



MINUTES

**Regulatory Hearings Panel meeting
Thursday, 4 May 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 THURSDAY, 4 MAY 2023 AT 9.30AM**

PRESENT: Mrs Mary Dillon, Mr Terry Molloy, Mr Alan Tate

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

1 OPENING KARAKIA

Mrs Mary Dillon opened the meeting with a karakia.

2 APOLOGIES

APOLOGY

COMMITTEE RESOLUTION RHP3/23/1

Moved: Mrs Mary Dillon

Seconded: Mr Alan Tate

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

CARRIED

Mr Terry Malloy had advised the Chairperson that he was enroute to the meeting but would arrive after the commencement time.

The meeting was adjourned at 9.35am.

The meeting reconvened at 9.43am.

3 CONFIRMATION OF MINUTES

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

COMMITTEE RESOLUTION RHP3/23/2

Moved: Mr Alan Tate

Seconded: Mr Terry Molloy

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

CARRIED

4 DECLARATION OF CONFLICTS OF INTEREST

Nil

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

- The hearing of the matter had been left to lie on the table twice, at the request of Ms Bowrind to reschedule the hearing to enable Ms Bowrind to be present. The Panel had advised Ms Bowrind on the last request that should she not attend the third hearing, the matter would be dealt with on the papers before them.
- The Committee Advisor, Ms Drummond, confirmed for the Panel that Ms Bowrind had been advised of the Panel's decision on her second request to reschedule the hearing, through text message and had responded in acknowledgement of the decision that should she not attend, the matter would be heard on the papers. Ms Drummond further confirmed that there had not been receipt of any other written material from Ms Bowrind.
- Staff provided the Panel a summary of their report.
- Noted that Ms Bowrind had been considered a recidivist offender who had continued to offend after the receipt of infringement notices.
- Ms Bowrind considered it acceptable for both dogs (Jasper and Rosebud) to roam at will despite her ability to keep them contained on her property. There were recorded offences of rushing aggressively and attacks on domestic animals.
- Noted Ms Bowrind had actively misled staff on a number of occasions including attempting to recover the impounded dogs using a false identity.
- Referred the Panel to paragraph 26 of the report that noted these infringements and that Ms Bowrind considered that staff had harassed her and her family over the issue of the dogs roaming and behaviour, infringement notices and impounding of the dogs.
- Noted that Ms Bowrind had not attempted to work with staff on the matter and when served notice in person of the disqualification, she had walked away and refused to engage further with staff. Ms Bowrind was advised of her appeal rights to the notice at the time the notice was served.

In response to questions

- The dogs subject to complaint had both been impounded and had subsequently been euthanised.
- Other persons resident at the property could be the legal owners of the dogs, however if Ms Bowrind was the only person present at the property under the Dog Control Act she was considered to be in charge of the animals, which would result in further infringement notices being served. However that could be a hard charge for staff to prove.
- There had been puppies present at the property (sired by Jasper and a third dog), those puppies had been rehomed and under other ownership and had been well cared for and controlled.
- Reports had been received that there were now other dogs present at the property. Those dogs had been observed roaming and uncontrolled. Proof of ownership of those dogs could not be confirmed and could be a matter of further investigation by staff.
- Under the Dog Control Act the maximum disqualification of ownership of a dog was five years. Staff found that a three year disqualification period had proven to be an effective deterrent and had therefore deemed that an appropriate period imposed in this matter.
- Confirmed that the Panel does not have the power to extend a period of disqualification from the date that the disqualification notice had been served. The current period of that disqualification period was three years.
- Confirmed that Ms Bowrind had served one year of this three year period (effective from service of the disqualification notice in June 2022.)

Attendance:

Brent Lincoln, Team Leader: Animal Services, and Kiran Erasmus, Animal Services Officer left the meeting at 9.50am.

The Panel deliberated in public excluded and released the decision in the public part of the meeting. Refer to the decision below.

6 PUBLIC EXCLUDED SESSION

Resolution to exclude the public

COMMITTEE RESOLUTION RHP3/23/3

Moved: Mrs Mary Dillon

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 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
6.2 Deliberations on Objection to Disqualification as Dog Owner - Tina Bowrind	To enable the Committee to deliberate on the objection to disqualification as a dog owner.	S48(1) (d) That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council/Committee to deliberate in private on its decision or recommendation in any proceedings where the local authority is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings.

CARRIED

The meeting resumed in the public arena.

5 BUSINESS (continued)

5.1 Objection to Disqualification as Dog Owner - Tina Bowrind (continued)

COMMITTEE RESOLUTION RHP3/23/4

Moved: Mr Terry Molloy

Seconded: Mr Alan Tate

That the Regulatory Hearings Panel:

- (a) Receives the report "Objection to Disqualification as Dog Owner - Tina Bowrind".
- (b) Uphold the disqualification of Ms Tina Bowrind as a dog owner.

Reasons for decision:

1. The Regulatory Hearings Panel (the Panel) did not hear from the applicant who did not appear at the hearing. The Panel was satisfied that the Council had provided sufficient time and opportunity for Ms Bowrind to be heard by the Panel who had previously agreed to the request from Ms Bowrind to reschedule the hearing from 30 March 2023 and had advised Mrs Bowrind that if she was unable to attend the next hearing the matter would be decided by the Panel on the papers already before them.
2. The Panel gave weight to the evidence presented by the staff and their recommendation that the disqualification of Ms Bowrind as a dog owner be upheld.
3. The Panel took into account the recidivist nature of the offending by Ms Bowrind. complaints and offending of the dogs owned by Ms Bowrind.
4. The Panel agreed that a disqualification for three years was appropriate for the repeat infringement offences and noted that Ms Bowrind has served one year of the three year period (effective from service of the disqualification notice in June 2022.)

CARRIED

7 CLOSING KARAKIA

Mrs Mary Dillon closed the meeting with a karakia.

The meeting closed at 9.59am.

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

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CHAIRPERSON