



Notice of the Ordinary meeting of

Hearings Panel - Other

Te Rōpū Kaupapa

Date:	Wednesday 7 July 2021
Time:	9.00a.m.
Location:	Council Chamber Floor 2A, Civic House 110 Trafalgar Street, Nelson

Agenda

Rārangi take

Members

Cr Judene Edgar (Chair)
Cr Matt Lawrey
Cr Rachel Sanson

Quorum: 2

**Pat Dougherty
Chief Executive**

Nelson City Council Disclaimer

Please note that the contents of these Council and Committee agendas have yet to be considered by Council and officer recommendations may be altered or changed by the Council in the process of making the formal Council decision. For enquiries call (03) 5460436.

Hearings Panel – Other

Functions:

- To conduct hearings and/or determine under delegated authority applications relating to the Dog Control Act 1996, all matters relating to Temporary Road Closures pursuant to Schedule 10 Clause 11(e) of the Local Government Act 1974, matters relating to naming features within the city, and any other matters required for determination by Council under legislation as determined by Council.

Membership:

- All elected members aside from the Mayor, in rotation. Each Hearings Panel-Other will be made up of three members.
- The Group Manager Environmental Management may appoint one or more Independent Commissioners to either assist the Hearings Panel - Other or to hear and determine any particular application, such as when Council or a Council-Controlled Organisation or Council-Controlled Trading Organisation is (or could be perceived to be) an interested party, other than applications made for temporary road closure under Schedule 10 Clause 11(e) of the Local Government Act 1974.

Powers to Decide:

- The power to appoint a panel to hear and determine with any other consent authority any application requiring a joint hearing
- The power to hear and recommend appropriate actions from hearings of designations and heritage orders
- The power to hear, consider and attempt to resolve contested road stopping procedures
- The power to consider and determine applications for temporary road closures made under Schedule 10 Clause 11(e) of the Local Government Act 1974
- The power to hear and determine all matters arising from the administration of the Building Act 1991, and the Building Act 2004
- The power to hear and determine objections to the classification of dogs, and all other procedural matters for which a right of objection and hearing is provided for under the Dog Control Act, 1996
- The power to name all features within the city requiring naming including roads, streets, service lanes, plazas, parking areas, parks, reserves, gardens and all public facilities or infrastructure, aside from those impacted by the Naming Rights and Sponsorship Policy for Community Services Facilities
- The power to provide advice to applicants on appropriate names for private roads, rights of way or other legal forms of private access to property
- The power to make changes to the schedules to the Parking and Vehicle Control Bylaw that do not require public consultation
- The power to hear submissions and recommendations on proposed changes to the schedules to the Parking and Vehicle Control Bylaw requiring public consultation
- The power to administer the administering body functions under section 48 of the Reserves Act 1977 on proposed rights of way and other easements on reserves vested in Council

Karakia and Mihi Timatanga

1. Apologies

Nil

2. Confirmation of Order of Business

3. Interests

3.1 Updates to the Interests Register

3.2 Identify any conflicts of interest in the agenda

4. Public Forum

5. Confirmation of Minutes

There are no minutes to be confirmed.

6. Objection to Disqualification from being an owner of a dog - Natalie Louise Griffith

4 - 17

Document number R24807

Recommendation

That the Hearings Panel - Other

1. ***Receives the report Objection to Disqualification from being an owner of a dog - Natalie Louise Griffith (R24807) and its attachments (A2635128, A2635136, A2635146, A2635149, A2635164); and***
2. ***Dismisses the objection of Natalie Louise Griffith to being disqualified from being an owner of a dog; and***
3. ***Upholds the five year disqualification of Natalie Louise Griffith from being an owner of a dog.***

Karakia Whakamutunga

Objection to Disqualification from being an owner of a dog - Natalie Louise Griffith

1. Purpose of Report

- 1.1 To decide on an objection to disqualification from being an owner of a dog, for dog owner Natalie Louise Griffith, pursuant to Section 26 of the Dog Control Act 1996.

2. Summary

- 2.1 Ms Griffith owns an American Bulldog named Beau. Due to reported and observed aggressive behaviour, on 19 August 2020, Beau was classified as menacing.
- 2.2 Section 25 (1), Dog Control Act 1996 (The Act) states a territorial authority *must* disqualify a person from being an owner of a dog if: (a) the person commits three or more infringement offences (not relating to a single incident or occasion) within a continuous period of 24 months. (Attachment 1, A2635128).
- 2.3 The period of disqualification imposed may be up to five years.
- 2.4 On 15 March 2021 Ms Griffith was issued with a Notice of Disqualification from Dog Ownership, pursuant to Section 25, Dog Control Act 1996. The period of disqualification imposed was five years, ending on 15 March 2026. (Attachment 2, A2593393)
- 2.5 Ms Griffith has objected to her disqualification (Attachment 3, A2635146)

3. Recommendation

That the Hearings Panel - Other

- 1. Receives the report **Objection to Disqualification from being an owner of a dog - Natalie Louise Griffith (R24807) and its attachments (A2635128, A2635136, A2635146, A2635149, A2635164); and*****

Item 6: Objection to Disqualification from being an owner of a dog - Natalie Louise Griffith

2. ***Dismisses the objection of Natalie Louise Griffith to being disqualified from being an owner of a dog; and***
3. ***Upholds the five-year disqualification of Natalie Louise Griffith from being an owner of a dog.***

4. Background

- 4.1 Ms Griffith has demonstrated repeated non-compliance with the Dog Control Act 1996 with 12 separate incidents since August 2018. (Attachment 4, A2635149).
- 4.2 In summary, the history relating to Ms Griffith:
 - (a) Failed to register Beau for the 2020 to 2021 year and an Infringement Notice was issued on 19 August 2020;
 - (b) Infringement Notice for Failing to keep Beau under control on 13 October 2020 when a Police Sergeant visited Ms Griffith at her home address and was prevented from getting out of his vehicle by the aggressive approach of Beau;
 - (c) Infringement Notice for Failing to keep Beau under control on 28 December 2020 when an occupant of an Orakei Street, Tahunanui house was chased by Beau up the drive and into the garage;
 - (d) Infringement Notice for Failing to comply with the muzzling requirement under the menacing classification of Beau on 3 March 2021 when a member of the public was bailed up by him when walking up the Tamaki Street steps;
 - (e) Infringement Notice for Failing to comply with the muzzling requirements under the menacing classification of Beau on 20 March 2021 when he was sighted with Ms Griffith, unmuzzled on Tahunanui Drive.

5. Discussion

Legislation around disqualification as a dog owner and Objection to disqualification

- 5.1 Section 25 (1) of the Dog Control Act 1996 provides that:

A territorial authority must disqualify a person from being an owner of a dog if—

Item 6: Objection to Disqualification from being an owner of a dog - Natalie Louise Griffith

- (a) *the person commits three or more infringement offences (not relating to a single incident or occasion) within a continuous period of 24 months; or*
- (b) *the person is convicted of an offence (not being an infringement offence) against this Act; or*
- (c) *the person is convicted of an offence against [Part 1](#) or [Part 2](#) of the Animal Welfare Act 1999, [section 26ZZP](#) of the Conservation Act 1987, or [section 56I](#) of the National Parks Act 1980.*

5.2 Section 25 (3) of the Dog Control Act 1996 provides that:

A disqualification under subsection (1) continues in force for a period specified by the territorial authority not exceeding five years from the date of the third infringement offence or offences (as the case may be) in respect of which the person is disqualified.

5.3 Objection to disqualification:

Section 26 of the Dog Control Act 1996 outlines that:

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

- (a) *may object to the disqualification by lodging with the territorial authority a written objection to the disqualification; and*
 - (b) *shall be entitled to be heard in support of the objection.*
- (2) *An objection under this section may be lodged at any time but no objection shall be lodged within 12 months of the hearing of any previous objection to the disqualification.*
- (3) *In considering any objection under this section, the territorial authority shall have regard to—*
- (a) *the circumstances and nature of the offence or offences in respect of which the person was disqualified; and*
 - (b) *the competency of the person objecting in terms of responsible dog ownership; and*
 - (c) *any steps taken by the owner to prevent further offences; and*
 - (d) *the matters advanced in support of the objection; and*
 - (e) *any other relevant matters.*
- (4) *In determining any objection, the territorial authority may uphold, bring forward the date of termination, or immediately terminate the disqualification of any person and shall give written notice of its decision, the reasons for it, and the right of appeal under [section 27](#) to the objector. (Attachment 5, A2635164)*

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- 5.4 This recommendation is not inconsistent with any other previous Council decision.

The circumstances and nature of the offences in respect of which Natalie Louise Griffith was disqualified

- 5.5 Ms Griffith failed to register Beau for the 2020 to 2021 registration year. She was issued with a 14-day notice requiring her to register her dog Beau.
- 5.6 Ms Griffith failed to register the dog and an Infringement Notice was issued on 19 August 2020 for Failing to register Beau. This Notice was unpaid and was sent to Court for collection pursuant to Section 21, Summary Proceedings Act 1957.
- 5.7 On 13 October 2020, a Police Sergeant visited Ms Griffith at her home address in Orakei Street, Tahunanui and was prevented from getting out of his vehicle by the aggressive approach of Beau. The Sergeant was forced to pepper spray Beau.
- 5.8 For this aggressive behaviour by Beau, Ms Griffith was issued an Infringement Notice for Failing to keep Beau under control. This Notice was unpaid and was sent to the Court for collection pursuant to Section 21, Summary Proceedings Act 1957.
- 5.9 On 28 December 2020, an occupant of an Orakei Street, Tahunanui house returned to the address on his bicycle and was chased up the drive and into the garage by Beau.
- 5.10 For this aggressive behaviour by Beau, Ms Griffith was issued an Infringement Notice for Failing to keep Beau under control. This Notice was unpaid and was sent to the Court for collection pursuant to Section 21, Summary Proceedings Act 1957.

The competency of Natalie Louise Griffith in terms of responsible dog ownership

- 5.11 Ms Griffith first became a dog owner with Nelson City Council in August 2018, when she took ownership of a four-month-old American Bulldog named Paige, which she failed to register.
- 5.12 Since August 2018, Ms Griffith has come to the attention of Nelson City Council Dog Control on no less than 12 occasions. It is the view of Nelson City Council Dog Control that Ms Griffith is neither competent nor responsible in terms of dog ownership. This opinion is underpinned by her history of non-compliance with The Act.

Steps taken by Natalie Griffith to prevent further offences

- 5.13 Ms Griffith has taken no steps to prevent further offences.

Item 6: Objection to Disqualification from being an owner of a dog - Natalie Louise Griffith

Matters advanced in support of the objection

5.14 On 29 March 2021, Ms Griffith submitted an e-mail, that is advanced in support of her objection. Ms Griffith has put forward no further matters in support of her objection. Ms Griffith indicated she would provide a formal letter in relation to her objection but at the time of writing this report no letter has been received.

Any other relevant matters

5.15 Since being served with disqualification papers, Ms Griffith has continued to ignore her obligations under the Dog Control Act 1996 in relation to owning a menacing classified dog (Beau), particularly in relation to the requirement to muzzle the dog.

5.16 On 3 March 2021, Ms Griffith was with her menacing classified dog, Beau on the Tamaki Steps, Tahunanui. Beau was not muzzled as required and acted in an aggressive manner towards a member of the public. For this breach Ms Griffith has been issued another Infringement Notice.

5.17 On 20 March 2021, Ms Griffith was seen by a Nelson City Council Dog Control Officer, with Beau on Tahunanui Drive. Beau was not muzzled as required. For this breach Ms Griffith has been issued another Infringement Notice.

6. Options

Option 1: Uphold the Disqualification or bring forward the date of termination of Disqualification (Recommended Option)	
Advantages	<ul style="list-style-type: none"> Ms Griffith will not be legally permitted to own or be in possession a dog or have any dog living at her address. Ms Griffith will have to dispose of her dog Beau within 14 days. This will prevent further offences by Ms Griffith against the Dog Control Act 1996.
Risks and Disadvantages	<ul style="list-style-type: none"> This may have a negative impact on the activities Ms Griffith enjoys with Beau.
Option 2: The Objection be Upheld	
Advantages	<ul style="list-style-type: none"> Ms Griffith will be able to retain ownership of her dog Beau.
Risks and Disadvantages	<ul style="list-style-type: none"> This will increase the risk of Ms Griffith further breaching the Dog Control Act 1996 in relation to the requirement to muzzle Beau. This will increase the risk of people or other animals being confronted by Beau.

Item 6: Objection to Disqualification from being an owner of a dog - Natalie Louise Griffith

7. Conclusion

- 7.1 Ms Griffith has been issued with three qualifying Infringement Offences under the Dog Control Act 1996, namely: 19 August 2020 – Failed to register Beau, 13 October 2020 – Failure to control Beau, 28 December 2020 – Failure to control Beau.
- 7.2 Ms Griffith was correctly disqualified as a dog owner as required by Section 25 of The Act. The disqualification period imposed was five years. Because of the Dog Control history of Ms Griffith, the five-year period is considered to be appropriate.
- 7.3 Ms Griffith has disregarded the requirements of dog owners under the Dog Control Act 1996. Since being disqualified, Ms Griffith has been issued two further infringement notices for breaches of the requirement to muzzle her menacing classified dog Beau.

8. Next Steps

- 8.1 The Dog Control Act 1996, Section 26(4) outlines that:

In determining any objection, the territorial authority may uphold, bring forward the date of termination, or immediately terminate the disqualification of any person and shall give written notice of its decision, the reasons for it, and the right of appeal under [section 27](#) to the objector.

Author: Brian Wood, Team Leader Regulatory (Environmental Inspections)

Attachments

- Attachment 1: A2635128 Dog Control Act 1996 Section 25 Disqualification of owners [↓](#)
- Attachment 2: A265136 Notice of Disqualification from Dog Ownership - Natalie Griffith [↓](#)
- Attachment 3: A2635146 Objection to Disqualification as Dog Owner Natalie Griffith [↓](#)
- Attachment 4: A2635149 Natalie Griffith Dog Owner History [↓](#)
- Attachment 5: A2635164 Dog Control Act 1996 Section 26 Objection to Disqualification [↓](#)

Important considerations for decision making
<p>1. Fit with Purpose of Local Government</p> <p>The regulatory functions of dog control meet the purpose of the Local Government Act 2002, Section 3(d) - <i>provides for local authorities to play a broad role in promoting the social, economic, environmental, and cultural well-being of their communities, taking a sustainable development approach.</i> The Dog Control Act 1996 provisions are being applied appropriately to minimise the public risk.</p>
<p>2. Consistency with Community Outcomes and Council Policy</p> <p>The recommendation aligns with the Council's Community outcomes, specifically <i>Our communities are healthy, safe, inclusive and resilient.</i> The recommendation aligns with Council's Dog Control Policy by having regard to the need to minimise the danger, distress and nuisance to the community caused by dogs and/or by non-compliant owners.</p>
<p>3. Risk</p> <p>Council has obligations under the Dog Control Act 1996 to follow the correct legal process.</p> <p>There is a risk to the community from future incidents if the recommendation is not supported.</p>
<p>4. Financial impact</p> <p>There is no financial impact for Council.</p>
<p>5. Degree of significance and level of engagement</p> <p>The recommendations outlined in this report are not considered significant in terms of Council's Significance and Engagement Policy and therefore no engagement will be undertaken.</p>
<p>6. Climate Impact</p> <p>This decision will have no impact on the ability of the Council or District to proactively respond to the impacts of climate change now or in the future.</p>
<p>7. Inclusion of Māori in the decision making process</p> <p>No engagement with Māori has been undertaken in preparing this report.</p>
<p>8. Delegations</p> <p>The Hearings Panel – Other has the following delegations:</p>

Item 6: Objection to Disqualification from being an owner of a dog - Natalie
Louise Griffith

- *To hear and determine objections to the classifications of dogs and all other procedural matters for which a right of objection and hearing is provided for under the Dog Control Act 1996.*

Item 6: Objection to Disqualification from being an owner of a dog - Natalie Louise Griffith: Attachment 1

5/5/2021

Dog Control Act 1996 No 13 (as at 01 December 2020), Public Act 25 Disqualification of owners – New Zealand Legislation



New Zealand Legislation Dog Control Act 1996

- Warning: [Some amendments have not yet been incorporated](#)

Disqualification of owners

25 Disqualification of owners

- (1) A territorial authority must disqualify a person from being an owner of a dog if—
- (a) the person commits 3 or more infringement offences (not relating to a single incident or occasion) within a continuous period of 24 months; or
 - (b) the person is convicted of an offence (not being an infringement offence) against this Act; or
 - (c) the person is convicted of an offence against [Part 1](#) or [Part 2](#) of the Animal Welfare Act 1999, [section 26ZZP](#) of the Conservation Act 1987, or [section 56I](#) of the National Parks Act 1980.
- (1A) Subsection (1) does not apply if the territorial authority is satisfied that the circumstances of the offence or offences are such that—
- (a) disqualification is not warranted; or
 - (b) the territorial authority will instead classify the person as a probationary owner under [section 21](#).
- (2) For the purposes of subsection (1)(a), a person must be treated as having committed an infringement offence if—
- (a) that person has been ordered to pay a fine and costs under [section 375](#) of the Criminal Procedure Act 2011, or is deemed to have been so ordered under [section 21\(5\)](#) of the Summary Proceedings Act 1957; or
 - (b) the infringement fee specified on the infringement notice in respect of the offence issued to the person under [section 66](#) has been paid.
- (3) A disqualification under subsection (1) continues in force for a period specified by the territorial authority not exceeding 5 years from the date of the third infringement offence or offences (as the case may be) in respect of which the person is disqualified.
- (4) If a person is disqualified under subsection (1), the territorial authority must, as soon as practicable, give written notice in the prescribed form to the person of that decision.

Section 25: substituted, on 1 December 2003, by [section 14](#) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 25(1): amended, on 7 July 2004, by [section 7\(1\)](#) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 25(1A): inserted, on 7 July 2004, by [section 7\(2\)](#) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 25(2)(a): replaced, on 1 July 2013, by [section 413](#) of the Criminal Procedure Act 2011 (2011 No 81).

A2635128



NOTICE OF DISQUALIFICATION FROM DOG OWNERSHIP

Section 25 Dog Control Act 1996

To: Natalie Louise Griffith #20521

Address: Tahunanui, Nelson

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

This follows:-

That you have committed 3 or more infringement offences (not relating to a single incident or occasion) within a continuous period of 24 months.

This disqualification will apply:

From: 15 March 2021

Until: 15 March 2026

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

Sandy Vale
Dog Control Officer

15 March 2021

Internal Document ID: A2635136

Item 6: Objection to Disqualification from being an owner of a dog - Natalie Louise Griffith:
Attachment 2

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; or
- in a way that constitutes 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; or
- 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 \$3,000 if you—

- fail to dispose of every dog owned by you within 14 days of this notice; or
- at any time while disqualified, become the owner of any dog; or
- dispose of a dog owned by you—

- to a person who resides at the same address as you; or
- 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 offences, your period of disqualification may be further extended.

You will also commit an offence and be liable on conviction to a fine not exceeding \$3,000 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 the Nelson 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 the Nelson City Council as determined the objection.

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

Natalie Louise Griffith

Objection to Disqualification as Dog Owner

From: Natalie Griffith (e-mail address supplied)
Sent: Monday, 29 March 2021 2:51 a.m.
To: Council Enquiries (Enquiry) <NCCEnquiry@ncc.govt.nz>
Subject: Objection to Dog Ownership disqualification

To whom it may concern,

This is an email to lodge my objection to animal control disqualifying me from dog ownership. A formal letter will be sent to Nelson City Council (NCC) when I have the correct information on where and who to email it to.

Due to what I believe is ongoing harassment and a tarnished attitude towards myself and my families beloved fur baby by NCC dog control officer Sandy Vale and Woody (unsure of surname) strongly object to either of them having any more involvement in any matters concerning myself and NCC Dog control.

The council website has nil information on the process of objecting to matters concerning dog control matters and the paperwork that was received also lacks any information on how to go about initiating this process. Due to the issues with individual officers; I was also not provided with information on these processes when I received verbal communication stating my disqualification; I would have thought this would be a requirement in council policy when people were being advised of disqualification via writing or verbally.

I find this very concerning, as it hinders the ability for people to properly defend themselves from the NCC decisions. And as the information contained in the letter is private and confidential, I refuse to email it to a general council email address. It would be very helpful to include in the letter containing notice of disqualification to also have a guide of how to go about objecting the decision in order to have a fair chance to being heard.

Included in my letter will also be an objection to my dog being classified a menacing dog. I believe this should be reassessed after a period of time after the owner had adhered to the required steps stated by dog control act 1996 and the nelson city council. I believe a dogs temperament has a dramatic change when they have been desexed and matured in age.

I will hopefully receive details of where to direct my objection letter to ASAP.

Yours Truly,

Natalie Griffith

A2635146

Item 6: Objection to Disqualification from being an owner of a dog - Natalie Louise Griffith:
Attachment 4

Natalie Louise Griffith

Dog Owner History & Background

<u>Date:</u>	<u>Offence/Incident:</u>	<u>Outcome:</u>
21.08.2018	Wandering Unregistered dog. American Bulldog – Paige	Impounded. Not claimed. Registration & fees not paid
19.09.2018	Dog Paige	Re-homed as fees not paid
20.07.2020	Wandering dog – Beau Chased NZ Post postie – Orakei St	Warning Notice issued Control & aggression
08.08.2020	Dog Beau. Chased District Nurse on Orakei St	Dog Control Officers attend
08.08.2020	Dog Beau. Aggressive towards Dog Control Officers & not registered	Beau classified as Menacing
19.08.2020	Dog Beau not registered	14-day Registration Notice issued
19.08.2020	Dog Beau not registered	14-day Registration Notice not complied with – Infringement Notice issued
13.10.2020	Dog Beau. Aggression to Police Sergeant visiting Orakei St	Infringement Notice issued for Failure to control Beau
01.12.2020	Dog Beau. Not registered Failed to comply with Menacing Classification – de-sexing requirement	Beau impounded under Warrant Released 8 days later once fees paid & de-sexing operation done
28.12.2020	Dog Beau. Aggression to person staying at 20 Orakei St	Infringement Notice issued for Failure to control Beau
03.03.2021	Dog Beau. Aggression to person walking up Tamaki Steps. Beau not muzzled.	Infringement Notice issued for Failure to comply with requirement to muzzle (Menacing classification)
20.03.2021	Dog Beau. Sighted not muzzled on Tahunanui Drive with Natalie Griffith. Sighted by Dog Control Officer	Infringement Notice issued for Failure to comply with requirement to muzzle (Menacing classification)

A2635149

Item 6: Objection to Disqualification from being an owner of a dog - Natalie Louise Griffith: Attachment 5

5/5/2021

Dog Control Act 1996 No 13 (as at 01 December 2020), Public Act 26 Objection to disqualification – New Zealand Legislation



New Zealand Legislation Dog Control Act 1996

- Warning: Some amendments have not yet been incorporated

26 Objection to disqualification

- (1) Every person disqualified under [section 25](#)—
 - (a) may object to the disqualification by lodging with the territorial authority a written objection to the disqualification; and
 - (b) shall be entitled to be heard in support of the objection.
- (2) An objection under this section may be lodged at any time but no objection shall be lodged within 12 months of the hearing of any previous objection to the disqualification.
- (3) In considering any objection under this section, the territorial authority shall have regard to—
 - (a) the circumstances and nature of the offence or offences in respect of which the person was disqualified; and
 - (b) the competency of the person objecting in terms of responsible dog ownership; and
 - (c) any steps taken by the owner to prevent further offences; and
 - (d) the matters advanced in support of the objection; and
 - (e) any other relevant matters.
- (4) In determining any objection, the territorial authority may uphold, bring forward the date of termination, or immediately terminate the disqualification of any person and shall give written notice of its decision, the reasons for it, and the right of appeal under [section 27](#) to the objector.

A2635164