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## **Dog Control Hearings Panel**

### ***Te Koomiti Whiriwhiri I Ngaa Take Kuri***

### **OPEN MINUTES**

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**Minutes of a meeting of the Dog Control Hearings Panel held in Committee Room 1 and via Audio Visual Link, Municipal Building, Garden Place, Hamilton on Monday 7 August 2023 at 9.30am.**

#### **PRESENT**

**Chairperson** Cr Mark Donovan  
***Heamana***  
**Members** Cr Moko Tauariki  
Cr Andrew Bydder  
Cr Anna Casey-Cox  
Cr Melaina Huaki

**In Attendance** Kelvin Powell - City Safe Unit Manager  
Susan Stanford - Animal Control Manager  
Greg Morton - Policy and Bylaw Lead  
Trudi Swanson - Team Leader – Animal Education and Control Officers  
Sonia Swinbourne - Animal Education and Control Officer  
Narelle Waite - Strategy and Policy Advisor  
Keeley Faulkner - Official Information Coordinator

**Governance Staff** Michelle Hawthorne – Governance and Assurance Manager  
Arnold Andrews – Governance Advisor

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1. **Apologies – *Tono aroha***  
**Resolved:** (Cr Bydder/Cr Huaki)  
There were no apologies.
2. **Confirmation of Agenda – *Whakatau raarangi take***  
**Resolved:** (Cr Donovan/Cr Bydder)  
That the agenda is confirming noting that Item 6 (Objection to the menacing classification from Johnathon Rivers) will be taken after Item 4 (Confirmation of the Dog Control Hearings Panel Open Minutes 7 June 2023) to accommodate members of public in attendance.
3. **Declarations of Interest – *Tauaakii whaipanga***  
No members of the Council declared a Conflict of Interest.
4. **Confirmation of the Dog Control Hearings Panel Open Minutes 7 June 2023**  
**Resolved:** (Cr Casey-Cox/Cr Tauariki)  
That the Dog Control Hearings Panel confirm the Open Minutes of the Dog Control Hearings Panel

Meeting held on 7 June 2023 as a true and correct record.

Item 6 (Objection to the menacing classification from Johnathon Rivers) was taken after Item 4 (Confirmation of the Dog Control Hearings Panel Open Minutes 7 June 2023) at the request of the chair.

**6. Objection to the menacing classification from Johnathon Rivers**

Mr Rivers voiced his concerns regarding the process and clarified that he didn't want to object the classification. He highlighted his views on the objection process and delays caused. He responded to questions from Elected Members concerning the age and breed of the dog and awareness of the implications of a menacing classification.

Staff responded to questions from Elected Members concerning proof of the incident and measures taken by the owner to prevent future incidents.

*During the discussion of the above item (item 6: Objection to the menacing classification from Johnathon Rivers) the meeting moved into a public excluded session at the request of Elected Members.*

**7. Resolution to Exclude the Public**

**Resolved:** (Cr Donovan/Cr Tauariki)

**Section 48, Local Government Official Information and Meetings Act 1987**

The following motion is submitted for consideration:

That the public be excluded from the following parts of the proceedings of this meeting, namely consideration of the public excluded agenda.

The general subject 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(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
6. Objection to the menacing classification from Johnathon Rivers	) Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

Item 6.	to maintain the effective conduct of public affairs through protecting persons from improper pressure or harassment	Section 7 (2) (f) (ii)
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**The meeting went into public excluded session at 9:58am.**

*During the Public Excluded session of the meeting the following was resolved to be released to the public:*

That the Dog Control Hearings Panel:

- a) receives the report;
- b) confirms it has considered the mandatory matters specified under the Dog Control Act 1996, and other matters relevant to the objection;
- c) notes that the Dog Control Hearings Panel in determining any objection can only either uphold or rescind the classification under the Dog Control Act 1996;
- d) upholds the menacing classification; and
- e) approves the release of the above resolution to the public via the open minutes of the meeting.

**The meeting came back into open at 10:08am.**

Item 5 (Objections to Disqualification from Dog Ownership - Melinda Rite) was taken after Item 6 (Objection to the menacing classification from Johnathon Rivers) at the request of the chair.

## **5. Objections to Disqualification from Dog Ownership - Melinda Rite**

*During the discussion of the above Item (Item 5: Objections to Disqualification from Dog Ownership - Melinda Rite) the meeting moved into a public excluded session at the request of Elected Members.*

## **7. Resolution to Exclude the Public**

**Resolved:** (Cr Donovan/Cr Tauariki)

### **Section 48, Local Government Official Information and Meetings Act 1987**

The following motion is submitted for consideration:

That the public be excluded from the following parts of the proceedings of this meeting, namely consideration of the public excluded agenda.

The general subject 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(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
5. Objections to Disqualification from Dog Ownership - Melinda Rite	) Good reason to withhold ) information exists under	Section 48(1)(a)
C1. Confirmation of the Dog Control Hearings Panel Public Excluded Minutes 7 June 2023	) Section 7 Local Government ) Official Information and ) Meetings Act 1987	

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

Item 5.	to maintain the effective conduct of public affairs through protecting persons from improper pressure or harassment	Section 7 (2) (f) (ii)
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- Item C1. to maintain the effective conduct of public Section 7 (2) (f) (ii)  
affairs through protecting persons from  
improper pressure or harassment

**The meeting went into public excluded session at 10:17am.**

*During the Public Excluded session of the meeting the following was resolved to be released to the public:*

That the Dog Control Hearings Panel:

- a) receives the report;
- b) confirms it has considered the mandatory matters specified under the Dog Control Act 1996, and other matters relevant to the objection;
- c) notes under the Dog Control Act 1996 that the Dog Control Hearings Panel in determining any objection can only either:
  - i. uphold the classification;
  - ii. bring forward the date of termination of the classification; or
  - iii. immediately terminate the disqualification;
- d) classifies the dog owner as disqualified until 27 October 2027 from the date of the third infringement offence(s) in respect of which the person is disqualified and notes the right of the dog owner to appeal to the District Court under section 27 of the Dog Control Act 1996; and
- e) approves the release of the above resolution to the public via the open minutes of the meeting.

**The meeting was declared closed at 10:18am.**