



MINUTES

**Regulatory Hearings Panel meeting
Friday, 10 March 2023**

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**MINUTES OF TAURANGA CITY COUNCIL
REGULATORY HEARINGS PANEL MEETING
HELD AT THE GROUND FLOOR MEETING ROOM 1, 306 CAMERON ROAD, TAURANGA
ON FRIDAY, 10 MARCH 2023 AT 9.30AM**

PRESENT: Mrs Mary Dillon (Chairperson), Mr Puhirake Ihaka, Mr Terry Molloy, Mr Alan Tate

IN ATTENDANCE: Brent Lincoln (Team Leader: Animal Services), Kiran Erasmus (Animal Services Officer), Sarah Drummond (Governance Advisor), Anahera Dinsdale (Governance Advisor)

1 OPENING KARAKIA

Mr Puhirake Ihaka opened the meeting with a karakia.

2 APOLOGIES

Nil

3 CONFIRMATION OF MINUTES

3.1 Minutes of the Regulatory Hearings Panel meeting held on 24 August 2022

COMMITTEE RESOLUTION RHP1/23/1

Moved: Mr Alan Tate

Seconded: Mr Puhirake Ihaka

That the minutes of the Regulatory Hearings Panel meeting held on 24 August 2022 be confirmed as a true and correct record.

CARRIED

4 DECLARATION OF CONFLICTS OF INTEREST

Chairperson Mary Dillon noted that she was a resident of the area that Mrs D Konowe lived in, but did not know Mr and Mrs Konowe or have knowledge of the dog in question, therefore did not consider she had a conflict of interest with the Konowe matter.

5 BUSINESS

5.1 Objection to menacing Dog Classification - Denese Konowe

Staff Brent Lincoln, Team Leader: Animal Services
Kiran Erasmus, Animal Services Officer

External Robin and Alan Denith
Jacqueline Foot

Key points

- Mr and Mrs Konowe were unavailable to attend the hearing due to health conditions and provided their apology. The matter was left to lie on the table to allow further information to be received from the Konowes and a new hearing date would be set.
- The hearing was also attended by the victim Robin Denith and her husband Alan, with support person Jacqueline Foot, to be available to answer questions should the Panel require information.

COMMITTEE RESOLUTION RHP1/23/2

Moved: Mr Alan Tate

Seconded: Mr Terry Molloy

That the Regulatory Hearings Panel leaves the report to lie on the table.

CARRIED

The meeting adjourned at 9.54am

The meeting resumed at 10.15am

5.2 Objection To Notice to Remove Barking Dog - Brendon Martin

Staff Brent Lincoln, Team Leader: Animal Services
Kiran Erasmus, Animal Services Officer

External Mr Brendon Martin and Ms Kahurangi Martin

Key points

- The Panel thanked Mr Martin and his partner for being able to attend the hearing earlier than their originally scheduled time.
- The Committee heard both the matters of the Notice to remove a barking dog and the Notice to rescind ownership together, and considered and deliberated both matters together.
- Staff presented a brief overview of their report and noted the legislative requirements for the owner, and the history and incidents associated with the dog Kora.
- Five notices had been served to Mr Martin and filed with the District Court.
- Following the legislative process required that a disqualification notice was now issued.
- Staff noted the incidents of Kora roaming, and that this was the owner's responsibility to stop through fencing; chaining the dog had proved ineffective as the dog would slip its chain.
- As recently as February 10 2023 a complaint had been received regarding Kora roaming.
- Legislation did not provide for Council to be able to run a probationary programme for dog owners.
- Noted that Mr Martin had not been able to access the key to his letterbox and therefore had only received two of the five served notices.
- The Martins had attempted to raise fencing height themselves; however their landlord had not responded to requests to raise the fence height.
- The section was a relatively small one for a large breed of dog.
- Mr Martin exercised Kora up to five times per week, and while at home controlled her barking. However, she could spend periods alone at the property and was prone to slipping her collar and wandering.
- As a large dog people did fear her size but Mr Martin felt she was friendly to people and other dogs.
- Mr Martin also felt that as a large dog she was unfairly blamed for all barking in the area, even though other dogs also barked.

In response to questions

- It was confirmed that no one else at the property could take over ownership/registration of Kora. If the order was granted Kora would have to be rehomed but not euthanised.
- There was only one registered owner recorded in council systems.
- Panel member Mr Molloy acknowledged that these cases were difficult to hear and to make decisions on, and that most panel members were or had been dog owners themselves, and understood how important dogs could become to a family.
- It was noted that Kora was one year old and was a large rottweiler dog.

COMMITTEE RESOLUTION RHP1/23/3

Moved: Mr Alan Tate

Seconded: Mr Terry Molloy

That the Regulatory Hearings Panel:

- (a) Receives the report "Objection To Notice to Remove Barking Dog - Brendon Martin"; and
- (b) Confirms the notice to remove.

CARRIED

5.3 Objection to Disqualification as Dog owner - Brendon Martin

Staff Brent Lincoln, Team Leader: Animal Services
Kiran Erasmus, Animal Services Officer

External Mr Brendon Martin and Ms Kahurangi Martin

COMMITTEE RESOLUTION RHP1/23/4

Moved: Mr Alan Tate

Seconded: Mr Terry Molloy

That the Regulatory Hearings Panel:

- (a) Receives the report "Objection to Disqualification as Dog owner - Brendon Martin".
- (b) Upholds the disqualification.

CARRIED

5.4 Objection to Disqualification as Dog Owner - Tina Bowrind

Staff Brent Lincoln, Team Leader: Animal Services
Kiran Erasmus, Animal Services Officer

Key points

Ms Bowrind had informed Governance Advisor Ms Drummond that she would not be able to attend the hearing as she had just returned to New Zealand the previous evening. Ms Bowrind wished to attend a hearing in person, with a support person.

The Panel agreed to leave the report on the table to be heard at a later date when Ms Bowrind could attend.

COMMITTEE RESOLUTION RHP1/23/5

Moved: Mr Terry Molloy

Seconded: Mr Alan Tate

That the Regulatory Hearings Panel leaves the report to lie on the table.

CARRIED

5.5 Objection to Barking Abatement Notice - Abigail Waters

Staff Brent Lincoln, Team Leader: Animal Services
Kiran Erasmus, Animal Services Officer

Key points

- Ms Waters confirmed she would not be attending the hearing in person and agreed that the objection be decided on the papers.
- Staff provided a detailed explanation of the bark collar provided to Ms Waters and of staff work with Ms Waters to assist her to reduce the number of complaints.
- It was noted that complaints had initially abated but had since started again.
- As part of the process required, staff would continue to work with Ms Waters on education and use of the anti-bark collar.
- Staff confirmed the legislative requirements for Ms Waters to follow and noted her previous history of dog ownership and interaction with Animal Services on similar matters.

COMMITTEE RESOLUTION RHP1/23/6

Moved: Mr Puhirake Ihaka

Seconded: Mr Terry Molloy

That the Regulatory Hearings Panel:

- (a) Receives the report "Objection to Barking Abatement Notice - Abigail Waters".
- (b) Upholds and confirms the abatement notice.

CARRIED

6 PUBLIC EXCLUDED SESSION**Resolution to exclude the public****COMMITTEE RESOLUTION RHP1/23/7**

Moved: Mr Terry Molloy

Seconded: Mr Alan Tate

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter 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 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
6.1 - Public Excluded minutes of the Regulatory Hearings Panel meeting held on 24 August 2022	s6(a) - The making available of the information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

CARRIED**7 CLOSING KARAKIA**

Mr Puhirake Ihaka closed the meeting with a karakia.

The meeting closed at 11.42am.

The minutes of this meeting were confirmed as a true and correct record at the Regulatory Hearings Panel meeting held on 30 March 2023.

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CHAIRPERSON