



AGENDA

Regulatory Hearings Panel meeting Thursday, 4 May 2023

I hereby give notice that a Regulatory Hearings Panel meeting will be held on:

Date: Thursday, 4 May 2023

Time: 9.30am

**Location: Ground Floor Meeting Room 1
306 Cameron Road
Tauranga**

Please note that this meeting will be livestreamed and the recording will be publicly available on Tauranga City Council's website: www.tauranga.govt.nz.

**Marty Grenfell
Chief Executive**

Terms of reference – Regulatory Hearings Panel

Membership

Chairperson	Mary Dillon
Members	Puhirake Ihaka Terry Molloy Alan Tate
Quorum	At least two members
Meeting frequency	As required

Role

- To conduct hearings and make decisions of a quasi-judicial nature on regulatory matters through specific hearings and decision making.

Scope

Regulatory matters

- To conduct hearings and make decisions of a quasi-judicial nature on behalf of the Council on any regulatory matter that the Council is legally:
 - empowered or obligated to hear and determine;
 - permitted to delegate to a subordinate decision-making body of Council under the Local Government Act 2002, or any other Act.
- To exercise this function in accordance with:
 - the applicable legislation;
 - the Council's corporate strategies, policies, plans and bylaws; and
 - the principles of administrative law and natural justice.
- Regulatory matters include (but are not limited to):
 - dog control matters;
 - matters arising from the exercise of Council's enforcement functions; and
 - regulatory matters that require a hearing under Council's policies (including, without limitation, Council's Gambling Venues Policy) and bylaws.

Matters excluded from scope

- The following are excluded from the scope of the Regulatory Hearings Panel:
 - matters relating to the sale and supply of alcohol;
 - matters under the Resource Management Act 1991; and
 - matters the Council is precluded from delegating to a subordinate decision-making body by the Local Government Act 2002, or any other Act.

Power to Act

Regulatory matters

- All powers, duties and discretions necessary to conduct hearings and make decisions of a quasi-judicial nature on behalf of the Council on any regulatory matter that the Council is legally empowered or obligated to hear and determine, including (but not limited to):
 - All powers, duties and discretions necessary to hear and make decisions on behalf of the Council in respect of any matter that the Council is empowered or obligated to hear and determine under the Dog Control Act 1996, the Local Government Act 2002, the Local Government Act 1974 and any regulatory matters that require a hearing under Council's policies and bylaws.
- For the avoidance of doubt, the above delegation includes authority to hear and make decisions on appeals under Council's Gambling Venues Policy, including to decline an application to appeal.
- The power to establish and amend hearings protocols relating to the general conduct of hearings and hearings related matters in accordance with the applicable legislation and the principles of administrative law and natural justice.
- The power to co-opt expert advice on an as required basis.

Matters excluded from power to act

- For the avoidance of doubt, the Regulatory Hearings Panel does not have the power to hear:
 - matters relating to the sale and supply of alcohol;
 - matters under the Resource Management Act 1991; or
 - matters that the Council is precluded from delegating to a subordinate decision-making body by the Local Government Act 2002, or any other Act.

Power to Recommend

- The Regulatory Hearings Panel is unlikely to need to make recommendations to the Council as it has the power to conduct hearings and make decisions of a quasi-judicial nature on behalf of Council as per its powers to act. However, the Panel may make recommendations to the Council if, in the circumstances of a matter, it considers it appropriate to do so.

Note: The Regulatory Hearings Panel is established as a subordinate decision-making body of Council and delegated the powers specified in its Terms of Reference under clauses 30 and 32 of Schedule 7 Local Government Act 2002 respectively. It is not a committee or subcommittee of Council.

Regulatory Hearings Panel

Summary of hearings procedure



Who is involved in a hearing?

- Regulatory Hearings Panel – these are independent persons who make the decision
- Tauranga City Council staff – staff who write the report and attend the hearing
- Applicant/objector or their representative – those who will present their evidence
- Witnesses/experts – called by staff or applicant/objector



What happens before the hearing?

- The applicant/objector will be given at least seven days' notice of the date, time and place of the hearing.
- An agenda with the staff report and any documents will be sent to the panel members and the applicant/objector before the hearing.
- The applicant/objector can organise evidence and call witnesses in support of their application/objection.
- If the applicant/objector can't be present at the hearing they can organise a representative to attend on their behalf.

What happens at the hearing?

- The hearings will be conducted without a lot of formality and will make sure that all parties and witnesses receive a fair hearing.
- Staff will present Council's case (including evidence and any witnesses) in support of its decision that is the subject of the application/objection.
- The applicant/objector presents their case (including any evidence and any witnesses).
- Council staff have a right of reply but can't submit any new evidence or call any further witnesses.
- The chairperson and panel members may ask questions from any party or witness.
- Other persons may ask the chairperson to put a question to any party or witness on their behalf but that is at the discretion of the chairperson as to whether the question is put.

- No cross examination is permitted.
- The chairperson's rulings on any matter is final.
- The hearing is generally open to the public unless there is good reason to have the hearing with the public excluded.

What happens after the hearing?

- The panel will usually deliberate in private immediately after the hearing and make their decision.
- The panel may, but is not required to, deliver its decision in the open section of a meeting. A notice of decision will be given (or sent) in writing to the applicant/objector as soon as practicable after the panel has made its decision.
- The chairperson will then close the hearing.
- If the chairperson has allowed further information to be provided before the hearing is closed, then the hearing will be adjourned, and the panel will reserve its decision until it has considered the further information.
- Where the applicant/objector has a right to appeal the panel's decision, that will be advised in writing.
- No discussions or communication of any kind will happen outside of the hearing between the panel, the parties or witnesses until a decision is issued, including during any site visits, adjournment or break.
- Minutes of the meeting will be kept as evidence of the hearing.

Order of Business

1	Opening Karakia	7
2	Apologies	7
3	Declaration of conflicts of interest	7
4	Confirmation of minutes.....	8
4.1	Minutes of the Regulatory Hearings Panel meeting held on 30 March 2023.....	8
5	Business.....	16
5.1	Objection to Disqualification as Dog Owner - Tina Bowrind.....	16
6	Public excluded session	21
6.1	Public Excluded Minutes of the Regulatory Hearings Panel meeting held on 30 March 2023	21
7	Closing Karakia.....	21

- 1 OPENING KARAKIA**
- 2 APOLOGIES**
- 3 DECLARATION OF CONFLICTS OF INTEREST**

4 CONFIRMATION OF MINUTES

4.1 Minutes of the Regulatory Hearings Panel meeting held on 30 March 2023

File Number: A14648132

Author: Sarah Drummond, Governance Advisor

Authoriser: Sarah Drummond, Governance Advisor

RECOMMENDATIONS

That the Minutes of the Regulatory Hearings Panel meeting held on 30 March 2023 be confirmed as a true and correct record.

ATTACHMENTS

1. Minutes of the Regulatory Hearings Panel meeting held on 30 March 2023



MINUTES

**Regulatory Hearings Panel meeting
Thursday, 30 March 2023**

UNCONFIRMED

Order of Business

1	Opening karakia	3
2	Apologies	3
3	Confirmation of minutes	3
4.1	Minutes of the Regulatory Hearings Panel meeting held on 10 March 2023.....	3
4	Declaration of conflicts of interest	3
5	Business	4
5.1	Objection to Disqualification as Dog Owner - Tina Bowrind.....	4
5.2	Objection to Menacing Dog Classification - Denese Konowe.	4
6	Public excluded session	7
6.1	Public Excluded minutes of the Regulatory Hearings Panel meeting held on 10 March 2023	7
7	Closing karakia	7

UNCONFIRMED

**MINUTES OF TAURANGA CITY COUNCIL
REGULATORY HEARINGS PANEL MEETING
HELD AT THE GROUND FLOOR MEETING ROOM 1, 306 CAMERON ROAD, TAURANGA
ON THURSDAY, 30 MARCH 2023 AT 9.30AM**

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

IN ATTENDANCE: Brent Lincoln (Team Leader: Animal Services), Robyn Garrett (Team Leader: Governance Services), Sarah Drummond (Governance Advisor)

1 OPENING KARAKIA

Mrs Mary Dillon opened the meeting with a karakia.

2 APOLOGIES

APOLOGY

COMMITTEE RESOLUTION RHP2/23/1

Moved: Mr Alan Tate

Seconded: Mr Terry Molloy

That the apology for absence received from Mr Puhirake Ihaka be accepted.

CARRIED

3 CONFIRMATION OF MINUTES

4.1 Minutes of the Regulatory Hearings Panel meeting held on 10 March 2023

COMMITTEE RESOLUTION RHP2/23/2

Moved: Mr Terry Molloy

Seconded: Mr Alan Tate

That the minutes of the Regulatory Hearings Panel meeting held on 10 March 2023 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 in relation to the Objection of Dense Konowe, but Mr and Mrs Konowe and their dog were not known to her. This was raised as a matter of clarity, rather than a conflict of interest.

5 BUSINESS

5.1 Objection to Disqualification as Dog Owner - Tina Bowrind

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

Key points

- Ms Bowrind advised the Governance Advisor Ms Drummond on the morning of the hearing that, due to ill health of herself and other family members, she would be unable to attend the hearing in person. Ms Bowrind requested that the hearing of her objection be rescheduled to a later date.
- The Panel agreed to this request and advised that the hearing would be rescheduled, and the report would continue to lie on the table. However, if Ms Bowrind was unable to attend the next hearing the matter would be decided by the Panel on the papers already before them.

COMMITTEE RESOLUTION RHP2/23/3

Moved: Mr Terry Molloy

Seconded: Mr Alan Tate

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

CARRIED

5.2 Objection to Menacing Dog Classification - Denese Konowe.

Staff Brent Lincoln, Team Leader: Animal Services

External

Mr Leon and Mrs Denese Konowe (the objectors), Mr Alan and Mrs Liz Dentith (victim) and support person Ms Jaquie Foot

Key points

- Chairperson Mary Dillion welcomed all parties to the hearing and noted that the Panel had received the pre-circulated staff officer's report, further information provided by Mr and Mrs Konowe and the affidavit of Mrs Dentith and Mrs Foot.
- Staff provided a brief overview of matters in the report and noted that this was an objection by Mr and Mrs Konowe to a menacing dog classification imposed by the Tauranga City Council on their dog Fiore (Fi), that followed an incident involving Fi where a dog bite had occurred.
- Noted that Council could classify a dog as menacing under Section 33A of the Dog Control Act 1996, if there had been observed or reported behaviour by the dog that posed a threat to any person, stock or domestic animal.
- Noted while this was a low threshold, the purpose of the classification was that of a deterrent and would be imposed to minimise any further risk of incidents occurring.
- It was possible that Fi had attacked other people in the community; however, not all these incidents were reported to Council or recorded at the time they allegedly occurred so were not verified.
- Staff advised that the evidence provided as Attachment 7 by Mr Hickey which referred to nine other potential bite incidents with the dog Fi was hearsay and not evidential.
- An attack action matrix was completed following the receipt of the complaint against Fi. The matrix completed was a sliding scale where the outcome was graded from 0 to 37, 37 being a level where there could be a prosecution. A summary of the matrix was provided at the bottom of the report and indicated why and how the conclusion was reached.

- Fi was graded as 31 on that matrix. A dog not under lead control and with an attack rating of 31 could also have been classified as dangerous.
- On completion of the matrix, a decision was made by staff to impose a classification of menacing on Fi. Under this classification there would still be a high threshold to meet to ensure no other incidents or attacks could occur.
- The owner of a dog classified as menacing was required to muzzle the dog in public at all times and at all times have the dog under lead control. There would only be one defence to any further attacks, in that the owners of the dog had taken all reasonable steps to prevent an attack occurring.
- Section 33E of the Dog Control Act 1996 Act detailed the muzzling and lead provisions applied to a menacing dog. The objection would be to the classification and the Panel could only uphold or rescind the classification. There was no ability for the Panel to impose specific conditions with the classification.
- The High Court in past rulings had determined that past behaviour of a dog would be indicative of future behaviour, i.e., if a dog had acted aggressively/bitten previously, the presumption would be that this would occur again in the same circumstances.
- Dogs were reactive animals and highly likely to react in that same way again if placed in the same situation. If the dog was under lead and muzzle control, any future incidents would be prevented from occurring.
- Mrs Dentith had no further comment to add to her affidavit. She advised the Panel that she was now fully recovered and had taken approximately four weeks to heal. Mrs Dentith felt that it would be appropriate for Fi to be always muzzled and on lead control in public.
- Mrs Dentith provided the Panel a brief overview of how and when the incident had occurred, where she and her husband were standing in relation to parked cars in the area.
- Mr Konowe presented the case for the objection to the classification of Fi as menacing. He provided background evidence of his qualifications and work history that involved extensive work with animals in a laboratory environment studying behaviour.
- Mr and Mrs Konowe noted that in their view the victim Mrs Dentith felt that the Konowes had provided an inadequate response or apology to the incident involving Fi.
- There were areas of dispute between the statement of Mrs Dentith and Mr and Mrs Konowe over the time that the incident with Fi had occurred, the lighting in the area at the time and the severity of the bite that had been inflicted by Fi on Mrs Dentith.
- Mr Konowe noted that he had apologised for the incident but that was disputed by Mr and Mrs Dentith.
- A map was supplied by Mr Konowe to the Panel showing the location of parked cars and street lighting and the walking paths taken around the parked cars by Mrs Dentith when the incident occurred.
- Mr and Mrs Konowe put forward that the incident had occurred after 10:30pm on New Year's Eve and that it was dark when the incident occurred with poor street lighting. The approach of Mr and Mrs Dentith around a parked van had startled Fi, who was not on lead, and had reacted by nipping Mrs Dentith.
- Noted that other dogs in the area regularly played off lead in the grassed area marked on the map.
- Mr and Mrs Konowe advised that they had always acknowledged that there was an incident involving Fi and had never denied that fact.
- Mr and Mrs Konowe disputed the dates of issue of notices from the Council. They further advised of their concern that Mrs Foot and Mrs Dentith had been instructed to or were taking photographs of Fi on public property not muzzled.
- Noted that all phone calls and interactions with Council staff had been recorded and transcribed. Mr Konowe drew attention to a home visit made by Animal Services staff which had shown that Fi was not restrained in their home and had not been barking or aggressive.
- Mr Konowe described to the Panel his concerns and the failings he perceived with the sliding scale matrix used by Council to determine the severity of an incident. The Panel advised Mr and Mrs Konowe that this was not a matter which they could consider.
- Three different types of muzzles had been purchased for Fi by Mr and Mrs Konowe and none had proved workable.

- Fi was seen as a friend by the Konowes, and they expressed concern that muzzling Fi would cause her distress and alter her personality.
- The Konowes offered an outcome from the hearing that Fi would be always on lead outside of their property and receive 'soft' training with a dog behaviour specialist at their expense to curb her instinct to nip.

In response to questions

- Staff had considered all evidence before them, and the matrix used to determine the severity of an incident, and felt that in this instance a classification of menacing would be more appropriated than that of dangerous.
- In response to concerns of the Konowes, staff advised the Panel that a muzzle must be designed for the dog to breath and be able to drink as normal, and acknowledged that this would require training for the dog and an adjustment period to wearing of the muzzle for the dog.
- In staff experience or understanding there was no specific evidence that showed muzzling would be any different for a border collie. At present staff were not aware of any other border collies being muzzled in the Tauranga area.
- Mrs Dentith corrected her affidavit to note that the incident occurred on 31 December 2022 at approximately 7:55pm. This was disputed by Mr and Mrs Konowe who placed the incident at approximately 11:00pm.
- Fi was a failed farm dog and had been with Mr and Mrs Konowe for approximately four years; Fi was two and a half when she came to them.
- As it was not unusual for the public to walk across their driveway Mr and Mrs Konowe were aware of one or two other incidents of Fi nipping people, but this had occurred on their property.
- Fi would bark at people passing the property but was fully fenced off from the front of the property and all entrance ways.
- Mr and Mrs Konowe disputed that a full bite had occurred and contended that Fi had nipped Mrs Dentith which was not as severe as a full bite.
- Mr and Mrs Konowe had cats and Fi was not a threat to them. She had been around children and there had been no incidents.
- Mr and Mrs Konowe were unaware of Fi's history prior to coming to them; however, they had noted that she had an aversion to gumboots and saw them as a threat.
- Fi was walked off lead at Papamoa Beach in an unpopulated area when no others were present.
- Mrs Konowe was aware of the documented two other incidents involving Fi from October 2022 and disputed them.
- The Panel again reiterated that they were only able to make a decision regarding the classification.

COMMITTEE RESOLUTION RHP2/23/4

Moved: Mr Alan Tate

Seconded: Mr Terry Molloy

That the Regulatory Hearings Panel:

- (a) Receives the report "Objection to Menacing Dog Classification - Denese Konowe."
- (b)(i) Upholds the classification.

CARRIED

6 PUBLIC EXCLUDED SESSION

Resolution to exclude the public

COMMITTEE RESOLUTION RHP2/23/5

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 10 March 2023	<p>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</p> <p>s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p>	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

Mrs Mary Dillon closed the meeting with a karakia.

The meeting closed at 12:04pm

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

.....
CHAIRPERSON

5 BUSINESS

5.1 Objection to Disqualification as Dog Owner - Tina Bowrind

File Number: A14648076

Author: Brent Lincoln, Team Leader: Animal Services

Authoriser: Sarah Omundsen, General Manager: Regulatory and Compliance

PURPOSE OF THE REPORT

1. To return the report, left on the table at the previous meeting of 30 March 2023, to the Panel for consideration

RECOMMENDATIONS

That the Regulatory Hearings Panel:

- (a) Receives the report "Objection to Disqualification as Dog Owner - Tina Bowrind".
- (b) Staff recommend that the disqualification is upheld.
- (c) The Dog Control Act provides that, in determining any objection, the panel may either:
 - (i) Uphold the disqualification; or
 - (ii) Bring forward the date of termination; or
 - (iii) Terminate the disqualification.

ATTACHMENTS

1. **Appendix 1 - Report Objection to Disqualification as Dog Owner - T Bowrind - A14116840**  

5.4 Objection to Disqualification as Dog Owner - Tina Bowrind**File Number: A14116840****Author: Brent Lincoln, Team Leader: Animal Services****Authoriser: Sarah Omundsen, General Manager: Regulatory and Compliance****PURPOSE OF THE REPORT**

1. To hear an objection by Tina Bowrind opposing her disqualification as a dog owner for a period of 3 years.

RECOMMENDATIONS

That the Regulatory Hearings Panel:

- (a) Receives the report "Objection to Disqualification as Dog Owner - Tina Bowrind".
- (b) Staff recommend that the disqualification is upheld.
- (c) The Dog Control Act provides that, in determining any objection, the panel may either:
 - (i) Uphold the disqualification; or
 - (ii) Bring forward the date of termination; or
 - (iii) Terminate the disqualification.

EXECUTIVE SUMMARY

2. When a dog owner receives three or more qualifying infringements within a 24-month period, Section 25 of the Dog Control Act 1996 requires Council to disqualify that person from being a dog owner for up to 5 years. On 17 May 2022 the objector was issued with a notice disqualifying her as a dog owner until 5 February 2025.
3. A disqualification will not be mandatory if the Territorial Authority:
 - (a) Is satisfied that the circumstances of the offence or offences do not warrant a disqualification; or
 - (b) The person is classified as a probationary owner.
4. Staff assessment is that neither of these provisions apply to the objector.

BACKGROUND

5. Tina Bowrind was the owner of two dogs, Rosebud and Jasper, both Bull Terrier Cross dogs.
6. She obtained Rosebud in July 2020 and Jasper in July 2021
7. In January 2021 Animal Services started receiving complaints about the dog Rosebud roaming on the street, this then progressed into Rosebud rushing at people and then, complaints that both dogs were involved in attacks on domestic animals and roaming. (*Attachment 1 - Schedule of offences*)
8. Despite staff visiting the dog owner, issuing both verbal and written warnings, the offending continued which led to infringements being issued together with further discussions with the dog owner, requesting her to maintain control of her dogs.
9. When a person is disqualified, they have the right to object against that disqualification. Section 26 of the Act provides that in considering any objection under this section, the territorial authority shall have regard to—

- (a) the circumstances and nature of the offence or offences in respect of which the person was disqualified; and
 - (b) the competency of the person objecting in terms of responsible dog ownership; and
 - (c) any steps taken by the owner to prevent further offences; and
 - (d) the matters advanced in support of the objection; and
 - (e) any other relevant matters.
10. In determining any objection, the territorial authority may:
- (a) Uphold the disqualification; or
 - (b) Bring forward the date of termination; or
 - (c) Immediately terminate the disqualification of any person,
- and shall give written notice of its decision, the reasons for it, and the right of appeal to the District Court if they are not satisfied with the panel's decision.
11. The panel is not required to review the legality of the infringements, that is the realm of the Court. For the purpose of the disqualification process, an infringement offence is deemed to be complete once it has been either paid or filed with the Court. All the infringements relied on by Council in this matter have been filed with the Court. (*Attachment 2 - Schedule of Infringements – Tina Bowrind*)
12. The process associated with the issuing of infringements is prescribed for by the Summary proceedings Act 1957. When an infringement is issued, the recipient has 28 days to either dispute or pay the infringement. If they do nothing a reminder notice will then be sent after the 28 day period has expired. At the expiry of a further 28 days the infringement will be filed with the Court if not disputed or paid.
13. While not required by legislation, Animal Services has introduced a process whereby we send a dog owner an advisory letter when they have received two qualifying infringements. On 3 February 2022 we hand delivered to the objector a letter dated 1 February 2022 (*Attachment 3 - Notification of Second Infringement*)
14. Once a person has received three qualifying infringements' we send the dog owner a letter advising them that Council must disqualify them as a dog owner unless we are satisfied the disqualification is not warranted. We ask them to provide Council with any information they would like us to take into consideration. On 2 May 2022 we sent the objector one of these letters (*Attachment 4 – Notice of Pending Disqualification, Request for Explanation – Tina Bowrind*)
15. On 17 May 2022 Council generated a disqualification notice for Tina Bowrind, disqualifying her from owning a dog for a period of three years. This was because:
- (a) We had not received any explanation from the objector; and
 - (b) The circumstances of the offences were such that a disqualification was warranted; and
 - (c) It was not appropriate to classify the objector as a probationary owner.
- (*Attachment 5 – Notice of Disqualification – Tina Bowrind*)
16. A three year disqualification is the standard period adopted for repeat infringement offences.
17. As it is important the dog owner is fully aware of the disqualification and implications, staff always, hand deliver these notices. The disqualification letter was not delivered until 1 June 2022 as staff could not locate the dog owner. While the officer was trying to discuss the disqualification with Bowrind, she turned and walked away and refused to discuss the matter.
18. Before she walked away, she was informed that she had 14 days to lodge an appeal against the disqualification or she must dispose of all her dogs. As she had walked away, the disqualification notice was placed in her letterbox.

19. Tauranga does not operate a probationary owner classification status as this requires engagement by the dog owner to be successful. A person who has been disqualified as a dog owner has had ample opportunity to voluntarily take proactive steps such as engage a dog trainer and take advantage of assistance from staff.
20. On 25 July 2022 the dog Rosebud was out roaming and caught in a Council trap and impounded. On 28 July 2022 the objector arrived at the pound and gave staff a false name in an attempt to release Rosebud. The dog Jasper was seen in the car and when staff realised she was actually Tina Bowrind, they seized the dog because of the disqualification.
21. The dogs were later released to a new owner.
22. On 4 August 2022 Council received an email from Tina Bowrind objecting to her disqualification from dog ownership. This was followed up by a second email on 1 September 2022. (*Attachment 6 – Objection to Disqualification – Tina Bowrind*)
23. On 5 September 2022 Council responded to the objection with an email, outlining the reason for the disqualification and asking for Tina to advise whether she wished to continue with the objection. (*Attachment 7 – Response to Objection to Disqualification – Tina Bowrind*)
24. On 3 October 2022 Council received confirmation from Tina that she wanted her objection to proceed and included her reasons for the objection. (*Attachment 8 – Confirmation of Objection – Tina Bowrind*)
25. On 28 October 2022 staff visited Tina Bowrind at her home, they found her in the possession of two dogs, Tina claimed the owner was asleep but wouldn't wake them. No evidence of a second person was established. Tina wouldn't accept that she couldn't be in charge of the dogs while someone was asleep. She then admitted that she was looking after one of the dogs for a third person who she said was at a funeral. She then said that being disqualified for receiving excess infringements wasn't a good enough reason to disqualify her.
26. The dog owner in this matter denies her offending and does not accept that her dogs are a problem and that she could see no reason why her dogs could not go for a walk on the street on their own. She doesn't accept that the disqualification should apply to her.

STRATEGIC / STATUTORY CONTEXT

27. N/A

FINANCIAL CONSIDERATIONS

28. There are none

LEGAL IMPLICATIONS / RISKS

29. The Panel is required to consider the objection and may either:
 - (i) Uphold the disqualification; or
 - (ii) Bring forward the date of termination; or
 - (iii) Terminate the disqualification.
30. The objector may appeal the decision of the panel to the District Court.

CONSULTATION / ENGAGEMENT

31. N/A

SIGNIFICANCE

32. The Local Government Act 2002 requires an assessment of the significance of matters, issues, proposals and decisions in this report against Council's Significance and Engagement Policy. Council acknowledges that in some instances a matter, issue, proposal

or decision may have a high degree of importance to individuals, groups, or agencies affected by the report.

33. In making this assessment, consideration has been given to the likely impact, and likely consequences for:
- (a) the current and future social, economic, environmental, or cultural well-being of the district or region
 - (b) any persons who are likely to be particularly affected by, or interested in, the **Choose an item..**
 - (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.
34. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the decision is of low significance.

ENGAGEMENT

35. Taking into consideration the above assessment, that the decision is of low significance, officers are of the opinion that no further engagement is required prior to Council making a decision.

NEXT STEPS

36. N/A

ATTACHMENTS

1. **Attachment 1 - Schedule of Offences - Tina Bowrind - A14161623**
2. **Attachment 2 - Schedule of Infringements - Tina Bowrind - A14161619**
3. **Attachment 3 - Notice of Second Infringement - Tina Bowrind - A14165397**
4. **Attachment 4 - Notice of Pending Disqualification, Request for Explanation - Tina Bowrind - A14165395**
5. **Attachment 5 - Notice of Disqualification - Tina Bowrind - A14161616**
6. **Attachment 6 - Objection to Disqualification - Tina Bowrind - A14165398**
7. **Attachment 7 - Response to Objection to Disqualification - Tina Bowrind - A14165400**
8. **Attachment 8 - Confirmation of Objection to Disqualification - Tina Bowrind - A14165396**

6 PUBLIC EXCLUDED SESSION

Resolution to exclude the public

RECOMMENDATIONS

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 30 March 2023	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

7 CLOSING KARAKIA