



**Minutes of a meeting of the
Hearings Panel - Other
*Te Rōpū Kaupapa***

Held in the Council Chamber, Floor 2A, Civic House, 110 Trafalgar Street, Nelson on Wednesday 7 July 2021, commencing at 9.09a.m.

Present: Councillors J Edgar (Chairperson), M Lawrey and R Sanson

In Attendance: Team Leader - Regulatory (B Wood), Dog Control Officer (S Vale), Principal Adviser Environmental Management (J Budge), Governance Adviser (J Brandt)

Apologies : Nil

1. Apologies

There were no apologies.

2. Confirmation of Order of Business

There was no change to the order of business.

3. Interests

There were no updates to the Interests Register, and no interests with items on the agenda were declared.

4. Public Forum

There was no public forum.

5. Confirmation of Minutes

There were no minutes to confirm.

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

Document number R24807, agenda pages 4 - 17 refer.

The Chairperson noted that the objector, Natalie Louise Griffith, was not in attendance.

Environmental Inspections Limited Team Leader – Regulatory, Brian Wood, presented the report, supported by Dog Control Officer, Sandy Vale.

Mr Wood highlighted the main points of the report, noting that Ms Griffith had committed three infringement offences under the Dog Control Act within 24 months and that the Act thus required her to be disqualified as a dog owner. Mr Wood noted that Ms Griffiths had demonstrated repeated non-compliance with the Dog Control Act since 2018. He requested that the decision be upheld.

Mr Wood answered questions from Panel Members as follows.

Question 1 about Attachment 4 of Report R24807:

21 August 2018 event – please provide background and explain what happened there in relation to dog Paige?

Mr Wood noted that the dog was impounded after having been found wandering by a member of the public. Enquiries from officers showed that dog Paige was owned by Ms Griffith. Following ongoing verbal and written communication with Ms Griffith, including an extension to the payment period, the dog Paige was rehomed and fees remained unpaid.

Question 2 about Attachment 4 of Report R24807:

Why are there two entries dated 19 August 2020?

Mr Wood explained that the first notice was a registration notice and the infringement notice was not issued on that day but referred back to the date of the offence as required by legislation.

Question 3 about Attachment 2 of Report R24807:

Was a response sent to Ms Griffith's letter dated 29 March 2021? If yes, did the response provide the information sought by Ms Griffith?

Mr Wood confirmed that a reply was sent on 31 March 2021, and read out relevant content from the response. He further noted that the hearings fact sheet was sent to the objector a number of times. In response to a subsequent question, Mr Wood confirmed that he had rung the objector the morning of the meeting, as requested by the Chairperson, to check if the objector was planning to attend, but the call was not answered.

Question 4 about report item 6, Report R24807:

In the options section (report item 6, agenda page 8), can the officer clarify which is his preferred option?

Mr Wood advised that the preferred recommendation was to uphold the disqualification.

Question 5 about Attachment 2 of Report 24807:

The objector had pointed out the lack of information about the objection process on the Council website. Is it correct that there is no information on the website?

Mr Wood noted that there was no information on the objection process on the website but that Ms Griffith, as any other objector, was advised of her rights and the process at the time notices were issued.

Question 6:

Has Dog Beau been removed and rehomed?

Mr Wood noted that dog Beau was still owned by Ms Griffith. He explained that should the disqualification be upheld, Ms Griffith would have the right to appeal the decision within 14 days. He further explained that should the decision be upheld, Ms Griffith could rehome the dog herself. However, failing that, the dog would be collected and rehomed or disposed of by officers. In response to a subsequent question, Mr Wood explained that 'dispose of' could mean rehoming, reselling, signing the dog over to the SPCA, or euthanasia.

Question 7:

What is the total sum of infringement notices incurred by Ms Griffith? What were her reasons for not registering the dog?

Mr Wood noted that the total sum incurred since 2018 came to \$1450.00, and that her financial circumstances were the reason for non-payment.

Question 8:

What could be seen as reasons not to disqualify the owner?

Dog Control Officer, Sandy Vale, noted that reasons for consideration not to uphold a disqualification might be if the objector had booked the dog in for dog behaviour training classes, engaged with an animal trainer to work with the owner and her dog, agreed to the use of the muzzle as required for menacing dogs, or built a fence at the property. He noted that Ms Griffith had not done any of these things.

Exclusion of the Public

Resolved HEA/2021/031

That the Hearings Panel – Other

1. ***Excludes the public from the following parts of the proceedings of this meeting.***
2. ***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 are as follows:***

Edgar/Sanson

Carried

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
5	<i>Objection to Disqualification from being an owner of a dog – Natalie Louise Griffith</i>	Section 48(1)(d) That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in any proceedings to which this paragraph applies.	Paragraph (d) of subsection (1) applies to (a) Any proceedings before a local authority where (i) A right of appeal lies to any Court or tribunal against the final decision of the local authority in those proceedings

The meeting went into confidential session at 9.35 a.m. and resumed in public session at 9.48 a.m.

The Chairperson summarised the Panel’s deliberations as follows:

The Panel had considered the information provided and was satisfied that Section 26 of the Dog Control Act 1996 applied in the case of Ms Griffith.

The Panel had considered the following subsections of Section 26:

Subsection (3a): The occurrence of three infringement offences within 24 months, as well as subsequent infringements and incidences as outlined in attachment 4 to report R24807 were noted, with consideration given to the circumstances and nature of the offences.

Subsection (3b): Ms Griffith's complete failure to comply was noted. This was in regards to the repeated failure to pay fines issued against her, and her lack of actions taken once the dog Beau was classified as menacing, noting in particular that the dog was not muzzled, no fence had been erected at the property, and no dog training was undertaken.

Subsection (3c): The Panel had noted that the objector had not provided evidence of any steps taken to prevent further offences.

Subsection (3d): The Panel noted the objector's email dated 29 March 2021 (attachment 3 of report R24807) and that its content had been considered. It was noted that the objector had sought an individual email address from Council in relation to the objection, as well as details of Council's processes in relation to the objection. The Panel was satisfied that the objector had been provided this information in the response provided on 31 March 2021. It was noted that following this advice, the objector had not provided a written statement in support of her objection, nor attended the hearing in person to provide a verbal statement in support of her objection, as per the provision made in subsection 2b of Section 26.

(4) It was noted that the Panel, in determining Ms Griffith's objection, was satisfied that the requirements to uphold Ms Griffith's disqualification were met and had found no grounds to bring forward the date of termination, or to immediately terminate the disqualification.

The Chairperson recommended that, while no fault was identified with the communication provided to the objector, officers consider providing a link to the Dog Control Act on the Nelson City Council website.

Resolved HEA/2021/032

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.***

Lawrey/Sanson

Carried

There being no further business the meeting ended at 9.55a.m.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date