

Chairperson and Committee Members
REGULATORY MANAGEMENT COMMITTEE

13 MARCH 2014

Meeting Status: **Public**

Purpose of Report: For Information

BYLAW REVIEW

PURPOSE OF REPORT

- 1 This report updates the Regulatory Management Committee (RMC) on the revised schedule of bylaw reviews.

SIGNIFICANCE OF DECISION

- 2 This report does not trigger Council's significance policy.

BACKGROUND

- 3 In December 2013 a report (CS-13-1050) was brought to the RMC which sought approval to commence a review process for two bylaws (Food Safety and Dog Control) and proposed a schedule for future dates for other bylaws to be considered.
- 4 Updated information regarding the bylaw review process requirements, along with recent feedback from Central Government with respect to the Food Bill, means an opportunity has arisen to reconsider the bylaw review dates. Advice suggests the Food Bill will advance through the Select Committee in 2014.

CONSIDERATIONS

Issues

- 5 The original bylaw review schedule tabled in December 2013 was based on a requirement for a five year review, plus an additional two year review/revocation provision under the LGA 02 (S160A). Further clarification means most of the bylaws now have up to a ten year review deadline.
- 6 The proposed amended schedule of bylaw reviews (attached as Appendix One) shows the latest dates by which a review should commence.
- 7 The original report to the Committee proposed to review two bylaws (Food Safety Bylaw and Dog Control Bylaw) in quick succession. A third bylaw (Speed Limits Bylaw) was also identified as needing review and was scheduled after the first two reviews.
- 8 The schedule is sufficiently flexible to allow for any earlier review that may be needed to accommodate changes to council processes and systems, as opposed to waiting for the proposed review date.
- 9 The December report acknowledged legal advice is to review the Speed Limits Bylaw under the requirements of the LGA 02, even though it is covered by the Land Transport Act 1998. This work is continuing and it is proposed to bring the Speed Limits Bylaw to the Committee before the end of the current financial year.

Financial Considerations

- 10 By amending the original schedule Council can spread the work load and costs associated with the reviewing its bylaws.

Legal Considerations

- 11 Council's legal advisors have reviewed the revised schedule and are satisfied with the proposed review timing.

Delegation

- 12 The Regulatory Management Committee has the authority to consider the issues raised in this report under clause 7.12 section B2 of the Governance structure (November 7 2013 version):

Section B.2 Bylaws

- 7.12 Authority to review Council bylaws, to approve draft bylaws for public consultation, to hear submissions, and to recommend to the Council amendments to the bylaws.*

Consultation

- 13 There is no requirement for consultation. Individual bylaws will undergo consultation through the review process.

Policy Implications

- 14 There are no policy implications.

Tāngata Whenua Considerations

- 15 There are no Tāngata Whenua considerations.

Publicity Considerations

- 16 There are no publicity considerations. Individual bylaw reviews will be appropriately publicised at the time of the review.

RECOMMENDATIONS

- 17 That the Committee notes the revised schedule of proposed bylaw reviews attached to this report CS-14-1134 as Appendix One.

Report prepared by:

Approved for submission by:

Nick Fowler

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Environmental Standards Manager

Group Manager Community Services

ATTACHMENTS:

Appendix One – Proposed Bylaw Review Schedule

Appendix 1

Kāpiti Coast District Council Bylaw		Date Made	Original review date	Proposed Review Date under LGA02
1.	Beach Bylaw	May 2009	May 2014	November 2018
2.	Cemetery Bylaw	January 2010	January 2015	August 2014
3.	Control of Alcohol in Public Places Bylaw	June 2013	June 2023	December 2022
4.	Dog Control Bylaw	December 2008	December 2013	May 2018
5.	Fire Prevention Bylaw	September 2010	September 2015	March 2015
6.	Food Safety Bylaw	March 2007	December 2013	March 2016
7.	General Bylaw	January 2010	January 2015	July 2019
8.	Keeping of Animals, Bees and Poultry Bylaw	June 2010	June 2015	December 2019
9.	Public Places Bylaw	June 2010	April 2015	December 2019
10.	Solid Waste Bylaw	April 2010	June 2015	December 2019
11.	Speed Limits Bylaw	June 2005	June 2010	June 2010 (1)
12.	Trade Waste Bylaw	November 2007	December 2017	June 2017
13.	Traffic Bylaw	June 2010	June 2015	November 2019
14.	Water Supply Bylaw	August 2013	June 2023	January 2023

(1) Although the Speed Limits Bylaw is under the Land Transport Act 1998, advice to review/reinstate the bylaw via the Local Government Act has been confirmed and hence work on the bylaw review is underway.