



AGENDA

Regulatory Hearings Panel meeting Thursday, 10 April 2025

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

Date: Thursday, 10 April 2025

Time: 2pm

**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.

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

4 BUSINESS

4.1 Jesse Hartley - Objection to Disqualification as Dog owner

File Number: A17847584

Author: Brent Lincoln, Team Leader: Animal Services

Authoriser: Sarah Omundsen, General Manager: Regulatory and Compliance

PURPOSE OF THE REPORT

1. To hear an objection from Jesse Hartley opposing his disqualification as a dog owner

RECOMMENDATIONS

That the Regulatory Hearings Panel:

- (a) Receives the report "Jesse Hartley - Objection to Disqualification as Dog owner".
- (b) It is recommended that the panel uphold the disqualification, however the panel may either:
 - (i) Uphold the disqualification; or
 - (ii) Bring forward the date of termination; or
 - (iii) Terminate the disqualification.

EXECUTIVE SUMMARY

2. Mr Hartley is the registered owner of Tuff Cooky, a 15-month-old, neutered, Bull Dog Cross.
3. In recent history, Mr Hartley came to our attention in June 2024, when an unregistered Tuff Cooky nipped at a complainant.
4. The next day Tuff Cooky was out roaming and jumped up on a person, biting and growling at them. As a result of these two incidents, the dog was classified as menacing and an infringement was issued for the dog being unregistered.
5. Unfortunately, the complaints did stop there, and Council received multiple complaints over the next few months relating to the dog roaming, being walked in public without a muzzle, and being taken up Mauao, a dog prohibited area. (*Attachment 1 – Schedule of Offences and outcomes*).
6. Between 20 June 2024 and 4 November 2024 six infringements were issued for the various breaches of the Dog Control Act. The Act states that if a person receives three or more infringements within a 24-month period, then Council must disqualify that person for a period up to five years, unless there is good reason not to.
7. For the purpose of the disqualification the qualifying infringements must be for separate incidents or occasions.
 - (a) For the offence date of 20 June 2024, he received one infringement.
 - (b) For the offence date of 14 August 2024, he received three infringements.
 - (c) For the offence date of 4 November 2024, he received two infringements.These equate to three infringements for the purpose of the disqualification.

8. On 19 February 2025 Council disqualified Mr Hartley for the period 3 November 2024 to 2 November 2028. A dog owner may object to any disqualification, and that objection must be heard by this panel. (*Attachment 2 – Disqualification Notice*)
9. On 27 February 2025 Mr Hartley lodged an objection to the disqualification on the grounds that he was contesting the infringements. Council accepted the objection, but advised Mr Hartley that the panel could not review the infringements, only the Court could. (*Attachment 3 – Objection and Council Response*)
10. The Panel may:
 - (a) Uphold the disqualification; or
 - (b) Reduce the period of the disqualification; or
 - (c) Terminate the disqualification.

BACKGROUND

11. We believe the disqualification is appropriate as staff have engaged with Mr Hartley on many occasions to encourage and assist him to better control his dog. Despite this there have been a significant number of complaints, which include aggression, and have occurred within a short period of time.
12. Council doesn't operate a probationary owner scheme.
13. Normal practice is to disqualify an owner for 3 years when they incur three or more infringements.
14. 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.
15. In Mr Hartley's objection, he states he wishes to challenge the infringements. It is not the purpose of this panel to rule on the legality of each infringement, that is a matter for the Court. Once the infringement has been paid or filed with the Court, the offence is deemed to have been proved. This panel must consider the objection in the terms of paragraph 12 above, as provided by section 26(3) of the "Act".
16. When an infringement is issued the recipient can either:
 - Pay the infringement; or
 - Defend the infringement in Court; or
 - Do nothing.
17. If the person does nothing, a reminder will be sent in 28 days and then after a further 28 days the infringement will be filed with the District Court.
18. Only infringements which have either:
 - Been paid; or
 - A conviction entered (if they defended the infringement); or
 - Filed with the Courtcan be counted when disqualifying a person.
19. All the infringements have been filed with the Court.

20. Although not legally required, we write to a dog owner when they have received two infringements warning them of the consequence of incurring further infringements. (*Attachment 4 – Notification of potential disqualification*)
21. Prior to disqualifying a person, we also write to the dog owner and advise them that the “Act” requires them to be disqualified. They are invited to write to Council with any information they would like to be taken into consideration before we make a final decision. (*Attachment 5 – Notification of pending disqualification*)
22. No response was received and a notice to disqualify was delivered to Mr Hartley on 19 February 2025.
23. In considering this objection the panel may either:
 - Uphold the disqualification; or
 - Bring forward the date of termination; or
 - Immediately terminate the notice.
24. The objector may appeal the decision of the panel to the District Court if dissatisfied.
25. The dog is currently registered, and as Mr Hartley has objected within 14 days of receiving the notice, he may retain the dog until the outcome of this hearing is determined.
26. If a person wants to own a dog, then they also have the responsibility of ensuring their dog is registered annually, does not cause nuisance or danger to other people or their animals and that they manage their dog in accordance with the provisions of the Dog Control Act 1996. Mr Hartley has repeatedly failed to meet the required level of being a responsible dog owner in our City.

SIGNIFICANCE

27. 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.
28. 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 .
 - (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.
29. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the decision is of low significance.

ENGAGEMENT

30. 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.

ATTACHMENTS

1. **Attachment 1 - Schedule of Offences and Outcomes - A17874709**  
2. **Attachment 2 - Disqualification Notice - A17874707**  
3. **Attachment 3 - Objection and Council Response - A17874706**  

4. **Attachment 4 - Notification of Potential Disqualification - A17874708**  
5. **Attachment 5 - Notification of Pending Disqualification - A17874710**  

SCHEDULE COMPLAINTS AND OUTCOMES - JESSE HARTLEY			
Complaint	Offence	Circumstances	Outcome
1161985 04 Nov 2024 11:38pm	Unmuzzled menacing dog	Dog roaming and unmuzzled	Infringements 28329 and 28330
1150721 05 Sep 2024 10:34am	Roaming	Captured on private property	Impounded and dog neutered before release
1150170 02 Sep 2024 05:54pm	Roaming	Near early childhood centre. Classified menacing dog, not muzzled or neutered.	
1146520 14 Aug 2024 09:03am	Prohibited area Mauao	Classified menacing dog, not muzzled or neutered. Dog unregistered. Dog in prohibited area	Infringements 27820, 27821 and 27822
1137805 23 Jun 2024 01:00pm	Roaming	Roamed onto private property	Written warning
1137669 21 Jun 2024 09:19pm	Person Attacked	Roamed onto private property	Classified menacing
1137347 20 Jun 2024 03:05pm	Person Rushed at	Dog unregistered	Infringement 27749
721675 15 May 2018 10:02am	Person Rushed at		Impounded
702432 08 Feb 2018 09:33am	Person Rushed at		
695689 07 Jan 2018 07:03pm	Roaming		Impounded
670213 13 Aug 2017 07:56pm	Roaming		Unregistered Infringement
612406 13 Sep 2016 10:31am	Roaming		Impounded
16039 10 Dec 2001 12:00am	Misc Complaint		Unregistered Infringement

DISQUALIFICATION FROM DOG OWNERSHIP



19 February 2025

JESSE HARTLEY

Delivery Confirmation:

Recipient name: *J. HARTLEY*

Signature: *Refused to sign but accepted*

Date: *19.2.25* Time: *12:31*

Served by: *P. HELLIER.*

Signature: 

Notice of disqualification from dog ownership (Section 25, Dog Control Act 1996)

This is to inform you that you have been disqualified under section 25 (1) (a) of the Dog Control Act 1996 from owning any dog.

This follows three or more infringement offences (not relating to a single incident or occasion) having been committed by you, within a continuous period of 24 months.

This disqualification will apply from 3 November 2024 and will expire on 2 November 2028.

A summary of the effect of the disqualification and your right to object is provided below.

Yours sincerely,



Brent Lincoln
Animal Services: Team Leader
07 577 7000
info@tauranga.govt.nz

EFFECT OF DISQUALIFICATION
Section 28, Dog Control Act 1996

You are required to dispose of every dog owned by you within 14 days of the date of this notice. However, you may not dispose of a dog:

- to a person who resides at the same address as you.
- in a way that constitutes of an offence against the Dog Control Act 1996 or any other Act.

You must not become the owner, even on a temporary basis, of any dog while you are disqualified. You may have possession of a dog only for the purpose of:

- preventing it from causing injury, damage, or distress.
- returning, within 72 hours, a lost dog to a territorial authority for the purpose of restoring the dog to its owner.

You will commit an offence and be liable on conviction to a fine not exceeding \$3000 if you:

- fail to dispose of every dog owned by you within 14 days of this notice.
- at any time while disqualification, become the owner of any dog.
- dispose of a dog owned by you:
 - to a person who resides at the same address as you.
 - in a manner that constitutes an offence against the Dog Control Act 1996 or any other Act.

If you are convicted of the first or second of these offenses, your period of disqualification may be further extended. You will also commit an offence and be liable on conviction to a fine not exceeding \$3000 if you dispose or give custody or possession of a dog to a person knowing that person to be disqualified from ownership under section 25 of the Dog Control Act 1996.

Full details of the effect of disqualification are provided in the Dog Control Act 1996.

RIGHT OF OBJECTION TO DISQUALIFICATION
Section 26, Dog Control Act 1996

You may object to the disqualification by lodging a written objection with Tauranga City Council setting out the grounds on which you object. You are entitled to be heard in support of your objection and will be notified of the time and place when your objection will be heard.

No objection can be lodged within 12 months of the hearing of any previous objection to the disqualification. If an objection is lodged within 14 days after the date of this notice, the requirement to dispose of every dog owned by you will be suspended until Tauranga City Council has determined the objection.

There is a further right of appeal to a District Court if you are dissatisfied with the decision of Tauranga City Council on your objection.

Note: In the event of a Council hearing, the council report and minutes of the hearing will be posted on the Council's website. Any objection heard by the Regulatory Hearings Panel is a publicly notified meeting, and members of the public, including the media, may attend. While your name and your dog's name may be published, your contact details will not be reported.

19 Feb 2025

Brent Lincoln

From: Brent Lincoln
Sent: Friday, 28 February 2025 12:55 pm
To: Animal.Admin
Subject: FW: Re Objection to Disqualification - Jesse Hartley

For your DQ records. I will check next week and see if he is doing anything. Technically he has submitted an objection but the grounds aren't something the panel can rule on.

From: Info
Sent: Friday, 28 February 2025 12:45 pm
To:
Subject: Re Objection to Disqualification - Jesse Hartley

Hi Jesse

Thank you for your email objecting to your disqualification as a dog owner.

I have read your email and note your objection is based on challenging the infringements that have been issued to you. An objection to a disqualification can not be a challenge to the infringements. The only way you can challenge the infringements is through the Court. You may want to get some legal advice to assist you with this process. Free legal advice may be available from Community Law at

Any objection to Council in relation to a disqualification can only consider the following as specified by section 26 of the Dog Control Act 1996. While it says at 3(a) they can consider the circumstances and nature of the offence, that doesn't mean they can review the actual infringement. The infringements have been filed with the Court so would take a Court process to cancel them.

Kind Regards

Brent Lincoln | Team Leader: Animal Services
Tauranga City Council | 07 577 7000 | www.tauranga.govt.nz

**26 Objection to disqualification**

(1) Every person disqualified under [section 25](#)—

(a) may object to the disqualification by lodging with the territorial authority a written objection to the disqualification; and

(b) shall be entitled to be heard in support of the objection.

(2) An objection under this section may be lodged at any time but no objection shall be lodged within 12 months of the hearing of any previous objection to the disqualification.

(3) 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.

From: info@tauranga.govt.nz <info@tauranga.govt.nz>
Sent: Thursday, 27 February 2025 2:53 pm
To: Brent Lincoln <Brent.Lincoln@tauranga.govt.nz>
Subject: Origen Contact Centre # 1185571 [REFER] CONFIDENTIAL

Origen Contact Centre

Transaction: 1185571 [[View Transaction >>](#) [Click here to view your CC Transaction](#)]
Created: 27 Feb 2025 @ 02:30pm by Liana Morgan [_____]
Type/Subtype: Animal Services / Customer Message
Priority: ROUTINE
Action: REFER
Your Position: 2AS200

Message:

You have received a new request for which you are the referral.

Notes:

Details:

RE: CCM 1182911- email response was sent to customer- email received today from customer in response to that email as below.

Email thread has also been forwarded through to Brent Lincoln as of 14:52 on 27/02/2025.

Email address- _____

Email reads-

To Whom It May Concern, Tauranga District Council Private Bag 12022 Tauranga 3143 Dear Sir/Madam, Re: Objection to Disqualification under Section 26 of the Dog Control Act 1996 I am writing to express my formal objection to the proposed disqualification under Section 26 of the Dog Control Act 1996. This letter serves as a submission of my objection, as per my rights under the Act. The grounds for my objection relate to the allegations made against my dog, TOUGHKOOKIE. While I accept one charge of having an unregistered dog on Mount Maunganui, I intend to see proof of the other alleged offences. I believe it is essential to review the evidence before making any decisions regarding disqualification. I would appreciate the opportunity to discuss this matter further and provide any additional information or evidence that may support my objection. I request that the Council consider my objection and make a decision in accordance with the provisions of the Dog Control Act 1996. Thank you for your attention to this matter. Sincerely, J Hartley c/o _____ Phone: _____
Email: _____ You can copy and paste this into an email to Bret Lincoln at info@tauranga.govt.nz.

Parcel:

Contact: JESSE HARTLEY

Phone: cel
a/h

This message was automatically generated by the Origen Contact Centre

31 October 2024

JESSE CHRISTOPHER HARTLEY

Dear Jesse,

Notification of second infringement: dog owner reference 199407

Our records show you have, within a 24-month period, committed a second infringement offence against the Dog Control Act 1996.

This letter is to advise you that section 25 of the Dog Control Act 1996 states if you commit a third or subsequent infringement offence you must be disqualified from owning a dog for a period not exceeding five years. We have the discretion not to invoke this clause if we are satisfied that the circumstances of the offences are such that the disqualification is not warranted.

The letter is to inform you of the possible outcome of further offending and urge you to look at how you manage your dog to avoid further infringements.

If you need help or advice, call us on 07 577 7000.

Yours sincerely



Brent Lincoln
Animal Services team leader
Tauranga City Council

07 577 7000
info@tauranga.govt.nz

5 February 2025

JESSE CHRISTOPHER HARTLEY

Dear Jesse,

**Disqualification on third or subsequent infringement
Dog owner reference number: 199407**

Our records show you have committed three or more infringement offences against the Dog Control Act 1996.

These offences were committed:

- within a continuous 24-month period
- each incident was on a separate occasion
- each was for a separate incident.

Section 25 of the Dog Control Act 1996 states you must be disqualified from owning a dog for a period not exceeding five years unless Tauranga City Council is satisfied that the circumstances of the offences are such that the disqualification is not warranted.

If there is any information you would like to be taken into consideration regarding your possible disqualification, please submit this in writing by Friday 21 February 2025. If a submission is not received by this date, a decision will be made based on the facts before council at the time.

Yours sincerely



Brent Lincoln
Animal Services team leader
Tauranga City Council

07 577 7000

info@tauranga.govt.nz

4.2 Natalie Kennedy - Objection to Retention of Impounded Dogs

File Number: A17834594

Author: Brent Lincoln, Team Leader: Animal Services

Authoriser: Sarah Omundsen, General Manager: Regulatory and Compliance

PURPOSE OF THE REPORT

1. To hear an application from Natalie Kennedy for the release of her impounded dogs.

RECOMMENDATIONS

That the Regulatory Hearings Panel:

- (a) Receives the report "Natalie Kennedy - Objection to Retention of Impounded Dogs".
- (b) It is recommended that the panel decline the application to release the dogs Judah and Taika from the pound pending the outcome of Court proceedings. The Panel may however:
 - (i) Agree to release either one or both dogs if they are satisfied on reasonable grounds that the release of one or both dogs will not threaten the safety of any person, stock, poultry, domestic pet, or protected wildlife.
 - (ii) Retain both dogs in the pound pending the outcome of the prosecution.

EXECUTIVE SUMMARY

2. On 13 November 2024, Natalie Kennedy was walking three registered dogs in a reserve in Gate Pa.
3. She was the owner of two of the dogs, Judah a Bull Mastiff Cross and Taika a Staffordshire Bull Terrier.
4. Both dogs have now been impounded and have been retained in the pound pending the outcome of a prosecution.
5. Taika and Judah were off leash playing near a waterway. The third dog, registered to a friend of Ms Kennedy, was on leash.
6. The victim, a 79-year-old male was walking in the reserve when he saw Ms Kennedy and the dogs about ten metres away. (*Attachment 1 – Map of area*)
7. Judah then rushed toward the victim and lunged at him, biting him on the elbow. The second dog also rushed at him aggressively, intimidating him. (*Attachment 2 – Photographs of injuries*)
8. The victim received a serious injury to his elbow and several small scratches and marks to his legs. The elbow Injury required plastic surgery, skin grafts and a hospital stay.

BACKGROUND

9. None of the three dogs have any reported aggression or complaints prior to this incident.
10. When Judah attacked, the third dog dragged Ms Kennedy across to the victim. She apologised when she saw the injury but said my dogs don't do that. She managed to secure all three dogs and took them to her car. She didn't stop to assist the victim, even once she

had secured the dogs in her car. Her car registration number was secured and provided to Council.

11. The victim called his son who collected him and took him to the hospital.
12. Ms Kennedy provided a written statement which said:
 - Judah was off lead, while the other two dogs were on lead.
 - I saw the victim talking loudly on his phone, Judah ran toward him.
 - He was yelling and screaming, I told him to stand still and stop screaming.
 - I saw Judah jump up, I pulled Judah away and put him on lead.
 - I put my dogs in the car to secure them.
 - Judah has never done anything like that before.

(Attachment 3 – Statement from Natalie Kennedy)
13. When staff first went to impound the dogs, Ms Kennedy wouldn't hand them over. As they were in the house, staff couldn't seize them without a search warrant.
14. On a second occasion when staff arrived at the property, the dogs were outside, Ms Kennedy put them in the house and while staff waited for Police assistance, she drove off with the dogs in the car. An infringement for obstructing a Dog Control Officer has been filed with the Court.
15. Staff subsequently located the dogs', and they have been impounded. Ms Kennedy has paid the outstanding impound fees and Council has issued her with a Section 71 notice.
(Attachment 4 – Section 71 Notice)
16. When a dog is impounded for an attack and Council is going to prosecute, and the owner pays the appropriate pound fees owing at that time, Council can invoke Section 71 of the Dog Control Act 1996 and retain the dogs' pending the outcome of the Court proceedings.
17. To hold the dogs, Council must have reasonable ground to believe that the release of the dog would threaten the safety of any person, stock, poultry, domestic pet, or protected wildlife.
18. The attack was unprovoked and as such indicates the unpredictable nature of the dogs involved.
19. Council is proceeding with a prosecution and because of the serious nature of the attack and the behaviour of Ms Kennedy in obstructing the officers, Council believes the release of the dogs has the potential to further threaten the safety of people or other animals.
20. Ms Kennedy's lawyer has made it clear that she objects to the retention of the dogs in the pound.
21. The panel may either uphold the retention of the dogs in the pound or if they are satisfied that the dogs don't pose an ongoing threat, may order their release of one or both dogs upon payment of any sustenance fees that may be due.
22. Dog attacks are on the increase in New Zealand and Council is required to take the most appropriate actions to minimise risk to members of the public and their animals. The retention of these dogs in the pound pending the outcome of the prosecution is the most appropriate outcome. The Court will then decide on their future.

SIGNIFICANCE

23. 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.

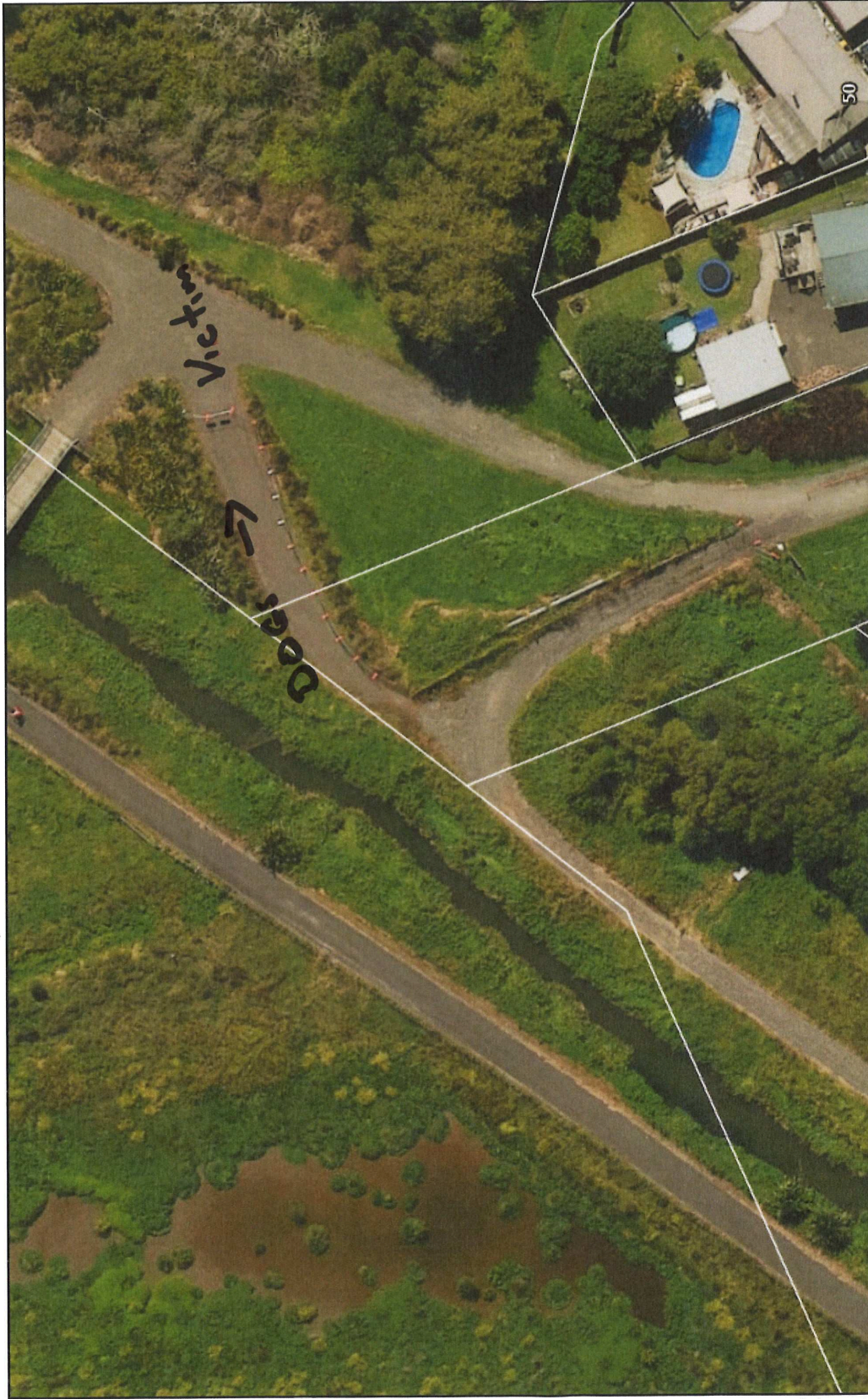
24. In making this assessment, consideration has been given to the likely impact, and likely consequences for:
- (a) the current and future social, economic, environmental, or cultural well-being of the district or region
 - (b) any persons who are likely to be particularly affected by, or interested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

ENGAGEMENT

26. 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.

ATTACHMENTS

1. **Attachment 1 - Map of Area - A17887320** [↓](#) 
2. **Attachment 2 - Photographs of Injuries - A17887321** [↓](#) 
3. **Attachment 3 - Statement Natalie Kennedy - A17887318** [↓](#) 
4. **Attachment 4 - Section 71 Notice - A17887319** [↓](#) 



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Tauranga City Council

0 5 10 Meters

Scale 1:492

@A4





Resolution to exclude the public

Use below only if there are no other confidential business to be done. You will need to make the recommendation" a "resolution row".

If there are other confidential business items and you need the wording for "deliberations" then just add a row at the bottom of the existing recommendation table then copy the wording below for the topic / reason for passing reso and grounds under section... etc then delete the below.

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
<p>?.? – Deliberations - Bus shelter objections</p>	<p>To enable the Panel to deliberate in private on the objections heard.</p>	<p>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.</p>
<p>?.? – Deliberations – Objection to ??????</p> <p><i>Dog hearings – add in name of report and Objectors name</i></p>	<p>To enable the Panel to deliberate in private on the objections heard.</p>	<p>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.</p>

5 CLOSING KARAKIA