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# Komiti mō te Waeture me te Haumarū ā-Hapori / Regulatory and Community Safety Committee

## OPEN MINUTES

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Minutes of a meeting of the Regulatory and Community Safety Committee held in the Room 1, Level 26, 135 Albert Street, Auckland on Tuesday, 13 February 2024 at 10.02am. A recording of the meeting is available here: <https://www.aucklandcouncil.govt.nz/about-auckland-council/how-auckland-council-works/meetings-council-bodies/Pages/webcasts-council-meetings.aspx>

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### TE HUNGA KUA TAE MAI | PRESENT

<b>Chairperson</b>	Cr Josephine Bartley	
<b>Deputy Chairperson</b>	Cr Ken Turner	
<b>Members</b>	IMSB Member Edward Ashby	
	Cr Julie Fairey	
	Cr Alf Filipaina, MNZM	
	Cr Mike Lee	Via electronic link, From 10.40am, Item 5.3
	Cr Kerrin Leoni	Until 1.43pm, Item 15
	Cr Sharon Stewart, QSM	Until 1.25pm, Item 14 Via electronic link

### TE HUNGA KĀORE I TAE MAI | ABSENT

<b>Member</b>	IMSB Member Ngarimu Blair
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### TE HUNGA ĀPITI KUA TAE MAI | ALSO PRESENT

<b>Councillor</b>	Angela Dalton
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## 1 Ngā Tamōtanga | Apologies

Resolution number RSCCC/2024/1

MOVED by Cr J Fairey, seconded by Cr A Filipaina:

**That the Regulatory and Community Safety Committee:**

- a) **whakaae / accept the apology from Cr M Lee for lateness.**

**CARRIED**

## 2 Te Whakapuaki i te Whai Pānga | Declaration of Interest

There were no declarations of interest.

## 3 Te Whakaū i ngā Āmiki | Confirmation of Minutes

Resolution number RSCCC/2024/2

MOVED by Chairperson J Bartley, seconded by Cr A Filipaina:

**That the Regulatory and Community Safety Committee:**

- a) **whakaū / confirm the ordinary minutes of its meeting, held on Tuesday, 5 December 2023, including the confidential section, as a true and correct record.**

**CARRIED**

## 4 Ngā Petihana | Petitions

There were no petitions.

Note: The Chairperson accorded precedence to Item 13 - Determination of Objection against Disqualification of Dog Owner - Pasiono Fataiki Paea Vehikite at this time.

## 13 Determination of Objection against Disqualification of Dog Owner - Pasiono Fataiki Paea Vehikite

The hearing commenced at 10.08am in relation to the objection to a Disqualification of Dog Owner.

Pasiono Fataiki Paea Vehikite addressed the committee and outlined their objection to being issued with a Disqualification of Dog Owner classification. Section 25(1)(c) of the DCA provides that a territorial authority must disqualify a person from being an owner of a dog if that person is convicted of an offence (not being an infringement offence) against the DCA.

Council staff addressed the committee and outlined the Disqualification of Dog Owner classification and responded to questions.

The objector was given the opportunity to reply to the matters raised by the council staff and provide the committee with final comments.

The hearing concluded at 10.38am.

*Cr A Filipaina left the meeting at 10.39am.*

## 5 Ngā Kōrero a te Marea | Public Input

### 5.1 Public Input: Amanda Easterbrook - challenges of dog ownership / management within the Auckland region.

This item was withdrawn.

### 5.2 Public Input: Kate Donaldson - Wrights Spur Commercial Activity

This item was withdrawn.

### 5.3 Public Input: Marnie Wilton & Tammy Downer - Youth Vaping

*Cr M Lee joined the meeting at 10.40am.*

*Cr A Filipaina returned to the meeting at 10.46am.*

A PowerPoint presentation was given. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Resolution number RSCCC/2024/3

MOVED by Chairperson J Bartley, seconded by Cr J Fairey:

**That the Regulatory and Community Safety Committee:**

- a) **whiwhi / receive the public input from Marnie Wilton & Tammy Downer and whakamihi / thank Kate Donaldson for attending the meeting.**

**CARRIED**

#### **Attachments**

- A 13 February 2024, Regulatory and Safety Committee, Item 5.3 - Public Input: Marnie Wilton & Tammy Downer - Youth Vaping - presentation

## 6 Ngā Kōrero a te Poari ā-Rohe Pātata | Local Board Input

There was no local board input.

## 7 Ngā Pakihi Autaia | Extraordinary Business

There was no extraordinary business.

## 8 Ngā Pānui mō ngā Mōtini | Notices of Motion

Under Standing Order 2.5.1 a Notice of Motion has been received from Councillor J Bartley, seconded by Councillor A Filipaina for consideration under item 9.

**9 Notice of Motion - Councillor J Bartley - Introduce a bylaw restricting the visibility of vape products in specialist vape retailers from external view**

Supporting documents were tabled in support of the item. Copies have been placed on the official minutes and are available on the Auckland Council website as minutes attachments.

Resolution number RSCCC/2024/4

MOVED by Chairperson J Bartley, seconded by Cr A Filipaina:

**That the Regulatory and Community Safety Committee:**

- a) **tono / request staff to investigate and draft a bylaw or amend an appropriate bylaw to restrict from external view any R18 vape product in a specialist vape retailer**
- b) **tono / request information on the number and location of vape stores/specialist vape retailers that hold lease and/or tenancy agreements with Council or any of the Council Controlled organisations**
- c) **tautapa / delegate to the Chair of the Regulatory and Community Safety Committee or their nominee to advocate to central government for greater restrictions on vaping and more interventions for youth vaping.**

**CARRIED**

**Attachments**

- A 13 February 2024, Regulatory and Safety Committee, Item 9: Notice of Motion - Councillor J Bartley - Introduce a bylaw restricting the visibility of vape products in specialist vape retailers from external view

**10 Resource Consents Appeals: Status Report 13 February 2024**

Resolution number RSCCC/2024/5

MOVED by Cr A Filipaina, seconded by Deputy Chairperson K Turner:

**That the Regulatory and Community Safety Committee:**

- a) **whiwhi / receive the Resource Consents Appeals: Status Report 13 February 2024**

**CARRIED**

**11 Review of the Forward Work Programme - Regulatory and Community Safety Committee**

Resolution number RSCCC/2024/6

MOVED by Chairperson J Bartley, seconded by Deputy Chairperson K Turner:

**That the Regulatory and Community Safety Committee:**

- a) **riro / receive and arotake / review the progress on the 2024 forward work programme as appended in Attachment A of the agenda report.**
- b) **whakaae / approve the updated forward work programme.**

**CARRIED**

**12 Summary of Regulatory and Community Safety Committee information memoranda, workshops, and briefings (including the Forward Work Programme) - 13 February 2024**

Resolution number RSCCC/2024/7

MOVED by Chairperson J Bartley, seconded by Cr K Leoni:

**That the Regulatory and Community Safety Committee:**

- a) **whiwhi / receive the Summary of Regulatory and Community Safety Committee information memoranda and briefings – 13 February 2024**

**CARRIED**

*Cr M Lee left the meeting at 11.27am.*

**Public Excluded**

Resolution number RSCCC/2024/8

MOVED by Cr A Filipaina, seconded by Cr K Leoni:

**That the Regulatory and Community Safety Committee:**

- a) **exclude the public from the following part(s) of the proceedings of this meeting.**

**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.**

**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:**

**13 Determination of Objection against Disqualification of Dog Owner - Pasione Fataiki Paea Vehikite**

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.  The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s48(1)(a) - The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.

The text of these resolutions is made available to the public who are present at the meeting and form part of the minutes of the meeting.

**CARRIED**

11.34am The public was excluded.

12.05pm The public was readmitted.

The meeting adjourned at 12.05pm and reconvened at 1.02pm.

*Cr M Lee returned to the meeting at 1.02pm.*

#### **14 Determination of Objection against Disqualification of Dog Owner - Catherine Jean White**

*Cr K Leoni retired from the meeting at 1.25pm.*

The hearing commenced at 1.01pm in relation to the objection to a Disqualification of Dog Owner.

Catherine Jean White addressed the committee and outlined their objection to being issued with a Disqualification of Dog Owner classification. Section 25(1)(c) of the DCA provides that a territorial authority must disqualify a person from being an owner of a dog if that person is convicted of an offence (not being an infringement offence) against the DCA.

Council staff addressed the committee and outlined the Disqualification of Dog Owner classification and responded to questions. The objector was given the opportunity to reply to the matters raised by the council staff and provide the committee with final comments.

The hearing concluded at 1.42pm.

#### **15 Determination of an objection to a nuisance abatement notice - Peter Steiner**

This item has been deferred until the Regulatory and Community Safety Committee meeting scheduled to be held 5 March 2024.

*Cr M Lee retired from the meeting at 1.43pm.*

**Public Excluded**

Resolution number RSCCC/2024/11

MOVED by Chairperson J Bartley, seconded by Deputy Chairperson K Turner:

**That the Regulatory and Community Safety Committee:**

a) **exclude the public from the following part(s) of the proceedings of this meeting.**

**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.**

**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:**

**14 Determination of Objection against Disqualification of Dog Owner - Catherine Jean White**

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.  The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s48(1)(a) - The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.

The text of these resolutions is made available to the public who are present at the meeting and form part of the minutes of the meeting.

**CARRIED**

1.43pm The public was excluded.

Resolutions in relation to the confidential items are recorded in the confidential section of these minutes and are not publicly available.

2.14pm The public was re-admitted.



## RESTATEMENTS

It was resolved while the public was excluded:

### 13 Determination of Objection against Disqualification of Dog Owner - Pasione Fataiki Paea Vehikite

Resolution number RSCCC/2024/9

MOVED by Cr A Filipaina, seconded by Chairperson J Bartley:

That the Regulatory and Community Safety Committee:

- a) hear and determine the objection, and
- b) uphold the disqualification of Mr Pasione Fataiki Paea Vehikite for the period of 2 years from 19 April 2023 to 19 April 2025.
- c) whakaae / agree that the matter remain confidential until the conclusion of the hearing and then be restated in the open minutes.

#### Reason for decision:

The Committee is satisfied on the evidence provided to it that Mr Vehikite is not a suitable person to own a dog. Mr Vehikite was infringed 10 times between 13 November 2022 and 15 July 2023 in relation to his dogs. While Mr Vehikite was aware his dogs were escaping from his property, he did not address this promptly and continued to offend. Mr Vehikite said he has now made his property secure and will ensure the gate is always shut and is training his dog. The Committee is not satisfied that these steps are sufficient to warrant termination of the disqualification given his history of non-compliance and that these steps have only been taken after he was disqualified as an owner, despite efforts by animal management officers to educate Mr Vehikite on responsible dog ownership.

### 14 Determination of Objection against Disqualification of Dog Owner - Catherine Jean White

Resolution number RSCCC/2024/12

MOVED by Chairperson J Bartley, seconded by Deputy Chairperson K Turner:

That the Regulatory and Community Safety Committee:

- a) whakaae / agree to hear and determine the objection.
- b) whakaae / agree to uphold the disqualification of Catherine Jean White for the period of 4 years from 12 July 2022 to 12 July 2026.
- c) whakaae / agree that the matter remain confidential until the conclusion of the hearing and then be restated in the open minutes.

#### Reason for decision:

The Committee is satisfied on the evidence provided to it that Ms White is not a suitable person to own a dog. Ms White was convicted of 8 offences under the Dog Control Act. Her dog was declared menacing by breed for an attack and was released on the condition it would remain at her property. The dog then attacked again when loose in public without a muzzle. Ms White obstructed animal management officers when staff visited her property to seize the dog. Prior to these events, Ms White had been infringed twice in 2020 for dog related offences.

Ms White has a strong emotional attachment to her current dog as she lives alone. While she has made some improvements to the fencing on her property, animal management staff do not consider the improvements make the property secure. Ms White is also willing to undertake courses to educate herself on responsible dog ownership and appears remorseful for her past offending. However, the Committee is not satisfied that the steps are sufficient to warrant termination of the disqualification given her history of non-compliance and the serious nature of her offending. The Committee considers public safety and deterrence would be achieved by upholding the disqualification.

**16 Te Whakaaro ki ngā Take Pūtea e Autaia ana | Consideration of Extraordinary Items**

There was no consideration of extraordinary items.

2.14pm

The chairperson thanked members for their attendance and attention to business and declared the meeting closed.

CONFIRMED AS A TRUE AND CORRECT RECORD  
AT A MEETING OF THE REGULATORY AND  
COMMUNITY SAFETY COMMITTEE HELD ON

**DATE:**.....

**CHAIRPERSON:**.....