

MINUTES REGULATORY MANAGEMENT COMMITTEE	MEETING HELD ON THURSDAY 17 JULY 2014	TIME 10.00AM
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MINUTES of a meeting of the **Regulatory Management Committee**, held in the Council Chambers, 175 Rimu Road, Paraparaumu, on Thursday 17 July 2014 commencing at 10:00am.

PRESENT:

Cr	D	Ammundsen	(Chair)
Cr	M	Bell	
Cr	M	Cardiff	
Cr	P	Gaylor	
Cr	G	Gurunathan	
Cr	J	Holborow	
Cr	T	Lloyd	
Cr	D	Scott	
Cr	G	Welsh	
Mr	R	Church	(Mayor)
Mr	C	Royal	(Māori Representative)

IN ATTENDANCE:

Mr	P	Dougherty	(Chief Executive)
Ms	S	Foss	(Acting Group Manager, Regulatory Services)
Mr	S	Mallon	(Group Manager, Infrastructure Services)
Mr	S	McArthur	(Group Manager, Strategy & Partnerships)
Mr	C	Pearce	(Ōtaki Community Board)
Ms	J	Pearson	(Transport Safety Coordinator)
Mr	B	Cherry	(School Travel Planner)
Ms	C	Stevens	(Building Control Manager)
Ms	C	Duncan	(Executive Secretary, Regulatory Services)

The Chair welcomed everyone to the meeting, and made a special welcome to Sharon Foss, the new Acting General Manager, Regulatory Services.

The Chair also welcomed Jane Pearson (Transport Safety Coordinator) who after eight years with Council leaves this week. The Chair extended thanks to Jane for her work and contribution in her time with Council, and wished her well for the future.

The Chair read the blessing.

RMC 14/07/22

APOLOGIES

MOVED (WELSH/LLOYD)

That apologies be accepted from Mr James Westbury, member of Waikanae Community Board, Ms Fiona Vining, Chair of the Paraparaumu/Raumati Community Bosard and Cr Jackie Elliott.

CARRIED

RMC 14/07/23

DECLARATIONS OF INTEREST

Declarations of Interest – there were none.

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RMC 14/07/24

30 MINUTES PUBLIC SPEAKING TIME

1. Mr Barris – Food Licensing

Mr Barris spoke to his difficulties with getting a licence from this Council to sell food at a market stall. He considers this Council's policies inadequate compared to other councils in the region and suggests that improved guidance to staff is needed along with improved attitudes towards people who seek advice and instruction on opening up a business.

The Chair invited questions from the Committee.

A question was asked if what he is operating in the other Council areas, is exactly what he wants to run in this Council area, but he cannot. Mr Barris confirmed that was correct.

2. Dale Evans – various items

Mr Evans requested a correction in the minutes of the last meeting noting that it was in excess of 1,500 signatures, not 500.

Mr Evans circulated a paper. He spoke about the Regulatory Management Committee minute availability on the website, meeting schedule and agenda size. Mr Evans then (a) commented on the alleged legal costs associated with the Code of Conduct Complaint and asked what was the legal fee expenditure so far this year? (b) what stage is the kiosk project at and what are the costs so far and what will be the final cost? (c) when was the dog "Beau" to be put down and what was the cost so far to the rate payer? and (d) had the Chief Executive received a \$20,000 pay increase?

The Chair invited questions from Committee Members.

Mr Evans was asked if he knew when the dog "Beau" was to be put down?

Mr Evans responded – he had no idea at all.

RMC 14/07/25

PRESENTATION: ROAD SAFETY ADVISORY GROUP

Cr Scott advised there had been two major meetings of the Road Safety Group in the last few months and a considerable number of sub-group meetings. He commented on the improved effectiveness of the group which is now more inclusive of staff and others - including community boards, bus companies, Coastlands and cycling/mobility scooter networks.

Cr Scott commented on the positive contributions by the School Travel Planner, Brent Cherry to Community Board meetings. He noted that the communications between Brent Cherry, himself and Cr Elliott in the catch-ups after the sub-group meetings are continuing well.

Specific improvements over the last few months include Kāpiti cycleways, pathways, zebra crossings, altering road markings around schools and bus stops.

Kāpiti Road (moderating speeds on the road)

There is increased traffic coming off adjoining roads and also from the airport development which is creating more safety issues which will need to be considered and addressed.

The Chair invited questions from Committee Members.

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A comment was made that the list of those being represented at the meetings was impressive, and asked if Police attended? Cr Scott responded yes, noting that Senior Sergeant Anita Dixon is invited to each meeting.

**RMC 14/07/26
MEMBERS' BUSINESS**

(a) Public Speaking Time Responses

Mr Barris

Sharon Foss offered to meet Mr Barris and discuss both his business plans and his view on this Council compared to others in the Region. Mr Dougherty ensured that Councillors will be informed of the outcome of that meeting.

A comment was made that although difficult to compare council approaches, there is value in some commonality in the food industry. He would like to see Mr Barris' situation concluded and asked if it was possible to create a report that compares the advice given to Mr Barris on food stalls by this Council to that of other councils. It was commented upon that it would be useful to understand why there are differences between councils and the grounds behind that.

Ms Foss said that the Food Act comes into place mid-2015 and at this point of time she is unable to comment on how it would relate to the current issue with Mr Barris.

Dale Evans

Pat Dougherty advised that it was an administrative oversight that the agenda and the minutes of the previous meeting were not on the website. He noted that minutes must be approved at a meeting before they are put up on the website.

Mr Dougherty advised that the Code of Conduct Complaint was on the Council Public Excluded Agenda for 24 July 2014 and until then Councillors were constrained on what they can say.

Mr Dougherty advised that a response on the Kiosk will be provided to Mr Evans directly.

Ms Foss commented that Council is currently awaiting the sealed order from Judge Hastings in relation to the dog "Beau" and without that document no further action with regards to Beau would be taken. She advised Mr Evans that she had a letter to him nearing completion which would outline the costs associated with Beau.

Mr Dougherty advised that this is incorrect that there has been a \$20,000 pay increase for the Chief Executive.

(b) Leave of Absence - there were none.

(c) Matters of an Urgent Nature - there were none.

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RMC 14/07/27
CONFIRMATION OF MINUTES: 13 May 2014

MOVED (HOLBOROW/GAYLOR)

That the minutes of the Regulatory Management Committee meeting dated 13 May 2014 are accepted, with the one amendment which shows the number of signatures received on the petition stated by Mr Evans was in the vicinity of 1,500 (not 500).

CARRIED

RMC 14/07/28
MATTERS UNDER ACTION

The following Matters under Action were discussed:

School Travel Planning

Clarification was sought on 'completed' items. Mr Cherry responded that infrastructural projects once finished are recorded as complete. He explained that other items that are part of a longer term work programme (e.g. school student input on town centre revitalisation) can continue through different phases however, the status will show as complete as the original purpose of initiating contact has been achieved.

It was requested that the Waikanae Community Board be provided with the Waikanae town centre revitalisation information provided by school students. Mr Cherry undertook to have Phil Stroud forward that information to the Board.

It was commented on the value of Mr Cherry presenting to Community Boards and asked if he had presented to Waikanae Community Board. Mr Cherry advised that the only Community Board he had yet to present to was the Waikanae Community Board.

A comment was made on the 'severe' entrance to the Ōtaki Primary School and asked if this was the finished state or was it going to be softened? Mr Cherry advised that following feedback from the Ōtaki Community Board that the school entrance would be 'softened' and that this work was scheduled as the next priority.

An update was requested on Raumati Beach Primary School. Mr Cherry advised the Roading Asset Manager is looking at the whole of Raumati Road and how traffic flow and crossings are affected. Another consideration is the possibility of the new Kāpiti College Performance Arts Centre and associated roading changes. This remains a current item; however, this has evolved into a bigger picture project involving feedback from the Community Boards.

Road Safety

Jane Pearson expressed her thanks to everyone that she has worked with during her 11 years with the Council.

Jane was congratulated on her new appointment and asked if any motorcycle road safety programmes and defensive driving courses would be held in Ōtaki? Ms Pearson responded – yes there were definitely plans to hold courses closer to Ōtaki, and work has been undertaken along with the Horowhenua Council in this effort. She noted that a Driving Confidence Course scheduled for August in Ōtaki was fully booked.

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District Plan Review

Stephen McArthur advised that a report on the District Plan Review was coming to the 24 July 2014 Council meeting.

Resource Consents

Rita O'Brien provided an update on notified consents. :

Collmog Bridge

Sharon Foss advised that staff would meet Greater Wellington Regional Council staff and brief them on the situation and follow-up that meeting in writing. She noted that Council is working with the bridge owners to assist them and their designers with a building consent application.

Councillors will be kept informed of progress and copied the letter Council sends the Regional Council. A paper will be coming to the next meeting of RMC. It was requested that Ōtaki Community Board members be included in the copy of that information as it is circulated. Ms Foss agreed this would be actioned.

RMC 14/07/29

MATTERS UNDER ACTION – LEGISLATION UPDATE

Sharon Foss noted the legislation update presentation had changed, as requested by the Committee, to better distinguish the latest update.

Ms Foss noted that the Local Government Amendment Act was sitting at No. 12 on the Parliamentary Order Paper. Parliament was due to resume sitting on 22 July 2014, and it is believed that it may go through before the House rises for the general election.

A question was asked what was stopping Council from implementing some of the new Building Amendment Act 2013 consenting timeframes now? Ms Foss advised that we are statutorily bound to work within the legislation that is the current state. However, in preparing the Regulatory Activity Management Plan staff are cognisant of the upcoming legislative change and would factor this in.

RMC 14/07/30

INTRODUCTION OF NEW STAFF

Claire Stevens introduced Alison Helliwell (Building Control Officer) and Leon Smith (Building Approvals Team Leader). The Chair then invited them to join the Committee for morning tea.

The meeting adjourned at 10.50 am and reconvened at 11.00 am, with Cr Cardiff returning at 11.04 am.

RMC 14/07/31

LOCAL ALCOHOL POLICY AND LOCAL APPROVED PRODUCTS POLICY (SP-14-1249)

The Chair welcomed Ms Andrea Boston from Regional Public Health who then presented on the Local Alcohol Policy (LAP) and Local Approved Products Policy (LAPP) and the work of the Ministry of Health with councils around the Local Alcohol Policies. She noted that early community consultation has been undertaken and that some provisional policies have experienced appeals (the first hearings to be heard in August 2014).

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Ms Hutcheson advised that there is a clear directive from the Ministry of Health that Council does need to be putting in place policy which will actually define where these products can be sold. She noted that there are high levels of community concern about possible locations.

Ms Boston reminded the meeting that there are two very different pieces of legislation, which are constructed in very different ways. They have different methods and means for regulating and controlling where and how products and alcohol are sold.

For the Local Approved Products Policy, the clear directive is to develop policy to provide some form of regulation which allows Council to determine where these products can be sold prior to people applying for licences to sell these products. There is no date yet from the Ministry about when the products will be available for sale, nor is there any detail about the regulations that support the legislation. Ms Boston concluded that it is very important to remember that these products will be legal and can be sold, and that the reason for making them legal is to establish some form of control - regulated products.

The Chair thanked Ms Boston and Committee Members then discussed the presentation and asked questions of clarification. The main discussion points were:

- this is a central government issue passed to local councils to implement,
- the importance of Elected Members not establishing a fixed position prior to the consultation process,
- Council has a statutory obligation to make provision for the sale of those products in the community. It cannot reject the ability for these products to be sold in the community,
- the Ministry of Health will make decisions on where products are sold within our community. Therefore, the concern is that without local policy there will be no local guidance on that decision making, and it will be without the views of the community,
- the value of taking it slowly and allowing other councils to go through their process first in order to learn from their experience,
- that at the policy level the community has the chance to interface on how the policy is shaped,
- the sites will be determined by a regulatory authority which sits within the Ministry of Health,
- the relationship between the Local Alcohol Policy and the District Licensing Committee (DLC) – particularly in terms of appeals. The DLC will have access to all information in their decisions, and have the Regulatory Authority as their next step (for additional hearings or appeals around applications),
- concern that the name Local Approved Products Policy does not refer to psychoactive substances,
- a request for the LAPP development process to be documented with a timeline for the consultation process,
- a request for Elected Members to be provided with very basic materials to use on planned visits with staff to community groups to raise that awareness,
- budget provision,
- this is an incredibly emotive issue,
- the legislative driver for this legislation has come about from evidence that it is better to know, and regulate, the products in the market rather than not know the products,
- Local Government NZ (LGNZ) have provided legal advice and some templates for the creation of the policy, which should reduce the risk of judicial review,
- if the Council has policies in place by March 2015 they will be in time for the regulations,
- the legislation is quite specific about what kind of retailer can sell the product, and it does not state that you can actually determine a specific retailer like a pharmacy. The legislation is set more around where you cannot sell, eg. dairies – that is, it is not pre-determined in the local policy,

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- the policies are made by Council, but the decisions on location are made by Central Government. If the policy is not in accordance with the Act, the Ministry is only expected to use it as guidance and it could be rejected.

Discussion on the wording of the recommendations then followed and an additional recommendation was asked to be put on the table that Council formally engage a process to lobby Government to change what Council is looking at.

The Chair invited Stephen McArthur to join the Committee Members' table for further discussion of the recommendations.

MOVED (GAYLOR/LLOYD)

The Committee recommends that Recommendation 27 "That the Committee note the continuing work to develop the Local Alcohol Policy."

CARRIED

MOVED (WELSH/GAYLOR)

The Committee recommends that the new Recommendation 28 "That the Council advises the Government of its concerns about the psychoactive substances legislation and Council's inability to ban these substances within the Kāpiti Coast District."

CARRIED

MOVED (GAYLOR/BELL)

The Committee recommends that Recommendation 29 – "That the Committee acknowledges the Council's inability to ban the sale of psychoactive substances and requests staff to develop a draft LAPP through community consultation, for psychoactive substances to guide Central Government decisions on retail licensing."

CARRIED

Colin Pearce left the room at 11.59 am and returned at 12.01 pm.

The Chair thanked Stephen McArthur, Ms Boston and Ms Hutcheson and staff for their input. The Chair also thanked the attending Press and public.

The meeting closed at 12.10 pm

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Chairperson

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Date