HEARINGS COMMITTEE

AGENDA

Extraordinary meeting to be held

THURSDAY 6 OCTOBER 2016

8.15am

In the Manawatu District Council Chambers,
135 Manchester Street, Feilding

Dr Richard Templer
Chief Executive
HEARING PANEL

Chairperson

Councillor Howard Voss

Members

Councillor Tony Jensen
Councillor Shane Casey
Councillor Barbara Cameron
ORDER OF BUSINESS

1. MEETING OPENING

2. CONFIRMATION OF MINUTES

   Draft resolution

   That the minutes of the Hearings Committee meetings held 8 July 2016 and 30 September 2016 be adopted as a true and correct record.

3. MEETING CLOSURE
Minutes of a meeting of the Hearings Committee held on Friday 8 July 2016, commencing at 9.00am in the Manawatu District Council Chambers, 135 Manchester Street, Feilding.

PRESENT:
Cr Howard Voss (Chairperson)
Cr Shane Casey
Cr Tony Jensen

IN ATTENDANCE:
Shayne Harris (General Manager-Business)
Lou Fairest Harper (Acting Senior Animal Control Officer)
Fred de Burgh (Animal Control Officer)
Allie Dunn (Business Support Team Leader)
Nichole Ganley (Business Support Officer)
Trevor Cook (Objector)

HC 16/023 MEETING OPENING

The Chairperson welcomed attendees to the hearing, introduced committee members and officers that were present. He explained the general procedure that would be followed.

HC 16/024 OBJECTION TO CLASSIFICATION OF MENACING DOG

OBJECTOR

Mr Trevor Cook spoke to his brief of evidence. Issues he raised were:

- Trevor acknowledged that Snap his 4.2kg Jack Russell was present during the attack and his dogs were responsible for molesting the hens but stated Snap most likely was the instigator in leading his other dog Maui off the property but believed she would not have been involved in killing the hens. He accepted the classification of menacing for the other dog.

- He stated his concern the limitations that the menacing classification would have as the dog frequently travelled with him. He advised the dog posed no risk to people or other animals when travelling with him.

- In conclusion he said this incident was caused by a change in routine and was an ’unusual event’. Steps had been taken to ensure that it would not be repeated.

*Mr Cook concluded his evidence at 9.10am*

MANAWATU DISTRICT COUNCIL

Councillor Voss sought clarification that there were two dogs present and that Snap was the ‘leader.’ He also asked if the dogs were normally tied up and if they were microchipped.

Councillor Jensen raised his concerns about the other dog Maui and if Trevor knew whether the complainant Bruce Brownlee knew they were his dogs. He also sought clarification that Mr Brownlee did in fact receive recompense for the chickens. He sought clarification from Animal Control Officer Fred de Burgh of the infringement applicable for failing to contain dogs.
Animal Control Officer Fred de Burgh had nothing further to add to his brief of evidence but confirmed the complainant Mr Brownlee did receive the recompense for the hens as he desired and the infringement for failing to contain dogs was $200.00.

Councillor Voss sought clarification from the written evidence sent to Council from witness Ryan Henson, that the dog who was described to be hiding in the bushes was Snap.

OBJECTOR – RIGHT OF REPLY

- Mr Cook said the dogs were restrained on the property when he and his wife were not out on the property themselves and when they leave the property, otherwise they have 23 hectares they can essentially use. He didn’t believe that Mr Brownlee knew they were his dogs, there was a phone number on one of the dog tags which Mr Brownlee rung but had no reply as no one was at home. Consequently the dogs were taken to the pound and identified via their microchips.

HC 16/025 DECISION – CLASSIFICATION OF DOG “SNAP” AS MENACING UNDER SECTION 33A(1)(B)(I) DOG CONTROL ACT 1996

The Chairperson opened the discussion noting that it seemed Snap was guilty by association in this instance. The consensus was a classification of menacing was not a suitable punishment given the circumstances and taking into account the complainant had been recompensed. However if there was a repeat offence of similar nature there would be a different outcome.

RESOLVED

1) That the “menacing” classification imposed on the dog “Snap” belonging to Trevor Cook, pursuant to Section 33A(1)(b)(I) of the Dog Control Act 1996 be rescinded.

2) That the Hearings Committee takes note of the actions of the dog “Snap” and advises should there be a similar repeat of the actions of the dog then the Council would have no option but to enforce the requirements of the Dog Control Act 1996.

Moved by: Councillor Howard Voss

Seconded by: Councillor Tony Jensen

CARRIED

HC 16/026 MEETING CLOSURE

The Chairperson declared the meeting closed at 9.30am

Approved and adopted as a true and correct record:

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CHAIRPERSON DATE
HC 16/036 HEARING OPENING

The Chairperson welcomed attendees to the hearing of an objection lodged by Terry Healy against the issuing of a menacing dog classification relating to the dog known as “Steinie” pursuant to the provisions of Section 33C(1) of the Dog Control Act 1996.

The Chairperson acknowledged additional information tabled being a copy of notes made by Animal Control Officer Trevor Gunn of a phone conversation between himself and Terry Healy, and a copy of the signed affidavit of Trevor Gunn, which was made available to all parties present.

HC 16/037 MANAWATU DISTRICT COUNCIL – SENIOR ANIMAL CONTROL OFFICER

Robert Peterson, Senior Animal Control Officer, answered questions from the Hearings Committee around the process of serving the menacing classification letter, the timeframes between classification of the dog and the follow up visit. In response to a question from the Hearings Committee, he confirmed that there had been no reported complaints relating to the behaviour of the dog “Steinie”. He also explained that the pit bull type as listed in the Dog Control Act 1996 was not a recognised breed whereas the American Staffordshire Terrier was a recognised breed. With regard to Annex I to the agenda, which listed information from the Auckland City Council relating to their recognition of American Staffordshire Terriers as pit bull type, it was clarified that the Manawatu District Council did not adopt the same procedure in its Dog Control Policy or Bylaws.

HC 16/038 OBJECTOR– TERRY HEALY

Mr Healy tabled a letter from himself to the Hearing Committee outlining the background of breeding of American Staffordshire Terrier, documenting the temperament of his dog, and including references confirming his dog’s temperament and behaviour.

Following questions from the Hearings Committee, he confirmed the process undertaken at the veterinary clinic where the DNA sample was taken, noting that the dog’s microchip was scanned to confirm the dog’s identity and that there was the vet and vet nurse present during the taking of the sample.
Following questions from the Hearings Committee regarding the documented breeds of the dam and sire of the dog Steinie, Mr Healy noted that the documentation showed the information provided by the owners of the dogs, which has shown to be incorrect by the DNA results.

HC 16/039 MANAWATU DISTRICT COUNCIL – SENIOR ANIMAL CONTROL OFFICER RIGHT OF REPLY

Robert Peterson, Senior Animal Control Officer, in his reply clarified the wording of Section 33C of the Dog Control Act 1996 as requiring an Animal Control Officer to classify a dog as menacing if the Animal Control Officer believes the dog to be wholly or predominantly of pitbull type. They base this belief on their experience and he referred to Annex J of the agenda that set out responses received from other Animal Control Officers after viewing a photo of the dog “Steinie”. He confirmed that there was no issue with the ownership or behaviour of the dog, it was about enforcing the Dog Control Bylaws in accordance with the requirements of the Dog Control Act 1996.

HC 16/039 DELIBERATIONS AND DECISION – OBJECTION TO CLASSIFICATION OF DOG AS MENACING

The Hearings Committee discussed the DNA evidence provided by Mr Healy which showed the dog “Steinie” to be an American Staffordshire Terrier by breed, and showed no other breeds in its bloodline. Following direction from the Hearings Committee, officers confirmed with Palmerston North City Council that the sire of the dog “Steinie” known as “Shady” and shown as American Staffordshire Bull Terrier and Sharpei on their database, had not been classified as menacing. The committee noted that the listing of the breeds of the dogs in vet records and Council records is based on information provided by owners, which may or may not be correct.

In considering the objection the Hearings Committee had regard to the evidence which formed the basis of the classification, took into account the clarification of the process followed for the DNA sampling of the dog in question, and also the explanation of how the breeds of the dog, and its dam and sire were entered into Council and vet records.

As a result, the Hearings Committee accepted the evidence provided by Terry Healy that the dog “Steinie” was an American Staffordshire Terrier and not of pitbull type.

RESOLVED

That the menacing classification imposed on the dog “Steinie” belonging to Terry Healy, pursuant to Section 33C(1) of the Dog Control Act 1996, be rescinded.

Moved by: Councillor Howard Voss

Seconded by: Councillor Tony Jensen

CARRIED
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<td>HEARINGS COMMITTEE</td>
<td>FRIDAY 30 SEPTEMBER 2016</td>
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HC 16/040  CLOSURE OF HEARING

The Chairperson declared the hearing closed at 9.35am.

Approved and adopted as a true and correct record:

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CHAIRPERSON

__________________________________________
DATE