

4. PROHIBITED DOG AREA (CATHEDRAL SQUARE) DISPENSATION

Officer responsible Team Leader Animal Control	Author Mark Vincent, DDI 941-7041
--	---

BACKGROUND INFORMATION

On 29 May 2000 Mr Robinson adopted a female fox terrier dog from Council's Animal Shelter at Metro Place, Bromley; he named his newly acquired dog 'Polly'.

Mr Robinson soon realised that 'Polly' was no ordinary run of the mill pooch, in fact she was very talented and with little prompting could do a number of clever dog tricks. Mr Robinson, who has an eye for spotting talent, trained and perfected the dog's ability to complete these tricks and finally came up with an entertaining dog routine, for all to admire.

Mr Robinson decided to promote this unique entertainment act further and, on the 8 March 2001, wrote to the Council requesting dispensation for his dog now known as 'Miss Polly Ester' to be allowed to conduct their entertainment act in the prohibited area of Cathedral Square.

At the meeting of 8 March 2001 the committee accepted the recommendations as follows:

- That the Council grant Mr Robinson a six month dispensation trial period in accordance with clause 16 of the Christchurch City General Bylaw 1990 to allow his dog 'Miss Polly Ester' to enter and remain in the prohibited area of Cathedral Square.
- That the dispensation apply for three days per week only, between the hours of 12.30 pm and 3.30 pm on the same days.
- That his dog be kept under control by a leash at all times between the hours of 12.30 pm and 3.30 pm unless actively involved in the entertainment act with Mr Robinson and that Mr Robinson ensure that all the dog faeces are removed forthwith to ensure the area is kept clean.
- That the Team Leader Animal Control monitor the entertainment acts effects through the Environment Committee and assess the long term implications of Mr Robinson's request, upon the completion of the six month trial period.
- That the trial dispensation cease immediately should the Team Leader Animal Control have any concerns as to the acts continuation.

Current Dispensation Application

Mr Robinson in his recent letter (attached) requests that the Council further extended this dispensation to allow his dog 'Miss Polly Ester' to be kept in the area of the Cathedral Square. Mr Robinson also requests that the time be extended from 12.00 pm (currently 12.30 pm) until 4.00 pm (currently 3.30 pm).

The Team Leader of Animal Control has observed the performance of both dog and owner and reports there have been no adverse effects the act creates in this prohibited area.

The Cathedral Square is one of the prohibited dog areas (see map attached).

The Council may grant dispensation in accordance with clause 16 of the Christchurch City General Bylaw 1990, which reads as follows:

16. **DISPENSING POWER**

- (1) *Where in the opinion of the Council a full compliance with any Bylaw or provision of a Bylaw would needlessly or injuriously affect any person, or the course of operation of the business of, or be attended with loss or inconvenience to, any person without any corresponding benefit to the community, then in any such case the Council may, on the special application of the person so affected and subject to a report thereon by the officer of the Council usually or for the time being charged with the control or administration of the particular Bylaw or provision of the Bylaw affected, by resolution dispense with the observance or performance or relax the strict observance or performance of any such Bylaw or provision of a Bylaw or otherwise modify the same, with or without such additional terms or conditions which the Council may see fit to impose.*
- (2) *Should the Council acting pursuant to the foregoing sub-clause dispense with the full compliance or relax the full compliance with any Bylaw or provision of a Bylaw or otherwise modify the same then a breach by such applicant of any term or condition thereby imposed by the Council shall be deemed a breach of such Bylaw or provision of such Bylaw.*

Staff

Recommendation:

1. That Mr Robinson be granted a further two years dispensation period from 1 August 2002 to 31 July 2004 in accordance with clause 16 of the Christchurch City General Bylaw 1990 to allow his dog 'Miss Polly Ester' to enter and remain in the prohibited area of the Cathedral Square.
2. That the dispensation apply only for three days per week between the hours of 12.00 noon and 4.00 pm on the same days.
3. That his dog be kept under control by a leash at all times between the hours of 12.00 noon and 4.00 pm unless actively involved in the entertainment act with Mr Robinson and that Mr Robinson ensure that all the dog faeces are removed forthwith to ensure the area is kept clean.
4. That the dispensation cease immediately should the Team Leader Animal Control have any concerns as to its continuation.

Chairman's

Recommendation:

Mr Robinson and Miss Ester are a team which are clearly of benefit to the City. Their performances in Cathedral Square have caused no problems, and I can see no reason why their extension of dispensation should not be granted.