

26 January 2021

Request for Official Information responded to under the Local Government and Official Information and Meetings Act 1987 (LGOIMA) – reference: OIR 2122-163

I refer to your information request we received on 21 December 2021 for the following:

As a local rate payer affected by the Council imposed mandate (noting and highlighting this is not law) I require a copy of the following:

1. The legal paperwork that gives the council the power to enforce a mandate.

The delegation that permits the Chief Executive to make this decision can be seen within the reports and minutes in relation to the Council meeting on 12 December 2019 these documents can be seen on the Council website: https://www.kapiticoast.govt.nz/your-council/meetings/meetings/

The Amendments to the Council delegations to Chief Executive and staff report includes the delegation under the Local Government Act 2002 which gives the Chief Executive the power to give approval to matters or activities relating to land or buildings under the control, authorisation or ownership of the Council. The COVID-19 Public Health Response Act 2020 then empowers measures such as requiring a Vaccine Pass to enter facilities.

2. The legal paperwork that KCDC can continue to charge and collect ratepayers "community facilities" charges that form a specific sections of our rates whilst refusing entry to such community facilities that are being funded, noting this includes those that are free and those that are user pays, or for hire. This also includes ratepayer funded programs and events that are scheduled to take place.

The Local Government (Rating) Act 2002 provides Council with its powers to collect rates in the Kapiti Coast District. The rates are set in accordance with the Council's Revenue and Financing Policy. This policy sets out the private/public funding split for all Council activities which carefully considers who benefits most from Council services and facilities.

Rates help pay for services and facilities for the Kāpiti community that are either critical or beneficial to the community as a whole – often the things that make our district a more desirable place to live.

Many services will be translated into a safe and contactless service - information on our services under the COVID-19 protection framework is available on our website: https://www.kapiticoast.govt.nz/our-district/cdem/covid-19/our-services-during-covid-19/

3. I would like a copy of the KCDC mental health and well-being plan that represents the Kapiti region for children & youth aged 12+ that are being adversely affected and suffering from stress and mental health implications by being shut out of the community.

There is no requirement for Local Authorities to develop mental health and well-being plans for members of the community therefore such a document does not exist.

4. Please provide a copy of the minutes for the meeting where councilors met to discuss the implemented mandate, including a copy of the risk assessment and decision making process.

The decision to require vaccine passes at Council facilities was an operational decision made by the Senior Leadership Team in accordance with the Team's delegated authority. The decision was made in order to protect the community's vulnerable members (older persons, children under 12 years not vaccinated and immune compromised persons) that would be using the Council facilities. A meeting for a vote by Elected Members was not required for this decision.

Please find attached a copy of the Kapiti Coast District Council Risk Assessment prepared to determine our COVID-19 Vaccination requirements for staff positions. It also looks at risk in relation to COVID-19 for different Council roles and facilities. Due to this risk assessment, these facilities have been mandated as requiring a Vaccine Pass for the health and safety of our staff our community and our customers.

5. Please advise if the rate payer funded events such as; Arts Tour scheduled Feb 2022 will be open to all ratepayers?

The Council does not have an Arts Tour scheduled for February 2022. COVID-19 related restrictions for any Council arranged events will be outlined on our website and will depend on the type of event and the traffic light level that the District is sitting on at the time of the event.

6. Are the "social impact grants" available to all ratepayers to apply?

Social impact grants are open to not-for-profit organisations, iwi and hapu. Full details regarding the requirements to be eligible for a Social Impact Grant can be seen on the Council's website: https://www.kapiticoast.govt.nz/services/a-z-council-services-and-facilities/grants-funding-and-awards/social-investment/#social-impact

7. Please advise your plans on unvaccinated 5-11 year old children from 17th Jan 2022? Will they be locked out of the community and join the banned vaccine free 12-17 year old children & youth?

Government advice is that children under the age of 12 years and 3 months are not required to show proof of vaccination.

8. Please provide a copy of the health and safety data & statistics that KCDC used in the decision making process that showed that our 12-17 year old children and youth are a risk to the community through the transmission of covid 19?

The Council was working in accordance with Government guidance when the decision was made to require Vaccine Passes to access Council facilities. The Government guidance can be found on the Government's COVID-19 website.

9. Please provide a copy of how you are managing and preventing the spread of covid-19 in our community facilities by fully vaccinated persons?

The protective restrictions put in place for visitors to Council's facilities can be seen on the website: https://www.kapiticoast.govt.nz/our-district/cdem/covid-19/our-services-during-covid-19/

10. I will seeking a pro-rata rates refund for the "community facilities" charges of my rates from the 3rd December 2021 continuing until this mandate is removed.

No rebates or discounts will be provided as rates are set in accordance with the Council's Revenue and Financing policy as noted above. Without an approved payment arrangement in place with the Council, all late payment of rates due will incur a 10% penalty charge.

Yours sincerely

Mark de Haast

Group Manager Corporate Services Te Kaihautū Ratonga Tōpū

* following the risk assessment of all roles the assumption is that as a local government organisation our role is to deliver services to the community which meet legislative requirements and underpinned with our organisational values. Therefore in the interest of being a good employer, caring about the wellbeing of our workers, putting the health and safety of our workers, our community, and our customers as a priority, it appears unlikely that any role within our organisation could be exempt from the risk of spreading and/or contracting delta in the workplace or as a result of the work being undertaken.

Role Groupings for Risk Assessment	Potential Situations* see below at end of table		of	Residual Risk Transmission of COVID-19 (once controls are in place)		Vaccination requirement
Public Health Order - Education Mandated roles under the Public Health Order for Education - required to go into schools Public Health Order – Education Mandated roles under the Public Health (Vaccinations) Order for Education, which includes: Workers over the age of 12 years who carry out work at or for an affected education service (including as a volunteer worker or an unpaid worker) and who either: •may have contact with children or students while carrying out the work •will be present at the affected education service at a time when children or students are also present.	the COVID-19 Public Health Response (Vaccinations) Order 2021. **PUBLIC HEALTH ORDER INFORMATION MAY BE SUBJECT TO CHANGE	Good Hygiene Tracking using COVID app Staying home when unwell Covid test where required	Consequence: Major Likelihood: Likely Risk: High Unvaccinated or those at higher risk may experience more severe reaction, and have a higher risk	Consequence: Major Likelihood: Likely Risk: High Unvaccinated or those at higher risk may experience more severe reaction, and have a higher risk	These roles are required to be vaccinated under the COVID-19 Public Health Response (Vaccinations) Order 2021.	It is legally mandated for these roles to be vaccinated. All positions that fit within this role profile are required to be vaccinated.
Public Health Order - Covid Vaccination Certificate Roles that will be mandated under the health order for Covid Vaccination Certificates include: - Workers at permitted events/gatherings (KCDC events) regardless of whether the work is carried out before people arrive at, or leave, the permitted event - Gyms (no current KCDC operated Gym facilities) - Workers of a food and drink business service (see definition in COVID-19 Public Health Response (Protection Framework) Order 2021) - Workers at close proximity businesses and services (where physical distancing of 1 metre cannot be maintained, excludes professional and semi-professional sports, specified social services, education entities - see definition in COVID-19 Public Health Response (Protection Framework) Order 2021) - Workers who carry out work for a tertiary education provider at tertiary education premises that are located in an area described in Part 1 of Schedule 7 of the Covid-19 Framework (areas at Red of traffic light). * Please note the rules for these categories differ depending on whether we are at a Red, Orange or Green setting.	Roles that support activities that require COVID Vaccination Certificate e.g. events, gyms etc **PUBLIC HEALTH ORDER INFORMATION MAY BE SUBJECT TO CHANGE	Mask wearing Physical Distancing Reduction of attendees to events/facilities/programmes Good Hygiene Tracking using COVID app Staying home when unwell Workers with cold, flu or COVID-19 symptoms get tested where required Workers to forward results to Human Resources Advisors/Health and Safety Advisor for filing onto secure personal files. Vaccination Legally Mandated	Consequence: Major Likelihood: Likely Risk: High Unvaccinated or those at higher risk may experience more severe reaction, and have a higher risk		These roles are required to be vaccinated under the COVID-19 Public Health Response (Vaccinations) Order 2021 and Covid-19 Public Health Response (Vaccinations) Amendment Order (No 6) 2021.	It is legally mandated for these roles to be vaccinated All positions in KCDC that fit within this role profile are required to be vaccinated.

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Role Groupings for Risk Assessment	Potential Situations* see below at end of table		Residual Risk Contraction of COVID-19 (once controls are in place)	Residual Risk Transmission of COVID-19 (once controls are in place)	Vaccination Consideration	Vaccination requirement
Pool and Recreation Facilities	KCDC Pool and Recreation Facilities roles regularly interact with the public, in particular having high attendance rates for children* and other vulnerable groups of society. Pools and Recreation Facilities can not easily provide separate access/egress or separate worker only areas, therefore, anyone working onsite will interact with the general public. (this includes the Plunge Cafe located within the Coastlands Aquatic Centre) *Children are defined as a vulnerable group by Government given they cannot be vaccinated (you must currently be at least 12 years old to be vaccinated). Council Halls - these premises are regularly hired to members of the public/businesses/community groups/clubs, etc for their activities and events. Such hire arrangements do not include a requirement for Council staff to be present and as such the 'hirer/organiser' of the event has responsibility to ensure infection control protocols are in place and carried out.	•Mask wearing (where appropriate)□ •Physical Distancing •Good Hygiene •Tracking using COVID app •Staying home when unwell •Workers with cold, flu or COVID-19 symptoms get tested where required •Workers to forward results to Human Resources Advisors/Health and Safety Advisor for filing onto secure personal files Pool specific rules: •parents to assist with guiding or hands on support if needed for swim lessons KCDC requires the hirer of the Council facility - such as Halls and the separate function rooms within the same facility - to undertake the required protocols for managing infection under the Covid-19 traffic lights system. For multiple hire's within the same facility, the Council may restrict bookings to single events only.	higher risk may experience more severe reaction, and have a higher risk	Consequence: Major Likelihood: Likely Risk: High Unvaccinated or those at higher risk may experience more severe reaction, and have a higher risk	children and other vulnerable groups of society. They are also unable to confirm vaccination status of those they regularly interact with. Pool Specific Risk: Due to the nature of pool activities, standard health and safety measures like face coverings are not appropriate, and physical distancing is not always easy to maintain. Recreation Facility Specific Risk: KCDC managed facilities host multiple events and sporting activities with high attendance by children (and other vulnerable groups of society), where physical distancing is not always possible to be enforced. All locations within pool and recreation facilities may have interaction with vulnerable groups of society and therefore are considered within this group. Under the traffic light system, it does talk about close contact roles, which swim school may fall within, which would see the roles mandated. ** Halls - mixed usage by individual groups for hire within the same facility poses a risk for shared toilet and kitchen facilities as well as the common entry and exits. Vaccination consideration ranking	Due to the high interaction with vulnerable groups of society, potential for large scale events, and emergency response (first aid) it is recommended that all Pool and Recreation Facilities roles are required to be vaccinated to provide an extra layer of protection. School groups regularly use pools - Teachers are required by the government mandate to be vaccinated. Any roles that regularly go into Pools and Recreation Facilities would also need to be vaccinated as we can't separate those on site from public, and children who cannot be vaccinated. Although Council staff do not attend on site to manage private bookings, the Council will require all hirers to know their responsibilities and follow the Covid-19 traffic light system rules such as with the use of Vaccine Passports for attendance.
Libraries and Community Centres	Libraries and Community Centre roles regularly interact with the public, in particular having high attendance rates for children* and vulnerable groups of society. Libraries and Community Centres can not easily provide separate access/egress or have worker only areas away from the public, therefore, anyone working onsite will be exposed to the general public. *Children are defined as a vulnerable group by Government given they cannot be vaccinated (you must currently be at least 12 years old to be vaccinated).	*Masks *Physical Distancing *Physical barriers where appropriate *Good Hygiene *Tracking using COVID app *Staying home when unwell *Workers with cold, flu or COVID-19 symptoms get tested where required *Workers to forward results to Human Resources Advisors/Health and Safety Advisors for filing onto secure personal files *Work from home where possible *Scheduling of programmes and limiting admission numbers into Library and Community Centres as well as programmes	Consequence: Major Likelihood: Likely Risk: High Unvaccinated or those at higher risk may experience more severe reaction, and have a higher risk	Consequence: Major Likelihood: Likely Risk: High Unvaccinated or those at higher risk may experience more severe reaction, and have a higher risk	programmes etc. They and are also unable to confirm vaccination status of those they regularly interact with. Libraries and Community Centres will likely continue to be operational during higher traffic light levels, where there is high community transmission.	Due to the interaction with public (vulnerable groups) on a regular basis and the risk for both exposure and transmission, it is recommended that all Libraries and Community Centre roles are required to be vaccinated to provide an extra layer of protection. Any roles that regularly go into Libraries and Community Centres would also need to be vaccinated as we can't separate those on site from public, and children who can not be vaccinated.
Regulatory Services These roles include building consents and inspections, animal management services, parking and public space services and environmental health.	Roles that have regular interactions with the public and/or internal/external stakeholders to deliver regulatory services.	Physical Distancing Good Hygiene Tracking using COVID app Staying home when unwell Covid test where required Forward results to Human Resources Advisor/Health and Safety Advisor for	Consequence: Major Likelihood: Likely Risk: High Unvaccinated or those at higher risk may experience more severe reaction, and have a higher risk	Consequence: Major Likelihood: Likely Risk: High Unvaccinated or those at higher risk may experience more severe reaction, and have a higher risk	and/or internal/external stakeholders, and are unable to confirm vaccination status of those they interact with. Difficult to identify who they come into contact with. These include legally required roles Council must deliver. There may be certain sites that require vaccination certificates are mandated under the Health Order.	Due to the interaction with public and/or internal/external stakeholders on a regular basis and the risk for both Covid exposure and transmission, it is recommended that all Regulatory Services roles be required to be vaccinated to provide an extra layer of protection. There is currently a requirement by some external stakeholders that Council regulatory staff are able to provide evidence of vaccination prior to going onto premises/properties.

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Staying home when unwell Workers with cold, flu or COVID-19 Symptoms get tested where required Workers to forward results to Human Resources Advisor for filing onto secure personal files Advisor for filing and limiting interaction with Scheduling and limiting interaction with *Staying home when unwell Waccination consideration ranking Number of people interacted with = Medium Risk Risk: Medium Unvaccinated or those at higher interaction with public and/or Unvaccinated or those at higher risk may experience more severe reaction, and have a higher risk Workplace risk vs non-work = Medium Risk Unvaccination consideration ranking Number of people interacted with = Medium Risk Ease of contact tracing = High Risk Unvaccinated or those at higher interaction with public and/or limits the ability to physical distance from colleagues, who may have higher interaction with public and/or limits the ability to physical distance from colleagues, who may have higher interaction with public and/or limits the ability to physical distance from colleagues, who may have higher interaction with public and/or limits the ability to physical distance from colleagues, who may have higher interaction with public and/or limits the ability to physical distance from colleagues, who may have higher interaction with public and/or limits the ability to physical distance from colleagues, who may have higher interaction with public and/or limits the ability to physical distance from colleagues, who may have higher interaction with public and/or limits the ability to physical distance from colleagues, who may have higher interaction with public and/or limits the ability to physical distance from colleagues, who may have higher interaction with public and/or limits the ability to physical distance from colleagues, who may have higher interaction with public and/or limits the ability to physical distance from colleagues, who may have higher interaction with public and/or limits the ability to physical distance from colleagues, who may have high			1	1		, ,	transmission of covid.
*Workers with cold, flu or COVID-19 symptoms get tested where required *Workers to forward results to Human Resources Advisors/Health and Safety Advisor for filing onto secure personal files Scheduling and limiting interaction with Scheduling and limiting interaction with symptoms get tested where required *Workers to forward results to Human Resources Advisors/Health and Safety Advisor for filing onto secure personal files Scheduling and limiting interaction with cold, flu or COVID-19 symptoms get tested where required *Medium Medium Munvaccinated or those at higher risk may experience more severe reaction, and have a higher risk may experience more severe reaction, and have a higher risk may experience more severe reaction, and have a higher risk may experience more severe reaction, and have a higher risk was		profiles.		Likely			Common areas such as staff rooms, toilets, stairwells
Workers to forward results to Human Resources Advisors/Health and Safety Advisor for filing onto secure personal files Scheduling and limiting interaction with Workers to forward results to Human Resources Advisors/Health and Safety Advisor for filing onto secure personal files Scheduling and limiting interaction with Unvaccinated or those at higher risk may experience more severe reaction, and have a higher risk Unvaccinated or those at higher risk may experience more severe reaction, and have a higher risk Scheduling and limiting interaction with Unvaccinated or those at higher risk Length of interaction = Medium Risk Interaction = Medium Risk Interaction = Medium Risk Affecting vulnerable people = Medium to High Risk Vaccinated. This takes account of the risks to other colleagues and customers as well as the individual				Risk:		l -	· · · · ·
Resources Advisors/Health and Safety Advisor for filing onto secure personal files Advisor for filing and limiting interaction with Resources Advisors/Health and Safety Advisor for filing onto secure personal files But not risk may experience more severe reaction, and have a higher risk But not risk may experience more severe reaction, and have a higher risk But not reaction = Medium Risk But is recommended that these roles are to be vaccinated. This takes account of the risks to other colleagues and customers as well as the individual							, , ,
Advisor for filing onto secure personal files more severe reaction, and have a higher risk Scheduling and limiting interaction with severe reaction, and have a higher risk Workplace risk vs non-work = Medium Risk Workplace risk vs non-work = Medium Risk Ut is recommended that these roles are to be vaccinated. This takes account of the risks to other colleagues and customers as well as the individual]	, ,	internal/external stakenoluers.
Scheduling and limiting interaction with Workplace risk vs non-work = Medium Risk colleagues and customers as well as the individual				more severe reaction, and	severe reaction, and have a	Interacting with the public = Medium Risk	
			Scheduling and limiting interaction with	have a higher risk	higher risk		
						A SULPHAGE HOW AS HOLL-MOLK = INIGUIGHT KISK	

3

Role Groupings for Risk Assessment	Potential Situations* see below at end of table	Current Controls	Residual Risk Contraction	Residual Risk Transmission	Vaccination Consideration	Vaccination requirement
Groupings for Monthoodonione				of COVID-19 (once controls		- accomment requirement
			COVID-19 (once controls	are in place)		
			are in place)	, ,		
Office or non-public facing (with high face to face interaction with	Office or non public facing roles that have high interaction with internal/external stakeholders that can	Mask wearing Physical Distancing	Consequence: Major	Consequence: Major	These roles will have high interaction with the internal/external stakeholders. Due to the nature of the relationships and high	Due to the interaction with stakeholders on a regular basis and the risk for both exposure and transmission, it
colleagues/internal/external customers/external	not be done remotely.	Physical barriers where appropriate	Major	Iviajoi	levels of interaction they are not likely able to confirm	is recommended that all Office or non-public facing
stakeholders)	,	•Good Hygiene	Likelihood:	Likelihood:	vaccination status of those they interact with.	roles are required to be vaccinated to provide an
		•Tracking using COVID app	Likely	Likely	Vaccination consideration ranking	extra layer of protection. This is also to protect
		•Staying home when unwell	L		Number of people interacted with = High Risk	colleagues and customers.
		Workers with cold, flu or COVID-19 symptoms get tested where required	Risk:	Risk: High	Ease of contact tracing = High Risk Physical Distancing = Medium to High Risk	
		•Workers to forward results to Human	High Unvaccinated or those at	Unvaccinated or those at higher	Length of interaction = Medium to High Risk	
		Resources Advisors/Health and Safety	higher risk may experience	risk may experience more	Interacting with the public = Low to High Risk	
		Advisor for filing onto secure personal files	more severe reaction, and		Affecting vulnerable people = High Risk	
			have a higher risk	higher risk	Workplace risk vs non-work = Medium to High Risk	
		Scheduling and limiting interaction with				
		external stakeholders				
Office or non-public facing	Office or non-public facing roles that have low interaction	•Mask wearing	Consequence:	Consequence:	These roles will have low interaction with internal/external	With physical distancing, mask, good hygiene required
(with medium to low face to face interaction with	with colleagues/internal/external stakeholders. This	•Physical Distancing	Moderate	Moderate	stakeholders. Due to the low interaction they are likely to be	for these roles, there are multiple layers which may be
colleagues/ internal/external customers / external	includes office or non-public facing roles that are not	•Good Hygiene			able to confirm vaccination status of those they interact with.	adequate to potentially reduce the risk of contraction
stakeholders)	captured within the other role profiles.	•Tracking using COVID app	Likelihood:	Likelihood:	Vaccination consideration ranking	and transmission of covid.
		•Staying home when unwell	Likely	Likely	Number of people interacted with = Low to Medium Risk	
		•Workers with cold, flu or COVID-19 symptoms get tested where required	la	l _a	Ease of contact tracing = Low to Medium Risk	Common areas such as staff rooms, toilets, stairwells limits the ability to physical distance from colleagues,
		Workers to forward results to Human	Risk: Medium	Risk: Medium	Physical Distancing = Low to Medium Risk Length of interaction = Medium to High Risk	who may have higher interaction with public and/or
		Resources Advisors/Health and Safety	Medidiii	Medidiii	Interacting with the public = High Risk	internal/external stakeholders.
		Advisor for filing onto secure personal files	Unvaccinated or those at	Unvaccinated or those at higher	Affecting vulnerable people = High Risk	
			higher risk may experience	risk may experience more	Workplace risk vs non-work = High Risk	It is recommended that these roles are to be
		Can work from home in higher alert/traffic	more severe reaction, and	severe reaction, and have a		<u>vaccinated</u> in consideration of other workers and other
		light levels	have a higher risk	higher risk		customers.
Elected members		•Mask wearing	Consequence:	Consequence:		Due to the high interaction with public and stakeholders
(high interaction with public and/or internal/external	interaction with public and/or internal/external stakeholders.	•Physical Distancing	Major	Major	vulnerable groups of society) and/or internal/external stakeholders. They are unable to confirm vaccination status of	and the risk for both exposure and transmission, it is recommended that all Elected Members are required
stakeholders)	istakenoiders.	Physical barriers where appropriate Good Hygiene	Likelihood:	Likelihood:	those they interact with.	to be vaccinated to provide an extra layer of protection.
CONSULTATION/ DISCUSSION WITH MAYOR TO		• Tracking using COVID app	Likely	Likely	anoso troy interact with.	This extra layer of protection is also taking account of
BE DONE SEPARATELY BUT THIS IS A		•Staying home when unwell			These roles will likely continue to be operational during higher	the interactions they will have with staff.
CONSIDERATION THAT REQUIRES NOTING		•Elected members with cold, flu or COVID-	_		traffic light levels, where there is high community transmission.	
		19 symptoms get tested where required		, •	Vaccination consideration ranking	
			Unvaccinated or those at	Unvaccinated or those at higher	Number of people interacted with = Extreme Risk	
		Scheduling and limiting interaction with	higher risk may experience more severe reaction, and		Ease of contact tracing = High to Extreme Risk Physical Distancing = Medium to High Risk	
		external stakeholders	have a higher risk	higher risk	Length of interaction = Medium to High Risk	
			That a riighor hore	1	Interacting with the public = Extreme Risk	
					Affecting vulnerable people = Extreme Risk	
					Workplace risk vs non-work = Extreme Risk	

Note: All positions that have a high driving component and are required to undertake AA Driver Assessments will be required to be vaccinated as this is a requirement of AA Driver Training Services;