



MINUTES

Waimate District Council Appeal Panel Committee Meeting

2 April 2019

**MINUTES OF WAIMATE DISTRICT COUNCIL
WAIMATE DISTRICT COUNCIL APPEAL PANEL COMMITTEE MEETING
HELD AT THE COUNCIL CHAMBER, WAIMATE DISTRICT COUNCIL, 125 QUEEN STREET,
WAIMATE ON TUESDAY 2 APRIL 2019, COMMENCING AT 3.30PM**

PRESENT: Chair Craig Rowley, Cr Sharyn Cain, Cr Sheila Paul
APOLOGIES: None
IN ATTENDANCE: Maree & Paul Whiting (Applicant), Anne Weeks (Complainant), Bradley Haines (Witness), Lawrence Pritchard (Witness), John Fattorini (Witness), Paul Cooper (Compliance and Regulatory Group Manager), Linda Shefford (Animal Control Officer), Robin Cadogan (Animal Control Officer), Helen Strachan (Committee Secretary)

OPENING

1 APOLOGIES

Nil

2 VISITORS

As stated

3 CONFLICTS OF INTEREST

Nil

4 IDENTIFICATION OF MAJOR (URGENT) OR MINOR ITEMS NOT ON THE AGENDA

Nil

REPORTS

5 GENERAL REPORTS

5.1 TERMS & REFERENCE - WAIMATE DISTRICT COUNCIL APPEAL PANEL COMMITTEE

The Terms of Reference of the Waimate District Council Appeal Panel were provided.

5.2 MENACING DOG CLASSIFICATION OBJECTION - MAREE AND PAUL WHITING

The Hearings Committee considered an objection by a dog owner against the decision of the Council Animal Control Officer to classify their dog as menacing pursuant to Section 33A(2) of the Dog Control Act 1996. A copy of the classification notice and letter of objection from the dog owner was provided in the agenda.

A correction was noted at the meeting: Page 9 – (4) – The action request came through on the 3 January 2019, with the alledged attack occurring on 2 January 2019.

All statements were taken as read and each witness was sworn in before answering any questions from the panel or making any statements.

Summary of statements:

Mrs Anne Weeks – Complainant

- Very pleased that people around and they came to help so fast. Mrs Weeks and her dog went into shock after the incident
- She was told that the larger dogs may have thought her dog, Gemma, was a rabbit
- Gemma is still scared walking around the park, looking cautiously from side to side with her tail down
- For 24 hours following the attack, Gemma hid under the table and wouldn't come out
- If it hadn't been for the people who came to help, Gemma would have been killed
- The owners of the other dog (Bentley), took two days to visit and apologise

Mr Bradley Haines – Witness

- Saw both golden retrievers off the lead, but only one dog attacked the smaller dog
- Did not see anything to indicate the attack had been antagonised

Mr Lawrence Prichard – Witness

- Did not know where the dogs came from
- Punched the dog to make it let go of the small dog
- Did not see any aggression from the larger dogs towards people

Mr John Fattorini – Witness

- The dogs were standing on concrete under the veranda of the cabin by themselves, with no supervision. Mr Fattorini was about 70m from the dogs

Ms Leanne McLeod's statement (not in attendance) was discussed. Mr & Mrs Whiting disputed some of the facts in Ms McLeod's statement.

- This statement was taken two months after the event
- The Whiting's cars were between where she was and where the incident took place
- Mr & Mrs Whiting never spoke to Ms McLeod
- Apart from the group the Whiting's were staying with, the only children around were part of their swim group.

Mrs Maree Whiting – Applicant

- The Whiting arrived from Christchurch that day, unpacked, and put the dogs on a long line
- The group staying at the time was a group of girls plus grandma, and two teenage girls
- The dogs got tangled on the long line, so I unhooked their leads to untangle them. They were standing in front of her and bolted towards the people behind her. Bentley attacked the little dog
- Straight away after the incident Maree apologised and offered to pay for the vet, then the following morning when they went to apologise at Mrs Week's house they offered to pay for any vet bills
- This incident is not in Bentley's nature. He has never done anything before, and for the rest of the stay there were no incidents. Stayed there last year for the same period for the swim school with no incidents
- The dogs are used to being able to run free on a lifestyle block and do chase wild rabbits, but leave chickens and other animals alone

- The two year old dog didn't attack the small dog

Note: Mrs Weeks disputes the timeline and thinks it was two days after the event that Mr & Mrs Whiting came to apologise.

Mr Paul Whiting – Applicant and Dog owner

- Was not present at the time of the incident
- Was upset and surprised that this has happened. Bentley has never attacked any animals before, we always walk him on a lead and have had no issues before
- Robin Cadogan (Animal Control) came to take a statement the following day and Mr & Mrs Whiting then knew how to contact Mrs Weeks and went to her home to apologise and offer to pay any vet expenses. Robin met them at the home of Mrs Weeks
- The first time Mr & Mrs Whiting were aware of any vet bill was reading the hearing papers
- Bentley has been around other small dogs without incident
- Six weeks after the incident Bentley was found to have cancer
- Bentley has never attacked a person
- He has only made this one mistake in six years
- Mr Whiting saw Mrs Weeks's dog two days later and Gemma was jumping between the front and back seats
- Doesn't dispute the report

Ms Linda Shefford – Animal Control Officer

- Linda read her evidence as per the agenda
- In that part of the park the dogs are allowed to be off leash but under control

Mr Robin Cadogan – Animal Control Officer

- The day following the incident Robin firstly went to take Mrs Weeks' statement. Mrs Weeks was still upset and had not heard the apology from Mrs Whiting
- Secondly, Robin went to get a statement from Mrs Whiting. Mrs Whiting asked if she and Mr Whiting could go and apologise in person to Mrs Weeks. Robin met Mr & Mrs Whiting back at Mrs Weeks's home, and heard them apologise and offer to pay any vet bills
- Robin did mention to Mrs Weeks that any injuries needed to be recorded, but there was no invoice at that stage

The meeting adjourned 4.12pm

The meeting resumed 4.19pm

The decision was reserved pending review of all information, with a further meeting to be scheduled for later in the week, following which the decision will be communicated to all parties.

MEETING CLOSURE

There being no further business, the Chair closed the meeting at 4:20pm.

The minutes of this meeting are to be confirmed at the Waimate District Council Appeal Panel meeting scheduled for 5 April 2019.

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CHAIRPERSON