

Agenda for a hearing of the Regulatory Subcommittee of Waikato District Council to be held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **TUESDAY, 31 MARCH 2020** commencing at **9.30am**.

*Information and recommendations are included in the reports to assist the Panel in the decision making process and may not constitute Council's decision or policy until considered by the Panel.*

## **I. HEARING**

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GJ Ion  
**CHIEF EXECUTIVE**

### **Open Meeting**

<b>To</b>	Regulatory Subcommittee
<b>From</b>	Sue O’Gorman General Manager Customer Support
<b>Date</b>	18 March 2020
<b>Prepared by</b>	Tracey Oakes Animal Control Team Leader
<b>Chief Executive Approved</b>	Y
<b>Reference #</b>	Dog ID: 140081 Name ID: 146066 Property ID: 1010324 CRM No: DOGS1881/20
<b>Report Title</b>	Objection to Menacing Classification - Joseph Blair Bridgeman

## **I. EXECUTIVE SUMMARY**

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Section 33A of the Dog Control Act 1996 (‘the Act’) allows Waikato District Council (‘Council’) to classify a dog as menacing if the dog is considered to pose a threat to a person or other animal due to observed or reported behaviour.

‘Zeek’, a male white and black, Bull Dog cross dog aged 6 years 10 months, owned by Joseph Blair Bridgeman, was involved in an incident on 17 January 2020 where a member of the public was rushed as she walked past 10 Newton Street Ngaruawahia. As a result of this, Council issued an infringement notice and imposed a menacing classification on Zeek.

In accordance with Section 33B of the Act, Mr Joseph Bridgeman has objected in writing to the menacing classification within the statutory time frame. The relevant legislation is annexed in Appendix I.

Council believes the behaviour displayed by Zeek during the reported incident and when officers visited the property to speak to the dog owners is very concerning. Due to this displayed behaviour, Zeek poses an ongoing threat to people, and the Council considers Zeek should remain classified as menacing in accordance with the Act.

## **2. RECOMMENDATION**

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**THAT the report of the General Manager Customer Support be received;**

**AND THAT under Section 33(A)(I) of the Dog Control Act 1996, the menacing classification imposed on the dog “Zeek”, owned by Joseph Blair Bridgeman, be upheld.**

### **3. BACKGROUND**

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At 12.33pm on 17 January 2020, Animal Control received a complaint from a member of the public who had been walking home along Newton Street, Ngaruawahia. At approximately 11.50am, as she walked past 10 Newton Street, Zeek has come running out of the property and rushed at her in an aggressive manner. The victim advised the Animal Control Officer that she had to poke the dog on the nose with her walking stick to stop it coming at her. She felt if she hadn't taken this action she may have been bitten. (Witness Statement annexed as Appendix 5).

Council Animal Control Officers responded to the service request (annexed as Appendix 4) and located the dog. The Officer's Evidential Statement (Appendix 6) explains that as the officers approached the property Zeek came running off the front step of the house and down the path to the foot path. He was barking and appeared to be guarding his territory. Ms Kaye Spicer was inside the property. She shut Zeke inside the house. She said that she was unaware of the incident but was apologetic it had happened. She advised the officers that she did not own the dog however she was in charge of Zeek at that time as Mr Bridgeman was not home. The Animal Control Officer advised that the victim was currently making a statement and there would be enforcement action taken. Ms Spicer readily gave her details and acknowledged her responsibility for Zeek being able to freely access the public footpath. Zeek was not seized as Ms Spicer advised Animal Control that she would ensure Zeek was contained securely from that moment on. A note was left with Ms Spicer and Mr Bridgeman made contact with Animal Control later that day. Animal Control advised Mr Bridgeman of the incident and advised him that enforcement action would be taken in the form of an Infringement to Ms Spicer as the person in control of Zeek at the time. Animal Control also advised that a menacing classification would be imposed on Zeek based on the displayed behaviour of the dog.

On 17 January 2020, Council posted a menacing classification letter to Mr Bridgeman (Appendix 2) and an infringement was posted to Ms Spicer as the person in charge of the dog at the time of the incident.

Following receipt of the notice of classification, Mr Bridgeman contacted Animal Control to discuss how he could appeal the classification. A written appeal was received on 28 January 2020 (Appendix 3).

### **4. OBJECTION TO MENACING CLASSIFICATION**

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Mr Joseph Bridgeman has written to Council and advised of his objection to the menacing classification under section 33B of the Act, within the statutory timeframes.

Section 33B of the Act states:-

- (1) If a dog is classified under section 33A as a menacing dog, the owner—*
- (a) may, within 14 days of receiving notice of the classification, object in writing to the territorial authority in regard to the classification; and*
  - (b) has the right to be heard in support of the objection.*

*(2) The territorial authority considering an objection under subsection (1) may uphold or rescind the classification, and in making its determination must have regard to—*

- (a) the evidence which formed the basis for the classification; and*
- (b) any steps taken by the owner to prevent any threat to the safety of persons or animals; and*
- (c) the matters relied on in support of the objection; and*
- (d) any other relevant matters.*

*(3) The territorial authority must, as soon as practicable, give written notice to the owner of—*

- (a) its determination of the objection; and*
- (b) the reasons for its determination.*

## **5. CONSIDERATION**

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The evidence provided by the victim by way of witness statement (Appendix 5) confirms that the dog acted in an aggressive manner when it rushed the victim. The Animal Control Officer's evidential statement (Appendix 6) details that when officers located the address where Zeek was being kept, they arrived at the property and observed Zeek was able to freely leave the property, Zeek began to bark with his tail high in the air, which is an aggressive stance. He then left the property running at officers.

Although he was likely displaying territorial behaviour, the officers were concerned as Zeek had direct access to the public footpath. The path to the house is fenced on both sides; however there is no gate between the front door and the footpath.

As at the date of this report Mr Bridgeman has given no undertaking, assurance or evidence verbally that he will be able to prevent any further threat to the safety of persons or animals. Mr Bridgeman became verbally abusive during his first conversation with Animal Control Officers and appears not to take responsibility for the safety of others.

Mr Bridgeman has stated that he does not want to get Zeek desexed. Animal Control Officers have concerns regarding breeding from dogs who have displayed aggressive behaviour as these traits can be passed on to offspring.

## **6. OPTIONS AVAILABLE**

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The Committee has two options in considering the objection to the menacing classification:

- Uphold the classification of the dog as menacing; or
- Rescind the classification

## **7. CONCLUSION**

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The menacing classification will reduce the risk posed to the community by requiring Zeek to be muzzled when in public. Aggression levels may also be reduced through desexing.

If the Committee rescinds the menacing classification, there is a risk that further breaches of the Act and Dog Control Bylaw will occur and members of the public will be threatened or injured.

The position of the Animal Control Team on behalf of the Council is that the evidence substantiates the classification of Zeek as menacing under the Act.

## **8. ATTACHMENTS**

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- Appendix 1 Section 33 of the Dog Control Act 1996
- Appendix 2 Notice of Classification of dog as menacing dog
- Appendix 3 Letter from Joseph Blair Bridgeman objecting to the classification of 'Zeek'
- Appendix 4 Request for Service
- Appendix 5 Witness Statement
- Appendix 6 Officer's Evidential Statement

# **Appendix I**

## **Section 33 of the Dog Control Act 1996**



## New Zealand Legislation

# Dog Control Act 1996

### *Menacing dogs*

Heading: inserted, on 1 December 2003, by section 21 of the Dog Control Amendment Act 2003 (2003 No 119).

#### **33A Territorial authority may classify dog as menacing**

- (1) This section applies to a dog that—
  - (a) has not been classified as a dangerous dog under section 31; but
  - (b) 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.
- (2) A territorial authority may, for the purposes of section 33E(1)(a), classify a dog to which this section applies as a menacing dog.
- (3) If a dog is classified as a menacing dog under subsection (2), the territorial authority must immediately give written notice in the prescribed form to the owner of—
  - (a) the classification; and
  - (b) the provisions of section 33E (which relates to the effect of classification as a menacing dog); and
  - (c) the right to object to the classification under section 33B; and
  - (d) if the territorial authority's policy is not to require the neutering of menacing dogs (or would not require the neutering of the dog concerned), the effect of sections 33EA and 33EB if the owner does not object to the classification and the dog is moved to the district of another territorial authority.

Section 33A: inserted, on 1 December 2003, by section 21 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 33A(3): amended, on 1 November 2004, by section 10 of the Dog Control Amendment Act 2004 (2004 No 61).

Section 33A(3)(c): amended, on 28 June 2006, by section 13 of the Dog Control Amendment Act 2006 (2006 No 23).

Section 33A(3)(d): added, on 28 June 2006, by section 13 of the Dog Control Amendment Act 2006 (2006 No 23).



## New Zealand Legislation

# Dog Control Act 1996

### **33B Objection to classification of dog under section 33A**

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

Section 33B: inserted, on 1 December 2003, by section 21 of the Dog Control Amendment Act 2003 (2003 No 119).





## New Zealand Legislation

# Dog Control Act 1996

### **33E Effect of classification as menacing dog**

- (1) If a dog is classified as a menacing dog under section 33A or section 33C, the owner of the dog—
- (a) must not allow the dog to be at large or in any public place or in any private way, except when confined completely within a vehicle or cage, without being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and
  - (b) must, if required by the territorial authority, within 1 month after receipt of notice of the classification, produce to the territorial authority a certificate issued by a veterinarian 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
  - (c) must, if a certificate under paragraph (b)(ii) is produced to the territorial authority, produce to the territorial authority, within 1 month after the date specified in that certificate, a further certificate under paragraph (b)(i).
- (2) *[Repealed]*
- (3) *[Repealed]*
- (4) *[Repealed]*
- (5) Subsection (1)(a) does not apply in respect of any dog or class of dog that the territorial authority considers need not be muzzled in any specified circumstances (for example, at a dog show).

Section 33E: inserted, on 1 December 2003, by section 21 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 33E(1)(b): amended, on 28 June 2006, by section 29(4) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 33E(2): repealed, on 28 June 2006, by section 29(5) of the Dog Control Amendment Act 2006 (2006 No 23).

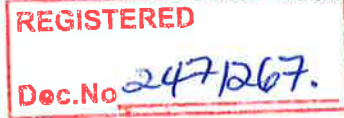
Section 33E(3): repealed, on 28 June 2006, by section 29(5) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 33E(4): repealed, on 28 June 2006, by section 29(5) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 33E(5): amended, on 7 July 2004, by section 12 of the Dog Control Amendment Act 2004 (2004 No 61).

# **Appendix 2**

## **Notice of Classification of dog as menacing**



Joseph Blair Bridgeman  
10 Newton Street  
Ngaruawahia 3720

Zeek  
Bull Dog Cross  
Male, White and Black

## NOTICE OF CLASSIFICATION OF DOG AS MENACING DOG

*Section 33A, Dog Control Act 1996*

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 reported behaviour of the dog leads us to believe that it may pose a threat to public safety; being any person, stock, poultry, domestic pet, or protected wildlife.

A summary of the effect of the classification and your right to objection is provided overleaf.

.....  
**Brett Watene**  
**Animal Control Team Leader**

17/01/2020  
.....  
**Date**

\*For the purposes of the Dog Control Act 1996, you are the owner of a dog if-

- you own the dog
- 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 dependant on you

## **Effect of classification as menacing dog**

*Section 33E, 33F and 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 (except when confined completely within a vehicle or cage) without being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and
- (b) must, produce to Waikato District Council, within 1 month after receipt of notice of the classification, a certificate issued by a registered 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
- (c) where a certificate under paragraph (b)(ii) is produced to Waikato District Council, produce to Waikato District Council, 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) above.

As from 1 July 2006, you are also required for the purpose of providing permanent identification of the dog, arrange for the dog to be implanted with a functioning microchip transponder. This must be confirmed by making the dog available to the Waikato District Council in accordance with reasonable instructions of the Waikato District 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 has been 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 menacing dog are provided in the Dog Control Act 1996.

## **Right of objection to classification under Section 33A**

*Section 33B, Dog Control Act 1996*

You may object to the classification of your dog as menacing by lodging with Waikato District Council 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.

# **Appendix 3**

**Letter from Joseph  
Blair Bridgeman  
objecting to the  
classification of  
'Zeek'**

Received 28/1/2020

Put in ECM

A1017

146066

DOC 1881/20

PROP 1010324

DOC 2474795

Joseph Bridgeman

10 Newton St

Ngaruawahia

24/1/2020

To whom it may concern,

I, Joseph Bridgeman, wish to appeal the menacing classification imposed on my dog Zeek.

Please notify me of a time and place at which my objection can be heard.

Regards,

J.B. Bridgeman

24-1-20

Joseph Bridgeman

# **Appendix 4**

# **Request for Service**

Request Number: DOGS1881/20  
 Date Received: 17/01/2020  
 Source: Counter  
 Status: P  
 Group: DOGSCRM  
 Category: DogAggCurr  
 Process Counter: 463264

Priority: Medium  
 Completed On: 17/01/2020  
 Resp Workgroup: Dogs  
 Raised By: MTAPA001  
 Resp User: AFORB001  
 Call Back?: No

## Related Property & Customer

Property Address: Newton Street

Home Telephone:

Mobile Telephone:

Work Telephone:

Caller Name: Kerry Lee Deacon

Caller Address:

Caller Email:

## Request Details

Description: Dogs Aggression - Current

Kerry has come in to let us know that a dog from the above address has rushed her on the footpath. She is very upset and has taken about 40mins to walk here as she is using a walking stick.

Have talked to Amanda who is going out to find the dog and she has advised that Brett will take a statement from Kerry.

Resolution Description: Completed

Resolution Details: Statement taken 17/1/2020. Dog charged and rushed ACO 7 and 17 on arrival. Spoke to person in charge kaye Spicer DOB 6/9/77 167c Cornes road raglan. advised to secure the dog currently registered. Advised to keep the dog secure at all times and that she would receive the fine as the person in charge at the time. GAVE card for owner to call. Spoke to Joseph he was abusive and aggressive and disagreed and said his dog was fine. Advised of behaviour towards ACO and it will be classified menacing on behaviour as he rushed and tried to attack an elderly woman and also displayed the same behaviour towards us. Advised of appeal period and process from here. He was not interested and said he will not be desexing his dog. Classification sent and infringement to be sent to person in charge.

## Memo Details

Memo Ctr	Table No	Memo Type	Status	Notes	Date Created
732119	463264	CRMDogCon	C		17/01/2020

## Event Details

Event Ctr	Related Table	Table No	Sequence	Event Code	Description	Date Commenced	Date Finalised	Status
6680685	ramAP	463264	100	CRMCreate	CRM Created	17/01/2020	17/01/2020	P
6680686	ramAP	463264	200	DogSeized	Dog Seized?	17/01/2020	17/01/2020	P
6680687	ramAP	463264	300	DogClass	Current Dog Classification?	17/01/2020	17/01/2020	P
6680688	ramAP	463264	2000	CRMComplet	CRM Completed	17/01/2020	17/01/2020	P



6681229	RamAP	463264	310	Infringe	Infringement / Prosecution or Warnings Required?	17/01/2020	17/01/2020	P
6681230	RamAP	463264	320	Infringe	Infringement / Prosecution or Warnings Required?	17/01/2020	17/01/2020	P
6681231	RamAP	463264	330	EmailMenac	Email Envir Admin to Update to Menacing	17/01/2020	17/01/2020	P
6681232	RamAP	463264	340	Infringe	Infringement / Prosecution or Warnings Required?	17/01/2020	17/01/2020	P
6681233	RamAP	463264	350	InformComp	Inform Complainant of Action	17/01/2020	17/01/2020	P
6681234	RamAP	463264	360	CRMComple	CRM Completed?	17/01/2020	17/01/2020	P

# **Appendix 5**

# **Witness Statement**

REGISTERED

2471266  
Lic.No

OFFICE USE ONLY

CRM: 0055188/20

Person ID: 146066

Dog ID: 140081

# Witness Statement

Section 82 of the Criminal Procedure Act 2011

Statement of: KERRY LEE DEACON Date of birth: [REDACTED]  
Address: [REDACTED] Contact Number: [REDACTED]

Date of Statement: 17/01/20 Time of Statement: 12:33 PM

I am making this statement to Waikato District Council as a complaint of an offence against the Dog Control Act 1996 or the Waikato District Council Dog Control Bylaw 2015.

The incident occurred on 17/01/20 at about 11:50 (am) pm  
specify the date give the time of day event happened

The incident happened at OUTSIDE 10 NEWTON ST  
NGARUAWAHIA  
Address of where the incident occurred

The dog involved was a WHITE WITH BLACK PATCHES  
LOOKED LIKE A PITBULL STAFF CROSS  
NO COLLAR · STOCKY · MUSCLEY HEAD.  
description of dog – breed, colour, sex, size etc

The dog is kept at DON'T KNOW WHERE DOG IS FROM  
BUt CAME OUT OF 10 NEWTON  
give the address where the dog is kept

I know the dog is from this address because  
NEVER SEEN IT AT THIS ADDRESS BEFORE  
BUt IT RAN BACK INTO 10 NEWTON ST.

I HAVE BEEN LIVING AT 19 NEWTON ST ALL MY LIFE SO I KNOW THE AREA WELL. I GO WALKING ALL TIME AND HAVE NEVER HAD TROUBLE FROM THIS ADDRESS BEFORE. THE HOUSE HAS A BLUE + WHITE CARAVAN OUT THE FRONT AND IS QUITE AN OLD PLACE. ITS A CREAMY WHITE RUN DOWN WEATHERBOARD HOUSE. I WENT FOR A WALK UP TO [REDACTED] [REDACTED]. I WALKED ON THE ROAD PAST THE ADDRESS AND NOTHING HAPPENED. AFTER I VISITED [REDACTED] I WALKED HOME ON THE CONCRETE/FOOTPATH. WHEN I GOT OUTSIDE I HEARD A DOG BARKING BUT KEPT WALKING. THEN I HEARD A DOG RUNNING ON THE FOOTPATH BEHIND. I TURNED AROUND AND SAW THE DOG RUNNING DOWN THE DRIVEWAY AND AT ME. I SCREAMED BUT NO ONE WAS AROUND. THE DOG KEPT COMING AT ME. I ALWAYS WALK WITH A WALKING STICK. THE DOG WAS AGGRESSIVE TOWARDS ME AND KEPT COMING AND BARKING. I POKED IT WITH MY STICK. IF I DIDNT DO THAT IT WOULDVE BITTEN ME FOR SURE. I GOT THE DOGS NOSE WHICH STOPPED IT.

THE DOG RAN BACK INTO THE PROPERTY.  
 STILL NO ONE ONE WAS AROUND) OR  
 SAW WHAT HAPPENED. THE DOG DIDNT  
 MAKE CONTACT WITH ME. I SUFFERED  
 NO INJURIES BUT WAS TERRIFIED AND  
 UPSET BY WHAT HAPPENED. I HAVE  
 MADE MY WAY DIRECTLY TO COUNCIL  
 TO MAKE A COMPLAINT.

I WILL BE ABLE TO IDENTIFY THE  
 DOG IF I SAW IT AGAIN.

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

Signed: [Signature]  
 (Informant)

Date: 17/01/20

Signed [Signature]  
 (Witness - ACO)

Date: 17/01/20

## Information on completing a Witness Statement

Thank you for taking the time to complete a Witness Statement. It is important that you complete this form with as much detail as possible so that the Animal Control Officer (ACO) dealing with the case is well informed and can take the most appropriate enforcement action. Without this statement it is likely that the ACO will be unable to take any action with the owner of the dog or the dog itself. This statement is an important and necessary piece of evidence.

Please include in your statement -

- Your full details.
- The **date** and **time** of the incident.
- Where the dog lives and how you know this.

A detailed description of the dog(s) -

- **Colour** – (include any patches etc.).
- **Size** – small, medium, large.
- **Gender** (if known).
- If the dog was wearing a collar/tag.
- **Length of coat** – smooth, medium, longhaired.
- **Breed** - an option is to say what **type** of dog it is like if you are unsure of the exact breed.
- **Body type** – stocky, skinny, tall, short.
- **Face shape** - pointed or floppy ears, long or short nose, floppy jowls etc.
- Any other distinctive details you noticed.

Also, in your account of the incident include –

- The location of the incident.
- How the incident came about.
- How you came to be in contact with the dog - When and how did you first notice it? Where was the dog?
- The dog's behaviour – Was it growling, barking, lunging, attempting to bite?
- If the dog has bitten – Where? When? What the injuries are. Was medical or veterinary treatment sought and if so what was done??
- Was the owner of the dog or anyone else present? If so, what action did they take regarding the incident?
- Was anything said by anyone?
- What action you took - What did you do during and after the incident?
- Where did you last see the dog? Did it run off? If so, in what direction?
- How did the incident come to a conclusion?

**It is important that you initial or sign each page of the statement, and date it.**

If you have any questions please contact  
an Animal Control Officer at the Waikato District Council, (07) 824-8633.

# **Appendix 6**

# **Officer's Evidential Statement**

**OFFICER EVIDENTIAL STATEMENT****Officer full name:** Amanda Davis**Warrant status:** Warranted Animal Control Officer for the Waikato District Council for 8 years**ACO number:** ACO7**Statement:**

On 17 January 2020 I was alerted by front counter staff at the Waikato District Council that an elderly woman had come in to report a rushing from a dog at 10 Newton Street Ngaruawahia.

Animal Control Team Leader Brett Watene went to see the victim to take a witness statement, while myself and ACO17 went to find the dog.

I checked records and found that 'Zeek' - a male black and white bulldog cross is currently registered to the address.

On arrival at 10 Newton Street Ngaruawahia we approached the house. Still on the footpath I saw the front door was open and there is no gate/fence on the driveway. I called out to anyone home.

A medium/large black and white bulldog cross type dog appeared at the front door coming from the house. The dog began to bark with his tail high in the air. The dog then ran down the path leading from the front door barking and running towards myself and ACO17

I yelled at the dog to "cut it out" the dog continued to advance towards me. The dog came around the edge of the fence off its property.

I took evasive action and had to put my boot up into the dogs face to stop his advancement while yelling at him. The dog stopped and stood his ground for a few seconds then went back onto its property up the path towards the house.

I called out again and a female appeared at the door. The dog then turned around back towards me and started barking again and advancing back down the path. I yelled at the dog again and told the woman to put him inside and then to come and speak with us.

I spoke with the woman about the rushing on the member of the public and then us. She was unaware and very apologetic. She advised me she was not the dog owner and was just looking after the dog and also noted that she is not very dog savvy. When asked she identified herself as Kaye Spicer and provided her address and date of birth.

I advised that all dogs had to be secure and under control and could not be 'free to leave'. I also explained that the dogs' behaviour was aggressive and that he needs to be secure at all times.

I explained she may receive a \$300 fine as the person in charge of the dog at time of the offence and we would speak with the dog owner regarding further enforcement action.

As the dog is currently registered, now secure and there was no injury sustained by the victim so the decision was made to leave him in the house with the advice that she needed to keep the dog contained.

I gave my business card to Kaye and asked her to get the dog owner to contact me. ACO 17 and I then left the property.

Brett Watene and I reviewed the statement and based on the aggressive behaviour of the dog, a decision was made to classify the dog menacing and infringe the person in charge for the offence.

The owner of the dog Joseph Bridgeman called regarding the incident. I explained what had happened and he was abusive, aggressive and very dismissive of the situation.

I explained the dogs' behaviour on our arrival and that the dog was not allowed to have access to a public foot path and must not act aggressively to members of the public. He also dismissed that. I explained the process from there with regards to the classification, and that the infringement would be sent to the person in charge and that his dog 'Zeek' would be classified menacing on behaviour.

He disagreed and I then explained he must contest the classification within 14 days of him receiving it in writing. He said he was unable to read and write so I advised him to come into the Waikato District Council office once he had received the classification notice.

**Signed:****Date:** 20/2/2020