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## **Dog Control Hearings Panel**

### *He 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 Tuesday 21 February 2023 at 9.00am.

#### **PRESENT**

**Chairperson** Cr Ewan Wilson  
*Heamana*

**Members** Cr Mark Donovan  
Cr Anna Casey-Cox

**In Attendance** Michelle Hawthorne – Governance and Assurance Manager  
Kelvin Powell – City Safe Unit Manager  
Trudi Swanson – Team Leader Animal Education and Control Officers  
Sonia Swinbourne – Animal Education and Control Officer

**Governance Team** Amy Viggers – Governance Lead  
Arnold Andrews – Governance Advisor

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**1. Apologies – *Tono aroha***

**Resolved:** (Cr Wilson/Cr Donovan)  
That the apologies for absence from Cr Tauariki, Cr Bydder, and Cr Huaki are accepted.

**2. Confirmation of Agenda – *Whakatau raarangi take***

**Resolved:** (Cr Wilson/Cr Donovan)  
That the agenda is confirmed.

**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 12 December 2022**

**Resolved:** (Cr Wilson/Cr Donovan)  
That the Dog Control Hearings Panel confirm the Open Minutes of the Dog Control Hearings Panel Meeting held on 4 June 2021 as a true and correct record.

Item 8 (Resolution to Exclude the Public) was taken after Item 4 (Confirmation of the Dog Control Hearings Panel Open Minutes 12 December 2022) to accommodate presenters.

**8. Resolution to Exclude the Public**

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

**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
C1. Confirmation of the Dog Control Hearings Panel Public Excluded Minutes 12 December 2022	) Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
C2. Amendment to the Dog Control Panel Decision of December 2022	)	

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 C1.	to maintain the effective conduct of public affairs through protecting persons from improper pressure or harassment	Section 7 (2) (f) (ii)
Item C2.	to maintain the effective conduct of public affairs through protecting persons from improper pressure or harassment	Section 7 (2) (f) (ii)

**The meeting went into a public excluded session at 9:03 AM**

*During the public excluded session of the meeting the following was resolved to be released to the public: That the Dog Control Hearings Panel determines that the disqualification from dog ownership of Nicola Kenney is upheld, and the duration of the disqualification is reduced so it concludes on 21 February 2025.*

**The meeting returned to the open session at 9:38 AM**

**5. Objection to menacing classification - Claudia Williams**

Ms Williams spoke to her objection and apologised for her dog's behaviour. She acknowledged her negligence and took full responsibility. She listed different steps taken to address the dog's behaviour and further training undertaken since the incident to address sensitivity to other dogs.

Panel members asked questions in relation to the fence and its repair and defining the incident as an attack.

Unit Manager City Safe spoke about Leena (dog) and its behaviour and the assessment provided by the applicant. Team Leader Animal Education and Control Officers answered questions regarding the animal information record, information in the report, obligations of the owner at their

property, public entering properties, fencing requirements and provisions from Council.

Item 8 (Resolution to Exclude the Public) was taken after Item 6 (**Objection to menacing classification - Claudia Williams**) at the request of the Panel.

**8. Resolution to Exclude the Public**

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

**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. Objection to menacing classification - Claudia Williams	) 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:

- |         |   |                        |
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| 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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**The meeting went into a public excluded session at 10:16am.**

*During the public excluded session of the meeting the following was resolved to be released to the public: That the Dog Control Hearings Panel determines that the classification of Leena as a menacing dog is not upheld.*

**The meeting was adjourned from 10:36am to 10:45am.**

**The meeting returned to the open session at 10:45am.**

**6. Objection to menacing classification - Dave Burger and Rochelle Ramsay**

Mr Burger spoke to his objection and pointed out that the report's description of his dogs was inaccurate. He said behaviour classified as "attacking" in the report was considered normal play-fighting with his dogs and that his property was fully fenced. He also said that he only became aware of the incident after Animal Control contacted him as he did not witness anything, that he had paid the veterinary bill for the victim dog and had added padlocks to the gate since the incident. Panel members asked questions in relation to Kora (dog) having previous roaming charges and infringements from August 2022.

Unit Manager City Safe spoke to the report and addressed the uniqueness of the case with it having only one witness. He noted that the acceptance of two infringement notices was an admission of guilt by the applicant.

Panel members asked questions in relation to the process of attaining witness statements and the roaming infringements for Kora from a previous address.

Animal Education and Control Officer answered questions regarding dog behaviour and provided clarity on Section 52A of the Dog Control Act.

**8. Resolution to Exclude the Public**

**Resolved:**

**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 menacing classification - Dave Burger and Rochelle Ramsay	) 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 a public excluded session at 11:19am.**

*During the public excluded session of the meeting the following was resolved to be released to the public:  
That the Dog Control Hearings Panel determines that the classification of Kora and Drax as menacing dogs is upheld.*

**The meeting was adjourned from 11:25am to 1:00pm.**

**The meeting returned to the open session at 1.00pm**

**7. Objection to menacing classification - Nigel Binks**

**Procedural Motion**

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

That the item (Objection to menacing classification - Nigel Binks) be deferred to the next available Dog Control Hearings Panel meeting to take place as soon as is possible and no later 5 weeks.

**The meeting was declared closed at 1:20pm.**