

**MINUTES** of a hearing by Commissioners of the Regulatory Subcommittee of the Waikato District Council held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **THURSDAY, 16 SEPTEMBER 2020** commencing at **9.08am**.

**Present:**

Cr NMD Smith (Chairperson)  
Cr C Eyre  
Cr J Gibb

**Attending:**

Ms H Edwards (Objector)  
  
Mrs S Bourke (Community Safety Manager)  
Ms K Ridling (Senior Solicitor)  
Ms T Oakes (Animal Control Team Leader)  
Ms A Davis (Animal Control Officer)  
Ms J Newell (Animal Control Officer)  
Mrs LM Wainwright (Committee Secretary)

**APOLOGIES**

There were no apologies.

**CONFIRMATION OF MINUTES**

**Resolved: (Crs Gibb/Eyre)**

**THAT** the hearing minutes of:

- a. a meeting of the Regulatory Subcommittee held on Thursday, 28 November 2019 (Mark Dias), and
- b. a meeting of the Regulatory Subcommittee held on Thursday, 24 July 2020 (Joseph Bridgeman),

**be confirmed as a true and correct record of that meeting.**

**CARRIED**

**HE2009/01**

## **HEARING**

Objection to Dangerous Classification – Hayley Maree Edwards

Dog ID: 151240 & 151239

Name ID: 157968

Property ID: 2003992

CRM ID: DOGS2532/20

The Animal Control Team Leader advised the hearing panel that there had been confusion between Council and Ms Edwards on the start time of the hearing and advised as follows:

- Council contacted Ms Edwards by email on Tuesday, 15 September at 12.10pm advising that the hearing would commence on Wednesday, 16 September at 1.00pm (document 1).
- Council further contacted Ms Edwards by email on Tuesday, 15 September at 5.31pm apologising for the error in the commencement time and confirming that the hearing would commence at 9.00am as per the agenda delivered to Ms Edwards (document 2).
- Ms Edwards responded by email on Tuesday, 15 September at 5.43pm that she was unable to attend the hearing at 9.00am (document 3).
- Council responded by email to Ms Edwards on Tuesday, 15 September at 9.19pm advising that direction would be sought from the Hearing Subcommittee (document 4).
- Ms Edwards responded on Tuesday, 15 September at 9.40pm that she had changed an appointment to enable her to attend the hearing at 1.00pm (document 5).
- Council responded to Ms Edwards on Tuesday, 15 September at 10.01pm advising that the hearing is set for 9.00am on Wednesday (document 6).
- Ms Edwards responded on Tuesday, 15 September at 10.14pm advising that 1.00pm suited her for the hearing (document 7).

The hearing adjourned at 9.13am and resumed at 9.26am.

Following consideration of the email chain between Council and Ms Edwards, the hearing would adjourn and Council would contact Ms Edwards advising that the hearing would resume at 1.00pm.

The hearing adjourned 9.34am and resumed at 1.00pm.

## **Present:**

Cr NMD Smith (Chairperson)  
Cr C Eyre  
Cr J Gibb

## **Attending:**

His Worship the Mayor, Mr AM Sanson  
Mrs S O’Gorman (General Manager Customer Support)  
Ms K Ridling (Senior Solicitor)  
Ms T Oakes (Animal Control Team Leader)  
Ms A Davis (Animal Control Officer)  
Ms J Newell (Animal Control Officer)  
Mrs LM Wainwright (Committee Secretary)

Ms H Edwards (Objector)

## **HEARING OF THE OBJECTION**

Ms Edwards addressed the hearing as follows:

- The dogs were kept behind a latched gate and it is unknown how the dogs escaped. To remedy the dogs escaping, the fence had been tightened and a padlock put on the gate. Only members of the family had access through the gate.
- There are other dogs on Hartis Street that are dangerous and are similar looking to the dogs owned by Ms Edwards.
- Ms Edwards had been advised that Council would be applying to a Judge to have the dogs destroyed. Commissioner Smith clarified for Ms Edwards that a dangerous classification did not require the dogs to be destroyed.
- Ms Edwards advised the panel that there had been issues with the complainants prior to this incident.
- The owner of the dog that had been attacked, had not heard the incident happen but the complainants that lived further away had heard the attack.
- The dogs had been neutered and microchipped.
- The dogs had escaped from the property before but were now contained.

The Animal Control Team Leader gave a summary of the events (document 11) and noted the following:

- Ms Edwards had been granted an extension to Friday, 18 September 2020 to register “Klouws” and “Meelah”. Ms Edwards had been notified of this extension.

The panel requested clarification as to the exact location where the incident happened.

ACO Newell took an affirmation before responding to the panel and noted as follows:

- The attack took place on the front lawn of 31 Hartis Street, Huntly.
- The witnesses live at 32 Hartis Street, Huntly and had doors and windows open on the day of the attack.
- Mr Amy, witness to the attack, had chased “Klouws” and “Meelah” back onto their property but could not confirm whether the gate was open or closed.
- No reports had been received by Council that “Klouws” and “Meelah” had been seen jumping over the fence or gate.
- Both witnesses had signed the Witness Statement. Their statements had been taken in separate locations in their home.
- The attack took place at 8.30am. Mrs Amy placed the complaint at 8.35am. The officers attended approximately 15 minutes later and left Ms Edwards’ property at 9.11am. Witness statements had been taken at 9.19am.

The meeting adjourned at 1.56pm and resumed at 2.06pm.

### **RIGHT OF REPLY**

The objector gave her right of reply and advised the panel that there are other dogs that wander in, and close to, Hartis Street, Huntly.

Commissioner Smith advised that the panel would deliberate as to whether the dangerous classification would be upheld. A decision would be available within two weeks of the hearing.

The hearing adjourned at 2.14pm and the decision reserved.

### **DELIBERATIONS**

The Commissioners undertook deliberations on all evidence presented.

