
Hearings Subcommittee

OPEN MINUTES

Minutes of a meeting of the Hearings Subcommittee held in the Kauri Room, Municipal Building, Garden Place, Hamilton on Tuesday 28 April 2015 at 2:30pm.

PRESENT

Chairperson	Cr M Forsyth
Members	Cr L Tooman Cr E Wilson
In attendance	City Safe Unit Manager, Animal Education & Control Manager, Team Leader Animal Education & Control Officers, Animal Education & Control Officer
Also in attendance	Charlotte Thompson and Alana Pringle
Committee Advisor	Mr B Stringer

1. Apologies

There were no apologies.

2. Confirmation of Agenda

The Chair noted the following changes to the circulated Agenda:

- a. The meeting was postponed from 18 March 2015 due to the unavailability of some Councillors on that date who were attending a funeral and to accommodate Charlotte Thompson's availability.
- b. Crs Tooman and Wilson replaced Crs Pascoe and Green.
- c. Items 4 (Hearings Subcommittee Open Minutes 8 December 2014) and 6 (Objection by John Taylor to the Classification of Chika as Menacing) in the 18 March Agenda had been heard at previous Subcommittee meetings.
- d. The Subcommittee minutes from the meeting of 9 April 2015 were circulated to members as a late report.

Resolved: (Crs Forsyth/Wilson)

The Subcommittee to confirm the Agenda, noting the above changes.

3. **Declarations of Interest**

No members of the Subcommittee declared a Conflict of Interest.

4. **Hearings Subcommittee Open Minutes 9 April 2015**

Resolved: (Crs Tooman/Forsyth)

That the Subcommittee adopt as a true and correct record the Open Minutes of the Hearings Subcommittee of 9 April 2015.

5. **Objection by Charlotte Thompson to the Classification of Hine as Menacing**

The Animal Education & Control Manager spoke to the staff Report and summarised the background to the case. The Manager was joined by the Team Leader Animal Education & Control Officers who provided an overview of his experience in training and dealing with dogs. His resume was tabled. The Team Leader confirmed that he had not seen Hine until he visited the kennels and his advice on the events leading to Hine being placed in the kennels was based on the statements of staff that were present at that time.

The Manager and Team Leader highlighted the following points in response to questions:

- **Aggressive behaviour**
A dog could exhibit aggressive behaviour when in a pressured or stressed situation, or towards people other than its owners or family members, even if this did not reflect the behaviour it normally showed towards its owners.
- **Hine's behaviour in the kennels**
The Team Leader stated that on visiting the kennels, Hine was fearful, hiding under the bed and not wanting to make contact with him. Hine did not exhibit any aggressive behaviour at that time. The Team Leader also confirmed it was not unusual for dogs to be scared in such situations.
- **Breed**
Hine was a Pitbull-American Staffordshire cross. Council's classification system for dog registration was based on breed. Hine was not a menacing breed under the Dog Control Act.
- **Relationship of Hine and Kupe**
Charlotte Thompson confirmed that both Hine and Kupe were 'rescue dogs' but were not related.

The Animal Education & Control Officer confirmed he was at the site when Hine was seized and outlined the circumstances leading up to this event. The Officer noted that the Animal Education & Control team were contacted by a member of the public that saw Hine and Kupe roaming at the front of their owner's property.

The Officer, supported by the Manager and Team Leader, responded to the following questions:

- **Arrival at scene**
The Officer recounted that, on his arrival at the scene, he saw Hine rush towards a member of the public on the footpath before Hine returned to the front section of the Thompson residence. Both Hine and Kupe were off-lead on the unfenced front section of the owner's

property. The Officer was the first staff member that arrived and he took the photographs on page 12 of the Agenda. He offered food to both Hine and Kupe in an attempt to move them to the Council vehicle, to which only Kupe responded positively.

- **Other Council staff on scene**

It was noted two other officers then arrived and were unsuccessful at seizing Hine in the front of the section. At that time, the Officer was securing Kupe in the Council vehicle. The City Safe Unit Manager was also in attendance as an observer only. The Officer noted that no contact was made with the dogs' owner at that time as the focus was on protecting the public and removing the dogs from the scene.

The Officer, together with a colleague, caught Hine with poles in the rear of the Thompson's property after Hine had crawled under the house. The Officer estimated it took 20 minutes from his arrival to securely remove Hine from the property.

- **Hine's behaviour**

The Team Leader considered that in the situation that Hine was in, it would be typical for a dog to exhibit more defensive and territorial behaviour on its property. The Team Leader believed that Hine could have bitten someone in a similar situation.

- **'Menacing' classification**

It was confirmed that Hine already substantially satisfied the requirements once a dog was classified as 'menacing' – Hine had been neutered, was on a lead when in public places and had been micro-chipped. Hine's owners also had a muzzle if required.

Charlotte Thompson reiterated her objection to the menacing classification, noting Hine's background of abuse prior to Hine being rescued. Charlotte tabled recent photos of Hine in public settings and responded to the following questions:

- **Post-event remedial activities**

Charlotte noted that additional boarding had been attached to the bottom of her house to prevent the dogs burrowing under the property to reach the front of the section. Charlotte's landlord had yet to confirm whether they would provide concrete to secure that additional boarding. A kennel was already on the property, and the dogs slept inside at night. Charlotte was also working with a dog behaviourist.

- **Objection to Menacing Classification**

Charlotte agreed that her principal concern was the classification of Hine as 'menacing' itself, as she would be able to meet the requirements of the classification.

The Manager confirmed that a dog classified as menacing would need to be restrained on a lead at all times, even in non-lead areas catered for dogs. Staff did not believe the menacing classification could be reviewed or removed by a territorial authority once a territorial authority had determined the matter. The owner would have the option of appealing a decision to the District Court. After considering excerpts from the Dog Control Act, the Subcommittee requested staff obtain an opinion from Council's solicitor as to whether a menacing classification can be reviewed or removed once the classification has been determined by a territorial authority.

The Team Leader stated that based on his experience and research, while behavioural dog training may improve a dog's behaviour over time, the dog's genetic make-up would remain a strong indicator as to the dog's temperament.

The Meeting adjourned during the discussion on this Item from 3:38 to 3:44pm to enable staff to provide Subcommittee members with excerpts from the Dog Control Act.

Resolved: (Crs Tooman/Forsyth)

That:

- a) the Report be received;
- b) the classification of "Hine" as menacing is upheld; and
- c) staff seek Council solicitor's opinion as to whether, under the Dog Control Act 1996, a classification of a dog as 'menacing' or 'dangerous' (as those terms are defined under the Act) can be reassessed or reclassified after such classification has been determined by the Subcommittee (or other territorial authority).

The Subcommittee Members reflected on the facts of this matter and noted the following in support of the Resolution:

- Members of the public saw Hine acting aggressively;
- On his arrival to the scene, the Officer saw Hine rush towards a member of the public;
- Kupe co-operated with staff while Hine evaded attempts to place her in the Council vehicle;
- Protection of the public was the Subcommittee's key concern.

The Chair thanked Charlotte for presenting her objection and noted the decision was not made lightly.

The Meeting closed at 4:00pm