



Minutes

of the

Judicial Committee

Ordinary Meeting

Date	13 August 2015
Venue	Council Chamber 515 Mackay Street Thames

Present

MK McLean JP (Chairperson)	PA Brljevich LA Fox D Connors
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In attendance

Marion Smith, Erin Berry, Steve Hart, Jakki Handcock, Allan Turner, Michael Jones, Corinne Hamlin, Rebekah Duffin

Meeting commenced	09:00
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Adjournment	Start	Finish	Reason
Chairperson	10:23	10:45	Morning Tea

Table of Contents

Item Business	Page No.
1 Meeting conduct	3
1.1 Apologies	3
1.2 Public forum	3
1.3 Items not on the agenda	3
1.4 Conflict of interest	3
1.5 9 July 2015 - Judicial Committee minutes for confirmation	3
2 Hearings	4
2.1 Menacing dog classification objection - Sally Tennant Brown	4
2.2 Menacing dog classification appeal - Neera Giri	5
3 Planning Group reports	6
3.1 Planning Group monthly report - June 2015	6
3.2 August 2015 - Judicial Committee Action Schedule	6
4 Community Environment Group reports	7
4.1 June 2015 - Community Environment Group monthly report	7
4.2 June 2015 - Building Controls report- 13 Aug 2015 Meeting	8
5 Members' report	9
6 Public excluded	10

1 Meeting conduct

1.1 Apologies

All members were present.

1.2 Public forum

No speakers attended the public forum.

1.3 Items not on the agenda

There were no items added to the agenda.

1.4 Conflict of interest

No conflicts of interest were declared.

1.5 9 July 2015 - Judicial Committee minutes for confirmation

Resolved

That the Judicial Committee:

1. Confirms the minutes from the 4 June 2015 Judicial Committee meeting.

Moved/seconded by: Brljevich/Fox

2 Hearings

2.1 Menacing dog classification objection - Sally Tennant Brown

An objection was received from Sally Tennent-Brown, the registered owner of a Blue Merle dog which was classified as menacing under section 33a of the Dog Control Act 1996 after an incident involving a dog attack on a person.

Key discussion points - hearing

- Ms Tennent-Brown tabled a letter from her dog trainer regarding her dog Chloe.
- Ms Tennent-Brown noted that she had considered rehoming Chloe; however this would be difficult with the dog being classified as menacing. Ms Tennent-Brown also noted that she would prefer to continue ownership of the dog.
- The Committee queried whether any other incidents had occurred or whether Ms Tennent-Brown had any concerns regarding Chloe's behaviour. Ms Tennent-Brown noted that Chloe was extremely obedient and acknowledged that at the time Chloe was likely to have been adjusting to her new home when the incident occurred.
- Ms Tennent-Brown noted that she was not trying to make excuses for what happened, and apologised sincerely for the incident.
- The Committee queried the number of remaining training sessions Chloe was scheduled to have and whether the applicant would consider further training. Ms Tennent-Brown stated that Chloe was to attend two more sessions and that she was willing to continue further training.

Key discussion points - deliberations

- The Committee noted that as the dog was originally from a farm, it would be expected that the dog would need to adapt to the change in environment. During this transitional period, it could be expected that some behavioural characteristics would be out of the ordinary.
- The Committee noted that the applicant had taken full responsibility for the incident and appeared to understand her obligations as a dog owner.

Resolved

That the Judicial Committee:

1. Receives the 'Menacing dog classification objection - Sally Tennent - Brown' report dated 27 July 2015.
2. Cancels the menacing dog classification on Sally Tennent-Brown's Blue Merle dog named Chloe.
3. Directs staff to advise all parties of the outcome.

Moved/seconded by: McLean/Fox

2.2 Menacing dog classification appeal - Neera Giri

An objection was received from Neera Giri, the registered owner of a Staffordshire Terrier dog named Buddy who was classified as menacing under section 33a of the Dog Control Act 1996 after an incident involving a dog attack with another dog.

Key discussion points - hearing

- Ms Giri noted that she had made an apology to the victim.
- Ms Giri noted that she had recently laid a counter claim regarding a previous attack on Buddy by the victim's dog.
- The applicant argued that the mesh on the fence that contained the victim's dog was higher than what was shown in the photos provided in the report.
- Ms Giri noted that she had taken her dog Buddy to Mercury Bay pre-school and Mercury Bay Area School, at which Buddy displayed no aggressive behaviour. The applicant also noted that two young individuals regularly walk Buddy with no problems.
- The applicant noted that Buddy had not displayed any aggressive behaviour toward other dogs in the area and acknowledged that she did not feel that Buddy should be required to wear a muzzle.
- The Committee queried whether any other incidents had occurred where Buddy had displayed aggressive behaviour to another person or animal. Ms Giri noted that no other incidents had occurred and that a builder had secured the fence on her property to ensure Buddy was contained.
- The Committee queried whether Ms Giri would be open to an assessment of Buddy's behaviour. Ms Giri noted that she would be open to an assessment and was also considering Kiwi aversion training for Buddy.

Key discussion points - deliberations

- The Committee noted that the applicant did not appear to take any responsibility for the incident where her dog Buddy had attacked another dog.
- The Committee noted that there had been no evidence that the applicant was willing to comply with the obligations of a dog owner.
- Staff noted that the dog was an aggressive breed and had been seen wondering in the neighbourhood. Staff also noted that compliance officers had made an effort to work with Ms Giri and Buddy in order to achieve compliance as a dog owner. These attempts had however been unsuccessful.

Resolved

That the Judicial Committee:

1. Receives the 'Menacing dog classification objection - Neera Giri' report, dated 24 July 2015.
2. Confirms that the menacing dog classification shall remain on Neera Giri's Staffordshire Terrier named Buddy.
3. Direct staff to advise all parties of the outcome.

Moved/seconded by: McLean/Brljevich

3 Planning Group reports

3.1 Planning Group monthly report - June 2015

A report was presented to the Judicial Committee outlining the key activities within the Planning Group for the month of June.

Key discussion points

- Staff noted the recent employment of a new development engineer which would help with the workload and the current bottleneck of 224s.
- Discussion arose around Council infrastructure and the defined area of service. It was noted that there was no policy that stated an obligation to connect to Council infrastructure within an area of service. Concerns regarding capacity of Council infrastructure were also raised. The Committee noted that Council policies on infrastructure connections needed to be clarified; the Committee also identified the need to attain direction from the Finance and Infrastructure departments.
- Staff noted that any Further Information Requests from consultant planners would be reviewed by the Development Planning Manager before they were sent out.

Resolved

That the Judicial Committee:

1. Receives the 'June 2015 - Planning Group monthly report', dated 13 August 2015.

Moved/seconded by: Fox/Connors

3.2 August 2015 - Judicial Committee Action Schedule

Resolved

That the Judicial Committee:

1. Receives the August 2015 Judicial Committee Action Schedule.

Moved/seconded by: Brljevich/Fox

4 Community Environment Group reports

4.1 June 2015 - Community Environment Group monthly report

A paper was presented to the Judicial Committee reporting on the key activities within the Community Environment Group for the month of June 2015.

Key discussion points

- Staff noted that Requests for Service were being actioned within two working days of being received.
- Staff provided an update on the Tairua Marina and noted that Council had come under criticism regarding enforcement of the consent conditions. Staff noted that they were following up on this matter.
- The Committee queried the benefits of a classification system based on breed. Staff noted that dog owners could challenge a dog's breed through DNA testing and would caution the use of such a system for classification.
- The Committee highlighted the importance of media releases prior to the dog registration expiration date. Staff noted that a media release was scheduled prior to the expiration date, which was 30 June annually.
- The Committee noted that members of the public needed to be made aware of the consequences of not registering their dogs. Staff acknowledged that there was a \$300 infringement for any dog that was identified by compliance officers as being unregistered. Officers have been advised to use discretion in situations where hardship was easily identified.
- Staff noted that noise issues that could not be addressed through bylaws had been discussed with senior management.
- The Committee commended the Compliance team for successfully managing staff leave time.
- Staff noted that there had been an increase in health investigations within the last 12 months. It was also noted that the appointment of a new Environmental Health Officer was still in progress.
- The Committee queried special licence applications for venues to show 2015 Rugby World Cup games during September. Staff noted that only venues that could prove they could hold an event would be able to attain special licences.

Resolved

That the Judicial Committee:

1. Receives the 'Community Environment Group monthly report' for June 2015, dated 24 July 2015.

Moved/seconded by: Connors/Brljevich

4.2 June 2015 - Building Controls report- 13 Aug 2015 Meeting

The Judicial Committee was presented with an update on the key activities and results for the Building Unit for the month of June 2015 with regards to its role as a Building Consent Authority and a Territorial Authority.

Key discussion points

- Staff noted that the current workload of staff was fairly high; therefore the use of consultants to balance this workload might become necessary.
- The Committee queried the gap between the budget and actual revenue for monitoring. Staff noted that there had been an imbalance between the number of staff and the number of scheduled inspections. Building Compliance Officers have taken on the responsibility of carrying out inspections to assist with this workload.
- An update on the progress of the Cluster Group was provided. Staff noted that a Cluster Board meeting was held on 31 July 2015. Prior to this meeting, the Thames-Coromandel District Council's Chief Executive was requested to confirm if the Thames-Coromandel District Council still wished to join the Cluster group; this was confirmed by the Chief Executive.

Resolved

That the Judicial Committee:

1. Receives the June 2015 Building Controls report, dated 13 August 2015.

Moved/seconded by: McLean/Fox

5 Members' report

The Chairperson invites members to provide a brief verbal report on activities undertaken and meetings attended in the period since the last meeting.

Key discussion points

- Councillor Fox noted that capacity concerns were discussed at a recent meeting with KPMG. Councillor Fox also noted that KPMG were to present at the next Audit Committee meeting scheduled for the 24 August 2015.
 - Staff noted that the biggest risk to the Community Environment Group was capacity and capability to carry out specified roles and meet legislative requirements. It was also noted that the Business Continuity Plan was set up to identify processes within individual units.
- Councillor Fox raised concern regarding the costs associated with closing roads for special events. Councillor Connors noted that the Thames Community Board had a truck set up with cones etc. for special events which required local road closures, such as the annual Santa Parade.
- Discussion arose around a query received from a member of the public regarding the Burke Street Reserve and whether this area had been identified as an off-leash area for dogs. Staff noted that the new Dog Control Policy and Bylaw would be ready for Council approval by mid-next year.

Resolved

That the Judicial Committee:

1. Receives the Members' reports.

Moved/seconded by: Fox/Connors

6 Public excluded

Resolved

That the public be excluded from the following parts of the proceedings of this meeting namely:

General Subject of each matter to be considered	Reason for passing this Resolution in Relation to Each Matter	Ground(s) Under Section 48(1) for the Passing of the Resolution
9 July 2015 - Public Excluded Judicial Committee Minutes for Confirmation	<p>(7)(2)(g) – Maintain legal professional privilege.</p> <p>(7)(2)(i) – Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p>	<p>(48)(1) – Subject to subsection (3) of this section, a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on one or more of the following grounds:</p> <p>(48)(1)(a) – That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</p>
August 2015 - Public Excluded - Judicial Committee Action Schedule	<p>(7)(2)(g) – Maintain legal professional privilege.</p> <p>(7)(2)(i) – Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p>	<p>(48)(1) – Subject to subsection (3) of this section, a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on one or more of the following grounds:</p> <p>(48)(1)(a) – That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</p>
Tabled Item - Public Excluded 1025 SH 25 Whenuakite - unconsented second dwelling	<p>7(2)(a) – Protect the privacy of natural persons, including that of deceased natural persons</p> <p>(7)(2)(d) – Avoid prejudice to measures protecting the health or safety of member of the public.</p>	<p>(48)(1)(a) – That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</p> <p>(48)(1)(d) – That the exclusion of the public from the whole or 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.</p> <p>(48)(1)(a)(ii) – That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of</p>

		information for which good reason for withholding would exist, where the local authority is named or specified in the Second Schedule to this Act, under section 6 or section 7 or section 9 (except section 9(2)(g)(i)) of the Official Information Act 1982.
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Moved/seconded by: McLean/Fox

Resolved

That the public be re-admitted to the meeting and resolutions taken with the public excluded be confirmed in the public session except for the following items which are to remain in the Public excluded minute book.

Item	Description
6.1	Public excluded 9 July Judicial Committee minutes for confirmation
6.2	Public excluded August Action Schedule
6.3	Public excluded 1025 SH 25 Whenuakite - unconsented second dwelling

Moved/seconded by: Brljevich/Fox

Meeting closed at 12:05

The foregoing minutes were certified as being a true and correct record of the meeting of the Judicial Committee held on 13 August 2015.

Chairperson _____ **Date** _____