



AGENDA

Regulatory Hearings Panel meeting Thursday, 13 July 2023

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

Date: Thursday, 13 July 2023

Time: 9am

**Location: Bay of Plenty Regional Council Chambers
Regional House
1 Elizabeth Street
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.

Order of Business

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

4 BUSINESS

4.1 Objection to Retention of Impounded Dog - Vance Skudder

File Number: A14837265

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 Vance Skudder opposing the retention of his dog in the pound.

RECOMMENDATIONS

That the Regulatory Hearings Panel:

- (a) Receives the report "Objection to Retention of Impounded Dog - Vance Skudder".
- (b) It is recommended that the panel uphold the decision to hold the dog Charlie pending the outcome of Court proceedings, however the panel may either:
 - (i) Return the dog to the owner if they are satisfied the release of the dog will not threaten the safety of any person, stock or domestic animal; or
 - (ii) Retain the dog pending the outcome of the prosecution.

EXECUTIVE SUMMARY

2. Vance Skudder resides in Gate Pa. In April and May 2023, he was the owner of two dogs Sadie and Charlie both were currently registered with the Western Bay of Plenty District Council.
3. Sadie is a female Labrador Retriever Cross coloured Black and White, and Charlie is a male Staffordshire Bull Terrier coloured Brindle and White.
4. Between 19 April 2023 and 4 May 2023, 5 cats were killed by two dogs roaming between Faulkner Street and Twelfth Avenue. The distance from Mr Skudder's home to the furthest attack in Twelfth Avenue is approximately 2.2kilometres.
5. Of the 5 cats attacked, 3 were killed on the 4 May 2023, all around Twelfth and Thirteenth Avenue between 5:30am and 6:30am. (*Attachment 1 – Map of 4 May Incidents*)
6. At 04:30am on the 4th of May, Council CCTV shows two dogs crossing Cameron Road at the intersection with Thirteenth Avenue. The identity of these dogs is confirmed as Charlie and Sadie. (*Attachment 2 – Photo of Dogs at Intersection*)
7. At approximately 6:30am Charlie was found roaming at the intersection of Cameron Road and Fifteenth Avenue and was taken to a vet as he had fresh blood around his mouth. The vet confirmed, the blood did not come from Charlie, and he had no injuries.
8. Charlie was impounded, and Sadie was seen running along Cameron Road and turning in toward the hospital.
9. Staff subsequently executed a search warrant on 29 May 2023 in an attempt to seize Sadie. Mr Skudder said Sadie was no longer at his property and she was safe. He declined to advise staff where Sadie was being kept and declined to be interviewed in relation to the allegations that his dogs had attacked cats.

10. A review of the circumstances of the attack led Council to recommend a prosecution and as such decided to retain Charlie in the pound pending the outcome. Mr Skudder was informed of this decision by way of a Section 71 notice dated 18 May 2023 which was delivered to his property. (*Attachment 3 – Section 71 Notice*)
11. As a result of that notice Mr Skudder has exercised his right to object, his notice of objection was received on 23 May 2023 by email. (*Attachment 4 – Objection to Retention of Charlie*)

BACKGROUND

12. When a dog is impounded and the owner pays any outstanding impound fees, Council must either release the dog or they may retain the dog under the provisions of Section 71 of the Dog Control Act 1996.
13. To retain the dog Council must be initiating a prosecution in relation to the dog and believe that if the dog is released, the dog is likely to threaten the safety of any person, stock, poultry, domestic pet or wildlife.
14. On this occasion, Council is concerned that the dog Charlie is likely to pose a threat to other domestic animals, namely cats. Staff have no concerns that Charlie will pose a threat to people.
15. The Section 71 notice was issued because:
 - a) On 19 April 2023 at 06:55am a witness who resides in Twenty First Avenue saw her cat Zippy being attacked by two dogs at the back of her property. She saw the dogs attacking her cat which suffered puncture wounds to the right side of its spine and rear. She identified the dog Sadie as one of the attacking dogs and noted the second dog was similar to Charlie.
 - b) On 22 April 2023 a witness who lives in Faulkner Street saw two dogs attacking and killing her cat. She identified the dog Sadie as one of the attacking dogs and noted the second dog was similar to Charlie. The attack happened at 2:00am.
 - c) On 28 April 2023 staff visited the residence of Vance Skudder and spoke to his wife who said they have two dogs Sadie and Charlie, both registered in WBOPDC. She said it couldn't possibly be their dogs.
 - d) On 4th May 2023 at 04:30am Council CCTV shows two dogs crossing Cameron Road at the intersection with Thirteenth Avenue. The identity of these dogs is confirmed as Charlie and Sadie.
 - e) On 4th May 2023 at 05:00am two witnesses who live in Twelfth Avenue heard dogs barking and found their cat dead. CCTV shows two dogs which are similar to Charlie and Sadie.
 - f) On 4th May 2023 around 05:00am a witness who also lives in Twelfth Avenue heard a noise and saw a dog with her cat in its mouth. The cat suffered puncture wounds to its neck and suffered nerve damage around its eye and paws. CCTV shows two dogs which matched the description of Charlie and Sadie.
 - g) On 4th May 2023 at approximately 05:30am a witness from Thirteenth Avenue noticed her cat missing. The cat was found dead at the corner of Thirteenth and Edgecumbe. The cat had suffered head and neck injuries which appeared to be the result of a dog attack.
 - h) Another witness saw two dogs outside his property, one of the dogs had a cat in its mouth, he later identified this dog as Charlie. This is the cat missing from Thirteenth Avenue.
 - i) On the 4th of May 2023 at 06:30am Charlie was found roaming at the intersection of Cameron Road and Fifteenth Avenue and was taken to a vet as he had fresh blood around his mouth. The vet confirmed, the blood did not come from Charlie, and he had no injuries. Charlie was impounded and has been held there pending a prosecution.
 - j) On 4th May 2023 at approximately 06:30am a dog matching the description of Sadie was seen running along Cameron Road and turning in toward the hospital.
16. There have been no further cats reported attacked or killed in this area since Charlie was impounded.

17. When hearing this matter, the panel may agree to retain the dog in the pound pending the outcome of any prosecution or may agree to release the dog if they believe the dog does not pose a threat to the safety of any person, stock, poultry, domestic pet or wildlife.
18. If Mr Skudder is not satisfied with the decision of the panel, he may appeal the matter to the District Court.
19. It is recommended that Charlie is retained in the pound pending the outcome of the prosecution because:
 - (a) If released there is potential for the dogs to attack again; and
 - (b) Upon conclusion of the court proceedings, it is unlikely Charlie will be made available to staff.





SIGNIFICANCE

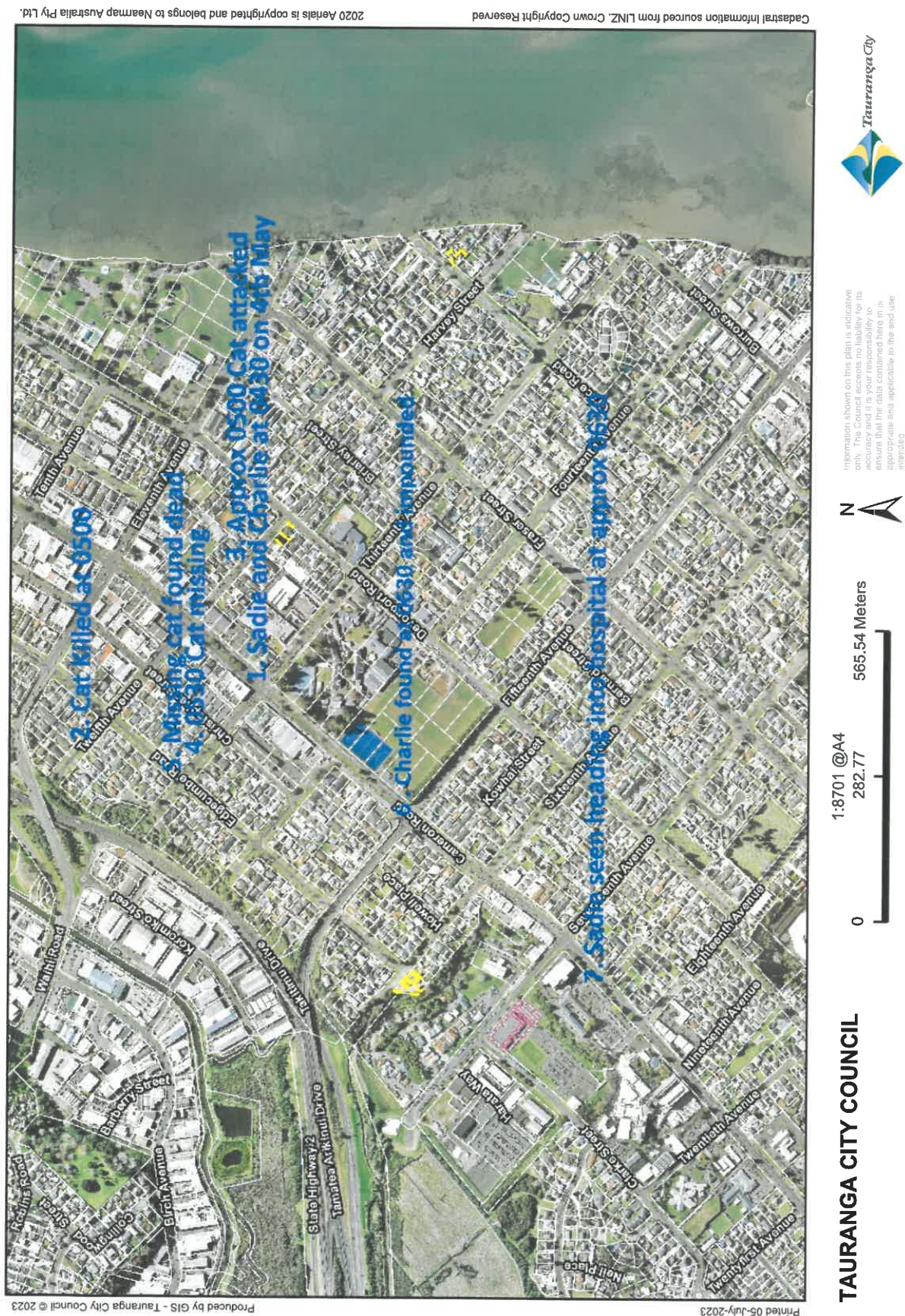
20. The Local Government Act 2002 requires an assessment of the significance of matters, issues, proposals and decisions in this report against Council's Significance and Engagement Policy. Council acknowledges that in some instances a matter, issue, proposal or decision may have a high degree of importance to individuals, groups, or agencies affected by the report.
21. 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.
22. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the issue is of low significance.

ENGAGEMENT

23. Taking into consideration the above assessment, that the issue 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 4 May Incidents - A14842629** [↓](#) 
2. **Attachment 2 - Photo of Dogs at Intersection - A14842627** [↓](#) 
3. **Attachment 3 - Section 71 Notice - A14842628** [↓](#) 
4. **Attachment 4 - Objection to Retention of Charlie - A14842630** [↓](#) 





18 May 2023



Vance SKUDDER

Gate Pa
Tauranga

Dear Vance

**Retention of dog threatening public safety notice
Section 71 Dog Control Act 1996**

Re dog: Charlie, Microchip 934 0000 9029 8982:

This letter is to inform you that Council intends to proceed with a prosecution in relation to an attack on several cats on the 19 April 2023, 21 April 2023 and 4 May 2023

We are satisfied on reasonable grounds that the release of the dog Charlie would threaten the safety of people, stock, poultry, domestic animals or protected wildlife. Therefore, Charlie will be retained in the pound under section 71(2) of the Dog Control Act 1996 while awaiting the outcome of the prosecution against you.

You can apply to Council to have your dog returned pending the outcome of the prosecution and this will be heard by a Council committee. If Council refuses to release the dog, you have the right to apply to the Tauranga District Court for the dog's release.

Please note: If the Court orders the return of your dog at the conclusion of the prosecution you may be required to pay fees for its care and sustenance before it can be released. If the fees are not paid, the dog may be disposed in accordance with the provisions of Section 69 of the Act.

Yours sincerely

A handwritten signature in black ink, appearing to be "Brent Lincoln", written over a circular stamp.

Brent Lincoln
Animal Services: team leader
Tauranga City Council

07 577 7000
info@tauranga.govt.nz

Brent Lincoln

From: Brent Lincoln
Sent: Tuesday, 23 May 2023 5:32 pm
To: Vance Skudder
Subject: RE: Impounded Dog Charlie

Hi Vance

Thank you for your application pursuant to s71 of the Dog Control Act 1996 requesting the release your dog Charlie from the pound.

I will process this and forward the paperwork to the Hearings Panel who will contact you to arrange for the Hearing

Kind Regards

Brent Lincoln | Team Leader: Animal Services

Tauranga City Council | 07 577 7000 | www.tauranga.govt.nz

From: Vance Skudder <[REDACTED]>
Sent: Tuesday, 23 May 2023 5:07 pm
To: Brent Lincoln <[REDACTED]>
Subject: Impounded Dog Charlie

CAUTION: External Email.

Reference: Impound 24177 (#8F82CJ)

Kia Ora Brent,

As per an email from Nigel McGlone, he has advised that I correspond with you.

Nigel has explained that you will forward my request to our Democracy Services Team, who will organise a sitting of the Regulatory Hearing Panel to hear arguments from both parties and make a decision as to the release (or not) of Charlie.
(I apologies for my misunderstanding of Council process.)

Please find below my application for consideration for Charlies release pending a prosecution hearing:

To the Regulatory Hearing Panel,

My name is Vance Skudder and I am the owner of Charlie who was impounded on May 4th 2023 under section 96 of the DCA.

I am seeking consideration for Charlie's release as he has now been retained under section 71 of the DCA, as of May 18th.

The team leader surrounding this matter is Brent LINCOLN.

As mentioned Charlie was impounded on May 4th under section 96.

Despite several requests via phone and email, I had not received what Act or section Charlie was further being detained.

(Only that he is being detained pending further enquiries of suspicion that Charlie was involved in the maiming and destruction of several cats in the neighborhood.)

On May 15th I was informed that Charlie was now being held under section 57 of the DCA 1996.

On May 18th I received an official letter from Brent LINCON stating that consideration for release under section 71 was an option.

It has been almost 4 weeks that Charlie has now been impounded.

Charlie is a much loved family dog and is sorely missed.

During the day Charlie is on the family farm in Te Puke, where he is free to run amongst the farm animals (including 2 farm cats and neighbours cats)

At no stage at all has Charlie shown signs of aggression to any of the animals.

Several neighboring houses on Watling Street (where I reside) also have cats that enter the premises at all times of the day and night. They too have not been harmed.

(In fact Charlie is quite the opposite to being an aggressive dog.)

Charlie is a Vada (animal rescue) dog who held him for a long period of time so that he could be re-homed safely.

Vada was concerned at hearing these accusations from Council as they too know that Charlie is not an aggressive dog and they are prepared to be Charlie's advocate if necessary.

Since May 4th, we have replaced a trellis fence section that we believe Charlie had escaped.

We have taken further measures for Charlie's sleeping quarters at night by securing a section of the yard and we will be locking both dogs in the laundry room.

We will look to take further measures to secure the premises further.

I am happy for the Council to view these arrangements at an agreed time.

It is hoped that these measures will comply with Council's DCA requirements.

I look forward to hearing from you in the near future.

For your consideration please.

Vance Skudder

4.2 Objection from Katherine Batten Opposing the Menacing Classification for her dog Patrick

File Number: A14842933

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 Katherine Batten Opposing the Menacing Classification for her dog Patrick.

RECOMMENDATIONS

That the Regulatory Hearings Panel:

- (a) Receives the report "Objection from Katherine Batten Opposing the Menacing Classification for her dog Patrick".
- (b) It is recommended that the panel uphold the menacing classification, however the panel may either:
 - (i) Uphold the classification; or
 - (ii) Rescind the classification.

EXECUTIVE SUMMARY

2. Katherine Batten (also known as Christine) is the owner of two Standard Poodles, James and Patrick. James is nearly twelve years old, and Patrick is 2 years and 9 months old.
3. On Sunday 16 April 2023, Katherine was exercising her dogs at Carmichael Reserve. She had taken her dogs off lead after checking that no one was around. At that time a jogger appeared. Katherine said, Patrick "bounced" up to the jogger and his head bashed into the jogger's hip.
4. The jogger said she saw the dogs being let off lead as she approached Carmichael Reserve. As she ran past, the white dog (Patrick), did a loop toward her and bit her on the left thigh and then carried on running. As a result, she ended up with bruising and a puncture wound on her leg. (*Attachment 1 – Photo of Bite*)
5. Staff interviewed both parties and completed an attack rating form which we use as a guide when deciding what would be the most appropriate action for this incident. The rating totalled 27 which placed it in the sector where a menacing classification was appropriate. (*Attachment 2 – Victim Statement*) (*Attachment 3 – Statement Katherine Batten*) (*Attachment 4 – Attack Rating*)
6. On 16 June 2023 the dog was classified as menacing when the notification was delivered to Katherine. (*Attachment 5 – Notice of Menacing Classification*)
7. The owner of a dog may object to that classification within 14 days of receiving the notice. On 30 June 2023 Council received an email which contained an objection from Katherine, a formal objection to the classification from her lawyer and a number of statements in support of Katherine. (*Attachment 6 – Objection to Menacing Classification from Katherine Batten*). (*Attachment 7 – Formal Objection to Classification*). (*Attachment 8 – Statements of Support*).

BACKGROUND

8. When considering an objection against a menacing classification, the panel may uphold or rescind the classification, and in making its determination must have regard to:
 - (a) the evidence which formed the basis for the classification; and
 - (b) any steps taken by the owner to prevent any threat to the safety of persons or animals; and
 - (c) the matters relied on in support of the objection; and
 - (d) any other relevant matters.
9. The Objector has raised 9 points in defence of the classification, I will address each of these in turn:
 - (a) *Patrick did not attack the victim* – Patrick was not under direct control of the owner and ran up to the victim and as he ran past, bit her on the leg causing an injury which included bruising and a puncture wound. It may have been a passing bite but in effect it is an attack which has caused injury. The injury is consistent with bite rather than merely an impact.
 - (b) *There is no negligence on behalf of Patrick's owner:*
 - (i) The Act requires all dog owners to take all reasonable steps to ensure that their dog does not injure, endanger, intimidate, or otherwise cause distress to any person.
 - (ii) Offences under the Act are strict liability offences, in this case, Patrick's owner must show she took all reasonable steps to ensure her dogs could not cause injury.
 - (iii) It is clear that Patrick was not under direct control of the owner as in her own words, "Patrick "bounced" up to the jogger and his head bashed into the jogger's hip".
 - (iv) If Patrick had been kept on lead or under better control, then this attack is unlikely to have occurred.
 - (c) *Whilst off lead the dog was in a dog exercise area with the owner close to hand and under the owner's supervision.* – We don't have specified dog exercise areas however dogs are allowed to be exercised off lead in this park as long as points 9(b)(i) and (ii) above, together with Clause 6.1 of the Dog Management Bylaw 2018 are complied with. The bylaw says "where a dog is causing or likely to cause danger, distress or nuisance it must be kept on a Leash and Under Effective Control of the Owner." Effective Control is defined as "to manage, influence or determine the activities of all dogs in a person's possession, whether by voice commands, hand signals, whistles or other effective means, so that no dog can cause nuisance or danger to any person or other animal and cannot enter or interfere with private property and includes the physical ability to restrain all dogs in a person's possession"
 - (d) *There is no evidence to support any finding that the incident is likely to reoccur especially given the on-going training of Patrick.* – The Court of Appeal has made some clear rulings around attacks which are relevant when considering the circumstances of this attack.
 - (i) A one-off failure by an otherwise responsible owner to maintain effective control of a dog is not a defence.
 - (ii) The law does not require the Court to inquire into the psychology of the dog to make predictions about future behaviour. Any attack establishes that there is a risk of the dog attacking again in similar circumstances.
 - (iii) In saying that, it is acknowledged that one of the considerations that the panel must take into account are any steps taken by the owner to prevent any future

risk of the dog biting again. This has been touched on by some of the endorsements in Attachment 8.

- (e) *Minimal impact to victim with no lasting effect* – The injuries received were such that the victim continued to run home. She received a puncture mark and bruising. In her statement she has said the incident has made her “flinch more when running past dogs off lead. I would not be comfortable with all the kids that play in the park”. A dog bite can be quite confronting and can have lasting psychological impacts well after the physical have healed.
 - (f) *No evidence or basis to characterise the breed as a guard dog.* – Accepted, however this would not have made any difference to the final outcome.
 - (g) *No public interest to be served by the classification* – The public have an expectation that any bite on a person will be investigated and appropriate action taken to minimise any further risk. A muzzled dog is largely a safe dog.
 - (h) *It is not the purpose of the legislation to classify a dog where the incident arose out of a unique set of circumstances.* – There is nothing unique about an owner letting their dog off lead and that dog then attacks or intimidates a person. This is a common event, and often the basis of complaints received by Council.
- 10. Section 33A of the Act provides that a Council may classify a dog as menacing if they consider the dog may pose a threat to any person, stock, poultry, domestic animal or wildlife because of any observed or reported behaviour.
 - 11. The “purpose of the Act” states “this is to make better provision for the care and control of dogs by making special provision in relation to dangerous dogs and menacing dogs.”
 - 12. Section 62 of the Act also applies to this matter. Where the owner of a dog knows the dog has attacked a person, the owner must ensure the dog is muzzled and controlled by a lead in public, there is no right of objection.
 - 13. A number of endorsements for Patrick have been provided with the objection. These are from a range of people who have had interactions with Patrick including a veterinarian, dog trainers, pet groomers etc. They generally attest to the exuberance or boisterous nature of Patrick and his general good demeanour and the work that he has undergone to bring him to the stage he is at now. They also attest to the friendly non-aggressive nature of Patrick.
 - 14. Council records show Kristine has owned dogs in Tauranga since 2012 and has no other reported incidents of any kind.
 - 15. At two years and 9 months old, Patrick is an adult dog, because of his described nature of boisterous exuberance it cannot be ruled out that an incident similar to this will not occur in future if he is not controlled and muzzled.
 - 16. If the classification is upheld, Council would consider reviewing the classification in 12 months’ time if there are no further reported incidents.

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 issue is of low significance.

ENGAGEMENT

20. Taking into consideration the above assessment, that the issue 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 - Bite Photo - A14647527** [↓](#) 
2. **Attachment 2 - Victim Statement - A14842928** [↓](#) 
3. **Attachment 3 - Statement Katherine Batten - A14842927** [↓](#) 
4. **Attachment 4 - Attack Rating - A14842930** [↓](#) 
5. **Attachment 5 - Notice of Classification - A14842931** [↓](#) 
6. **Attachment 6 - Objection to Classification Katherine Batten - A14842925** [↓](#) 
7. **Attachment 7 - Formal Objection on behalf of Katherine Batten - A14842926** [↓](#) 
8. **Attachment 8 - Statements of Support for Katherine Batten - A14842929** [↓](#) 



DOG CONTROL – COMPLAINANT INTERVIEW FORM

Date: 02/05/2023

Time: 11h00

CCM Number: 1058251

Incident: Person Attacked

Place statement taken: [REDACTED]

Officer Details: Kiran Erasmus

Confirm details on CCM as being correct: YES

Full Name: [REDACTED]

Address: [REDACTED]

Phone: [REDACTED]

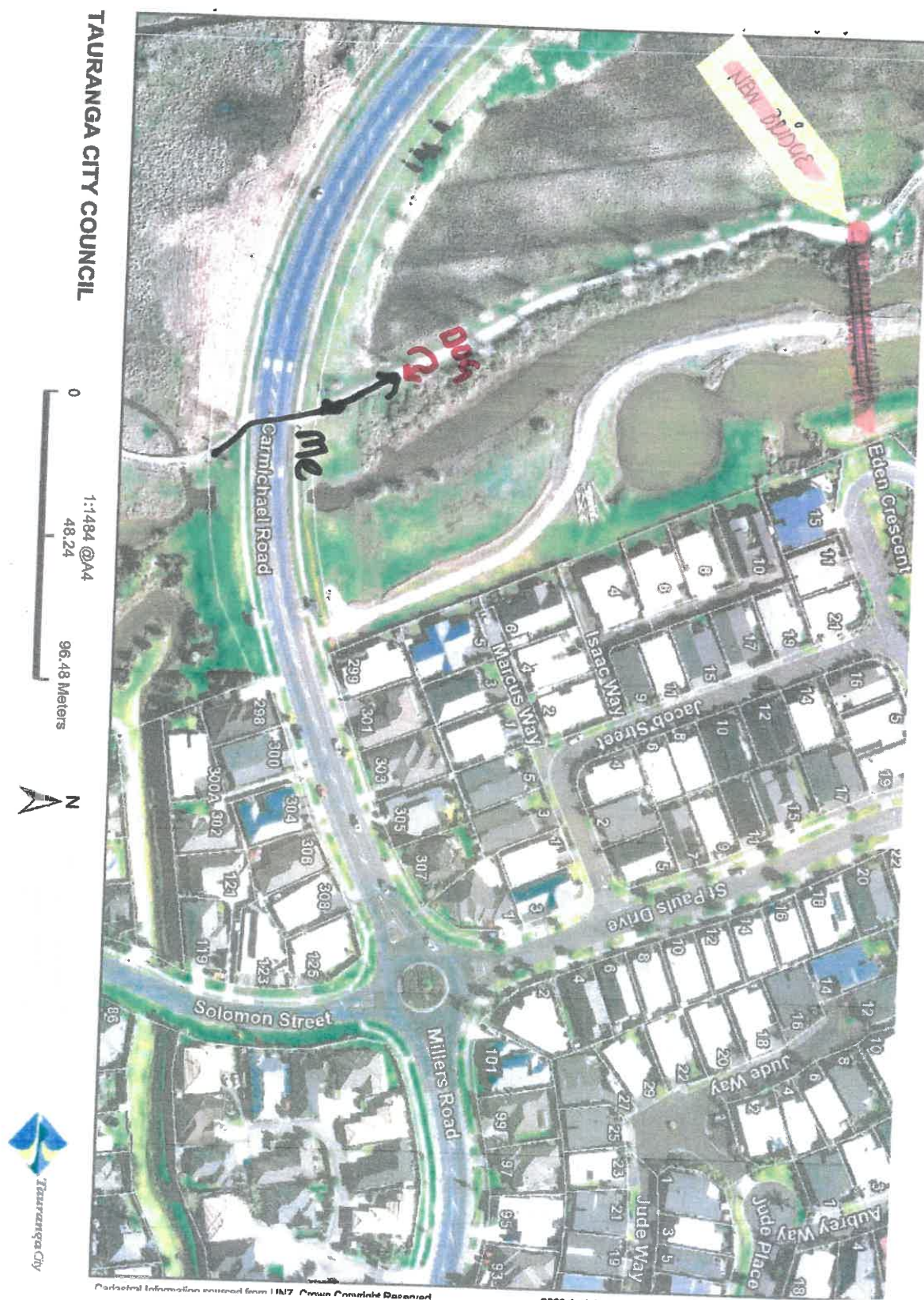
Email: [REDACTED]

Gender: FEMALE

I am speaking to Kiran Erasmus about an incident which occurred on Sunday the 16/04/23 sometime between 07.45 and 08.00 am at Carmichael Reserve.

1. Where were you when the incident happened and what were you doing? Carmichael Reserve and running.
2. Where precisely was the dog when you first saw it? I was about to cross Carmichael Road and I could see them in the reserve on the other side of the road.
3. How did the dog leave the property? N/A – in a reserve.
4. Describe the nature of any injuries you have? 2 puncture wounds and bruising.
5. Did you seek any medical treatment? If so where and do you have the medical records? Yes, to obtain a tetanus shot – at no cost from The Doctors, Bureta.
6. Did anyone (appearing to be in charge of the dogs) say anything to you? I did speak with the owner. She said something like, “did it get you?” and I said “yes, and I have dogs and that not ok”. She put the white dog on a lead and just kept walking. She did not have the black dog on a lead so I asked her to put her black dog on the lead too, so that I could go past.
7. Did you hear a person call the dogs by a name? No.
8. How close did the dog actually come to you? Close enough to bite.
9. How far did the dog chase you? It literally bit me and then turned around and ran off.
10. Please describe the incident from start to finish? As I was running and about to cross Carmichael Road. I could see a lady across the road in the reserve and she let the dogs off their lead. The dogs started doing their circles as they do when let off the lead. As I ran past the white dog, it did a loop towards me (no sign of aggression) and just bit me on the top of my left thigh and then cruised away. That is when the dog owner asked if the dog got me or something along those lines. She called the white dog over and the white dog lay down and she put the lead on it. She did not have the





black dog on a lead so I asked her to put her black dog on the lead too, so that I could go past. I kept running as I assumed that I could attend to my leg later.

11. Are you familiar with the dog from this property? N/A
12. Have you had a problem with this dog before? Was it reported? No.
13. Did you see anyone else in the area that saw what happened? There were lots of other people in that park but I am not sure who saw the incident.
14. How was the dog behaving? The White dog gave no warning.
15. What did you do to the dog? (ie. did you try to pat or kick it?) Nothing.
16. Describe the property that the dog came from/returned to? (house colour, brick, wood, Fences etc.). N/A
17. What number was on the letter box of the property that the dog came from? N/A
18. Can you tell me anything else that will convince me that we have the right dog? Unsure.
19. How do you feel about the incident and what action do you believe should be taken? It has definitely made me flinch more when running past dogs off the lead. As a council, I feel that you should educate the dog owner. If I saw those dogs off-lead again, I would not feel comfortable with all the kids that play in the park.
20. Would you be prepared to go to court as a witness should this matter go that far? YES

Description of the dogs:

Breed: Standard Poodle

Colour: White

Sex: Unknown

Age: Unknown

Size: Large

Build: Lean

Markings: Curly coat. Collar with a green tag.

Breed: Standard Poodle

Colour: Black

Sex: Unknown

Age: Unknown

Size: Large

Build: Lean

Markings: Both dogs were purebred. Collar unsure about a green tag.

Description of owner/person in charge of dogs:

Name: Unknown

Ethnicity: European

Sex: Female

Age: 55 – 65 about.

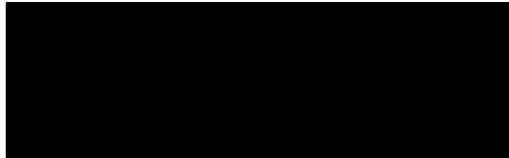


Height: 5.4

Build: Solid

Distinguishing features: Short dark hair – I think.

This statement is true and correct, I have nothing further to add at this time.



Date: 02/05/2023

DATE: 06/04/2023 TIME: 181000

DOG CONTROL INVESTIGATION SHEET

Details Of Complaint (Office Use Only)

On: 26 / 04 / 2023 received a complaint from [REDACTED]
 alleging that on SUN day, the 16th day of APRIL 2023 a dog (description) WHITE,
 STANDARD POODLE from (address) [REDACTED]
 BETHLEHEM, TAILORING X
 Date Complaint Investigated 26 / 04 / 2023

Alleged Offender's Details (Office Use Only)

1) The Dog Register or 2) Investigations Revealed
 Given Name KATHARINE CHRISTINE Surname BATTEN D.O.B. [REDACTED] (F)
 Address [REDACTED] Phone (Hm) [REDACTED] (K)
 As being the owner / carer of a Colour WHITE Breed STANDARD POODLE
 Sex: M / F Age 2 YRS Desexed ☒ Yes ☐ No Name PATRICK Registration No. 2023/5326
 Microchip No. 934 0000 9026 5785
 Name of registered owner (if different): AS ABOVE.

Investigation Results

I visited (Name) CHRISTINE BATTEN at (Address) [REDACTED] on 02 / 05 / 2023.
 Are you the owner or were you caring for the dog at the time of the incident? YES
 How long have you owned / cared for the dog? 2 YEARS
 Who would have been responsible for the dog at the time of the incident? YES
 Where were you when the alleged incident happened? YES
 Did you see the incident? (If yes, what happened?) I HAD JUST LET HIM OFF THE LEAD, CHECKED THE AREA WAS CLEAR, AND AS USUAL I WATCH WHAT PAT IS DOING AND DID NOT SEE HER COMING FROM BEHIND AND WHETHER HE DID NOT LIKE HER VOICE BUT HE WENT BOUNCE BOUNCE AND BASHED HIS HEAD ON HER HIP. THIS HAPPENED OUT OF THE BLUE. I ASKED HER IF HE NIPPED HER.
 Has the dog ever bitten, attacked or rushed at any person or other animal / vehicle? (If yes, describe) NEVER.
 Did you see the victim's injury? ☐ N/A (If yes, describe) NO.
 Did you speak with the victim? ☐ N/A (If yes, what was said?) YES, ASKED IF PATRICK BIT HER AND APOLOGISED.
 What do you think caused the dog to act this way? GENERAL EXCITEMENT AND SOMEONE RUNNING IN BRIGHT CLOTHES.

What is the purpose of your dog? (guard, companion, hunting etc.) COMPANION

Dogs classified menacing ☒ N/A

If this dog is classified, why wasn't the dog wearing a muzzle? N/A

Why wasn't the dog restrained? ☐ N/A I HAD JUST TAKEN HIM OFF THE LEAD AND I DID NOT SEE HER COMING

Why wasn't the dog restrained when I arrived at your address on 02/05/23? ☐ N/A THEY WERE BOTH INSIDE THE HOUSE

Were you aware that the dog was leaving the property? ☒ N/A N/A

Have you received previous letters regarding this dog? (If yes, what were the letters for?) NO

Copy of letters shown and read ☐ Yes ☐ No ☒ N/A

Are you aware of any other dogs in the immediate neighbourhood that could have been mistaken for your dog? (If yes, where?) NO, IT WAS US.

Would you like me to take a photograph of your dog and show it to the complainant so that we can be sure they have the right dog? NO, WE HAVE THE RIGHT DOGS.

Do you think your dog acted dangerously? NO.

(if no) Why not? THERE WAS NO AGGRESSION THERE

Do you think your dog has the potential to bite or cause injury to someone? ANY DOG HAS THE POTENTIAL

How could you have prevented this? KEPT CALM WHILE INSTRUCTING HIM TO GO DOWN

What will you do to prevent this from happening again? GETTING LYNDER VAN (FROM HOLISTIC VET)

When will this action be taken? TO HAVE WORK WITH ME AND PATTY. WORKING ON DAY COMMANDS.

Dog Owner's Statement

N.B: Where any owner admits in writing that their dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife, Council is required to classify that dog as dangerous pursuant to section 31 (1) (c) of the Dog Control Act 1996.

I declare to the best of my knowledge that this is a true and correct record. I have read and understand the above.

Dog Owner's Signature Chuslie Patten Date 02/05/2023

OFFICE USE ONLY

Was the dog restrained or under direct control when you arrived at the property?

☒ Yes

☐ No

Was the dog free and at liberty to leave the property?

☐ Yes

☒ No

☐ N/A

Could the dog have prevented clear access to a door of any dwelling on the property?

☐ Yes

☒ No

☐ Photograph of dog taken? ☐ Yes ☒ No

☐ Date Photograph identified by complainant/witness? ☐ N/A

☒ Aerial photograph marked and initialled by complainant?

☒ Statements signed by complainant, witnesses and alleged offender?

☐ Veterinary/Medical report attached?

☐ Dog's reaction during investigation (describe)

RECOMMENDATION

Officer

Date

DOGS WERE WELL BEHAVED
MENACING DOG CLASSIFICATION

Marathon 41385

Attack rating report		
CCM number:	1058251	
Name:	Christine BATTEN	
Seriousness	5 to 35	13
(This section relates to the physical seriousness of the attack.)		
Level 5	Rushing person	
Level 7	Attacked person - no visible injury	
Level 8	Animal injured	
Level 10	Worried stock	
Level 12	Animal killed	puncture wound and bruises
Level 13	Attacked person causing injury	
Level 21	Serious attack but no hospitalisation	
Level 22+	Admitted to hospital and/or suffers long term effects	
Level 35	Attack caused a person to die	
Public interest	0 to 3	2
(Public expectation of how the incident should be managed based on seriousness of incident.)		
Legislative intent		2
(Legislative intent has been factored into the report at a constant at two points.)		
Classified (unleashed or unmuzzled)	0 or 2	0
(Classified menacing by breed - classifications by deed are captured in other aspects of the assessment.)		
Victim impact	0 to 5	1
(This section does not relate to the level of punishment sought by the victim, but the effects on the victim as a result of the attack.)		
Level 0	The victim does not suffer lasting effects following the attack	Victim want us to educate owner
Level 5	The victim is likely to continuously suffer as a result of the attack	
Dog surrendered/destroyed	0 to 1	0
(If a dog is surrendered after an attack it will not significantly affect the outcome. Surrendering the dog could be a way of shirking responsibility. It could be an act of taking responsibility. Either way the action was taken too late to prevent the damage done.)		
Level 0	The dog has been surrendered for destruction	
Level 1	The dog has not been surrendered for destruction	
Observed aggression	0 to 2	0
(Based on the officer's observation only. It should be noted that a dog may act aggressively under certain stimuli and show absolutely no signs of aggression without that stimuli.)		
Level 0	No signs of aggression	No signs of aggression
Level 2	Very aggressive	
Negligence	0 to 6	3
(Evaluate the degree of negligence.)		
Level 0	Not the result of negligence by the owner	Dogs were initially on lead and owner thought there was nobody around so released.
Level 2	A lack of understanding of the true nature of dogs	
Level 4	The incident is the direct result of carelessness	
Level 6	The incident is a result of planning and encouragement	
Cooperation	0 to 3	0
Level 0	Cooperative and forthcoming with information	
Level 3	Uncooperative to the point that police assistance was required	
Previous history	0 to 5	0
Level 0	No history	
Level 1	History without aggression	
Level 3	History with aggression (over one year old)	No history
Level 4	History with aggression (under one year old)	

Level 5	Classified as dangerous		
Dog registered at the time of the incident		0 to 2	0
Level 0	The dog is currently registered		
Level 2	The dog is not currently registered		
Restraint		0 to 4	3
Level 0	The dog was under adequate restraint e.g. caged or fenced in		
Level 1	The dog was under inadequate restraint e.g. could have been accidentally approached or could have easily escaped		off lead
Level 2	The dog was at large (unknown)		
Level 4	The dog was at large (known)		
Known by owner to be dangerous		0 to 4	0
Level 0	Not known by the owner to have shown previous aggression		None
Level 4	Known by the owner to have previously attacked		
Recurrence likelihood		0 to 3	2
Level 0	The circumstances relating to this incident are such that a reoccurrence is highly unlikely		
Level 3	The circumstances relating to this incident are such that a reoccurrence is highly likely		
Trained to be aggressive		0 to 2	0
Level 0	Not trained at all to be aggressive		
Level 1	Encouraged to be a guard dog		Not trained
Level 2	Professionally trained guard dog		
Damages		0 to 1	0
Level 0	No damages or damages paid voluntarily		No cost
Level 1	Did not voluntarily offer to pay/damages unpaid		
Breed characteristics		0 to 4	1
(This section is evaluated mainly based on our experience, however a reference to the Macdonald Encyclopaedia of dogs, breed use, may be used. In the case of a mixed breed, evaluate the most predominant identified breed. For example Pit Bull type dogs are renowned for their propensity to attack.)			Standard Poodle
Level 0	Not known for its aggression		
Level 1	Known as a guard dog breed		
Level 4	Notorious for attacking		
Total			27
<p>09 – 29 = Warning notice, menacing class & or infringement 30 – 36 = Dangerous dog classification & or infringement Over 37 = Prosecution General comments and recommendation: Classify Menacing as per discussion with BL. KE</p>			

NOTICE OF CLASSIFICATION



Menacing dog classification – Section 33A, Dog Control Act 1996 (behaviour of the dog)

Date 4/5/2023 CCM 1058251
 Name KATHARINE CHRISTINE BATTEN
 Address [REDACTED]

DELIVERY CONFIRMATION

Recipient name *Christine Batten*
 Signature *Christine Batten*
 Date *16/06/23* Time *10:10*
 Served by *Kipron Ekenilo*
 Signature *Kipron Ekenilo*

Dog details

Dog ID	52215	Primary breed	STANDARD POODLE
Microchip No	934*0000*9026*5785	Secondary breed	
Name	PATRICK	Primary colour	WHITE
Sex	MALE	Secondary colour	
Age	2 yrs 7 mths		
Address where the dog is kept	[REDACTED]		

Classification details

This is to notify you that this dog has been classified as a menacing dog under section 33A of the Dog Control Act 1996 with effect from the date of this notice.

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: Patrick did rush at and bite a person on the upper left leg while running in Carmichael Reserve.

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.

Classification requirements

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.

Microchip: Your dog is already microchipped; you are compliant with this requirement.

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.

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

ADDITIONAL INFORMATION

Signature 
 Name Brent Lincoln
 Position Animal Services Team Leader

Dated: 4 May 2023

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.

RIGHT OF OBJECTION TO CLASSIFICATION UNDER SECTION 33A**DOG CONTROL ACT 1996****TO WHOM IT MAY CONCERN**

This is in reply to the classification of my dog , Patrick, under section 33A Dog Control Act 1996. On the 4th May 2023 a decision was reached by the Tauranga City Council Dog Control Team Leader that Patrick should bear the classification of "Menacing Dog"

Please note I did not receive notification of this until 16th June 2023.

In Patricks defence I wish to make the following points.

PATRICK

*Patrick is an immature pedigree Standard Poodle. It is widely accepted that this breed can be late in reaching maturity. Often not until 4 years. He will be 3yrs later this year. He is an exuberant teenager.

TRAINING

*His training has been continuous from the time he joined the Puppy Class at Holistic Vets , Fraser St Tauranga..

I have enlisted and paid for the help, to channel his high energy drive from Linda van de Poel, Animal Behaviourist and dog trainer as well as group sessions with Allsorts Dog Training.

*I first helped train others to control their dogs in Wellington nearly 60 years ago being introduced to Dog Obedience in my teens .

Showing ,breeding and working dogs has been my passion throughout my life. I was involved with weekly Dog obedience classes ,committees, demonstrations and generally promoting good caring owners and dog wellbeing while living in Hamilton,Auckland and Tauranga.until I retired 15 years ago

I have had 25 dogs from 11 different breeds as my special house dogs.

* I have always believed in setting an example of having happy dogs that non dog lovers frequently have said " but yours are different . They are so well behaved"

CONSEQUENCES

* The effect of having Paddy muzzled for life and on the Tauranga Council Dog Register as a Menacing dog will severely impact our life,

* I am now 80years and live independently in my own home.

* Paddy is the last dog I'm likely to own and was carefully chosen for size, colour and temperament. I have already started his training to assist me with daily chores eg. Finding and bringing the phone , assisting me to stand from off the floor.

* Should I need to go into Care I would not be welcome with a muzzled " menacing dog ".

*Visiting my friends in Care or leaving my dogs in boarding kennels or Day Care would be no longer possible

Christine Batten





30 June 2023

Attention: Brent Lincoln

**Animal Services
Tauranga City Council
Private Bag 12022
TAURANGA**

EMAIL: dog.registration@tauranga.govt.nz; info@tauranga.govt.nz

Dear Brent,

RE: Patrick the Dog

I have been instructed to act as counsel for Christine Batten who is the owner of Patrick. My instructing solicitors are Bush Forbes.

Please treat this letter as notice of objection to classification under section 33B of the Dog Control Act 1996.

My client wishes to exercise her right to be heard in support of her notice of objection under section 33B (1)(b).

The basis for the objection is that (in no particular order);

- 1) Patrick did not attack the victim;
- 2) There was no negligence on behalf of my client as owner;
- 3) Whilst off the lead, the dog was in a dog exercise area with my client close to hand and under her supervision;
- 4) There is no evidence to support any finding that the incident is likely to reoccur especially given the on-going training of Patrick;
- 5) Minimal impact to victim with no lasting effects;
- 6) No evidence or basis to characterise the breed as a guard dog;
- 7) There is no public interest to be served by the classification;
- 8) It is not the purpose of the legislature to classify dogs as posing a threat in circumstances where the incident arose out of a unique set of circumstances and is more correctly describe as an accident;
- 9) Upon the further grounds appearing in the statements and references attached.

Phone: 021 631 218 | Email: mark@regionalchambers.co.nz
Address: PO Box 13126, Tauranga 3141, 6th Floor Harrington House, 32 Harrington Street | Web: regionalchambers.co.nz

2

Please confirm receipt and when a forum will be convened to hear my client.

Kind regards,

A handwritten signature in black ink, appearing to be 'MB', followed by a long horizontal line.

Mark Beech
Barrister

From: Andi Faulkner [REDACTED]
Subject: Draft for TCC. Let me know if I want anything changed Chris
Date: 25 June 2023 at 7:49 AM
To: [REDACTED]



To whom it May Concern,
I have known Chris and her dogs for several years as we meet one another on our early morning walks at Gordon Carmichael Reserve and often stop to chat. I am aware that there was a one off incident with Chris's dog Paddy and wished to write in support of her and Paddy.

Being a responsible dog owner myself, I have never seen any sign of aggression or menacing toward dogs or people. Paddy is an exuberant dog, just maturing now and still full of enthusiasm and joy. I note that Chris has a trainer involved with Paddy and has had for some time. Paddy is responding well to this and I believe this will continue.

You are welcome to contact me if I can be of any further assistance. I hope common sense can prevail here.

Yours sincerely,

Andi Faulkner
[REDACTED]
Sent from my iPad

To Whom it may concern

28/06/2023

Reference: Patrick, 2.5-year-old male standard poodle owned by Christine Batten.

This letter serves to confirm that I have known and worked with Patrick Batten since he attended our puppy school at Holistic Vets in 2021 as well as undertaking some private training with him as he has matured.

Christine Batten has shown herself to be a very compliant and responsible dog owner and has done wonders with Patrick's training. Christine is a competent dog trainer and has worked very hard to make sure that her dogs are exceptionally well socialised and trained in order to take them out in public.

In lieu of recent unfortunate event with Patrick and the runner, I have consulted with Christine and Patrick both at home and on lead in Carmichael Reserve to ascertain any concerns in Patrick's behaviour. I am pleased to note that he remains an exceptionally social, well-behaved dog. I did not note any aggressive behaviour under any circumstances including being surrounded by cyclists and members of the public walking their dogs. Christine was able to demonstrate how well-trained Patrick is when a cyclist unexpectedly raced past, and Patrick was able to recall and sit/stay on command. Patrick has excellent bite inhibition which was noted during our session using treats for target training.

It is therefore my professional opinion that Patrick Batten is of little to no risk to be in public.

Please do not hesitate to contact me for any further information.

Yours sincerely,



Linda Van Der Poel

DipCABT(NOCN UK)

Animal Behaviouralist and Trainer



From: [REDACTED].nz
Subject: Appeal
Date: 24 June 2023 at 1:54 PM
To: Christine Batten [REDACTED]



TO WHOM IT MAY CONCERN

I have known Christine since 1965 . During this time I have been the Show Manager for Hamilton Kennel association and now a Life Member. 20 years as a Hydatids and Dog Control Officer with the Hamilton City Council. In the 1970s I was active in supporting weekly obedience classes in Cambridge and on the committee in the first days of Hamilton Dog Obedience Club and the Waikato Gundog Club.

Having been a farmer until 1977 and training farm dogs I think the above experiences should give some indication into my understanding of animal behaviour.

I have known Paddy since he 6 weeks old and have even felt confident in his behaviour to have him to stay while postoperatively recovering from a hip replacement. He is a large exuberant friendly dog. Still very much an adolescent but with the propensity to be an assistance dog with Christine's training.

I give this information in support of Patrick's character.

Peter Boys





23 June 2023

To Whom it may concern

Reference: Patrick, 2.5-year-old male standard poodle owned by Christine Batten.

This letter serves to confirm that our clinic has provided veterinary care to Patrick since 5 January 2021. He has visited our veterinary clinic on several occasions accompanied by his owner.

Patrick has always been well-natured and never displayed any sign of aggressive behavior. We consider Christine to be a responsible pet owner who does everything in her power to care for her pets.

Please don't hesitate to contact me if you require further details.

Your Sincerely,

Liza Schneider BVSc
Senior Veterinarian & Director

www.holisticvets.co.nz

56 Fraser Street, Tauranga

info@holisticvets.co.nz

Tel.: 07 578 7054

From: Katharina Tetzlaff [REDACTED]
Subject: Paddy
Date: 24 June 2023 at 9:28 PM
To: Christine Batten [REDACTED]



To whom it may concern,

I am writing this letter regarding Paddy and recent complaints about his character. I have had dogs my whole life and used to walk rescue dogs. In my time I have come across all sorts, and definitely some extremely dangerous dogs.

I work with Christine and have had a fair bit of contact with Paddy right from an early age. I have visited them in their home frequently, we have travelled in the car together, he has even visited my house where he met my dog and played with her for a good amount of time.

I have never observed Paddy as being in any way unfriendly, dangerous, nor have I worried about him interacting with me, my children or my dog. He is a happy boisterous dog that had us in stitches bouncing around, skipping around the house and yard in great big bounds. He usually has a huge smile on his face, and he gives off very positive happy energy.

I understand that a happy, bouncing dog of his size could be worrying for some people who do not have experience with dogs, but all things considered his general happy demeanour should alleviate anyone's concerns quickly. I know that Christine is a very experienced dog owner too. She has given me many tips and tricks for improving especially lead walking with my dog (who pulls). When I visit the house in my professional capacity I am usually greeted with big cuddles and a show of all his new tricks.

When Christine brought her two dogs to my house, she was in control and introduced our dogs without incident. I trusted her to take the lead, because she is very experienced.

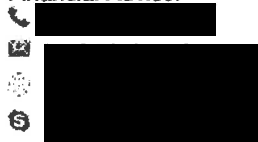
I don't believe that Christine's dogs should be considered menacing. I know a large happy bouncy dog can scare certain people, Paddy has already calmed down a lot since being a very young pup, from when I met him to now, and he continues to improve each time I see him, as Chris continues her training consistently. If more dog owners looked after their dogs the way she does there would be far less issues in the world of animal control, and a lot of happy dogs.

I will happily provide any information or share my experiences to support her and Paddy. My details are in the signature below.

Ngā mihi,



Kat Tetzlaff
Financial Adviser



More Information on our company is on our [website](#).

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To whom it may concern.

Re:Complaint against Paddy/Patrick.

I am writing regarding the above.

I have been walking the Carmichael reserve for years. I walk most days. I have encountered Paddy/Patrick, together with his sibling and owner, on countless occasions. Often I have had my own dog(s) with me. In all that time I have never observed any 'menacing' behaviour from Paddy.

He has always been very friendly to both myself and my dogs.

I would describe him as an exuberant adolescent. He has always been friendly and inquisitive. He does appear to have a zest about his approach to life and clearly loves his walks.

I know that his owner is at pains to ensure he is well behaved and it would appear that maybe the incident was an accident-possibly because he may have got a fright?

I know only too well how important it is that all users of this special reserve respect other users. At times it is difficult as the reserve is so popular and incredibly well used by people for various reasons.

Sincerely,

Paula Thompson.



From: Cheyenne Wakefield [REDACTED]
Subject: Patrick
Date: 20 June 2023 at 7:29 PM
To: [REDACTED]

To whom it may concern,

I am the pet groomer for Patrick, he has been on a regular 5 weekly schedule with me since May of 2022.

Patrick is very well behaved to groom and has never shown any signs of unwelcome behaviour or aggression.

He is a very happy and boisterous dog with a lot of energy but he listens well to commands.

I have seen Christine handle her dogs, they are always under her control and following her instructions.

For example: She has the dogs wait for her to open the door before entering/exiting the salon, placing them in a sit and stay while we discuss the dogs grooming etc.

I am confident in Christine's ability to rectify this unfortunate situation with further training for Patrick while he continues to mature.

Cheyenne Wakefield
The Wag Club Mt Maunganui
[REDACTED]

5 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
5.1 - Public Excluded Minutes of the Regulatory Hearings Panel meeting held on 4 May 2023	s6(a) - The making available of the information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

6 CLOSING KARAKIA