

MINUTES	MEETING	TIME
HEARINGS COMMITTEE	FRIDAY 28 JULY 2017	9.30AM

Minutes of a meeting of the Hearings Committee held on Friday 28 July 2017, commencing at 9.30am in the Manawatu District Council Chambers, 135 Manchester Street, Feilding.

PRESENT:	Cr Howard Voss Cr Shane Casey Cr Alison Short	(Chairperson)
IN ATTENDANCE:	Shayne Harris Robert Petersen Herb Verstegen Lou Fairest-Harper Lesley Butler Mark Power Allie Dunn Nichole Ganley Robert Belmont Mrs Belmont	(General Manager Corporate and Regulatory) (Senior Animal Control Officer) (Animal Control Officer) (Animal Control Officer) (Animal Control Officer) (Animal Control Officer) (Animal Control Officer) (Governance Team Leader) (Governance Support Officer) (Objector)

HC 17/001 HEARING OPENING

The Chairperson welcomed attendees to the hearing of an objection lodged by Robert Belmont against the issuing of a menacing dog classification relating to the dog known as "Brownie" pursuant to the provisions of Section 33C(1) of the Dog Control Act 1996.

The meeting adjourned at 9.31am and reconvened at 9.34am.

HC 17/002 MANAWATU DISTRICT COUNCIL – SENIOR ANIMAL CONTROL OFFICER

Robert Peterson, Senior Animal Control Officer had nothing further to add to his report and called Animal Control Officer Herb Verstegen to the table.

Following questions from the Hearings Committee regarding his authority to enter land, Herb Verstegen acknowledged his statement to be true and correct for the record and confirmed he was warranted under the Dog Control Act 1996, which gives him the power to enter onto any property at any time deemed suitable. He acknowledged he visited Mr Belmont at his place of work but stayed on the driveway and on the other side of the gate. He outlined his experience as an Animal Control Officer with both the Manawatu District Council and previously for the former Waitakere District Council. In addition to his experience on the job, he has also attended training in canine behaviour and animal welfare. He acknowledged "Brownie's" good temperament and behaviour toward himself and accompanying Animal Control Officer Lou-Fairest-Harper during the visit. Animal Control Officer Lou-Fairest Harper had nothing further to add.

HC 17/003 OBJECTOR– ROBERT BELMONT

Mr Belmont confirmed that he was the owner of "Brownie" and it was his dog in the photographs in the report. He wished to make clear the discrepancies in the complainant's statement in that the complainant made no attempt to put her dogs on a leash as she did not have a leash with her. Her dogs were running free, as was "Brownie" but one of the complainants dogs was extremely aggressive. He explained how when

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the dogs met he was able to put “Brownie” back on a lead, but had to physically restrain the other dog by the collar as it continued to try and attack him. Mr Belmont stated his biggest concern was that his dog may be deemed menacing by breed but the complainant’s dog is menacing by deed. He acknowledged the professionalism by the Animal Control Officers but had an issue with the details of the report on page 17. Mr Belmont explained he is in fact a member of LandSAR, despite this somehow being confused. Mr Belmont explained that while police dogs have accreditation for their training, LandSAR dogs in training do not. Once a LandSAR dog is fully trained and is qualified, it is then accredited. He has been a member of LandSAR for a number of years and has been involved in dozens of searches, as well as weekend and monthly training and to be said to not be was inaccurate in the statement. He refutes that “Brownie” attacked the other dog. Mr Belmont acknowledged that DNA testing had proved “Brownie” to be a Staffordshire Terrier cross.

Mrs Belmont wished to add further comment to their statement. She explained she was walking behind her husband on the day of the incident, as it was a narrow path, down by the Oroua River. As the dogs headed toward each other, the complainant’s behaviour became hysterical. She confirmed that “Brownie” was put on lead as Robert grabbed the aggressive dog by the collar.

Further questions from the Hearings Committee confirmed Mr and Mrs Belmont had owned “Brownie” since a pup and that “Brownie” was a Staffordshire Terrier cross. In response to a question from the Hearings Committee Mr Belmont said LandSAR used a variety of different dogs for search and rescue incidents and any lead requirements due to a classification would change “Brownie’s” training. He advised that “Brownie” was excellent with chickens and other birds including natives as well as livestock.

HC 17/004 MANAWATU DISTRICT COUNCIL – SENIOR ANIMAL CONTROL OFFICER RIGHT OF REPLY

Robert Peterson, Senior Animal Control Officer, in his reply said he understood LandSAR training requirements and acknowledged Mr Belmont’s points about the incident, which wasn’t deemed an attack in the end, however they have to classify due to breed. He noted the Council’s Pitbull Classification Policy and that Council no longer accept DNA testing as evidence of whether a dog is wholly or predominantly a Pit Bull. He explained that the statements made by the Animal Control Officers were based on what happened at the time and the information they had.

The meeting adjourned at 10.08am and reconvened at 10.25am.

HC 17/005 DELIBERATIONS AND DECISION – OBJECTION TO CLASSIFICATION OF DOG AS MENACING

The Hearings Committee discussed the comments made by Mr and Mrs Belmont regarding the DNA evidence and determination of breed of “Brownie.” As a result, the Hearings Committee acknowledged that they must adhere to the legislative requirements.

RESOLVED

That the menacing classification imposed on the dog “Brownie” belonging to Robert Belmont, pursuant to Section 33C(1) of the Dog Control Act 1996, be upheld and that

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it be noted that there had not been an attack and further "Brownie" was a LandSAR dog in training.

Moved by: Councillor Howard Voss

Seconded by: Councillor Shane Casey

CARRIED

HC 17/006 CLOSURE OF HEARING

The Chairperson declared the hearing closed at 10.30am.

Approved and adopted as a true and correct record:

CHAIRPERSON

DATE