

5. PROHIBITED DOG AREA (SCARBOROUGH PARK) DISPENSATION

Officer responsible Team Leader Animal Control	Author Mark Vincent, DDI 941-7041
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The Council has received a letter (attached) from Mrs Denny Richardson of 4 Head Street, Sumner. Mrs Richardson is requesting dispensation for her Corgi dog called 'Sam' to be allowed access through the prohibited area of Scarborough Park, Sumner for the purpose of her gaining access onto the Scarborough promenade to exercise her dog.

The Christchurch City Dog Control Bylaw 1997 prohibits dogs from entering or remaining upon any part of a prohibited dog area except as authorised by the Council by resolution made under this clause.

The Scarborough park area (map attached) is one of the prohibited dog areas.

Mrs Richardson takes her twelve year old arthritic dog Sam, for his daily walk along the Sumner/Scarborough promenade. For Sam to successfully achieve this they must negotiate the climb over the sea wall steps at Head Street or make the longer walk of approximately 500 metres around the perimeter of the prohibited area of Scarborough Park to get to the promenade.

The Team Leader Animal Control, has investigated with the Council's parks staff the option of having an access walkway cut through the sea wall at Head Street to assist people like Mrs Richardson. This option had been previously considered by the Hagley/Ferrymead board and rejected.

Mrs Richardson would like a dispensation which will enable her to walk along the sea wall in an easterly direction from Head Street to Heberden Avenue, then along the sea side of the promenade and back once she has completed her walk.

The Council may grant dispensation in accordance with clause 16 of the Christchurch City General Bylaw 1990 as below:

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 in accordance with clause 16 of the Christchurch City General Bylaw 1990 Mrs Richardson be granted a dispensation for the life time of her Corgi dog, 'Sam', to enter the Prohibited area of Scarborough Park for the purpose of gaining access to the Scarborough promenade.
 2. That Mrs Richardson keep her dog 'Sam' under control by means of a leash at all times and that she removes all dog faeces deposited forthwith to ensure the area is kept clean.
 3. That the dispensation cease immediately should the Team Leader Animal Control have any concerns as to its continuation.

Chairman's

Recommendation:

This is a very special circumstance which will benefit the wellbeing of a frail, elderly dog, and his responsible owner who is part of the local community. Mrs Richardson is demonstrating her responsibility by seeking this dispensation, and should be commended for it. I am happy to endorse her application.