

MINUTES APPEALS HEARING COMMITTEE	MEETING HELD ON THURSDAY 26 SEPTEMBER 2013	TIME 2.00PM
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MINUTES of a meeting of the Appeals Hearing Committee, held at the Council Chambers, Ground Floor, 175 Rimu Road, Paraparaumu, on Thursday 26 September 2013 commencing at 2.00pm.

PRESENT:

Cr	H	Wooding	(Chair)
Mayor	J	Rowan	
Cr	R	Booth	
Cr	P	Gaylor	
Cr	D	Ammundsen	
Cr	T	Lloyd	
Cr	R	Church	

IN ATTENDANCE:

Ms	T	Evans	(Group Manager, Community Services)
Mr	N	Fowler	(Environmental Standards Manager, Community Services)
Mr	T	Power	(Senior Legal Counsel)
Mr	S	Timoteo	
Mr	P	van Son	

The Chair read the Council blessing, welcomed everyone to the meeting and explained how the meeting would be run.

**APP 13/09/11
APOLOGIES**

There were no apologies.

**APP 13/09/12
PUBLIC SPEAKING TIME**

The Chair explained that Mr Timoteo and Ms van Son would be invited to address the Committee when they came to consider the report.

**APP 13/09/13
MEMBERS BUSINESS**

(a) Public Speaking Time Responses

There were none.

(b) Leave of Absence

There were no requests for leave of absence.

(c) Matters of an Urgent Nature

There were no matters of an urgent nature.

(d) Declarations of interest relating to agenda items.

There were no declarations of interest.

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**APP 13/09/14
MINUTES**

MOVED (Booth/Ammundsen)

That the minutes of the Appeals Committee held on 18 July 2013 be confirmed as a true and accurate record.

CARRIED

**APP 13/09/15
OBJECTION TO MENACING DOG CLASSIFICATION (CS-13-953)**

Mr Fowler introduced the report, clarifying a point that although the dog had been returned to the owners by Animal Control this was on the proviso that it not escape from the property again and unfortunately it did escape some weeks later.

It was noted that the complainants could not be present but their statements had been included in the meeting papers.

Mr Timoteo and Ms Von Son were invited to address the Committee. Ms Van Son made the following points:

- There were plenty of people in the neighbourhood who had no problem with Koda interacting with their dogs. But people who did not know Koda could be intimidated by his size.
- On the day in question Mr Timoteo acknowledged he made an error of judgement in letting Koda off the leash on their return walk home.
- Both dogs in the incident in question were non-neutered males and as such were predisposed to fight each other. However Koda shouldn't be judged on this one incident.
- Koda's physique (large neck, smaller head) means it is easy for him to slip his collar and on occasion he has gotten out. He has been previously impounded but has never been aggressive towards people or other animals.
- Two supporting letters from friends were circulated.
- Since the incident the owners have installed a run and when out walking Koda is never off leash. The run has been checked today by a Council officer who was satisfied with it.
- The owners have four children and they have never had a problem with Koda.

In responding the Committee discussed the following points:

- This was a very difficult case as it was understood that Koda was a much loved family member; however he had come to the attention of Council and if the Committee waived the classification today and there was another incident in the future the dog would be in real trouble. It may be more prudent to be firm at this point

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and uphold the classification rather than run the risk of a repeat offence which would entail more drastic action.

- Ms Von Son said they would like to use Koda for breeding at some point in the next year but would be happy to get him neutered if required.
- It was clarified that if the classification of menacing was upheld this would mean that Koda would have to be muzzled and leashed when in public, and neutered within the next month.
- The layout of the property was discussed. Although there is now a run for Koda the property itself is not secure; due to the delay in completing renovations there was still the possibility of the dog escaping from the property by exiting under the house. It was the owners' intention to complete the renovations within the next year.
- The run is completely enclosed and Koda is in the run while the owners are at work; otherwise he is in the house with them or in bad weather, when they are not at home, in the garage.
- There had been earlier events when Koda has gotten out of the property.
- Clarification was provided by legal counsel Mr Power on the options available to the Committee.

MOVED (Mayor/Booth)

That the Appeals Committee:

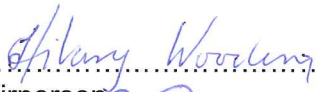
(a) upholds the classification of the dog Koda belonging to Sinbad Timoteo as menacing under section 33a(1)(b)(i) of the Dog Control Act, and requires the dog Koda to be muzzled in public as specified in section 33e(1)(a) and, for clarification, the Committee does not require Koda to be neutered as specified under Section 33E(1)(b);

(b) recommends that the dog owners complete the secure fencing around the property as soon as practicable;

(c) recommends that the dog owners seriously consider neutering the dog within 12 months.

CARRIED

The meeting was closed at 2.45pm

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 Chairperson

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 10 October 2013
 Date

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 Chief Executive

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 10/10/13
 Date