

MINUTES APPEALS HEARING COMMITTEE	MEETING HELD ON THURSDAY 18 JULY 2013	TIME 1.30PM
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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 18 July 2013 commencing at 1.30pm.

PRESENT:

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

IN ATTENDANCE:

Ms	T	Evans	(Group Manager, Community Services)
Mr	N	Fowler	(Environmental Standards Manager, Community Services)
Ms	J	Toseland	(Senior Animal Control Officer, Community Services)
Mrs	H	Dorne	(Executive Secretary, Community Services)
Mr	A	Semo	
Ms	J	Stevenson	
Mr	P	Dyer	
Ms	B	Ryley	
Ms	L	Fraser	

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

**APP 13/07/06
APOLOGIES**

There were no apologies, but Tony Lloyd is on leave of absence.

**APP 13/07/07
PUBLIC SPEAKING TIME**

1. Mr David Scott compared the case of Beau with today's appeal hearing. Mr Scott felt the process for Beau was not followed in the same way and Beau should have been classified as menacing.
2. Mr Dale Evans informed the meeting he would be taking action from what he hears today and there would be some ramifications.
3. Mr Nigel Hopkins stated there was so much difference between the appeal hearing and the case of Beau and raised comparisons between the two cases.
4. Ms Julie Snodgrass, the owner of Beau, compared her case with the subject of the appeal hearing. Ms Snodgrass believed process was not followed correctly by Council staff in her case and instead she should have been fined and Beau classified as menacing.

**APP 13/07/08
MEMBERS BUSINESS**

- (a) Public Speaking Time Responses

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(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.

**APP 13/07/09
MINUTES**

MOVED (Ammundsen/Church)

That the minutes of the Appeals Committee held on 23 August 2012 be confirmed as a true and accurate record subject to amendments.

CARRIED

**APP 13/07/10
OBJECTION TO MENACING DOG CLASSIFICATION (CS-13-908)**

Ms Lisa Fraser spoke on behalf of Mr Dyer and Ms Ryley, owners of the cat killed in the incident over which the appeal was being heard. Ms Fraser summarised the submissions set out in the letter sent to Council (attached as an appendix to report CS-13-908) and the responses to the objection raised for the classification. Ms Fraser added the experience has been distressing for Mr Dyer and Ms Ryley and impacted on their enjoyment and use of the area. Mr Dyer and Ms Ryley support the Council's decision to classify the dogs as menacing and think this is the best way to prevent a similar incident occurring in future.

Mr Dyer described his account of the incident and believes both dogs were involved in the incident.

Ms Stevenson, one of the owners of the dogs, stated she has never denied Jara killed Murphy, but thinks the facts in Ms Fraser's letter and the actual event don't align. Ms Stevenson read her submission to the meeting. Ms Stevenson added this has come as a shock to her and Mr Semo as Jara has never shown aggression in the past to other domestic pets, wildlife or children. Ms Stevenson believes Axel did not commit a menacing act and objects to the menacing classification as it carries a muzzle requirement when the dog is in a public place and this will have a detrimental effect on the dog's quality of life.

The meeting adjourned at 3.34 pm.

The meeting reconvened at 3.45 pm

After discussion with Committee Members the Chair acknowledged both parties were upset. The Chair explained the Committee recognised the actions the dog's owners had taken and

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the distress caused to the cat's owners and confirmed the Committee intended to uphold the menacing classification of both dogs. The reasons for the decision included the fact the incident took place in an urban environment and that the Committee believed both dogs pose a threat and would continue to do so as their behaviour and the incident may influence future behaviour. The Chair also noted a dog does not have to have bitten another animal or a person to be classed as a menacing dog.

MOVED (Wooding/Ammundsen)

That the Committee upholds the classification of the dogs Jara and Axel belonging to Ariu Semo and Jane Stevenson as menacing under section 33a (1) b) (i) of the Dog Control Act.

CARRIED

The meeting closed at 3.50pm

Splary Wooding
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Chairperson

*October
10 Sept 2013*
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Date