

<b>MINUTES APPEALS HEARING COMMITTEE</b>	<b>MEETING HELD ON THURSDAY 23 JANUARY 2014</b>	<b>TIME 2.00PM</b>
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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 23 January 2014 commencing at 2.00pm.

PRESENT:

Cr	T	Lloyd	(Chair)
Mayor	R	Church	
Cr	M	Cardiff	
Cr	M	Bell	
Cr	P	Gaylor	
Cr	D	Ammundsen	
Cr	G	Welsh	

IN ATTENDANCE:

Ms	T	Evans	(Group Manager, Community Services)
Mr	N	Fowler	(Environmental Standards Manager)
Ms	J	Toseland	(Animal Control Team Leader)
Ms	R	Horn	(Defendant and owner of 'Ruby' )
Ms	V	Starbuck- Maffey	(Democratic Services Team Leader)

The Chair Cr Lloyd read the Council blessing, welcomed everyone to the meeting, and introduced staff.

#### **APP 14/01/01 APOLOGIES**

There were no apologies.

#### **APP 14/01/02 PUBLIC SPEAKING TIME**

1. Dale Evans urged the Committee to uphold the Menacing classification as Council should be consistent in its decision-making in such cases.

#### **APP 14/01/03 MEMBERS BUSINESS**

- (a) Public Speaking Time Responses - The matter would be addressed by the Committee.
- (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 14/01/04 OBJECTION TO MENACING CLASSIFICATION (CS-13-1081)**

Animal Control Team Leader Julie Toseland spoke to the report. Ensuing discussion featured the following points:

<b>MINUTES APPEALS HEARING COMMITTEE</b>	<b>MEETING HELD ON THURSDAY 23 JANUARY 2014</b>	<b>TIME 2.00PM</b>
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- Cr Ammundsen noted that the complainant was not present today, and sought clarification of the date of the incident. Ms Toseland confirmed that the incident happened on 17 November 2013 and the reference to a December date was an error. There was also mention in the officer report of the complainant seeking assistance at the time of the attack by going up a driveway, but this was not reflected in the complainant's statement and the discrepancy was acknowledged.
- The requirement for Ruby to undergo further socialisation training with Canine Solutions was discussed and was of some concern. Ruby had been attending sessions for over one month without any incident.
- The basis of concern on the Committee's part was the risk of Ruby escaping from her yard and being in public without her owners and the possibility of another attack. How could Councillors be sure that another attack would not take place? Ms Horn advised the Committee to view the videos she had arranged to be shown, and also said the fence had been fixed and it wasn't likely that Ruby would get out again.
- Ms Toseland commented that the owners had cooperated completely from the start, had done everything possible to remedy the situation and this was the first incident. She accepted that the owners were remorseful. The Menacing classification was intended to protect all parties. Ms Toseland clarified that of the several requirements imposed by the classification the only one the Committee was being asked to consider today was the requirement to muzzle Ruby whenever she was in public. A muzzle would not be required when Ruby was on private property.
- Three short videos were shown of Ruby with other dogs at Canine Solutions to support Ms Horn's assertions that Ruby was well-socialised and had never posed a threat to other dogs. The incident under consideration happened because Ruby was on her own outside her home and got over-excited, leading to the attack.
- Ms Toseland explained the circumstances under which a dog could be classified as Menacing; it depended on the seriousness of the incident and the history of the dog's behaviour or its breed.
- Group Manager Community Services Tamsin Evans said there were about 80 dogs classified as Menacing in the District.
- The Committee's concern was that a previous Appeals Committee had considered a similar case and removed the Menacing classification: the dog in question had then escaped again and carried out a second and more serious attack. Subsequently the dog was captured, impounded, relinquished and later euthanased.
- The attack by Ruby appeared to be serious with a total of four puncture wounds inflicted on the neck and chest of the other dog.
- Ms Horn's concern was that the classification was forever and muzzling Ruby in public really hampered her behaviour. Ms Evans clarified that the legislation did not provide any possibility of review for good behaviour; the classification if upheld would apply for life.
- Ms Toseland said that in her experience as an Animal Control Officer if a dog escapes again its aggressive behaviour in public tended to escalate. She believed based on past experience that Ruby would attack again under the same circumstances (ie on her own in public).

<b>MINUTES APPEALS HEARING COMMITTEE</b>	<b>MEETING HELD ON THURSDAY 23 JANUARY 2014</b>	<b>TIME 2.00PM</b>
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- The Committee commended the owners on everything they had done to remedy the situation; however there was an unacceptable degree of risk present. The safety of other dogs and the public would have to be paramount in their deliberations. Ms Horn felt it was unfair to make assumptions about Ruby's behaviour based on what another dog or dogs had done, but Committee members said that they had considered other cases where owners had done everything possible to secure the dog but it had still got out. For all the reasons above the Committee decided to uphold the Menacing classification.

**MOVED (Bell/Mayor)**

**That the Committee upholds the Menacing classification of Rebecca Horn's dog Ruby.**

**CARRIED unanimously**

*The meeting was closed at 2.50pm.*

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Chairperson

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Date

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Chief Executive

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Date