

## **Minutes of a meeting of the Hearings Panel - Other**

**Held in the Council Chamber, Civic House, 110 Trafalgar Street, Nelson**

**On Wednesday 16 September 2020, commencing at 9.10a.m.**

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Present: Councillors K Fulton (Chairperson), T Brand and M Lawrey

In Attendance: Manager Consents and Compliance (M Bishop), Governance Adviser (J Brandt) and Governance Support (K McLean)

Apologies : Nil

### **1. Apologies**

There were no apologies.

### **2. Confirmation of Order of Business**

There was no change to the order of business.

### **3. Interests**

There were no updates to the Interests Register, and no interests with items on the agenda were declared.

### **4. Public Forum**

There was no public forum.

### **5. Objection to Classification of dog Banshee as menacing. Hsin Chien (Ashley) Shih**

Document number R18163, agenda pages 4 - 29 refer.

The Chairperson noted that the objector had advised that she would not be attending the meeting.

Environmental Inspections Limited Team Leader – Regulatory, Brian Wood, presented the report, supported by Dog Control Officer, Jeff Welch.

Mr Wood tabled a report he had received from the objector. The report was prepared by dog psychologist and trainer Tammi Wharton, Freedom & Harmony (A2468098).

Mr Wood and Mr Welch answered questions about dog behaviour, dog control measures such as voice command, muzzle-wearing and crating dogs overnight, the age of dog Banshee, as well as what remedial actions had been taken by the owner of dog Banshee.

**6. Exclusion of the Public**

Resolved HEA/2020/025

***That the Hearings Panel - Other***

- 1. Excludes the public from the following parts of the proceedings of this meeting.***
- 2. The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:***

Fulton/Lawrey

Carried

<b>Item</b>	<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Particular interests protected (where applicable)</b>
<b>5</b>	<b><i>Objection to Classification of dog Banshee as menacing. Hsin Chien (Ashley) Shih</i></b>	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	Section 48(2)  Paragraph (d) of subsection (1) applies to  (a) Any proceedings before a local authority where  (i) A right of appeal lies to any Court or tribunal against the final decision of the local authority in those proceedings

The meeting went into confidential session at 9.53a.m. and resumed in public session at 10.36a.m.

The only business transacted in confidential session was to deliberate on the decision. The Chairperson shared the content of the deliberations once the public was re-admitted. In accordance with the Local Government Official Information Meetings Act, no reason for withholding this information from the public exists therefore this business has been recorded in the open minutes.

## 7. Re-admittance of the Public

Resolved HEA/2020/026

### ***That the Council***

1. ***Re-admits the public to the meeting.***

Fulton/Brand

Carried

The Chairperson summarised the Panel's deliberations as follows:

The Panel considered the evidence provided and commended the owner for the steps she had taken to improve the behaviour of the dog Banshee.

The Panel had discussed the report provided by Freedom & Harmony summarising the training they had undertaken with Banshee and noted that the report was lacking in detail in regards to testing whether the training they had implemented had improved Banshee's behaviour towards grazing stock such that she was no longer a risk.

The Panel noted that the dog Banshee did not pose a risk to humans, and that the concern was around the threat she posed to grazing stock and potentially other animals. However, the Act did not provide for conditions based on access to grazing stock.

The Panel recognised that Banshee was only one year old when the incident happened. The Panel noted further ongoing training, in particular voice control, would be beneficial for the dog going forward.

In the future, with proof of successful training and outcomes, the owner could apply to have the classification removed. The officer was receptive to considering declassification if there was enough evidence provided to demonstrate dog Banshee would no longer pose a risk.

Resolved HEA/2020/027

### ***That the Hearings Panel - Other***

1. ***Receives the report Objection to Classification of dog Banshee as menacing. Hsin Chien (Ashley) Shih (R18163) and its attachments (A2438905, A2438911, A2438915, A2134555, A2438922, A2438931); and***
2. ***Dismisses the objection of Hsin Chien (Ashley) Shih to the Classification of dog Banshee as menacing; and***
3. ***Upholds the classification of dog Banshee as menacing.***

Fulton/Lawrey

Carried

**Attachments**

- 1 A2468098 - Report by dog psychologist Tammi Wharton, Freedom & Harmony

There being no further business the meeting ended at 10.40a.m.

Confirmed as a correct record of proceedings:

\_\_\_\_\_ Chairperson \_\_\_\_\_ Date