

MINUTES APPEALS COMMITTEE	MEETING HELD ON THURSDAY 24 November 2011	TIME 9.00AM
------------------------------	--	----------------

MINUTES of a meeting of the Appeals Committee, held in the Council Chambers, 175 Rimu Road, Paraparaumu, on Thursday 24 November 2011 commencing at 9:00am.

PRESENT:	Cr	H	Wooding	(Chair)
	Mayor	J	Rowan	
	Cr	T	Lloyd	
	Cr	R	Booth	
	Cr	P	Gaylor	
	Cr	D	Ammundsen	
	Cr	R	Church	
IN ATTENDANCE:	Cr	K	Gurunathan	
	Ms	T	Evans	(Group Manager, Community Services)
	Mr	K	Smith	(Regulatory Manager, Community Services)
	Ms	J	Toseland	(Acting Senior Animal Control Officer, Community Services)
	Mrs	B	Pashby	(Executive Secretary, Community Services)
	Mr	B	Renshaw	
	Mrs	G	Renshaw	
	Ms	L	Renshaw	
	Mr	D	Renshaw	
	Mr	D	Wills	
	Mrs	J	Wills	
	Mrs	R	Fraser	
	Mrs	G	Clifford	

The Chair welcomed everyone to the meeting and explained how the meeting would be run.

APP 11/11/001 APOLOGIES

There were no apologies.

APP 11/11/005 RENSHAW OBJECTION TO DOG NOISE ABATEMENT NOTICE (CS-11-393)

Julie Toseland, Senior Animal Control Officer outlined her report. Three dogs were located at Cedar Drive, Paraparaumu. Lou - a Labrador, Kayla – a Samoyed and up until her passing, Kasimir – a black poodle. At one time there were three dogs on the property without a special license which Mr Renshaw had refused to apply for. As Cashmere has since passed away, there is no longer a need for the special license.

Since 2006, the Council Animal Control Team have worked with the Renshaws via home visits and correspondence due to the issue of barking complaints. The neighbours haven't always complained as it appeared the Council took no action or it was a long drawn out process. The Animal Control team is still receiving barking complaints, which appear to be about Kayla the Samoyed.

MINUTES APPEALS COMMITTEE	MEETING HELD ON THURSDAY 24 November 2011	TIME 9.00AM
--------------------------------------	--	------------------------

Since the letter of complaint from neighbours in July 2011, Animal Control have been working with Mr and Mrs Renshaw to reduce the barking through the use of an electronic bark collar. It appeared to reduce the barking to a more tolerable level.

Following a complaint on 26 September 2011 where the three dogs had been barking for approximately 3 hours, a noise abatement notice was issued to Mr and Mrs Renshaw to remove one of the dogs until they had a permit to house the third.

Animal Control continue to receive complaints about the excessive barking. The persistent barker appears to be Kayla, the Samoyed. Bark monitor forms are currently being completed by the neighbours.

The Chair clarified that the Appeals Committee would no longer consider the special license an issue, and the Committee could only to consider whether or not to uphold the abatement notice for the noise issues.

Ms Toseland confirmed that Kayla, the Samoyed is the problem and believes that this dog doesn't know her place in the pack. She is not disciplined to not bark. A bark collar would fix the problem and if the dog is disciplined and knows its place in the pack the barking would reduce. Samoyeds can be very yappy as a breed.

Mr Renshaw advised he was home on 26 September 2011 and that there was no barking on that day. Affidavits have been written supporting this by Mr and Mrs Renshaw and their neighbour, Mrs Clifford of Cedar Drive, Paraparaumu. He believes it was another dog barking, however he did not report it.

The Chair said the focus is on the complaint of 26 September 2011, however, there is a history to be taken into consideration.

Mr Renshaw believes they have adhered to the noise abatement notice by complying with clause 3A.

The Mayor added that there have been 42 previous complaints regarding barking from the Renshaw's address since February 2006. Although the 26 September 2011 complaint is an issue, the Council can see a substantial history of complaint from the surrounding neighbours.

Mrs Renshaw advised she had moved from Hamilton and was classified as good dog owner. She had never had complaints about Kayla from the Hamilton City Council. When they go out, the dogs are locked indoors.

Mrs Renshaw also believes that their dogs are blamed for other dogs barking. They have erected another fence away from Mrs Fraser's fence. They have had three bark collars and training with Jo Goddard, dog trainer. She believes the barking is not excessive.

The Mayor asked if Mr and Mrs Renshaw were willing to use a bark collar for Kayla? Mrs Renshaw responded they were already using a bark collar when they're out but that she was upset about doing so. It does reduce the barking. Currently they are not working with a dog trainer.

MINUTES APPEALS COMMITTEE	MEETING HELD ON THURSDAY 24 November 2011	TIME 9.00AM
--------------------------------------	--	------------------------

Mrs Clifford of Cedar Drive, said according to her diary on 26 September 2011 she was outside in the garden all day and there was no persistent barking, only some barking. Mrs Clifford said she was retired and at home a lot and added since Mr and Mrs Renshaw's poodle had passed away the barking had been a lot quieter.

Ms Toseland, referred to complaint of 8 July 2011 addressed to Tamsin Evans, Group Manager, Community Services. On that day, Ms Toseland had supplied a bark collar for Mrs Renshaw at her request and helped to attach it to Kayla. She returned on 25 July 2011 to supply the details of a dog behaviourist, to find that the three dogs outside barking and no one home. Kayla was not wearing the bark collar.

Ms Toseland understood Mr and Mrs Renshaw have had three bark collars, one which was thrown away. One is an electric bark collar supplied from the Council is very good quality and Ms Toseland uses them on her own dogs. Muzzling of the dogs has never been discussed, it doesn't stop them barking.

Ms Toseland added that it is unusual for dogs to bark in reaction to small noises.

Ms Toseland responded to Mr Renshaw's comment that they are being unfairly treated. At this time, other dogs are not being investigated with regard to persistent and excessive barking. They have had two recent complaints from other addresses in Cedar Drive. Some time ago, Mr Renshaw had mentioned other dogs barking however, he couldn't give any specifics for the animal control team to follow up.

Ms Toseland confirmed that the history of complaints and the complaint on 26 September 2011 led to the noise abatement notice being issued. A complaint was also made on 14 November 2011. Ms Toseland has been working with Mr and Mrs Renshaw since July 2011. Complaints are generally for excessive barking.

Mr Smith, Regulatory Manager confirmed that Mr Renshaw's fax of 20 November 2011 clearly requested information, this is why it has been responded to under the Local Government Official Information Act process.

Mr Smith confirmed that where persistent complaints are logged, the Council would then undertake an investigation into the matter, part of which would be to supply bark monitor forms as in the case with Mr and Mrs Renshaw.

Mr Renshaw believes they are being discriminated against. The Chair asked staff to look at the process regarding the use of bark monitor forms.

At 10:15am the Committee stopped for a break, returning at 10:30am.

Mrs Fraser read her statement out and supplied a copy. She stated that the problems began once Mrs Gaye Renshaw had moved in. Mrs Fraser has a background in dog obedience. She is unsure why they are still having problems with their dogs given the help they've had with well known dog behaviourists.

Mrs Fraser read a statement on behalf Mrs Helen Bannon of Cedar Drive, Paraparaumu who couldn't be at the hearing. Mrs Bannon has found the barking to be extremely annoying and most noticeable when the owners are not home.

MINUTES APPEALS COMMITTEE	MEETING HELD ON THURSDAY 24 November 2011	TIME 9.00AM
------------------------------	--	----------------

Mrs Fraser confirmed that she agreed with Ms Toseland, yes a dog's behaviour can be changed.

Mrs Wills of Cedar Drive read her statement. When Mrs Gaye Renshaw moved in with her dogs, there was an increase in the barking. On 9 July 2011 there was prolonged barking on and off until 10.50pm. At the Fraser household the dogs are well behaved.

Mrs Fraser said that since the third dog has passed the level of noise has lowered, sometimes it's quiet, sometimes there a couple of days of persistent barking. It seems to be when the owners are out or people approach the property.

Mr Wills added that when no one is home, it can be unbearable, it's a high pitch bark.

Mrs Fraser said the bark collar doesn't appear to be being used correctly, for it to be effective, it needs to be on all the time. Today's bark collars are very good and safe to use. She agrees the dog doesn't know its place in the pack.

Mrs Fraser explained that the bark collar is positioned on the vocal chord and when the dog barks it receives an electric pulse. Once trained, a dummy collar can be used. Bark collars are only to be used at home, not when out walking the dog. Muzzles would be inappropriate.

Mrs Renshaw said she doesn't like the bark collar, but they use the bark collar when they're out and remove the collar when she is home.


Ms Toseland suggested Mr and Mrs Renshaw use dog trainer, Karen Sadler or Jo Goddard. They could also help with the bark collar and other helpful behavioural tips.

The Mayor clarified that the Committee are looking for willingness from the owners to commit to improving the behaviour of the dog. Otherwise the dog may be taken away.

Mrs Fraser doesn't want to see the dog taken away. She wants to see the full use of bark collar full time not just when the owners are out (excluding when walking the dog). Mr Renshaw added that the instructions state the bark collar should only be on for a maximum of 12 hours per day.

The Chair adjourned the meeting at 11:13am to be reconvened to reach a decision.

The meeting closed at 11:13am.

.....

 Chairperson

.....
 23 August 2012
 Date