

# Agenda

**Notice is hereby given of  
a Waimate District Council Appeal Panel  
Committee Meeting**

**Friday 5 April 2019**

Commencing at 2.00pm

Council Chamber  
Waimate District Council  
125 Queen Street  
Waimate

[www.waimatedc.govt.nz](http://www.waimatedc.govt.nz)

**Notice is hereby given that a meeting of the Waimate District Council Appeal Panel Committee will be held in the Council Chamber, Waimate District Council, 125 Queen Street, Waimate, on Friday 5 April 2019, Commencing at 2.00pm.**

**Committee Membership**

Craig Rowley	Chairperson
Sharyn Cain	Deputy Mayor
Sheila Paul	Councillor

Quorum – no less than five members

**Significance Consideration**

Evaluation: Council officers, in preparing these reports have had regard to Council's Significance and Engagement Policy. Council and Committee members will make the final assessment on whether the subject under consideration is to be regarded as being significant or not. Unless Council or Committee explicitly determines that the subject under consideration is to be deemed significant then the subject will be deemed as not being significant.

**Decision Making**

The Council, in considering each matter, must be:

- i. Satisfied that it has sufficient information about the practicable options and their benefits, costs and impacts, bearing in mind the significance of the decision;
- ii. Satisfied that it knows enough about and will give adequate consideration to the views and preferences of affected and interested parties bearing in mind the significance of the decisions to be made.

Stuart Duncan  
Chief Executive

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## OPENING

### 1 APOLOGIES

### 2 VISITORS

### 3 CONFLICTS OF INTEREST

As per the Local Authorities (Members' Interests) Act 1968 (as below), the Chair will enquire if there are any Conflicts of Interest to be declared on any item on the agenda, and if so, for any member to declare this interest.

#### **Local Authorities (Members' Interests) Act 1968**

Councillors are reminded that if they have a pecuniary interest in any item on the agenda, then they must declare this interest and refrain from discussing or voting on this item and are advised to withdraw from the meeting table.

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

1. The Chair will call for any major (urgent business) or minor items not on the agenda to be raised according to Standing Orders, as below:

#### **a. Standing Orders 3.7.5 – Major Items**

An item not on the agenda for a meeting may be dealt with at the meeting if the local authority by resolution so decides, and the presiding member explains at the meeting at a time when it is open to the public –

- i. The reason why the item was not listed on the agenda; and
- ii. The reason why discussion of the item cannot be delayed until a subsequent meeting.

#### **b. Standing Orders 3.7.6 – Minor Items**

An item not on the agenda for a meeting may be dealt with at the meeting if –

- i. That item is a minor matter relating to the general business of the local authority; and
- ii. The presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
- iii. No resolution, decision, or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.

## MINUTES

### 5 CONFIRMATION OF MINUTES

#### 5.1 MINUTES OF THE WAIMATE DISTRICT COUNCIL APPEAL PANEL COMMITTEE MEETING HELD ON 2 APRIL 2019

**Author:** Karalyn Reid, Committee Secretary and PA to the Mayor

**Authoriser:** Paul Cooper, Regulatory and Compliance Group Manager

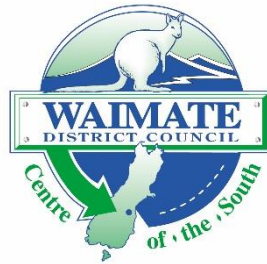
**Attachments:** 1. Minutes of the Waimate District Council Appeal Panel Committee Meeting held on 2 April 2019

#### PURPOSE

To present the unconfirmed Minutes of the Waimate District Council Appeal Panel Committee Meeting held on 2 April 2019 for confirmation.

#### RECOMMENDATION

That the Minutes of the Waimate District Council Appeal Panel Committee Meeting held on 2 April 2019 be confirmed as a true and correct record



# 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, Anne Weeks, Bradley Haines, Lawrence Pritchard, John Fattorini, 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 the decision of 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 occuring 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 witness statements:

Mrs Anne Weeks

- 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, Jemma, was a rabbit
- Jemma is still scared walking around the park, looking cautiously from side to side with her tail down
- For 24 hours following the attack, Jemma hid under the table and wouldn't come out
- If it hadn't been for the people who came to help, Jemma would have been killed
- The owners of the other dog (Bentley), took two days to visit and apologise

Mr Bradley Haines

- 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

- 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

- 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

- 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

- 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 Jemma was jumping between the front and back seats
- Doesn't dispute the report

Ms Linda Shefford

- 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

- 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.

.....  
**CHAIRPERSON**

## REPORTS

### 6 GENERAL REPORTS

#### 6.1 MENACING DOG CLASSIFICATION OBJECTION - MAREE AND PAUL WHITING

**Author:** Karalyn Reid, Committee Secretary and PA to the Mayor

**Authoriser:** Paul Cooper, Regulatory and Compliance Group Manager

**Attachments:** 1. Decision (under separate cover) 

#### PURPOSE

1. This report is to make a decision of the Menacing Dog Classification Objection by Maree and Paul Whiting of 25 Overdale Drive Christchurch.

#### BACKGROUND

2. The Waimate District Council Appeal Panel met on Tuesday 2 April 2019, at 3.30pm to decide on 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.
3. The decision was reserved to consider all the information, with a further meeting to be scheduled for later in the week, following which the decision will be communicated to all parties.
4. The Waimate District Council Appeal Panel Decision is attached to this report.

#### OPTIONS

5. The Committee is authorised by the Dog Control Act 1996 to either uphold or rescind the classification.

#### ASSESSMENT OF SIGNIFICANCE

6. This matter is not deemed significant under the Council's Significance and Engagement Policy.

#### CONSIDERATIONS

7. The classification of the dog as menacing was made under Section 33A (1)(b)(i) of the Dog Control Act 1996 due to the reported or observed behaviour of the dog, that it may pose a threat to poultry and/or domestic animals.
8. With the offending dog having already been microchipped and neutered the compliance action required is that the dog be muzzled when in a public place.

#### Legislation

9. The provisions of Sections 33A-33EC of the Dog Control Act 1996 address this issue. An extract from that Act detailing the legal requirements is attached to this report.

#### CONCLUSION

10. The Animal Control Officer has responded to the complaint as required by internal procedures, the Dog Control Act 1996 and the Council Policy. After investigating the complaint, the Animal Control Officer believed that sufficient evidence existed for the dog to be classified menacing. The dog owner is now exercising his legal right to object to that notice and have the issue heard by the Hearings Committee.

**FINANCIAL**

11. There are no special funding considerations for this issue that are not part of the Animal Control budget.

**Cost-effectiveness**

12. Cost-effectiveness consideration is not applicable.

**RECOMMENDATION**

1. That the Menacing Dog Classification Objection - Maree and Paul Whiting report is accepted; and
2. That the Waimate District Council Appeal Panel either upholds or rescinds the notice.

**MEETING CLOSURES**