
DOG CONTROL ACT 1996 DELEGATIONS

Purpose of Report

To recommend that Council delegates its powers and functions under the Dog Control Act 1996.

Recommendations

Officers recommend that the Council:

1. *Receive the Dog Control Act 1996 Delegations Report.*
2. *Appoint a Hearings Committee and delegate to the Hearings Committee the authority to hear and decide objections made under the Dog Control Act 1996. This delegation revokes and replaces all previous delegations to the Planning Hearings Committee under the Dog Control Act 1996.*
3. *Appoint the Mayor and Councillors Jephson and Plimmer as members of the Hearings Committee.*
4. *Appoints Councillor Plimmer as Chair of the Hearings Committee.*
5. *Delegate to the Chief Executive the authority to exercise powers and functions under the Dog Control Act 1996, except the authority to hear and decide objections made under that Act.*
6. *Note the Chief Executive's ability to sub-delegate these powers under clause 32B, Schedule 7 of the Local Government Act 2002.*

1. Background

At its meeting on 20 November 2019, the Council established a number of committees and other subordinate decision-making bodies. Council did not establish a Hearings Committee at that meeting as it wanted to ensure that the correct delegations were in place and that the Terms of Reference were developed correctly. This work is currently ongoing.

The Dog Control Act 1996 imposes on the owners of dogs, obligations designed to ensure that dogs do not cause a nuisance and do not injure or cause distress to people and animals. The previous delegation to exercise powers and functions on behalf of Council under the Dog Control Act was to the Planning Hearings Committee and was approved by Council on 8 August 2012.

2. Discussion

Delegations to exercise powers and functions under the Dog Control Act

South Wairarapa District Council exercises powers and functions under the Dog Control Act, including classifying dogs as dangerous or menacing, classifying persons as probationary owners, disqualifying persons from being an owner of a dog, and issuing abatement notices for barking dogs. Under the Act, a person may object to these actions and has the right to be heard.

Officers are working with the Mayor to develop terms of reference and delegations for a hearings committee. This work is part of a broader review of the terms of reference for the committees that were appointed at the Council meeting on 20 November 2019. This work may take a number of months to complete. In order to ensure a timely response to any potential objection under the Dog Control Act, officers recommend that Council appoints an interim Hearings Committee to hear and decide objections under that Act. This delegation would revoke and replace all previous delegations to the Planning Hearings Committee under that Act. Officers have consulted the Mayor who recommends that Council appoint the Mayor and Councillors Jephson and Plimmer to be members of the Hearing Committee.

For completeness, officers recommend Council confirms delegations to officers, through the Chief Executive, to exercise powers and functions under the Act other than those delegated to the Hearings Committee.

Note that further interim delegations to the Hearings Committee to hear and decide matters under other legislation may be sought if necessary.

2.1 Consultation

As no persons are affected by this decision, no consultation is required or necessary.

2.2 Legal Implications

There are no legal implications arising from this decision.

2.3 Financial Considerations

There are no financial considerations arising from this decision.

3. Conclusion

Officers recommend that Council delegates the authority to exercise powers and functions under the Dog Control Act 1996 as outlined in the discussion at paragraph 0 above.

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