
MINUTES
of the
ANIMAL CONTROL SUBCOMMITTEE MEETING
held
10.00am, Thursday, 15 November 2018
at
Tasman Council Chamber, 189 Queen Street, Richmond

Present: Councillors P Sangster (Chair), K Maling

In Attendance: Regulatory Manager (A Humphries), Administration Officer - Animal Control (R Connochie) Executive Assistant (G Crichton)

1 OPENING, WELCOME

Cr Sangster welcomed everyone in attendance and introduced the Committee and staff to Ms Buyck and her support group. Ms Buyck was supported by Kenneth Burney, Annemieke Lewis and Tineke Buyck.

2 REPORTS

Moved Cr Sangster/Cr Maling

That the Animal Control Subcommittee receives the Menacing Dog Classification Hearing Report RACS18-11-01.

CARRIED

2.1 Menacing Dog Classification Hearing

A further submission from Ms Buyck, which had been delivered to Council the day before, was tabled.

Ms Buyck spoke to her submission. She explained that after the incident had occurred the dog ranger had contacted her but had given them the wrong impression of the situation, so to receive the Notice of Classification of Dog as a Menacing Dog had given the family quite a shock. Since the incident Meisha is not walked in an area where there are crowds or children and they have engaged with a professional dog behavioural consultant and trainer to make sure

this never happens again.

She explained that her mother was Dutch and had a strong accent which could appear to make her responses seem unpleasant, but that this was not the case on the day. Her mother had in the past also experienced a much more serious dog biting attack herself, and would never put her own grandchildren at risk with an out of control dog.

Responding to a question from Councillors Ms Buyck advised that this was the first dog that the family had owned. She went on to explain that at the time of the incident the area was very crowded and that the dog was only trying to protect the family from the scooter.

Ms Buyck's Mother (Tineke Buyck) took the stand stating that the report clearly shows what the situation was, there was no space to pass and it was very crowded at the time.

The Regulatory Manager then briefed the Committee on what happened once the event was reported and the process Council staff had taken to reach the decision of the Menacing Dog Notice. He explained staff had taken into account all the evidence and that there was no previous history of Meisha offending. The bite was very minor, but Council was reacting in this way to make sure that in future, when Meisha leaves the property and goes into a public place, she will not bite somebody again. This protects both the dog owner and the public.

Ms Buyck disagreed with this and said that a muzzle would not prevent an injury should it happen to scratch someone in passing. She explained that she was familiar with injury as she worked in a hospital and that this was a minor injury for the Council to take such an extreme stance. She advised that Meisha was no longer being socialised with others as she did not wish to put people at risk. She explained that this breed of dog required lots of exercise and with a muzzle on Meisha chasing and fetching tennis balls would be out of the question.

Councillors questioned the Regulatory Manager about the muzzle and if it could be stipulated that the muzzle be worn when walking around built up areas and around people, but taken off if playing in a park with fewer people. Mr Humphries explained that the classification of Menacing does not allow for this, that the Acts states any public place and that should Meisha reoffend, the response would be elevated significantly.

Ms Buyck asked if Council would reconsider allowing just the head harness they had started to use, but Councillors advised that in the Report by the Dog Behaviour Consultant there was a recommendation that Meisha be muzzled in public at all times.

The Regulatory Manager explained that unfortunately head harnesses were not accepted under law as a muzzle. He mentioned that he would speak to the Dog Control Officer regarding information that had been provided to the family following the offence to see what had happened.

The Chair thanked Ms Buyck and the family for their attendance at the hearing and that the Committee would deliberate on all that had been discussed today in the confidential session.

3 CONFIDENTIAL SESSION

3.1 Procedural motion to exclude the public

Moved Cr Sangster/Cr Maling

THAT the public be excluded from the following part(s) of the proceedings of this meeting. 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.

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:

3.1 Deliberations of Panel for Animal Control Subcommittee Hearing

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	48(i)(d) - To deliberate in private in a procedure where a right of appeal lies to a Court against the final decision.	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.

CARRIED

The meeting moved into Confidential session at 10.25am and resumed in Open at 10.35am when the Regulatory Manager re-joined the meeting.

4.1 DELIBERATIONS OF PANEL FOR ANIMAL CONTROL SUBCOMMITTEE HEARING

Moved Cr Sangster/Cr Maling

That the Animal Control Subcommittee:

1. receives the Deliberations of Panel for Animal Control Subcommittee Hearing; and
2. upholds the menacing classification.

CARRIED

The Regulatory Manager agreed to send a short letter notifying Ms Buyck of the Committee's decision and would also investigate whether Council had the ability to review the position at a later date.

The meeting concluded at 10.40am

Date Confirmed:

Chair:

Confirmed