



# **MINUTES**

**Regulatory Hearings Panel meeting  
Monday, 23 September 2024**

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Unconfirmed

**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 MONDAY, 23 SEPTEMBER 2024 AT 9.00AM**

**PRESENT:** Mrs Mary Dillon, Mr Puhirake Ihaka, Mr Alan Tate

**APOLOGIES:** Mr Terry Molloy

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

## 1 OPENING KARAKIA

Mr Puhirake Ihaka opened the meeting with a karakia.

## 2 APOLOGIES

### APOLOGY

#### COMMITTEE RESOLUTION RHP3/24/1

Moved: Mr Alan Tate

Seconded: Mr Puhirake Ihaka

That the apology for absence received from Mr Terry Molloy be accepted

**CARRIED**

## 3 DECLARATION OF CONFLICTS OF INTEREST

Nil

## 4 BUSINESS

### 4.1 Objection to Disqualification as Dog Owner - Alison Brayshaw

**Staff** Brent Lincoln (Team Leader: Animal Services)

**Objector** Alison Brayshaw via Teams

#### Key Points

- Staff spoke to the report
- Staff have been working with Ms Brayshaw to help keep her dogs from roaming.
- There was another incident recorded from one of the dogs, Bear, since the disqualification notice was given.
- Ms Brayshaw had two dogs registered under her name and another dog registered under somebody else's name. She would not be allowed to care for this extra dog if the dog owner disqualification is upheld. This extra dog did not need to be rehomed but would need to be

under the supervision of somebody else if Ms Brayshaw's disqualification was upheld.

- No valid reasons were given to explain the behaviour and situation of the dogs. Most instances where a notice was given were preventable, for example, a dog jumped out of the car because the window was down.
- Staff believed that the dogs were not under her control by definition of the Dog Control Act
- Bear was owned and cared for by Ms Brayshaw but the registration had not changed the ownership over to her.
- Other people on the property fail to keep the property secure which gives Bear the opportunity to escape.
- The dogs had not escaped the property from the last two months

#### **In response to questions**

- Ms Brayshaw claimed that the majority of the roaming notices were due to her tenants being negligent with securing the property. Ms Brayshaw confirmed that she had one tenant living with her at this time.
- Ms Brayshaw explained that the dogs were her main source of companionship as she was going through difficult times in her personal life.
- Ms Brayshaw believed that she had maintained good control over the dogs because over a two month period she had not received another roaming notice. She had improved on supervising their whereabouts when the gate was being opened.
- Ms Brayshaw had attempted to keep the dogs subdued by constant exercise but did not pursue professional training to control their behaviour.
- Does not comply with Lucy's menacing dog classification requirements during the summer as Ms Brayshaw believes that was too hot to put a muzzle on Lucy.
- Realised that the dogs need to be restrained at the back of the property rather than the front of the property

#### **Discussion points raised**

- It was noted that Ms Brayshaw's property was well fenced and had an additional electric fence.

### **ASSUME PUBLIC EXCLUDED SESSION**

#### **COMMITTEE RESOLUTION RHP3/24/2**

Moved: Mrs Mary Dillon

Seconded: Mr Puhirake Ihaka

That the Regulatory Hearings Panel:

- (a) Moves into a public excluded session at 9:58am

**CARRIED**

### **RESUME PUBLIC SESSION**

#### **COMMITTEE RESOLUTION RHP3/24/3**

Moved: Mr Alan Tate

Seconded: Mr Puhirake Ihaka

That the Regulatory Hearings Panel:

- (a) Comes back into an open public session at 10:55 am

**CARRIED**

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

#### **COMMITTEE RESOLUTION RHP3/24/4**

Moved: Mr Alan Tate

Seconded: Mr Puhirake Ihaka

That the Regulatory Hearings Panel:

- (a) Receives the report "Objection to Disqualification as Dog Owner - Alison Brayshaw".
- (b) Uphold the disqualification
  - (i) Uphold the disqualification for a period of 3 years

For the reasons below:

1. The Regulatory Hearings Panel (the Panel) gave weight to the evidence presented by the staff and their recommendation to uphold the disqualification.
2. The Panel does not believe that Ms. Brayshaw is a competent dog owner or has the ability to properly look after the dogs.
3. The Panel does not believe that Ms. Brayshaw understands the implication of a roaming dog has on the public.

**CARRIED**

#### **4.2 Objection to Disqualification as Dog owner - Liam Newth**

**Staff** Brent Lincoln

##### **Key Points**

- Marley had escaped the morning of the Regulatory Hearings Panel meeting which resulted in Mr Newth not showing to his meeting. Attempts were made to get into contact with Mr Newth but there was no response. The Panel waited for Mr Newth to arrive for approximately 30 minutes. Therefore, the meeting proceeded without Mr Newth being present.
- The Panel made their decision regarding the information provided in the report.

##### **In response to questions**

- Marley should not have been in Mr Newth's possession but was found by Animal Services team members the morning of the objection hearing.

#### **ASSUME PUBLIC EXCLUDED SESSION**

#### **COMMITTEE RESOLUTION RHP3/24/5**

Moved: Mr Puhirake Ihaka

Seconded: Mr Alan Tate

That the Regulatory Hearings Panel:

- (a) Moves into a public excluded session at 11:04 am

**CARRIED**

## RESUME PUBLIC SESSION

### COMMITTEE RESOLUTION RHP3/24/6

Moved: Mr Alan Tate  
Seconded: Mr Puhirake Ihaka

That the Regulatory Hearings Panel:

- (a) Comes back into an open public session at 11:09 am

**CARRIED**

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

### COMMITTEE RESOLUTION RHP3/24/7

Moved: Mrs Mary Dillon  
Seconded: Mr Alan Tate

That the Regulatory Hearings Panel:

- (a) Receives the report "Objection to Disqualification as Dog owner - Liam Newth".
- (b) Uphold the disqualification
  - (i) Uphold the disqualification for a period of 3 years

Reasons for decision:

1. The Regulatory Hearings Panel (the Panel) gave weight to the evidence presented by the staff.
2. The Panel does not believe that Mr. Newth is a competent dog owner due to the numerous offences as noted in the report.

**CARRIED**

At 11:10 am the meeting adjourned.

At 11:34 am the meeting reconvened.

#### 4.3 Objection By Phillip Tukaokao Opposing the Menacing Classification for his Dog Luna

**Staff** Brent Lincoln  
**Objector** Phillip Tukaokao

##### Key Points

- Staff spoke to the report and made key points such as Luna had not bitten anyone and was not desexed.
- A video was shown as evidence. It was of Luna rushing at a passing cyclist while barking and nipping. Luna was first seen waiting by the road outside of the property.
- It was confirmed that Luna has rushed at different people as well as other animals like birds. In the past, Luna had followed a cyclist 50 metres down the road and continued to nip at the heels of the cyclist.
- Luna was only two years old and Mr Tukaokao believes that the dog is wanting to play. Mr Tukaokao does not believe that his dog should be classified as menacing.
- Multiple offences were caused because of negligence as Mr Tukaokao's moko would take Luna down to the local rugby field. It is there she was let off her lead and would run back home by herself. Mr Tukaokao had taken action and told the Panel that the moko are no longer allowed to take the dog on walks by themselves.

**In response to questions**

- Mr Tukaokao understood the perspective of the public around a roaming dog.
- Mr Tukaokao had his fencing reinstalled for a month. There had been no further complaints received from neighbours.
- Mr Tukaokao confirmed that Luna was primarily on a leash when he was not at home.
- Staff confirmed that Luna had been impounded twice. Once from an executed search warrant and another from a roaming case.
- Luna had been caught roaming without a muzzle on previous accounts. The Panel believed that Mr Tukaokao had not been taking the incidents seriously. It seemed that it had taken a Regulatory Hearings Panel meeting for solutions to occur.
- Menacing dog classifications could be revoked but staff had never encountered a situation where a classification was revoked.

**Discussion points raised**

- Staff explained that a wagging tail did not indicate a safe dog.
- Most complaints against Luna have come from cyclists
- The Panel strongly recommends that when the dog is in a public space to be always on a leash.
- The Panel strongly recommends that the property remains secure at all times.

**ASSUME PUBLIC EXCLUDED SESSION****COMMITTEE RESOLUTION RHP3/24/8**

Moved: Mr Alan Tate

Seconded: Mr Puhirake Ihaka

That the Regulatory Hearings Panel:

- (a) Moves into a public excluded session at 12:16 pm

**CARRIED**

**RESUME PUBLIC SESSION****COMMITTEE RESOLUTION RHP3/24/9**

Moved: Mr Alan Tate

Seconded: Mr Puhirake Ihaka

That the Regulatory Hearings Panel:

- (a) Moves into a public session at 12:33 pm

**CARRIED**

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

**COMMITTEE RESOLUTION RHP3/24/10**

Moved: Mr Alan Tate

Seconded: Mr Puhirake Ihaka

That the Regulatory Hearings Panel:

- (a) Receives the report "Objection By Phillip Tukaokao Opposing the Menacing Classification for his Dog Luna".
- (b) Uphold the classification

Reason for decision:

1. The Regulatory Hearings Panel (the Panel) weighed up the evidence presented by staff and Mr Tukaokao at the hearing.
2. The Panel accepted the evidence presented by staff and upheld the classification of as a menacing dog with the muzzling requirements in public spaces to prevent the dog from biting.

**CARRIED**

**5 CLOSING KARAKIA**

Mr Puhirake Ihaka closed the meeting with a karakia.

**The meeting closed at 12:34pm.**

**The minutes of this meeting were confirmed as a true and correct record at the Regulatory Hearings Panel meeting held on 18 December 2024.**

.....  
Mary Dillon  
**CHAIRPERSON**