



## **SOUTH WAIRARAPA DISTRICT COUNCIL HEARINGS COMMITTEE MINUTES**

**10 July 2019**

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Minutes of a Hearings Committee meeting held on Wednesday 10 July 2019, commencing at 9:30am in the Supper Room, Waihinga Centre, Texas Street, Martinborough. The meeting was conducted in public between 9:30am and 10:13am except where expressly noted.

Committee: Mayor Viv Napier (Chair)  
Cr Colin Olds  
Cr Brian Jephson

In Attendance: Andrew McEwan (Bylaws Officer)  
Lynne Drake (Bylaws Officer)  
Shane Sykes (Environmental Services Manager)  
Suzanne Clark (Committee Advisor)

Michal Navratil (Objector)

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### **HEARING OPENING**

The Chairperson welcomed attendees to the reconvening of the hearing to consider an objection lodged by Ms Yvonne Teuwissen against the issuing of a menacing dog classification relating to the dog known as “Romeo” pursuant to the provisions of Section 33C(1) of the Dog Control Act 1996. Romeo is now owned by Michal Navratil, and as the current owner, wishes to be heard.

### **CASE FOR CLASSIFICATION - SOUTH WAIRARAPA DISTRICT COUNCIL**

Dr Sykes, Environmental Services Manager, tabled an email dated 8 July 2019 from Yvonne Ellison who acted as Mr Navratil’s support person at the last hearing. Ms Ellison was unable to attend the hearing and had stated that Mr Navratil may need language assistance. Dr Sykes had previously understood that language was not a barrier. Dr Sykes could not arrange an interpreter at late notice but asked the Committee to ensure that language was not a barrier to proceedings for Mr Navratil.

The Chair addressed Mr Navratil asking him to ensure that he understood proceedings and to seek clarification if it was required.

Council officers had received a complaint from the victim, Mr Alison, and had actioned. Council officers believed there were human errors involved in the case, however it did not change the way Romeo reacted when Mr Alison entered the property. Romeo is a non-neutered Maremma Sheepdog, a breed known for exhibiting strong guarding and protecting behaviour. Dr Sykes stated that there was no evidence that the dog was menacing if it was in public.

Dr Sykes acknowledged that Council officers had observed that Mr Navratil's dog handling skills were good, and that he was a better handler for Romeo than the previous owner. Dog handling was only one aspect of the situation, and consideration should be given to the possibility of someone entering the property when Mr Navratil was not at home.

Dr Sykes submitted that Romeo presented a risk to the public due to displayed behaviour, characteristic of the Maremma Sheepdog breed. Dr Sykes believed it was in the public interest for the dog to be classified as menacing.

In response to a question from the Committee about actions undertaken since the incident last year, Mr McEwan responded that additional signage had been put on display, both gates were locked with bicycle locks and bells were installed by the gates. Mr Navratil added that anyone wanting to enter the property had to ring the bell or call him (a phone number was not displayed at the gate).

In response to a question from the Committee about further attacks by Romeo, Mr McEwan was not aware of any other attacks.

### **OBJECTOR – MICHAL NAVRATIL**

M Navratil tabled information from South Wairarapa Vets following an examination of Romeo. The vet had not noticed aggressive behaviour. Mr Navratil could make Romeo available for a behavioural assessment, and did not believe he was aggressive.

In response to a question from the Committee about the possibility of the previous owner returning to claim ownership of the dog, Mr Navratil said Ms Teuwissen was not intending to live in New Zealand again and she did not plan on relocating an older dog to Europe.

In response to a question from the Committee about behavioural deterioration as the dog had aged, Mr Navratil reported that he had known the dog for six years and had not seen a deterioration in behaviour. The dog guarded the property but when he was in public he behaved differently. He did not seek to fight other dogs, nor was he dangerous to other animals. Romeo let children approach and pet him.

The Committee asked Mr Navratil about Romeo's behaviour since he had taken ownership of him. Mr Navratil said Romeo barked and guarded the property, and

desisted when he commanded him to be quiet. Mr Navratil could then open the gate to let visitors in. Romeo was always secured behind a locked gate or inside the house.

Mr McEwan and Ms Drake had visited the property and confirmed that Mr Navratil had better control over Romeo than Ms Teuwissen. Council officers noted an aggressive behaviour from Romeo that would potentially result in being bitten if someone entered the property and Mr Navratil was not at home.

In response to a question from the Committee asking when the dog was first registered with South Wairarapa District Council, Mr Navratil responded that Romeo had moved from Upper Hutt two years ago. Mr McEwan advised that the dog did not appear to have any negative history.

Dr Sykes clarified that neutering was required by law for menacing dogs, however if a vet thought that neutering was medically contraindicated a neutering exemption could be requested. The menacing status required the dog to be muzzled in public and the status was for life.

### **RIGHTS OF REPLY**

Dr Sykes suggested that the tabled statement from the vet was not the best reflection of Romeo, as the guarding behaviour was occurring at the owner's property. In the case of the incident against Mr Alison, Dr Sykes believed it lucky that it was not a child and that the owner was home.

Mr McEwan was a competent professional and believed if he went on the property uninvited he would be attacked.

The Committee asked Dr Sykes if property mitigations changed anything from the Council officers' perspective to which Dr Sykes responded that it did lower the risk, but precautions needed to be undertaken because the dog was a problem.

Mr Navratil did not believe neutering Romeo would have an affect on his behaviour, and that Romeo's behaviour in public was different to his behaviour at home. He believed that a muzzle would have a negative affect on Romeo's behaviour as he had not worn one before.

Mr Navratil walked Romeo every morning off-lead; the walks were far away from public roads.

The Chair advised that the Committee were bound by the law.

## **PUBLIC EXCLUDED**

*THE HEARINGS COMMITTEE RESOLVED* (HC2019/10) that the public be excluded from the following part of the meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) and section 48(2) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

| <b>Report/General Subject Matter</b>                             | <b>Reason for passing this resolution in relation to the matter</b>       | <b>Ground(s) under Section 48(1) for the passing of this Resolution</b> |
|--|---|---|
| Deliberation of a hearing conducted under the Animal Control Act | Good reason to withhold exists under section 1(d) and section 2(a)(i)(ii) | Section 48(1)   |

This resolution is made in reliance on Section 48(1)(d) and Section 48 2(a)(ii)(iii) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the hearing in public are as follows:

| <b>Reason for passing this resolution in relation to the matter</b>  | <b>Ground(s) under Section 48(1) for the passing of this Resolution</b> |
|--|---|
| d) that the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in any proceedings to which this paragraph applies.  | Section 48 1(d)   |
| a) any proceedings before a local authority where:<br>i) a right of appeal lies to any court or tribunal against the final decision of the local authority in those proceedings or<br>ii) the local authority is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings. | Section 48 2(a)(i)(ii)  |

*Moved (Cr Colin Olds/Cr Brian Jephson)*

Carried

The *HEARINGS COMMITTEE RESOLVED* (HC2019/11) to move out of the public excluded section of the meeting.

*Moved (Cr Colin Olds/Cr Brian Jephson)*

Carried

**HEARING COMMITTEE DECISION**

The *HEARINGS COMMITTEE RESOLVED* (HC2019/12):

1. To receive the Objection to Dog Being Classified as Menacing Report.  
*Moved (Mayor Viv Napier/Cr Brian Jephson)* Carried
  
2. To confirm the classification of “Romeo” as a menacing dog pursuant to section 33B of the Dog Control Act 1996.  
*Moved (Cr Colin Olds/Cr Brian Jephson)* Carried
  
3. To write to Mr Navratil’s Property Manager and Mr Alison’s employer offering education and advice regarding general aspects of health and safety where dogs may be encountered at residences.  
*Moved (Mayor Viv Napier/Cr Colin Olds)* Carried

**Confirmed as a true and correct record**

..... (Chair)

..... (Date)