome	IMP
Maj Cat.	Animal Control (heading only)	Officer	D40
Min Cat.	Dogs - Offences (heading only)	Opened	23-Feb-24 11:11:00 AM
Cat 3	Dogs - Roaming (heading only)	Closed	23-Feb-24 01:20:00 PM
Cat 4	Dogs - Roaming - Public Place		

CRM No.	389538/2024	Task	2INV
Animal	243272	Outcome	2CMP
Maj Cat.	Animal Control (heading only)	Officer	D40
Min Cat.	Dogs - Offences (heading only)	Opened	16-Mar-24 11:45:00 AM
Cat 3	Dogs - Barking	Closed	05-Apr-24 10:13:00 AM
Cat 4			

CRM No.	390145/2024	Task	2INV
Animal	243272	Outcome	2CMP
Maj Cat.	Animal Control (heading only)	Officer	AHU
Min Cat.	Dogs - Offences (heading only)	Opened	19-Mar-24 03:50:00 PM
Cat 3	Dogs - Offences - Officer (heading only)	Closed	03-Apr-24 11:32:00 AM
Cat 4	Dogs - Officer - Serve Dog Classification		

19 March 2024

HAMILTON 3206



Private Bag 3010
Hamilton 3240
New Zealand

TEL 07 838 6699
FAX 07 838 6599
EMAIL info@hcc.govt.nz
hamilton.govt.nz

Dear [REDACTED]

Classification of Dog as Menacing Dog Section 33A Dog Control Act 1996

Section 33A of the Dog Control Act 1996 ("DCA") enables Hamilton City Council ("HCC"), to classify a dog that it considers poses a threat to any person, stock, poultry, domestic animal, or protected wildlife because of:

- a. any observed or reported behaviour of the dog; or
- b. any characteristics typically associated with the dog's breed or type.

As a result of the observed or reported behaviour HCC has classified the dog as a Menacing Dog under s33A of the Dog Control Act 1996. The Notice of Classification of Dog as Menacing Dog ("the Notice") is enclosed.

HCC requires you to have the dog de-sexed, and to provide a copy of the de-sexing certificate to HCC within one month from the date shown on the Notice.

You may be able to take advantage of discounts available through HCC for de-sexing fees with a contracted veterinarian. Microchipping is also available at the Animal Education and Control Centre. If you would like further information about these services, please contact the Animal Education and Control team on 838 6632.

Please ensure that you comply with the requirements of the classification within the timeframes outlined in the enclosed Notice to avoid any further enforcement action. If you do not agree with the Classification, you may object in writing within 14 days of receiving the Classification. You must have valid ground for an objection and produce evidence that your dog is not of a breed or type listed above.

If you have any questions regarding the Notice of Classification, please contact HCC's Animal Education & Control Centre, phone 838 6632.

Regards

[REDACTED]
Animal Education and Control Manager

Animal Education and Control Centre
217 Ellis Street, Hamilton
Phone 07 838 6632
Email: dog.registration@hcc.govt.nz

AC-F64a
V 8
16.3.11

Notice of Classification of Dog as Menacing Dog

Section 33A, Dog Control Act 1996

To: *
(Name of owner)

Address: HAMILTON 3206

Dog Details: Male, Unneutered, Flat Coated Retriever x Mastiff,
Red and White in colour, Named MARLIN, aged 3
years and 10 months approximately, Microchip

This is to notify you* that this dog has been classified as a menacing dog under section 33A(2) of the Dog Control Act 1996.

This is because of the aggressive behavior displayed by the dog on Friday, 23rd February 2024, in Hamilton

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

Animal Education and Control Manager

19/3/2024
Date

* For the purposes of the Dog Control Act 1996, you are the owner of a 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, 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.

S 33E(1) Effect of classification as a menacing dog

Sections 33E, 33F, 36A, Dog Control Act 1996

You —

- (a) must not 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 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
- (b) must produce to HCC within 1 month after receipt of this notice, a certificate issued by a veterinary surgeon 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

V2
16.3.2011
AC-F54



Private Bag 3010
Hamilton 3240
New Zealand

TEL 07 838 6699
FAX 07 838 6599
EMAIL info@hcc.govt.nz
hamilton.govt.nz

- (c) must, if a certificate under paragraph (b)(ii) is produced to HCC, produce to HCC, within 1 month after the date specified in that certificate, a further certificate under paragraph (b)(i).

You will commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you fail to comply with all of the matters in paragraphs (a) to (c) above.

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 (c) above. The officer or ranger may keep the dog until you demonstrate that you are willing to comply with paragraphs (a) to (c).

You are also required, for the purposes of providing permanent identification of the dog, to arrange for the dog to be implanted with a functioning microchip transponder. This must be confirmed by making the dog available to HCC in accordance with the reasonable instructions of HCC for verification that the dog has been implanted with a functioning microchip transponder of the prescribed type and in the prescribed location.

You will commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you fail to comply with this requirement within 2 months after the dog is classified as menacing.

If the dog is in the possession of another person (for a period not exceeding 72 hours), you must advise that person of the requirement to not 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 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. You will commit an offence and be liable on summary conviction to a fine not exceeding \$500 if you fail to comply with this requirement.

Full details of the effect of the classification of a dog as menacing are provided in the Dog Control Act 1996. This is available to view online at www.legislation.govt.nz.

Right of Objection to Classification Under Section 33C

Section 33D, Dog Control Act 1996

You may object to the classification of your dog as menacing by lodging with HCC a written objection within 14 days of receipt of this notice setting out the grounds on which you object.

You have the right to be heard in support of your objection and will be notified of the time and place at which your objection will be heard.

I would like to object to my dog Marlin being classified as a menacing dog.

Marlin was picked up on Friday 23rd February 2024 from an address on Bader Street in Hamilton.

The reason Marlin was lost was because I was moving into a house in the area and it had started to rain while I was moving my fridge inside the house by myself. Marlin was asleep at the door when I accidentally dropped the fridge, which gave him a large fright, and he was able to run out the front gate, which was open because I had my vehicle and trailer up the drive way while moving furniture into the house.

Because Marlin did not know the area and he was frightened, He ran off and I assumed was trying to make his way back to our old house. He turned up at an address on Badar street lost and upset sometime later.

The reason Dog control was called to pick up Marlin was because the lady who lived at the address was unable to contact me because I was in a meeting at work and she needed to get back to work- i missed her call by half an hour.

She left a message on my phone to say that Marlin was at her house and posed no threat to her, her two dogs or her environment, and the only reason she rang the dog control was, she was concerned that he would get run over. She said he was a beautiful dog and was only concerned about his well-being.

Marlin is a rescue dog and is very scared of anyone carrying a pole or a stick. I believe he was probably beaten with one as a puppy.

I imagine that when the dog control officer turned up to apprehend Marlin with the pole that he was very scared and began barking at the officer in self defense, So, I can understand that might have been intimidating for the officer and extremely upsetting for Marlin.

It appears the officer used great physical force to apprehend Marlin because when I picked him up from the pound he was not in a good way.

Marlin had cuts on his face, in his mouth and had a burst blood vessel in his eye. Marlin was laying on the floor of his cell shaking in a pool of his own urine, faeces and blood.

Marlin is not a menacing dog, and I am so sorry that he got out. This is my fault and not that of his own.

The property I have moved into is fully fence and Marlin has a steel cable run so he is contained at all times. He spends most of his time with me.

Generally, he goes everywhere with me or is inside, he sleeps in my bed and is the most amazing pet with my two boys who are 6 and 8 years old.

I have worked so hard with Marlin since rescuing him and he truly is an amazing, kind animal.

Please do not classify Marlin as a menacing dog for this one mistake that was my fault not his.

I do a lot of outdoor activities with Marlin- mostly running which has been a huge part of training him and if he has to wear a muzzle full time then we will not be able to run the distances we do together.

Marlin is registered, microchip and desexed and he has done the work to recover from his past life experiences and I believe he is not a menacing dog.

He is great with people, other dogs and especially children.

Marlin is a regular at cafes and public places without issue.

Please understand this incident of him getting out was a one time thing which is completely my fault. My poor boy was lost and he was scared of the animal control officer with his pole which is why he reacted the way he did. I have not seen Marlin act like that before or after this event.

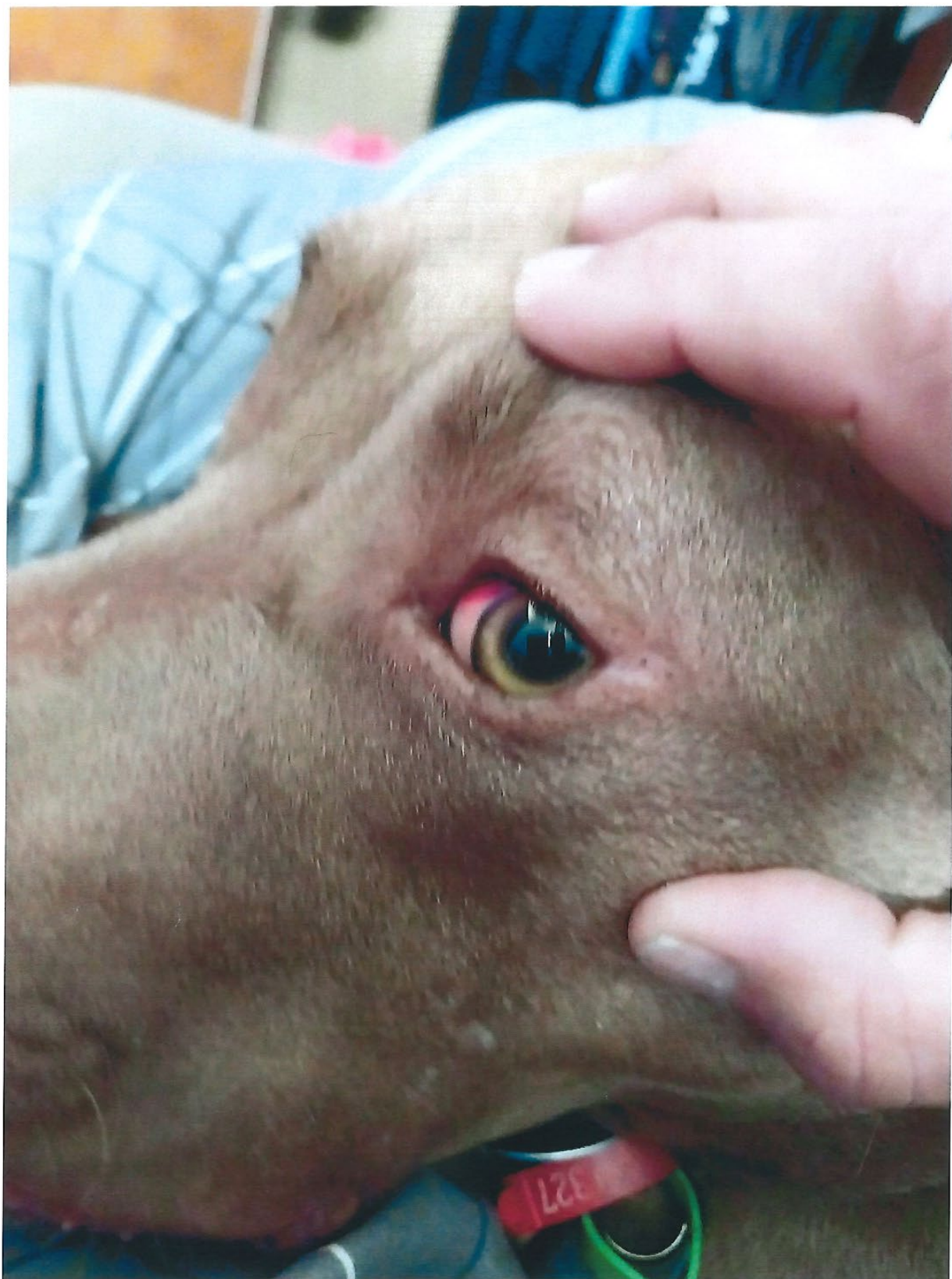
He has never attacked another person or animal and is my best friend.

Please see attached photos of Marlin, and his injuries.

Thank you so much for taking the time to read this and I hope you can find it in your heart to give Marlin the chance to live a normal life which he deserves.

Regards,

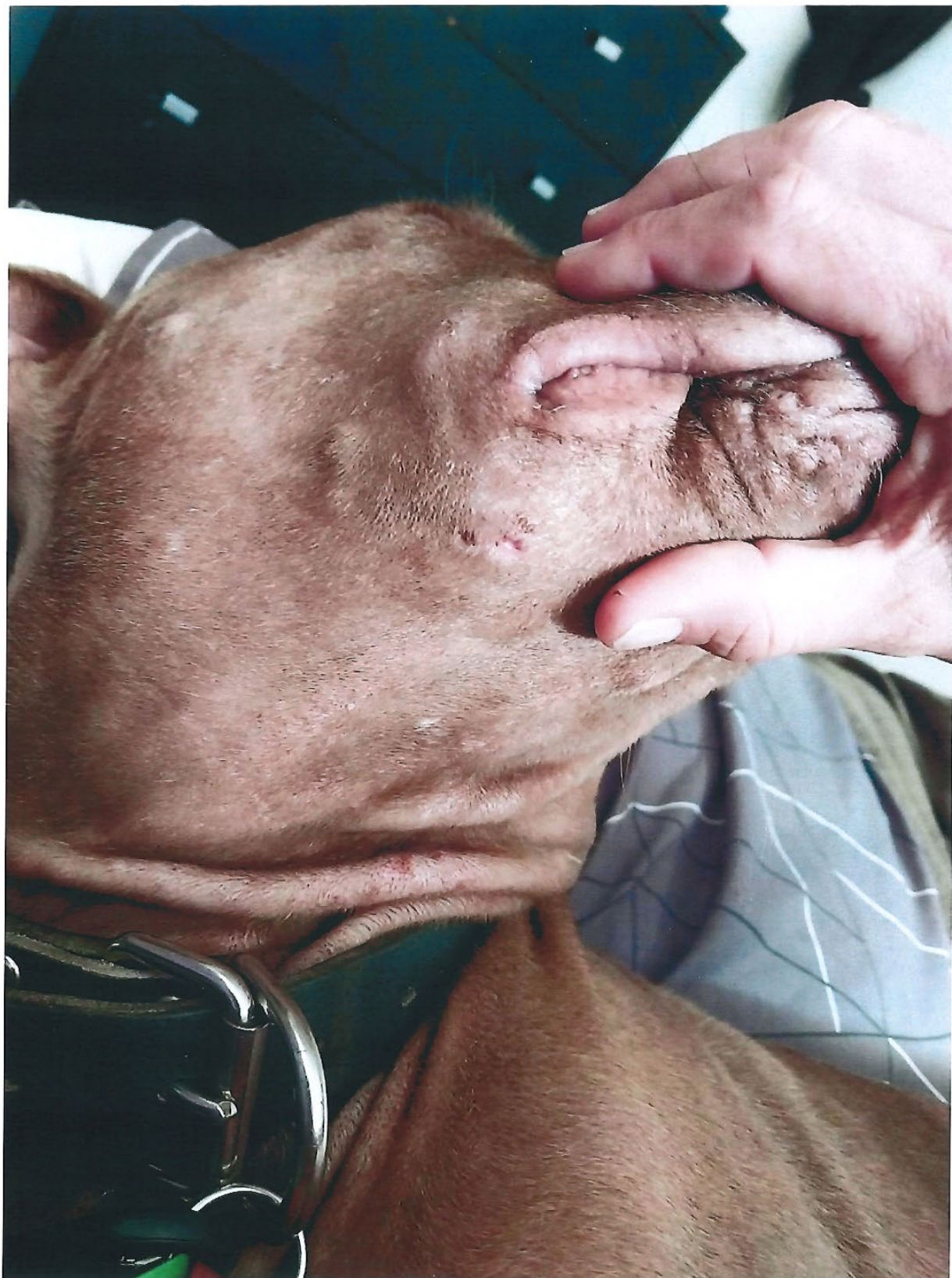
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Item 6

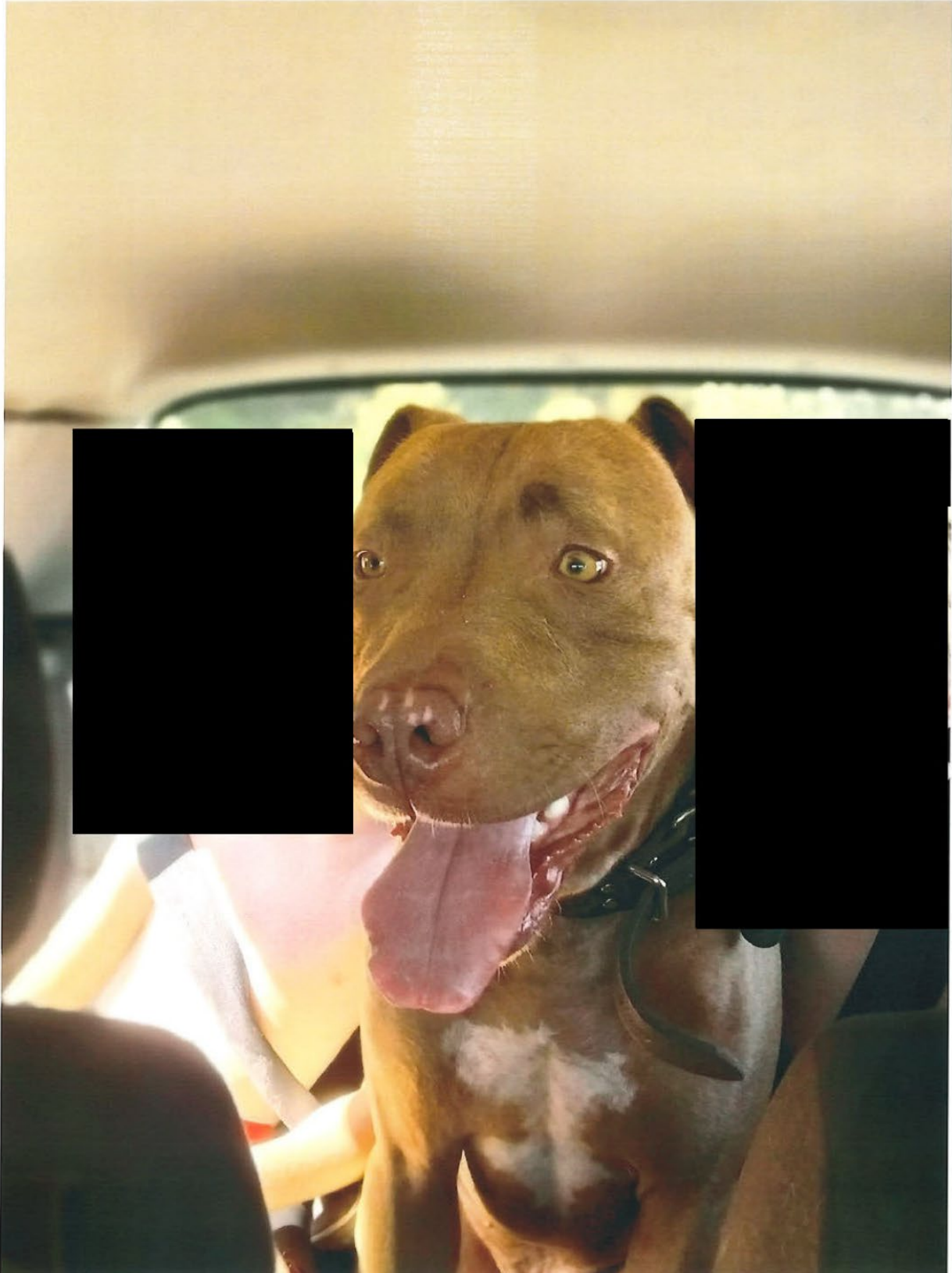
Attachment 3





Item 6

Attachment 3





Item 6

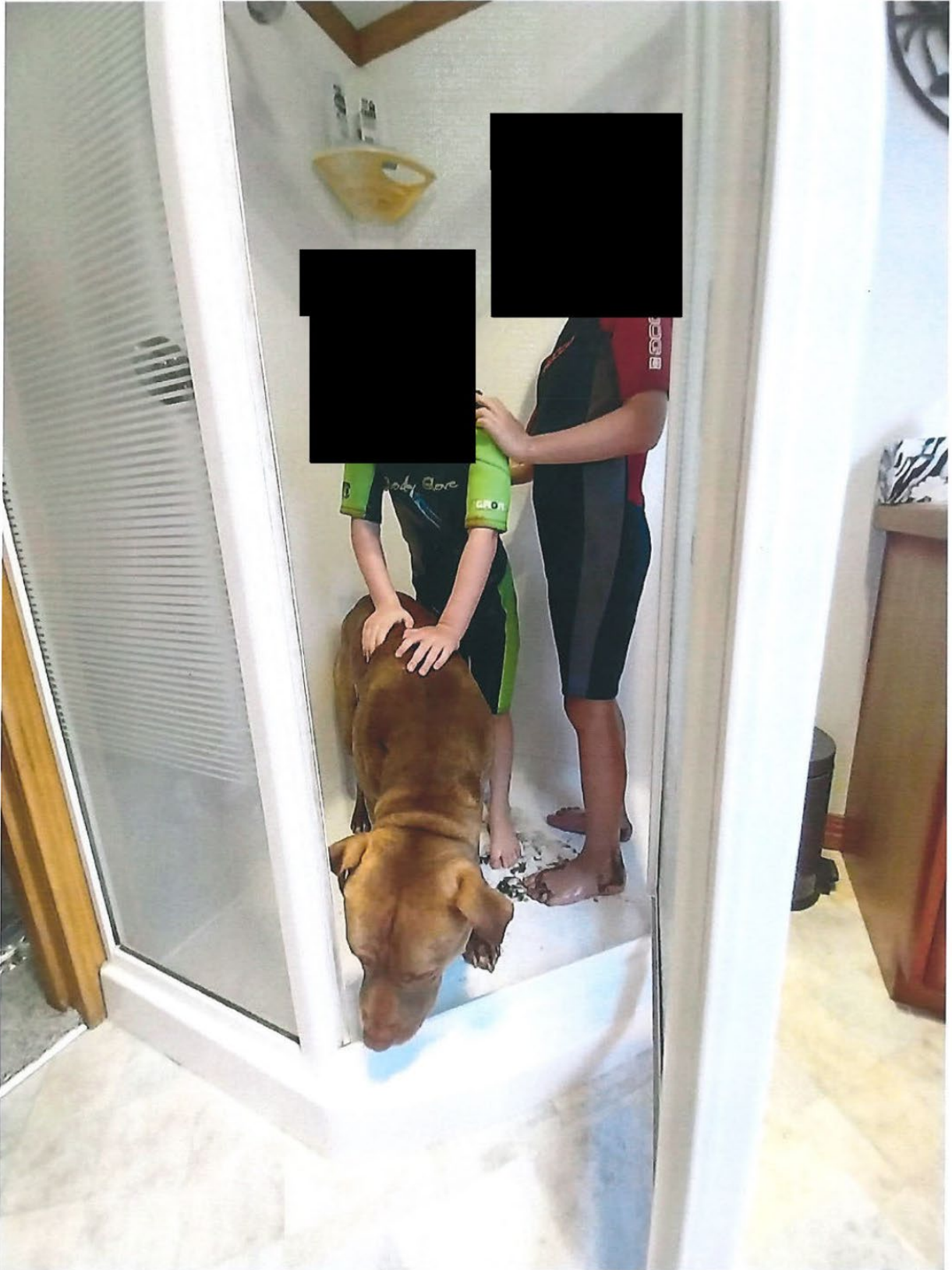
Attachment 3





Item 6

Attachment 3





Item 6

Attachment 3



Desexing Confirmation

04-04-2024

To whom it may concern;

This is to certify that the patient below was brought into Animates Vetcare Te Rapa to confirm that he is desexed.

Patient: Marlin		Owned by: Mr Daniel Hockley	
Dog	[REDACTED]	Home:	[REDACTED]
American Pit Bull Terrier		Work:	
4 y 17 d. Red. MN		Mobile:	
[REDACTED]	Hamilton, 3206	Email:	@gea.com

Kind regards,

[Handwritten Signature] BSc RVN

[Redacted] BSc RVN
Senior Consulting Veterinary Nurse
Animates Vetcare Te Rapa
7878 Te Rapa Rd
Hamilton 3200
07 849 8434 ext 2



Animal History

AN 243272 – Marlin

Date & CRM	Complaint	Outcome & notes
8/12/2022 CRM 298898	Unregistered dog report follow-up	Owner noted dog had been missing some months. 24/2/2023 owner advised he has dog back and will register it. Outcome: dog registered
26/7/2023 CRM 339392	Roaming dog – complainant identified address dog came from	AECO patrolled area no roaming dog seen. Called at address met a woman and the dog, which behaved territorial. Woman looks after dog during the day. Dog owner arrived. Containment and roaming discussed with both parties. Dog owner reminded to register dog as registration had expired. Outcome: advice given
5/12/2023 CRM 367876	Dogs ranging (urban patrol)	While doing a patrol of the area an AECO has seen Marlin in another person's property, they have then seen Marlin jump a six-foot fence into the property he stays during the day. AECO spoke to the woman who noted Marlin's owner had shifted and she was temporarily looking after him. Containment and how intimidating Marlin is to other members of the public. Outcome: advice given
14/2/2024 CRM 382644	Roaming dog	AECO patrolled area, located dog and owners. Dog secured inside and containment discussed. Outcome: advice given
20/2/2024 CRM 384203	Roaming dog – currently at complainants' address but is free to leave	AECO arrived and recognised the dog, Marlin. Dog was not approachable, owner phoned. Dog has then moved around to the back of the complainants and jumped the fence and returned home. Containment discussed. Outcome: advice given
23/2/2024 CRM 385066	Roaming dog – contained at complainants' address	AECO arrived at property, dog has acted aggressively towards AECO. Complainant has put dog in AECO's ute. Outcome: dog impounded and to be classified as menacing
16/3/2024 CRM 389538	Barking dog	AECO visited property no barking heard, spoke to dog owner about barking complaint. Log sheets sent to complainant. Outcome: job closed, will be reopened if log sheets are returned
19/3/2024 CRM 390145	Serve classification	Menacing dog classification served to owner

Resolution to Exclude the Public

Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

That the public be excluded from the following parts of the proceedings of this meeting, namely consideration of the public excluded agenda.

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.

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Confirmation of the Dog Control Hearing Public Excluded Minutes - 21 February 2024) Good reason to withhold) information exists under) Section 7 Local Government) Official Information and) Meetings Act 1987)	Section 48(1)(a)

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:

Item C1.	to maintain the effective conduct of public affairs through protecting persons from improper pressure or harassment	Section 7 (2) (f) (ii)
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