
Dog Control Hearings Panel

Te Koomiti Whiriwhiri I Ngaa Take Kuri

OPEN MINUTES

Minutes of a meeting of the Dog Control Hearings Panel held in Committee Room 1, Municipal Building, Garden Place, Hamilton on Wednesday 1 March 2023 at 9:30am.

PRESENT

Chairperson Cr Ewan Wilson

Heamana

Members Cr Mark Donovan
Cr Anna Casey-Cox
Cr Andrew Bydder

In Attendance: Kelvin Powell – City Safe Unit Manager
Susan Stanford – Animal Control Manager
Craig Heathcote – Animal Education and Control Officer
Robert Bedford - Animal Education and Control Officer

Governance Staff: Amy Viggers – Governance Lead
Arnold Andrews – Governance Advisor

Item 4 (Objection to menacing classification - Shannon Werder) was taken at the at the beginning of the meeting to accommodate external presenters.

4. Objection to menacing classification - Shannon Werder

Mr Werder spoke to his objection and described the incident for the Panel. He mentioned the distance between the victim dog and its owner during the incident, the people involved, previous incidents with this dog, history of dog ownership and breed of dog.

The Panel asked questions in relation to puppy training, training undertaken since ownership, the ability of the dog to hurt/harm if provoked, impact of muzzling, medical report for the medical attention received by the objector, injury details, communication with victim dog owner and character certificate for the dog (Vixen).

Animal Education and Control Officer spoke to the report and the Panel deemed social media communication to have no value as evidence without written/verbal statements from witnesses and victim dog owner. The Panel requested the Animal Education and Control Officer to read out the witness/victim's statement.

The Panel asked questions in relation to initial actions taken, muzzling requirements for both public or private settings, historic evidence of incidents and menacing dog/breeds that may be classified.

Item 6 (Resolution to Exclude the Public) was taken during the discussion of Item 4 (Objection to menacing classification - Shannon Werder) at the request of the Panel.

6. Resolution to Exclude the Public

Resolved: (Cr Wilson/Cr Donovan)

Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

That the public be excluded from the following parts of the proceedings of this meeting, namely consideration of the public excluded agenda.

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 follows.

| General subject of each matter to be considered | Reasons for passing this resolution in relation to each matter | Ground(s) under section 48(1) for the passing of this resolution |
|--|---|--|
| 4. Objection to menacing classification - Shannon Werder |) Good reason to withhold) information exists under) Section 7 Local Government) Official Information and) Meetings Act 1987) | Section 48(1)(a) |

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

- Item 4. to maintain the effective conduct of public affairs through protecting persons from improper pressure or harassment Section 7 (2) (f) (ii)

The meeting went into a public excluded session at 10:16am.

*During the Public Excluded session of the meeting the following was resolved to be released to the public:
That the Dog Control Hearings Panel determines that the classification of Vixen as a menacing dog is upheld.*

The meeting returned to the open session at 10:31am.

Cr Bydder left the meeting during the above adjournment.

The meeting was adjourned from 10.31am to 10.50am.

The meeting returned to the open session at 10:50am.

1. Apologies – *Tono aroha*

Resolved: (Cr Wilson/Cr Donovan)

That the apologies for absence from Cr Tauariki and Cr Huaki are accepted.

2. Confirmation of Agenda – *Whakatau raarangi take*

Resolved: (Cr Wilson/Cr Donovan)

That the agenda is confirmed.

3. Declarations of Interest – *Tauaakii whaipaanga*

No members of the Panel declared a Conflict of Interest.

5. Objection to menacing classification - Colby Osborne

Ms Osborne spoke to her objection and described the current and previous incident involving Blue (dog).

The Panel asked questions in relation to timing of the current incident, previous incidents, fencing, measures taken since the incident, Blue's behaviour and changes in behaviour since the companion dog's departure, infringements issued and cattle being attacked or disrupted.

Animal Education and Control Officer spoke to the report and verified the date of the incident. He mentioned the initial communication received from Ms Osborne and communication with the victim cattle owner. He also stated that Blue was given a warning letter. The Panel requested the Animal Education and Control Officer to read out the witness/victim's statement.

The Panel asked questions in relation to process, timelines, staff's opinion based on evidence, reason for classification, infringements, the impact of muzzling on similar incidents and differences between and dangerous and menacing classification.

Item 6 (Resolution to Exclude the Public) was taken during the discussion of item 4 (Objection to menacing classification – Colby Osborne) at the request of the Panel .

6. Resolution to Exclude the Public

Resolved: (Cr Wilson/Cr Donovan)

Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

That the public be excluded from the following parts of the proceedings of this meeting, namely consideration of the public excluded agenda.

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 follows.

| General subject of each matter to be considered | Reasons for passing this resolution in relation to each matter | Ground(s) under section 48(1) for the passing of this resolution |
|---|---|--|
| 5. Objection to menacing classification - Colby Osborne |) Good reason to withhold) information exists under) Section 7 Local Government) Official Information and) Meetings Act 1987) | Section 48(1)(a) |

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

- Item 5. to maintain the effective conduct of public Section 7 (2) (f) (ii)
affairs through protecting persons from
improper pressure or harassment

The meeting went into a public excluded session at 12:00pm.

*During the Public Excluded session of the meeting the following was resolved to be released to the public:
That the Dog Control Hearing Panel determines that the classification of Blue as a menacing dog is upheld.*

The meeting was declared closed at 12:15pm.