

Chairperson and Subcommittee Members
AUDIT AND RISK SUBCOMMITTEE

29 SEPTEMBER 2015

Meeting Status: **Public**

Purpose of Report: For Information

OUTLINE OF THE STATUS OF COUNCIL BYLAWS

PURPOSE OF REPORT

- 1 This report provides the Audit and Risk Subcommittee with an overview of the current status of Council's bylaws.

DELEGATION

- 2 The Audit and Risk Subcommittee has authority under the following delegation in the Governance Structure, Section C.3:

Without limiting the generality of this delegation the Subcommittee has the following functions, duties and powers:

Internal Control Framework

- 7.1 *Review whether management's approach to maintaining an effective internal control framework is sound and effective.*

BACKGROUND

- 3 The Council bylaws are laws that are specific to the Kāpiti Coast District. They are introduced and enforced by the Kāpiti Coast District Council, and reflect the needs and concerns of our district and residents. The Council currently has 14 bylaws.
- 4 Staff have recently reviewed the way the Council monitors bylaws and a revised process has been put in place to improve consistency in the approach to monitoring and reviewing Council bylaws. This includes six monthly reporting to the Audit and Risk Subcommittee on the current status of each bylaw.

REVISED PROCESS FOR MANAGING BYLAWS

- 5 Work has recently been undertaken to strengthen processes supporting the Council's management of bylaws. This included a legal review undertaken to confirm the status of each bylaw and the implementation of updated processes to ensure that the Council effectively manages each of its 14 bylaws.
- 6 A key component of the revised process ensures that there is clear ownership of each bylaw across Council. Group Managers are aware of the dates when each of the bylaws they are responsible for are due for review and reminders will go out on a regular basis when bylaw review dates are approaching.
- 7 In order to assist staff members responsible for managing a bylaw review, a 'Developing a Bylaw Guide' has been developed to provide a consistent, step by

step approach for each bylaw review. Training of staff involved in developing bylaws is to be undertaken shortly, supported by this guide.

- 8 Attached to this paper as Appendix A is a table which summarises the status of each of the Council's existing bylaws. This table includes a date by which each of the existing bylaws must be reviewed. Section 160A of the Local Government Act 2002 states that a bylaw is only revoked on the date that is two years after the date by which it should have been reviewed.

BYLAW REVIEWS CURRENTLY UNDERWAY

- 9 In addition to the work underway to embed an updated bylaw review process across the Council, work is already underway on several bylaws which are now due for review. These include the Fire Prevention Bylaw 2010 which must be reviewed no later than 30 September 2017 and the Cemeteries Bylaw 2010 which must be reviewed no later than 28 January 2017. Work is shortly to begin on the Public Places Bylaw 2010 which must be reviewed no later than 15 July 2017.
- 10 On the 15th of October Council will be asked to formally approve the Food Safety Bylaw. This bylaw was adopted by the Environmental and Regulatory Committee on 1 February 2007 but not approved by Council. Although changes to the Food Act 2014 are progressively coming into force and may end up superseding the Council's existing bylaw, the Council needs to approve the Council's Food Safety bylaw to ensure the bylaw is valid.
- 11 Under existing legislation the Dog Control Bylaw must be preceded by a review of the Councils' Dog Control Policy that directs the bylaw. The review of the dog control policy will need to be completed during the 2017/18 financial year.
- 12 Staff are currently conducting a stocktake of all of Council's strategies, policies and plans (there are in excess of 90 items on this register) with a view to recommending priorities for review to Council before the end of the 2015 calendar year.

CONSIDERATIONS

Policy considerations

- 13 Policies associated to bylaws will be reviewed and updated if required in conjunction with bylaw reviews.

Financial considerations

- 14 There are no financial considerations in relation to the information outlined in this report.

SIGNIFICANCE AND ENGAGEMENT

Degree of significance

- 15 This report is for the purpose of providing information only and does not trigger the Council's Significance and Engagement policy. No engagement is required.

RECOMMENDATIONS

16 That the Audit and Risk Subcommittee note the current status of the Council bylaws.

Report prepared by	Approved for submission	Approved for submission
Linda Guerin Statutory Compliance Officer	Kevin Currie Group Manager Regulatory Services	Stephen McArthur Group Manager Strategy & Planning

ATTACHMENTS

Appendix 1 Kāpiti Coast District Council Bylaw Status

Appendix 1

Kāpiti Coast District Council Bylaw Status

Name of Bylaw	Owner	Date Bylaw was approved by Council	Date Bylaw came into force	New or Reviewed Bylaw	Due for Review by	Date Bylaw will be revoked if not renewed
Speed Limit Bylaw 2005	Infrastructure Services	30 June 2005	30 June 2005	New	New Speed Limit Bylaw 2015 to go to Council for adoption 15 October 2015	Not Relevant – post new legislation – the Land Transport (Speed Limits Validation and Other Matters) Act 2015
Cemeteries Bylaw 2010	Community Services	28 Jan 2010	01 Feb 2010	New	28 Jan 2015	28 Jan 2017
Fire Prevention Bylaw 2010	Regulatory Services	30 Sept 2010	1 Oct 2010	New	30 Sept 2015	30 Sept 2017
Food Safety Bylaw 2006	Regulatory Services	Adopted by Environment & Regulatory Committee on 1 Feb 2007		Replaced the Food Hygiene Bylaw 1993	1 Feb 2017 This is subject to Council approval on 15 October 2015	1 Feb 2019 NB: this bylaw will effectively be replaced by regulations under the Food Act 2014

Name of Bylaw	Owner	Date Bylaw was approved by Council	Date Bylaw came into force	New or Reviewed Bylaw	Due for Review by	Date Bylaw will be revoked if not renewed
Public Places Bylaw 2010	Community Services	15 Jul 2010	1 Jul 2010	New	15 Jul 2015	15 July 2017
Trade Waste Bylaw 2007	Infrastructure Services	14 Nov 2007	1 Jan 2008	Replaced Trade Waste Bylaw 2000	14 Nov 2017	14 Nov 2019
Dog Control Bylaw 2008	Regulatory	11 Dec 2008	22 Dec 2008	Review which replaced Dog Control Bylaw 1997	11 Dec 2018	11 Dec 2020
Control of Alcohol in Public Places Bylaw 2013	Strategy and Planning	18 Jul 2013	27 Jul 2013	Review which replaced Public Places Liquor Control Bylaw 2007	18 Dec 2018	18 Dec 2018 due to section 11 of the Local Government (Alcohol Reform) Amendment Act 2012.
Beach Bylaw 2009	Regulatory	28 May 2009	01 Sep 2009	Review which replaced the Beach Bylaw 2002	28 May 2019	28 May 2021

Name of Bylaw	Owner	Date Bylaw was approved by Council	Date Bylaw came into force	New or Reviewed Bylaw	Due for Review by	Date Bylaw will be revoked if not renewed
General Bylaw 2010	Strategy and Planning	28 Jan 2010	1 Feb 2010	Replaced Part 1 and 2 of General Bylaw 1991	28 Jan 2020	28 Jan 2022
Solid Waste Bylaw 2010	Infrastructure Services	22 Apr 2010	1 July 2010	Review which replace Part 9 of the General Bylaw 1991	22 Apr 2020	22 April 2022
Keeping of Animals, Bees and Poultry Bylaw 2010	Regulatory Services	3 June 2010	1 Jul 2010	Replaced Parts 4 and 5 of the General Bylaw 1991	3 June 2020	03 June 2022
Traffic Bylaw 2010	Infrastructure Services	24 June 2010	1 Jul 2010	Replaced Traffic Bylaw 2000	24 June 2020	24 June 2022
Water Supply Bylaw 2013	Infrastructure Services	29 Aug 2013	29 Aug 2013	Replaced Council Water Supply Bylaw 2010	29 Aug 2023	29 Aug 2025