



AGENDA

Regulatory Hearings Panel meeting Thursday, 1 May 2025

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

Date: Thursday, 1 May 2025

Time: 9:00 am

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.

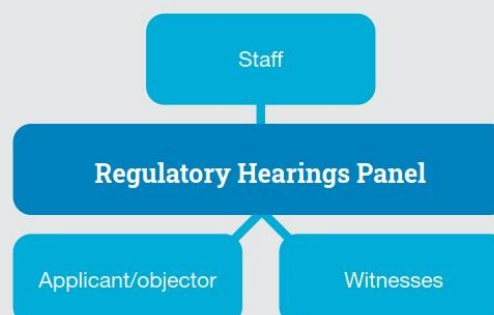
Regulatory Hearings Panel

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 CONFIRMATION OF MINUTES

4.1 Minutes of the Regulatory Hearings Panel meeting held on 10 April 2025

File Number: A17965684

Author: Anahera Dinsdale, Governance Advisor

Authoriser: Anahera Dinsdale, Governance Advisor

RECOMMENDATIONS

That the Minutes of the Regulatory Hearings Panel meeting held on 10 April 2025 be confirmed as a true and correct record.

ATTACHMENTS

- 1. Minutes of the Regulatory Hearings Panel meeting held on 10 April 2025**



MINUTES

Regulatory Hearings Panel meeting Thursday, 10 April 2025

Order of Business

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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, 10 APRIL 2025 AT 2PM**

MEMBERS PRESENT: Mrs Mary Dillon and Mr Alan Tate

APOLOGIES: Puhirake Ihaka and Terry Molloy

IN ATTENDANCE: Brent Lincoln (Team Leader: Animal Services), Anahera Dinsdale (Governance Advisor), Caroline Irvin (Governance Advisor)

EXTERNAL: Natalie Kennedy and Bev Edwards.

1 OPENING KARAKIA

Ms Anahera Dinsdale opened the meeting with a karakia.

2 APOLOGIES

APOLOGY

COMMITTEE RESOLUTION RHP/25/0/1

Moved: Mrs Mary Dillon

Seconded: Mr Alan Tate

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

CARRIED

3 DECLARATION OF CONFLICTS OF INTEREST

Nil

4 BUSINESS

4.1 Jesse Hartley - Objection to Disqualification as Dog owner

Staff Brent Lincoln, Team Leader: Animal Services

Key Points

- In the absence of Mr Hartley, the Panel continued with the hearing.
- Staff spoke to the report.

In response to questions

- No recent complaints for Mr Hartley's dog had been received for over five months.
- The first infringement dated back to June 2024, and it was assumed to have been processed by the court.
- If the disqualification was confirmed, Mr Hartley would have 14 days to rehome the dog.

Discussion points raised

- It was noted that Mr Hartley had arrived late due to going to He Puna Manawa and not Tauranga City Council Cameron Road office. The Panel decided to leave the report to lay on the table to allow Mr Hartley time to speak to his objection at the next Regulatory Hearings Panel meeting.

4.2 Natalie Kennedy - Objection to Retention of Impounded Dogs

Staff Brent Lincoln, Team Leader: Animal Services

External Bev Edwards and Natalie Kennedy

Key Points

- Staff spoke to their report.

In response to questions

- The prosecution was underway, with a hearing date set for April 14 2025. The dogs were being held in the pound pending the outcome of this hearing.
- The panel could decide to release the dogs with conditions (such as being classified as menacing and requiring muzzles) or keep them in the pound.
- If convicted of the attack, the court must order the destruction of the dog unless there were exceptional circumstances. The court may also order destruction of a dog for a 'rushing' charge.

Discussion points raised

- Ms Edwards, who supported Ms Kennedy and spoke on her behalf, noted that they both did not agree with events and points in the staff report.
- Ms Edwards noted Ms Kennedy's situation and that she was very distressed by the situation
- The Panel noted Ms Kennedys voluntary offer of extra precautionary safe guards when walking all the dogs.

COMMITTEE RESOLUTION RHP/25/0/2

Moved: Mrs Mary Dillon
 Seconded: Mr Alan Tate

RESOLUTION TO EXCLUDE THE PUBLIC

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
4.1 – Objections deliberations – Jesse Hartley – Objection to disqualification as dog owner	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.
4.2 – Objections deliberations – Natalie Kennedy – Objection to retention of impounded dogs	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.

CARRIED

4 PUBLIC SESSION CONTINUED

4.1 Jesse Hartley – Objection to disqualification as dog owner

COMMITTEE RESOLUTION RHP/25/0/3

Moved: Mr Alan Tate

Seconded: Mrs Mary Dillon

That the Regulatory Hearings Panel:

- (a) Defers consideration of the report until the next Regulatory Hearings Panel.

CARRIED

4.2 Natalie Kennedy – Objection to retention of impounded dog

COMMITTEE RESOLUTION RHP/25/0/4

Moved: Mrs Mary Dillon

Seconded: Mr Alan Tate

That the Regulatory Hearings Panel:

- (a) Receives the report "Natalie Kennedy - Objection to Retention of Impounded Dogs".
- (b) Agrees to:
 - (i) Releases Taika from the pound on the understanding that the Team Leader: Animal Services puts the appropriate safe guards in place.
 - (ii) Retains Judah in the pound pending the outcome of the prosecution.

CARRIED

5 CLOSING KARAKIA

Ms Anahera Dinsdale closed the meeting with a karakia.

The meeting closed at 3:43pm.

The minutes of this meeting were confirmed as a true and correct record at the Regulatory Hearings Panel meeting held on 1 May 2025.

.....
Mary Dillon
CHAIRPERSON

5 BUSINESS

5.1 Objection to Disqualification as Dog owner - Lupe Poe

File Number: A17960599

Author: Brent Lincoln, Team Leader: Animal Services

Authoriser: Alex Miller, Manager: Environmental Planning

PURPOSE OF THE REPORT

1. To hear an objection to her disqualification as a dog owner – Lupe Poe

RECOMMENDATIONS

That the Regulatory Hearings Panel:

- (a) Receives the report "Objection to Disqualification as Dog owner - Lupe Poe".
- (b) It is recommended that the panel uphold the disqualification however they have three options:
 - (i) Uphold the disqualification; or
 - (ii) Reduce the period of the disqualification; or
 - (iii) Terminate the disqualification.

EXECUTIVE SUMMARY

2. Ms Poe has a long history of owning dogs which have caused nuisance by loud and persistent barking. Complaints extend back to June 2022 and involve two different dogs. (*Attachment 1 – Schedule of Complaints*)
3. As a result of the nuisance caused by the excessive barking, Council issued Ms Poe with abatement notices on 10 November 2022 and on 11 August 2023 requiring her to use an anti-bark collar to moderate the nuisance.
4. It is an offence to fail to comply with an abatement notice.
5. Despite the abatement notices, Council continued to receive complaints about her dogs barking excessively. When staff investigated, they found that she was not in compliance with the abatement notice and as a result an infringement notice was issued on each occasion.
6. Section 25 of the Dog Control Act 1996 requires Council to disqualify a person from owning a dog if they receive three or more infringements within a 24-month period.
7. For the period 31 March 2023 to 23 December 2024, Ms Poe received four infringements, each was for failing to comply with the abatement notice in that she failed to ensure the dogs were wearing a functioning anti-bark collar. (*Attachment 2 – Schedule of Infringements*)
8. On 13 January 2025, Council delivered a notice of disqualification to Ms Poe advising her she had been disqualified from owning a dog for a period of three years to 2 August 2027. (*Attachment 3 – Notice of Disqualification*)
9. On 21 January 2025 Ms Poe lodged a verbal objection to the disqualification with me.

10. The Panel may:
 - (a) Uphold the disqualification; or
 - (b) Reduce the period of the disqualification; or
 - (c) Terminate the disqualification.
11. The Act requires Council to disqualify an owner unless we are satisfied the circumstances of the offences don't justify the disqualification.
12. In considering any objection under this section, the territorial authority shall have regard to—
 - (d) the circumstances and nature of the offence or offences in respect of which the person was disqualified; and
 - (e) the competency of the person objecting in terms of responsible dog ownership; and
 - (f) any steps taken by the owner to prevent further offences; and
 - (g) the matters advanced in support of the objection; and
 - (h) any other relevant matters.

BACKGROUND

13. The Act requires Council to disqualify an owner unless we are satisfied the circumstances of the offences don't justify the disqualification.
14. On 7 January 2025, Council impounded her dog, Rambo, for continued loud barking in breach of the abatement notice.
15. Where a dog is impounded under section 56 of the Act for barking, Council can only return the dog to her if satisfied that the barking wouldn't commence. Because of the history associated with the barking, we couldn't be satisfied that the barking wouldn't commence, and the dog was rehomed to a relative of Ms Poe.
16. Since Rambo has been rehomed, there have been no complaints received.
17. As previously noted, Council has a history of complaints and actions taken in relation to dogs owned by Ms Poe:
 - (a) In November 2022, Ms Poe was issued with a Notice to Remove (NTR) her two dogs Rambo and Zina for excessive barking. In January 2023, when staff visited to see why they hadn't been removed, Zina was found with very young puppies and couldn't be rehomed until the puppies were old enough. Rambo was rehomed in February 2023.
 - (b) In March 2023 both Zina and Rambo were impounded as they were both back at Ms Poe's address and causing nuisance with their barking. Zina was surrendered to Council and euthanised as aggressive. Rambo was allowed to return to Ms Poe on 4 May 2023.
 - (c) Ms Poe was taking the dog to work with her for a while and this helped reduce complaints, however, once she stopped doing this, complaints started again and in October 2023 was given a further warning about the barking.
 - (d) A further infringement for failing to comply with the abatement notice was issued in December 2023 and in July Council advised if she was to receive further infringements she could be disqualified as a dog owner. (Attachment 4 – Notification of Second Infringement)
 - (e) After two further infringements in August and December 2024, Council issued her with a letter notifying her that we were about to disqualify her and asked if there was anything she wanted considered before a final decision was made. No response was received and due to an administrative and process oversight, she was not disqualified until January 2025. (*Attachment 5 – Notice of Impending Disqualification*)

18. Each time Council has received a complaint they have engaged with Ms Poe, she has had multiple opportunities to manage the barking nuisance caused by the dogs that she has owned. Her failure to follow the simple procedure of ensuring her dogs wore appropriate collars to abate the barking nuisance, led to the issuing of the infringements which has culminated in the disqualification of her as a dog owner.
19. Council have given Ms Poe multiple opportunities to manage her dogs appropriately, even revoking a NTR to allow her to have the dog Rambo returned. On every occasion the barking has resumed, we cannot have any faith that if the disqualification is revoked, and Rambo is returned home, that the barking won't commence again.
20. The infringements have been filed with the District Court and the charges are deemed to have been proven. It is not the role of the panel to litigate the validity of the infringements

SIGNIFICANCE

21. 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.
22. 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 decision.
 - (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.
23. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the decision is of low significance.

ENGAGEMENT

24. 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 Complaints - A17960165**  
2. **Attachment 2 - Schedule of Infringements - A17960162**  
3. **Attachment 3 - Notice of Disqualification - A17960161**  
4. **Attachment 4 - Notification of Second Infringement - A17960163**  
5. **Attachment 5 - Notice of Impending Disqualification - A17960164**  

COMPLAINTS RECEIVED - LUPE POE		
COMPLAINT	OFFENCE	COMPLAINANT **
1174210 07 Jan 2025 01:47pm	Barking	8
1173801 05 Jan 2025 09:12pm	Barking	4
1173751 05 Jan 2025 09:56am	Barking	4
1171813 20 Dec 2024 10:59am	Barking	4
1144489 03 Aug 2024 08:06pm	Roaming Dog	7
1144463 03 Aug 2024 11:58am	Barking	6
1123282 31 Mar 2024 08:17pm	Barking	5
1101256 15 Dec 2023 08:27am	Barking	5
1100875 13 Dec 2023 10:33am	Barking	4
1090164 19 Oct 2023 10:44am	Barking	1
1089948 18 Oct 2023 12:04pm	Barking	4
1089066 13 Oct 2023 10:57am	Barking	3
1076903 08 Aug 2023 05:02pm	Barking	2
1053464 29 Mar 2023 11:13pm	Barking	1
1043871 17 Feb 2023 09:21am	Barking	1
1035028 04 Jan 2023 02:50am	Barking	1

1034320 29 Dec 2022 08:22am	Barking	
1028278 25 Nov 2022 11:19am	Barking	
1023203 01 Nov 2022 11:50am	Roaming	
1020269 16 Oct 2022 04:27pm	Barking	
1017685 04 Oct 2022 08:54am	Barking	
1017573 03 Oct 2022 02:21pm	Barking	
1003797 24 Jul 2022 01:40am	Person Attacked	
996068 26 May 2022 04:22pm	Barking	
995901 25 May 2022 08:29pm	Barking	
990258 27 Apr 2022 09:29am	Barking	
988884 19 Apr 2022 09:25am	Barking	
966608 31 Dec 2021 02:52pm	Barking	
961487 04 Dec 2021 04:38pm	Barking	
956225 10 Nov 2021 08:51pm	Barking	
297 19 Jun 2022 05:48pm	Barking	

**

** To protect the identity of the complainant they have been allocated a number. In total, 8 people have complained about the dogs since January 2023.

INFRINGEMENTS AND IMPOUNDS - LUPE POE						
Infringement	Offence date	Status	Dog	Offence		
26229	24 July 2022	FILED WITH COURT	RAMBO	Unregistered		
26230	24 July 2022	FILED WITH COURT	RAMBO	Roaming Public Place		
26907	31 March 2023	FILED WITH COURT	ZINA	Fail to comply with barking abatement notice		
27562	15 December 2023	FILED WITH COURT	RAMBO	Fail to comply with barking abatement notice		
27794	3 August 2024	FILED WITH COURT	RAMBO	Fail to comply with barking abatement notice		
28399	23 December 2024	FILED WITH COURT	RAMBO	Fail to comply with barking abatement notice		
Impound	Impound date	Release date	Dog	Outcome		
24072	31 March 2023	4 May 2023	ZINA	DESTROYED		
24073	31 March 2023	4 May 2023	RAMBO	RELEASED		
25380	3 August 2024	19 August 2024	RAMBO	RELEASED		
25791	7 January 2025	12 February 2025	RAMBO	RELEASED		

DISQUALIFICATION FROM DOG OWNERSHIP

8 January 2025

LUPE POE
17 TAHARA CRESCENT
MOUNT MAUNGANUI 3116**Delivery Confirmation:**Recipient name: *Lupe Poe*Signature: *Hand delivered to door*Date: *13/01/25* Time: *14:13 hrs*Served by: *T. Carew*Signature: *[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 August 2024 and will expire on 2 August 2027.

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

Yours sincerely,

A handwritten signature in blue ink, appearing to be "Brent Lincoln", with a horizontal line extending to the right.

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. (B-8/1/25)

20 July 2023

LUPE POE
17 TAHARA CRESCENT
MOUNT MAUNGANUI 3116

Dear Lupe,

Notification of second infringement: dog owner reference 596783

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



Gary Dixon
Acting Animal Services team leader
Tauranga City Council

07 577 7000
info@tauranga.govt.nz

29 February 2024



LUPE POE
17 TAHARA CRESCENT
MOUNT MAUNGANUI 3116

Dear Lupe

Disqualification on third or subsequent infringement
Dog owner reference number: 596783

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 18 March 2024. 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

A handwritten signature in blue ink, appearing to be "Brent Lincoln".

Brent Lincoln
Animal Services team leader
Tauranga City Council

07 577 7000
info@tauranga.govt.nz

5.2 Objection to Retention of Dog in Pound - Miriama Te Wheoro

File Number: A17961635

Author: Brent Lincoln, **Team Leader:** Animal Services

Authoriser: Alex Miller, **Manager:** Environmental Planning

PURPOSE OF THE REPORT

1. To Hear an objection to the retention of the dog Kola in the Pound – Miriama Te Wheoro

RECOMMENDATIONS

That the Regulatory Hearings Panel:

- (a) Receives the report "Objection to Retention of Dog in Pound - Miriama Te Wheoro".
- (b) It is recommended that the dog Kola is retained in the pound pending the outcome of a prosecution. The Panel may:
 - (i) Release Kola from the pound if they are satisfied he does not pose a threat to any person or animal.
 - (ii) Retain Kola in the pound

EXECUTIVE SUMMARY

2. Miriama (Mandy) Te Wheoro is the owner of Kola, a Labrador Retriever Cross dog that is fine with people but very dog aggressive and a frequent roamer.
3. On 5 March 2024, while out roaming, Kola attacked a dog which was being walked on lead. The attack was aggressive and cost the owner \$2566.80 in veterinary costs, and resulted in Kola being classified as a menacing dog.
4. A classified menacing dog must wear a muzzle when at large or in a public place and must be neutered. (*Attachment 1 – Menacing Classification*)
5. Two infringements were also issued, one for being unregistered and one for failing to keep Kola under proper control.
6. On 12 June 2024, Miriama objected to the requirement to neuter Kola and Council responded as per attachment 2. (*Attachment 2 – Objection to Menacing*)
7. On 20 December 2024 Kola was out roaming again without wearing a muzzle, and attacked a dog being walked on lead. This incident caused \$1594.16 in veterinary costs. (*Attachment 3 – Miriama's Statement 20 Dec 2024 Attack*)
8. As a result of this attack, council had a choice between classifying the dog as dangerous or initiating a prosecution. As the dog had a history of roaming and was in breach of the menacing classification, it was decided that a Dangerous classification would not keep other pets safe, and a prosecution was initiated.
9. Kola wasn't impounded at the time; however, after two further complaints about Kola roaming without a muzzle, he was impounded on 4 March 2025 and a section 71 notice was served on Miriama. This notice states that Council will hold Kola, in the pound pending the outcome of the prosecution. (*Attachment 4 – Section 71 Notice*)

10. To continue holding Kola in the pound, Council must be satisfied on reasonable grounds that the release of the dog would threaten the safety of any person, stock, poultry, domestic pet or wildlife.
11. The reasonable grounds are:
 - (a) The attack on a dog on 5 March 2024.
 - (b) The attack on a dog on 20 December 2024
 - (c) Aggression to other dogs at the pound.
 - (d) Repeated failure to keep Kola under control and failure to comply with the menacing classification. (*Attachment 5 - Schedule of Offences*)
12. Miriama has verbally objected to Council holding the dog pending the outcome of the prosecution. She has a strong attachment to the dog as she rescued it from the side of the road as a young puppy and has raised it. Kola provides her with strong emotional support as she is recovering from a road accident and suffers from stress.
13. While there is no doubt that the separation of Miriama from Kola has a significant impact on her and the continued retention in the pound will be difficult for her, we must consider that she has failed on several occasions to ensure Kola is secure, and the risk that Kola poses to other dogs in the community.
14. The panel may:
 - (a) Release Kola from the pound if they are satisfied the release of Kola is unlikely to threaten the safety of any person or animal, or
 - (b) Retain Kola in the pound if not satisfied.
15. Miriama's rear yard is fully fenced on both sides, but one side fence is only 1.2 metres high. The rear of the property is not fenced but is protected by dense planting. Past roaming's have been as a result of family members leaving a house door or gate open and on one occasion, Kola jumped from the deck and over a 1.8-metre-high fence.
16. As Kola is not people aggressive, he can be exercised at the pound by staff on a regular basis.






SIGNIFICANCE

17. 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.
18. 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.
19. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the decision is of low significance.

ENGAGEMENT

20. 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.

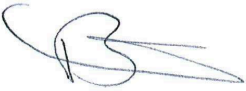
ATTACHMENTS

1. **Attachment 1 - Menacing Classification - A17965091** [↓](#) 
2. **Attachment 2 - Objection to Menacing - A17965087** [↓](#) 
3. **Attachment 3 - Miriama's Statement 20 Dec 2024 Attack - A17965089** [↓](#) 
4. **Attachment 4 - Section 71 Notice - A17965088** [↓](#) 
5. **Attachment 5 - Schedule of Offences - A17965090** [↓](#) 

NB: NOBODY HOME - LEFT IN LEAKS

NOTICE OF CLASSIFICATION

Tauranga City

Menacing dog classification – Section 33A, Dog Control Act 1996 (behaviour of the dog)			
Date	14/3/2024	CCM	1118001
Name	MANDY TE WHEORO		
Address	[REDACTED]		
	TAURANGA 3110		
DELIVERY CONFIRMATION			
		Recipient name	MANDY TE WHEORO
		Signature	[REDACTED]
		Date	19.03.24
		Time	16h57.
		Served by	KIRAN COSMUS.
		Signature	[REDACTED]
Dog details			
Dog ID	[REDACTED]	Primary breed	LABRADOR RETRIEVER
Microchip No	934*0000*9020*7891	Secondary breed	CROSS
Name	KOLA	Primary colour	BLACK
Sex	FEMALE (ENTIRE)	Secondary colour	WHITE
Age	5 yrs 1 mth		
Address where the dog is kept	[REDACTED]		
Classification details			
<p>This is to notify you that this dog has been classified as a menacing dog under section 33A (1)(b)(i) of the Dog Control Act 1996 with effect from the date of this notice.</p> <p>This is because Tauranga City Council considers that the dog may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife, because of observed or reported behaviour of the dog, namely: On Tuesday 5 March 2024 at 8:45am Kola did attack another dog causing injury.</p> <p>A summary of this classification and your right to object is provided on the reverse. Objections must be in writing and can be sent to the addresses provided or delivered to the Tauranga City Council Service Centre.</p>			
Classification requirements			
<p>Neutering: Your dog must now be neutered, and you must provide a veterinary certificate as proof thereof within one month of receipt of this notice.</p> <p>Microchip: Your dog is already microchipped; you are compliant with this requirement.</p> <p>Muzzle: Your dog must now be muzzled when it is at large or in any public place or private way, and it must be kept under control at all times.</p>			
<p>The required documents can be sent by mail to: Animal Services, Tauranga City Council, Private Bag 12022, Tauranga 3143, New Zealand or by email to: dog.registration@tauranga.govt.nz</p>			
ADDITIONAL INFORMATION			
Signature			Dated: 14/3/2024
Name	Brent Lincoln		
Position	Animal Services Team Leader		

EFFECT OF CLASSIFICATION AS A MENACING DOG**Sections 33E, 33F and 36A Dog Control Act 1996**

- a) You must not allow your dog to be at large or in any public place or in any private way, except when confined completely within a vehicle or cage, without being muzzled in such a manner as to prevent the dog from biting, but to allow it to breathe and drink without obstruction; and
- b) You must produce to Tauranga City Council within one month after receipt of this notice a certificate issued by a registered veterinary surgeon certifying:
 - (i) that the dog is or has been neutered; or
 - (ii) that for reasons that are certified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and
- c) If your dog is not fit to be neutered before a specific date as mentioned above, then you must produce to Tauranga City Council within one month after that specified date, a further certificate under paragraph (b)(i).

You will commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you fail to comply with any of the matters in paragraphs (a) to (c) above. In addition, a dog control officer or dog ranger may seize and remove the dog from you and keep the dog until you demonstrate that you are willing to comply with paragraphs (a) to (c) above.

If applicable, if not already microchipped, you are also required, for the purpose of providing permanent identification of the dog, to arrange for the dog to be implanted with a functioning microchip transponder. This must be confirmed by making the dog available to Tauranga City Council in accordance with the reasonable instructions of Tauranga City Council for verification that the dog has been implanted with a functioning microchip transponder of the prescribed type and in the prescribed location.

You will commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you fail to comply with this requirement within 2 months after this notice.

If the dog is in the possession of another person for a period not exceeding 72 hours, you must advise that person of the requirement to not allow the dog to be at large or in any public place or in any private way (other than when confined completely within a vehicle or cage) without the dog being muzzled in such a manner as to prevent the dog from biting, but to allow it to breathe and drink without obstruction.

You will commit an offence and be liable on conviction to a fine not exceeding \$500 if you fail to comply with this requirement.

Full details of the effect of classification as a menacing dog are provided in the Dog Control Act 1996.

RIGHT OF OBJECTION TO CLASSIFICATION UNDER SECTION 33A**Section 33B, Dog Control Act 1996**

You may object to the classification of your dog as menacing by lodging with Tauranga City Council a written objection within 14 days of receipt of this notice setting out the grounds on which you object.

You have the right to be heard in support of the objection and will be notified of the time and place at which your objection will be heard.

All objections must be in writing and can be sent via email to dog.registration@tauranga.govt.nz or by mail to: **Animal Services, Private Bag 12022, Tauranga 3143, New Zealand.**

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

JB 14/3/24

Brent Lincoln

From: Info
Sent: Thursday, 13 June 2024 1:16 pm
To: [REDACTED]
Subject: Objection to menacing classification ref 1135709

Hi Mandy

Thank you for your call regarding the classification of your dog Kola and your objection to the neutering of this dog.

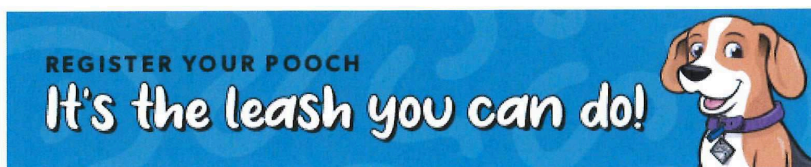
On 5 March 2024, your unregistered dog was roaming at large on Millers Road when it attacked another dog. The attack was aggressive and caused in excess of \$2500 of damage to the victim dog. This is regarded as a serious attack and Council is obliged to classify your dog as menacing as a result. If a dog is classified as menacing, the dog must be neutered within one month of the classification. If you wanted to object to the classification, you needed to do that within 14 days of the classification.

You were provided with the classification on 19 March 2024 and the period to object to this classification has expired. I have also reviewed the circumstances under which the classification was issued and it is appropriate considering the seriousness of the attack, as such Council will not revoke the classification.

You are now required, as a condition of the classification to get Kola neutered and provide Council with a copy of the neutering certificate. If this has not been completed by 21 June 2024, then it is likely an infringement will be issued.

Kind Regards

Brent Lincoln | Team Leader: Animal Services
Tauranga City Council | [REDACTED] www.tauranga.govt.nz



Details:
Related to Mandy's dog Kola.

She doesn't agree with Kola being classified as menacing.
She doesn't want Kola to be desexed.
Stating Kola is too young and she may give Kola away to family at some stage. She states Kola tries to protect her as well.

She would like to discuss + [REDACTED]

Parcel: [REDACTED]

Contact: MANDY TE WHEORO

Phone: cel [REDACTED]
day [REDACTED]

This message was automatically generated by the Origen Contact Centre

5.3 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**  

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 10 April 2025	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

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
5.1 Lupe Poe – Deliberations – Objection to disqualification as dog owner	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.
5.2 Miriama Te Wheoro – Deliberations – Objection to retention of dog in pound	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.
5.3 Jesse Hartley – Deliberations – Objection to disqualification as dog owner	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.

5 BUSINESS CONTINUED

7 CLOSING KARAKIA