



MINUTES

**Extraordinary Regulatory Hearings
Panel meeting**

Thursday, 20 June 2024

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**MINUTES OF TAURANGA CITY COUNCIL
REGULATORY HEARINGS PANEL MEETING HELD AT THE
TAURANGA CITY COUNCIL, GROUND FLOOR MEETING ROOMS 1 & 1B,
306 CAMERON ROAD, TAURANGA
ON THURSDAY, 20 JUNE 2024 AT 11AM**

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

IN ATTENDANCE: Brent Lincoln (Team Leader: Animal Services), Anahera Dinsdale (Acting Team Leader: Governance Services), Caroline Irvine (Governance Advisor), Aimee Aranas (Governance Advisor).

1 OPENING KARAKIA

Mr Puhirake Ihaka opened the meeting with a karakia.

2 APOLOGIES

Nil

3 DECLARATION OF CONFLICTS OF INTEREST

Mr Terry Molloy declared a conflict of interest as he is currently running for Tauranga City Council.

4 CONFIRMATION OF MINUTES

4.1 Minutes of the Regulatory Hearings Panel meeting held on 22 April 2024

COMMITTEE RESOLUTION RHP2/24/1

Moved: Mr Alan Tate

Seconded: Mr Puhirake Ihaka

That the minutes of the Regulatory Hearings Panel meeting held on 22 April 2024 be confirmed as a true and correct record.

CARRIED

5 BUSINESS

5.3 Application to Release Impounded Barking Dog Vinchella - Cherylyne Schischka

Staff Brent Lincoln, Team Leader: Animal Services

Key points

- The owner did not appear before the Panel
- Staff agreed with the Panel that this was one of the worst cases of animal neglect and animal behaviour that the Council had seen.
- Due to the amount of barking complaints, the Council and SPCA confiscated 40 cats and 14 dogs from the property. It took 11 police officers to ensure that the Council and SPCA could effectively do their work.
- Staff confirmed that if Vinchella was not released back to the owner then Vinchella would be rehomed through the German Shepard Club.
- Staff confirmed that Vinchella was doing well outside of the home situation.

5.2 Objection to Disqualification as Dog Owner - Samuel Meichtry

Staff Brent Lincoln, Team Leader: Animal Services

External Samuel Meichtry and Charlene Harris

Key points

- 14 complaints were received by Council about Millie roaming which dated back to 14 June 2022 through to 26 April 2024.
- The owner had received 3 infringements in February 2023 and another 3 infringements in February 2024.
- Staff acknowledged that owners had registered Millie and that the past infringements have been paid. Staff informed that this usually was not the case.
- Millie had received multiple roaming complaints but no aggressive complaints.

In response to questions.

- The owner had recently bought the house and were renovating to prepare for a newborn. Therefore, the priority was on the house and not securing the yard.
- The owner took full responsibility on Millie's roaming and the property had since been fully enclosed.
- Changes that the owner had made to the back of the property included increased fencing, scrim, and a dog run.
- The roaming complaints were submitted by four different members of the public.
- The owner had made sure that Millie was with them all day and was monitored when let outside.
- The owner ensured the Panel that Millie had proper recall training and knows she should not be outside by herself and noted that Millie was walked every day.

Discussion points raised

- Millie was able to escape from the yard while there was no retaining wall and no gate. Since then a spring loaded hinge gate had been installed and the retaining wall construction finished.
- Mr Meichtry owned a small business which allowed him to take Millie along with him during the day, where appropriate. When he was unable, Millie was secured in the backyard and attached to the dog run.
- The Owner had plans to increase the timber fencing around the property to 1.2m within the next 6 months. However, the Panel doubted that 1.2m would be tall enough to discourage

Millie from jumping out of the backyard. Therefore, the Panel requested that the fencing be increased to a minimum of 1.5m.

- Staff advised owner to install wire threaded PVC pipe on the top edge of the fence to make it difficult for Millie to jump over.
- The Panel was concerned that the back of the property was not properly fenced. However, owner informed that scrim was installed and that there was a steep embankment on the other side. Owner confirmed if Millie tried to escape that way, she would seriously hurt herself.
- The Panel was concerned that the owner had not taken the infringements seriously or taken appropriate measures to keep Millie contained. The Panel expressed their disappointment and implored for the owner to take more responsibility.
- The owner admitted to their negligence and thanked the Panel and staff for their work

5.1 Objection to Disqualification as Dog Owner - David Epiha

Staff Brent Lincoln, Team Leader: Animal Services

External David Epiha, Dog Owner

Key points

- Roaming complaints started in January 2023 through to May 2024.
- Patu had not been registered since 2022/23.
- Patu's complaints included chasings cats and ducks.
- Owner attempted to install fencing but due to the nature of the property there was no way to completely enclose the property. Owner clarified that he would not install an electric fence as he has small children.

In response to questions

- Patu was well trained, well exercised and stays close to the family when they were in the front yard.
- Patu was chained up during the day when he was by himself. However, owner admitted that if Patu was not chained up at night he will roam.
- Patu's size was intimidating but stated that Patu was not aggressive.
- Owner could not guarantee that Patu could be contained to the property, even with proper fencing, because Patu can easily jump over a 1.8m fence.

Discussion points raised

- Owner stated that he had been trying to rehome Patu with a family member that was moving out to Te Puna, where Patu would have more space equivalent to his size.
- Owner does take full responsibility for Patu's roaming and was informed of the correct way to pay for dog registration through rates.
- Owner confessed that he struggled to pay the infringement fees as he was a full time working solo dad to four young boys.
- Owner confirmed that Patu was neutered but just likes to get out.

At 12:45pm, Mr Puhirake Ihaka left the meeting

At 12:55pm the meeting was adjourned.

6 DISCUSSION OF LATE ITEMS

Nil

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

7 PUBLIC EXCLUDED SESSION

COMMITTEE RESOLUTION RHP2/24/2

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 22 April 2024	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons s7(2)(i) - The withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	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 - Objection to Disqualification as Dog Owner - David Epiha	To enable the Panel to deliberate in private on the objections heard.	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 to deliberate in private on its decision or recommendation in any proceedings before a Council where the Council is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings.
6.3 – Objection to Disqualification as Dog Owner - Samuel Meichtry	To enable the Panel to deliberate in private on the objections heard.	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 to deliberate in private on its decision or recommendation in any proceedings before a Council where the Council is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings.
6.4 – Deliberations - Application to Release Impounded Barking Dog Vinchella -	To enable the Panel to deliberate in private on the objections heard.	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 to deliberate in private on

Cherylynn Schischka		its decision or recommendation in any proceedings before a Council where the Council is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings.
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CARRIED

The meeting resumed in the public session at 12.05pm .

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

5 BUSINESS (continued)

5.3 Application to Release Impounded Barking Dog Vinchella - Cherylynn Schischka

RECOMMENDATIONS

That the Regulatory Hearings Panel:

- (a) Receives the report "Application to Release Impounded Barking Dog Vinchella".
- (b) Declines the application to release the impounded dog Vinchella.

Reasons for decision:

1. The Regulatory Hearings Panel gave weight to the evidence presented by the staff and their recommendation to deny the release of Vinchella.
2. The Regulatory Hearings Panel does not believe that Ms. Schischka is a competent dog owner as there has been no attempt to control any of the dog's previous barking issues.

5.2 Objection to Disqualification as Dog Owner - Samuel Meichtry

RECOMMENDATIONS

That the Regulatory Hearings Panel:

- (a) Receives the report "Objection to Disqualification as Dog Owner – Samuel Meichtry".
- (b) Terminates the disqualification as a dog owner.
- (c) Requests that Mr Meichtry increases the height of the timber fence to 1.8m within 6 months of receiving this decision letter.

Reasons for decision:

1. The Regulatory Hearings Panel gave weight to the evidence presented by the staff and their recommendation to disqualify Mr Meichtry as a dog owner.
2. The Panel acknowledged that steps were taken by Mr Meichtry to further prevent the dog from roaming and have been successful for a period but express their disappointment that these steps were not taken sooner.
3. The Panel acknowledged that the dog posed no threat to people.

5.1 Objection to Disqualification as Dog Owner - David Epiha

RECOMMENDATIONS

That the Regulatory Hearings Panel:

- (a) Receives the report "Objection to Disqualification as Dog Owner – David Epiha".
- (b) Terminates the disqualification as a dog owner.
- (c) Allows Mr Epiha time to rehome the dog under strict circumstances that the dog is under full control.

Reasons for decision:

1. The Regulatory Hearings Panel gave weight to the evidence presented by the staff and their recommendation to disqualify Mr Epiha as a dog owner.
2. The Panel acknowledged that steps were taken by Mr Epiha to further prevent the dog from roaming but these were unsuccessful due to the size and nature of the property, noting that the dog is healthy and sizeable.
3. The Panel acknowledged that the dog posed no threat to people.

8 CLOSING KARAKIA

Mr Puhirake Ihaka closed the meeting with a karakia.

The meeting closed at 1:55pm

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

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Mary Dillon
CHAIRPERSON