



Minutes of a meeting of the Hearings Panel - Other

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

On Wednesday 29 November 2017, commencing at 9.00am

Present: Councillor B McGurk (Chairperson) and Councillor S Walker

In Attendance: Manager Environmental Inspections (B Edwards), Governance Adviser (P White) and Governance Support (K McLean)

Apology/ies : Nil

1. Apologies

No apologies were received.

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 a Dog as Menacing - Rebecca Bennett - Dog named "Camo"

Document number R8737, agenda pages 4 - 24 refer.

The objector, Ms Rebecca Bennett was present and was accompanied by Ms Maria Walsh.

Ms Bennett confirmed that she had received the officer's report ahead of the hearing meeting.

Manager Environmental Inspections, Brent Edwards noted a correction required to the report in paragraph 5.7.1. Ms Bennett had provided five letters in support of the dog, not the three letters stated. Mr Edwards tabled two sets of photographs provided by Ms Bennett (A1873555) that showed the dog at home, with family, in public situations with other people and other dogs, and with a patient at Hospice, where Ms Bennett worked.

Mr Edwards summarised the incident on 27 September 2017 that had led to the dog being classified as menacing. He stated that a menacing dog is required to be neutered and muzzled whenever in public.

The meeting viewed a video taken on the day of the incident (A1839259) which showed the dog barking and lunging at a person walking past.

Ms Bennett answered questions about the dog's history, the situation on the day of the incident, and normal routine. She also reported on her previous experience as a dog owner.

At the conclusion of questions, the Chairperson advised that the meeting would be adjourned to allow the Panel to fully consider the matter before reaching a decision.

The meeting adjourned at 9.34am and recommenced at 9.55am.

The Chairperson summarised the conclusion of the Panel, that:

- Ms Bennett was clearly a responsible caring dog owner who cherished her dog
- the video shown of the incident on 27 September did appear to have been staged, but did show the behaviour as reported by the three calls that had been received by Council's Animal Control Unit of the dog barking and lunging
- there was no previous experience of dog behaving in this way, but also the dog had not been placed in this type of situation previously (tied to a seat in a busy thoroughfare on a weekday afternoon)
- under section 33B(2)(a) of the Dog Control Act, Ms Bennett had restrained the dog on the day of the incident (the dog was tied up), the dog was neutered and microchipped, and that Ms Bennett had undertaken to fence her property
- the report from the dog behaviourist stated that she had been unable to identify a specific trigger for the dog's behaviour, and that she did feel there were risks involved with him
- under Section 33A(1)(b)(i) of the Dog Control Act, the dog may pose a threat to any person because of the observed behaviour of the dog on 27 September 2017

Resolved HEA/2017/015

That the Hearings Panel - Other

Receives the report Objection to Classification of a Dog as Menacing - Rebecca Bennett - Dog named "Camo" (R8737) and its attachments (A1867668, A1867669, A1850853 and A1867670); and

Dismisses the objection of Rebecca Bennett; and

Upholds the classification of "Camo" as menacing.

McGurk/Walker

Carried

Attachments

- 1 A1873555 Photos as supplied by Rebecca Bennett
- 2 A1839259 (not attached as unsupported file format)

There being no further business the meeting ended at 10.01am.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date