

Local Authority's dog ownership forms deficient and actions relating to processing forms were unreasonable

Legislation	Ombudsmen Act 1975
Agency	Hamilton City Council
Ombudsman	Chief Ombudsman Dame Beverley Wakem
Case number(s)	364954
Date	November 2014

Whether Local Authority had reasonable practices regarding dog ownership forms in situation where dog ownership disputed by parties—Chief Ombudsman concluded forms were deficient

A dog was registered to a first owner (the complainant) but a second owner of the same dog was registered six months later. By that time the dog was not living with either of these people but living with a third owner. Sometime thereafter a dispute arose as to ownership of the dog.

The Council had received a change of ownership from the third owner which was signed by the complainant but not by the third owner. The Council processed the form reflecting the third owner as the new owner of the dog. The complainant went to the Council offices stating that she had been forced to sign the change of ownership form. The following day the complainant returned to the Council to ask who the new registered owner was but was told that the Privacy Act prevented this information from being given out. Later the complainant and the second registered owner again advised the Council that the dog had been stolen and the Council advised the complainant to complete a change of ownership form and to contact the police to report the dog as stolen. The Council processed the change of ownership forms signed by the complainant and the second registered owner. The 'previous owner' section of the form was neither completed nor signed. The Council was then informed by the third owner that she had had possession of the dog for the past 3 months and that she was going to make an application to the Disputes Tribunal to determine ownership. The third owner signed another change of ownership form which was processed by the Council. The complainant was identified on this form as the dog's previous owner but this form was not signed by the complainant.

The Disputes Tribunal made a decision that the dog was no longer owned by the complainant and the second registered owner but had in fact been rehomed.

The complainant initially raised concerns about the dog's ownership with the Office of the Ombudsman and was advised that this issue was resolved by the Disputes Tribunal and any investigation by an Ombudsman would not affect that outcome. However the complainant also raised concerns about the reasonableness of the Council's actions in processing the changes to the dog's registered owners. This issue was the focus of the Chief Ombudsman's investigation. In particular, the Chief Ombudsman investigated the decisions of the Council to process change of ownership forms on the three occasions despite having been made aware at the material time that there was a dispute over ownership. In response to the Chief Ombudsman's notification of the complaint, the Council provided a report on the issues arising and a copy of the relevant form for change of registered ownership of a dog. The form asks for the details of the previous owner and their signature, the details of the new owner, the identifying details of the dog and a declaration at the bottom, which is also to be signed but does not specify by whom.

The Chief Ombudsman concluded that the Council registered changes in ownership in respect of a dog on a number of occasions despite the change of ownership forms being incomplete and in the knowledge that there was a dispute concerning ownership of the dog. The Chief Ombudsman formed the provisional opinion that the Council acted unreasonably in processing the forms in the circumstances. Having considered the Ombudsman's provisional opinion on the matter, the Council agreed to review and amend the change of ownership form and provide their staff with suitable training. This remedial action represented a suitable resolution of the complaint and the Chief Ombudsman concluded her investigation on this basis. In view of the remedial action already taken by the Council, there was no need for any formal recommendation to be made.

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