



**Far North
District Council**



Te Kaunihera o Tai Tokerau ki te Raki

AGENDA


Regulatory Compliance Committee Meeting

Tuesday, 7 June 2022

Time: 9:30am
Location: Council Chamber
Memorial Avenue
Kaikohe

Membership:

Cr Kelly Stratford - Chairperson
Cr Dave Collard – Deputy Chairperson
Mayor John Carter
Deputy Mayor Ann Court
Cr David Clendon
Cr Rachel Smith
Cr John Vujcich
Member Belinda Ward – Bay of Islands-Whangaroa Community Board

 <p>Far North District Council Te Kaunihera o Tai Tokerau ki te Raki</p>	Authorising Body	Mayor/Council
	Status	Standing Committee
COUNCIL COMMITTEE	Title	Regulatory Compliance Committee Terms of Reference
	Approval Date	19 December 2019
	Responsible Officer	Chief Executive

Purpose

The purpose of the Regulatory Compliance Committee (the Committee) is to implement and monitor regulatory compliance and statutory matters on behalf of the Governing Body. The Committee will conduct hearings (except those under the *Resource Management Act 1991*) and undertake any functions as requested or delegated by Council from time to time provided the functions conform to the *Local Government Act 2002*.

The Committee will have functional responsibility for the following aspects:

- Hearings (excluding RMA and DLC)
- Regulatory activities
- Regulatory policies and bylaws
- Regulatory compliance
- Mana Whakahono

To perform his or her role effectively, each Committee member must develop and maintain his or her skills and knowledge, including an understanding of the Committee's responsibilities and key legislation.

Delegations

The Regulatory Compliance Committee shall have the following delegated powers and be accountable to Council for the exercising of these powers. In exercising the delegated powers, the Regulatory Compliance Committee will operate within:

- policies, plans, standards or guidelines that have been established and approved by Council.
- the overall priorities of Council.
- the needs of the local communities; and
- the approved budgets for the activity.

Power to Delegate

The Regulatory Compliance Committee may not delegate any of its responsibilities, duties or powers.

Membership

The Council will determine the membership of the Regulatory Compliance Committee.

The Regulatory Compliance Committee will comprise of at least six elected members (one of which will be the chairperson).

When the Regulatory Compliance Committee is meeting as a Hearing Committee, the Chairperson and a majority of the Committee members must be accredited commissioners under the relevant Act.

When the Regulatory Compliance Committee is meeting as a Hearing Committee, the Chairperson shall hold the 'chair certification' as per the Act.

The Committee membership for each hearing shall be appointed by the Chairperson of the Regulatory Compliance Committee together with the Chief Executive and will normally comprise the core Regulatory Compliance Committee members.

The Regulatory Compliance Committee will comprise of at least six elected members (one of which will be the chairperson).

Mayor Carter

Kelly Stratford – Chairperson

Dave Collard – Deputy Chairperson

John Vujcich

Rachel Smith

David Clendon

Ann Court

Belinda Ward – Bay of Islands-Whangaroa Community Board Chair

Non-appointed Councillors may attend Regulatory Compliance Committee (but not Hearings) with speaking rights, but not voting rights.

Quorum - Committee

The quorum at a meeting of the Regulatory Compliance Committee is 4 members.

Frequency of Meetings

The Regulatory Compliance Committee shall meet every 6 weeks but may be cancelled if there is no business.

Committees Responsibilities

The Committees responsibilities are described below:

Hearings, Objections and Appeals

- Conduct hearings, as delegated by Council, in accordance with the relevant legislative and policy requirements (excluding Resource Management Act and District Licensing)
- Approve and monitor Council's list of hearing Commissioners for Resource Management Act and District Licensing hearings.

Regulatory Activities

- Assess and provide advice to Council on level of service and policy issues relating to:
 - regulatory matters; and
 - provision of services
- Reviewing and making recommendations to the Chief Executive in respect to functions and activities within the purpose of the Committee regarding codes of practice.

Policies and Bylaws

- Recommend the development and review of Council's regulatory policies and district bylaws
- Make a recommendation where in a bylaw the Council has specified that a matter be regulated, controlled or prohibited by the Council by resolution (eg dog areas under the dog control bylaw, speed limits)

Compliance

- Ensure that Council's planning and regulatory functions comply with legislative requirements and Council policy and processes
- Monitor operational functions comply with legislative requirements and Council policy
 - BCA (building consents)
 - RMA (resource consents)
- Ensure that consents associated with Council's infrastructure are being met and renewals are planned for
- Receive traffic light reports on regulatory compliance (policy, plans, functions and bylaws) such as:
 - District Plan (when proposed)
 - Building Act
 - Resource Management Act
 - Licences (various acts)
 - Animal management

Mana Whakahono-ā-Rohe (Mana Whakahono)

- Monitor regulatory matters arising from Mana Whakahono under the Resource Management Act 1991.

The committee seeks to foster and encourage participation and engagement with constituents.

HEARINGS, OBJECTIONS AND APPEALS

Regulatory Compliance Committee, meeting as a Hearing Committee

The Regulatory Committee, when meeting as a Hearing Committee, shall be delegated authority to hear and determine matters as follows:

Public Works Act 1981

Public work requirements.

Local Government Act 2002

Objections against the construction of public works on private land.

Local Government Act 1974

Objections and appeals to road stopping proposals.

Fencing of Swimming Pools Act 1987

Applications for exemption, waiver or compliance.

Delegated decisions

- Requests for review or objections to delegated decisions by the Committee and/or delegated officers.
- Appeals against decisions made by officials acting under delegated authority in accordance with approved Council Policy.

Dog Control Act 1996

Objections.

Gambling Act 2003, Health Act 1956 and Building Act 2004

Hearings, objections and related matters.

And any other such matters as required under the legislation (but not Resource Management Act or the Supply and Sale of Alcohol Act for matters outside the district licensing committee)

Rules and Procedures

Council's Standing Orders and Code of Conduct apply to all the committee's meetings.

Annual reporting

The Chair of the Committee will submit a written report to the Chief Executive on an annual basis. The review will summarise the activities of the Committee and how it has contributed to the Council's governance and strategic objectives. The Chief Executive will place the report on the next available agenda of the governing body.

REGULATORY COMPLIANCE COMMITTEE - MEMBERS REGISTER OF INTERESTS

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
Hon John Carter QSO	Board Member of the Local Government Protection Programme	Board Member of the Local Government Protection Program		
	Carter Family Trust			
Kelly Stratford (Chair)	KS Bookkeeping and Administration	Business Owner, provides bookkeeping, administration and development of environmental management plans	None perceived	Step aside from decisions that arise, that may have conflicts
	Waikare Marae Trustees	Trustee	Maybe perceived conflicts	Case by case basis
	Bay of Islands College	Parent Elected Trustee	None perceived	If there was a conflict, I will step aside from decision making
	Karetu School	Parent Elected Trustee	None perceived	If there was a conflict, I will step aside from decision making
	Māori title land – Moerewa and Waikare	Beneficiary and husband is a shareholder	None perceived	If there was a conflict, I will step aside from decision making
	Sister is employed by Far North District Council			Will not discuss work/governance matters that are confidential
	Gifts - food and beverages	Residents and ratepayers may 'shout' food and beverage	Perceived bias or predetermination	Case by case basis
	Taumarere Counselling Services	Advisory Board Member	May be perceived conflicts	Should conflict arise, step aside from voting
	Sport Northland	Board Member	May be perceived conflicts	Should conflict arise, step aside from voting
	He Puna Aroha Putea Whakapapa	Trustee	May be perceived conflicts	Should conflict arise, step aside from voting should they apply for funds
	Kawakawa Returned Services Association	Member	May be perceived conflicts	Should conflict arise, step aside from voting should they apply for funds
Whangaroa Returned Services Association	Member	May be perceived conflicts	Should conflict arise, step aside from voting should they apply for funds	

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	National Emergency Management Advisor Committee	Member		Case by case basis
	Te Rūnanga ā Iwi o Ngāpuhi	Tribal affiliate member	As a descendent of Te Rūnanga ā Iwi o Ngāpuhi I could have a perceived conflict of interest in Te Rūnanga ā Iwi o Ngāpuhi Council relations	Declare a perceived conflict should there appear to be one
	Te Rūnanga ā Iwi o Ngāti Hine	Tribal affiliate member	Could have a perceived conflict of interest	Declare a perceived conflict should I determine there is a conflict
	Kawakawa Business and Community Association	Member		Will declare a perceived conflict should there appear to be one
Kelly Stratford - Partner	Chef and Barista	Opua Store	None perceived	
	Māori title land – Moerewa	Shareholder	None perceived	If there was a conflict of interest, I would step aside from decision making
David Collard (Deputy Chair)	Snapper Bonanza 2011 Limited	45% Shareholder and Director		
	Trustee of Te Ahu Charitable Trust	Council delegate to this board		
David Clendon	Chairperson – He Waka Eke Noa Charitable Trust	None		Declare if any issue arises
	Member of Vision Kerikeri	None		Declare if any issue arises
	Joint owner of family home in Kerikeri	Hall Road, Kerikeri		
David Clendon – Partner	Resident Shareholder on Kerikeri Irrigation			
Deputy Mayor Ann Court	Waipapa Business Association	Member		Case by case
	Warren Pattinson Limited	Shareholder	Building company. FNDC is a regulator and enforcer	Case by case
	Kerikeri Irrigation	Supplies my water		No
	District Licensing	N/A	N/A	N/A
	Ann Court Trust	Private	Private	N/A
	Waipapa Rotary	Honorary member	Potential community funding submitter	Declare interest and abstain from voting.

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Properties on Onekura Road, Waipapa	Owner Shareholder	Any proposed FNDC Capital works or policy change which may have a direct impact (positive/adverse)	Declare interest and abstain from voting.
	Property on Daroux Dr, Waipapa	Financial interest	Any proposed FNDC Capital works or policy change which may have a direct impact (positive/adverse)	Declare interest and abstain from voting.
	Flowers and gifts	Ratepayer 'Thankyou'	Bias/ Pre-determination?	Declare to Governance
	Coffee and food	Ratepayers sometimes 'shout' food and beverage	Bias or pre-determination	Case by case
	Staff	N/A	Suggestion of not being impartial or pre-determined!	Be professional, due diligence, weigh the evidence. Be thorough, thoughtful, considered impartial and balanced. Be fair.
	Warren Pattinson	My husband is a builder and may do work for Council staff		Case by case
Ann Court - Partner	Warren Pattinson Limited	Director	Building Company. FNDC is a regulator	Remain at arm's length
	Air NZ	Shareholder	None	None
	Warren Pattinson Limited	Builder	FNDC is the consent authority, regulator and enforcer.	Apply arm's length rules
	Property on Onekura Road, Waipapa	Owner	Any proposed FNDC capital work in the vicinity or rural plan change. Maybe a link to policy development.	Would not submit. Rest on a case by case basis.
Rachel Smith	Friends of Rolands Wood Charitable Trust	Trustee		
	Mid North Family Support	Trustee		
	Property Owner	Kerikeri		
	Friends who work at Far North District Council			
	Kerikeri Cruising Club	Subscription Member		
	Vision Kerikeri	Financial Member		
Rachel Smith (Partner)	Property Owner	Kerikeri		
	Friends who work at Far North District Council			

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Kerikeri Cruising Club	Subscription Member and Treasurer		
	Vision Kerikeri	Financial Member		
	Town and General Groundcare Limited	Director, Shareholder		
John Vujcich	Board Member	Pioneer Village	Matters relating to funding and assets	Declare interest and abstain
	Director	Waitukupata Forest Ltd	Potential for council activity to directly affect its assets	Declare interest and abstain
	Director	Rural Service Solutions Ltd	Matters where council regulatory function impact of company services	Declare interest and abstain
	Director	Kaikohe (Rau Marama) Community Trust	Potential funder	Declare interest and abstain
	Partner	MJ & EMJ Vujcich	Matters where council regulatory function impacts on partnership owned assets	Declare interest and abstain
	Member	Kaikohe Rotary Club	Potential funder, or impact on Rotary projects	Declare interest and abstain
	Member	New Zealand Institute of Directors	Potential provider of training to Council	Declare a Conflict of Interest
	Member	Institute of IT Professionals	Unlikely, but possible provider of services to Council	Declare a Conflict of Interest
Belinda Ward	Ward Jarvis Family Trust	Trustee		
	Kenneth Jarvis Family Trust	Trustee		
	Residence in Watea			
Belinda Ward (Partner)	Ward Jarvis Family Trust	Trustee and beneficiary		
	Kenneth Jarvis Family Trust	Trustee and beneficiary		
	Residence in Watea	Trustee		

Far North District Council
Regulatory Compliance Committee Meeting
will be held in the Council Chamber, Memorial Avenue, Kaikohe on:
Tuesday 7 June 2022 at 9:30am

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1 KARAKIA TIMATANGA – OPENING PRAYER**2 NGA WHAKAPĀHA ME NGĀ PĀNGA MEMA / APOLOGIES AND DECLARATIONS OF INTEREST**

Members need to stand aside from decision-making when a conflict arises between their role as a Member of the Committee and any private or other external interest they might have. This note is provided as a reminder to Members to review the matters on the agenda and assess and identify where they may have a pecuniary or other conflict of interest, or where there may be a perception of a conflict of interest.

If a Member feels they do have a conflict of interest, they should publicly declare that at the start of the meeting or of the relevant item of business and refrain from participating in the discussion or voting on that item. If a Member thinks they may have a conflict of interest, they can seek advice from the Chief Executive Officer or the Team Leader Democracy Support (preferably before the meeting).

It is noted that while members can seek advice the final decision as to whether a conflict exists rests with the member.

3 TE TONO KŌRERO / DEPUTATION

No requests for deputations were received at the time of the Agenda going to print.

4 CONFIRMATION OF PREVIOUS MINUTES

4.1 CONFIRMATION OF PREVIOUS MINUTES

File Number: A3713613

Author: Marlema Baker, Democracy Advisor

Authoriser: Aisha Huriwai, Team Leader Democracy Services

PURPOSE OF THE REPORT

The minutes of the previous Regulatory Compliance Committee meeting are attached to allow the Committee to confirm that the minutes are a true and correct record.

RECOMMENDATION

That the Regulatory Compliance Committee confirms that the minutes of the meeting of the Committee held 26 April 2022 are a true and correct record.

1) BACKGROUND

Local Government Act 2002 Schedule 7 clause 28 states that a local authority must keep minutes of its proceedings. The minutes of these proceedings duly entered and authenticated as prescribed by a local authority are prima facie evidence of those meetings.

2) DISCUSSION AND OPTIONS

The minutes of the meeting are attached. Far North District Council Standing Orders Section 27.3 states that no discussion shall arise on the substance of the minutes in any succeeding meeting, except as to their correctness.

Reason for the recommendation

The reason for the recommendation is to confirm the minutes are a true and correct record of the previous meeting.

3) FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial implications or the need for budgetary provision as a result of this report.

ATTACHMENTS

1. **2022-04-26 Regulatory Compliance Committee Minutes - A3680759**  

Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
 - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) Assess the options in terms of their advantages and disadvantages; and
 - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

Compliance requirement	Staff assessment
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	This is a matter of low significance
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	This report complies with the Local Government Act 2002 Schedule 7 Section 28.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	It is the responsibility of each meeting to confirm their minutes therefore the views of another meeting are not relevant.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	There are no implications on Māori in confirming minutes from a previous meeting. Any implications on Māori arising from matters included in meeting minutes should be considered as part of the relevant report.
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences.	This report is asking for the minutes to be confirmed as true and correct record, any interests that affect other people should be considered as part of the individual reports.
State the financial implications and where budgetary provisions have been made to support this decision.	There are no financial implications or the need for budgetary provision arising from this report.
Chief Financial Officer review.	The Chief Financial Officer has not reviewed this report.

5 INFORMATION REPORTS

5.1 ALCOHOL LICENSING UPDATE

File Number: A3703685

Author: Rochelle Deane, Manager - Environmental Services

Authoriser: Dean Myburgh, General Manager - District Services

TAKE PŪRONGO / PURPOSE OF THE REPORT

To report to the Committee on:

- The number of alcohol licenses issued.
- The number of renewed licenses.
- The number of objections received and their outcomes.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

This report is an update on alcohol licensing activities in the district between 1 November 2021 and 30 April 2022, the period since the last Committee Report.

There continues to be a significant drop in the number of special alcohol licences received. A special licence is required for ticketed events like festivals, concerts, and sporting events where alcohol is included in the ticket price or sold at a bar. The reduction in these types of events is expected due to the uncertainty of Covid restrictions.

During this report period there have been 20 objections received against one application. This application will be heard at a DLC hearing yet to be scheduled.

TŪTOHUNGA / RECOMMENDATION

That the Regulatory Compliance Committee receive the report Alcohol Licensing Update.

TĀHUHU KŌRERO / BACKGROUND

There are four kinds of alcohol licence that can be applied for and issued.

- **On-licence** – this licence is held for a premise where the licensee can sell and supply alcohol for consumption there and can allow people to consume alcohol. Some on-licence premises also have a BYO endorsement
- **Off-licence** - this licence is held for a premise where the licensee can sell consumption elsewhere. Some off-licence premises have a “sale for delivery and sales at distance” endorsement where they can sell alcohol on or from the premises and deliver it somewhere else
- **Club licence** - this licence is held for a premise where the licensee can only sell and supply alcohol to authorised customers (member or visitor of member of the club) for consumption there
- **Special licence** – A special licence is applied for when the premises does not hold an alcohol licence or when the licensee would like to extend their licensed area or licensed hours for an event(s). There are two kinds of special licences - an on-site and off-site special licence.

A licensee is required to renew their license:

- Annually for a licence that has not been renewed before; or
- Every three years for a licence that has been renewed before.

Managers Certificates

Except for BYO restaurants, all on-, off- and club- licensed premises must appoint a manager who holds a manager’s certificate.

The manager must be on duty when alcohol is sold. There are exceptions to this for BYO licenses, club licences, remote sellers, and off-licence cellar door sales where there is no licence condition to require it.

The Manager's name must be prominently always displayed inside the premises while on duty.

The manager is responsible for the compliance with the conditions of the licence and provisions of the Sale and Supply of Alcohol Act 2012, which include ensuring the safe and responsible sale and supply of alcohol and minimising alcohol-related harm.

The holder of a Manager's Certificate is required to renew their certificate:

- Annually for a certificate that has not been renewed before, or
- Every three years for a certificate that has been renewed before.

District Licensing Committee (DLC)

Each territorial authority must appoint a DLC to manage licensing matters within its district under the Sale and Supply of Alcohol Act 2012 (the Act).

Within their local areas, DLCs decide applications for:

- new and renewal applications for on-, off- and club licences.
- special licences.
- new and renewal applications for manager's certificates.
- opposed acting or temporary appointments of managers.
- variation of licence conditions.
- temporary authorities and temporary licences.
- orders to vary, revoke, suspend or cancel a special licence.

A DLC is made up of a chair and two members who have terms of office up to five years.

The quorum for a DLC meeting is three members, except when licence or manager's certificate applications have no objections or matters raised in opposition. In these instances, the Chair can form a quorum of one.

A DLC hearing is held where there is public or agency objections to an application.

A DLC considers the application, agency reports, evidence and submissions presented to it against the criteria in the Act and any relevant case law. It then objectively determines facts and draws conclusions from them to make its decision.

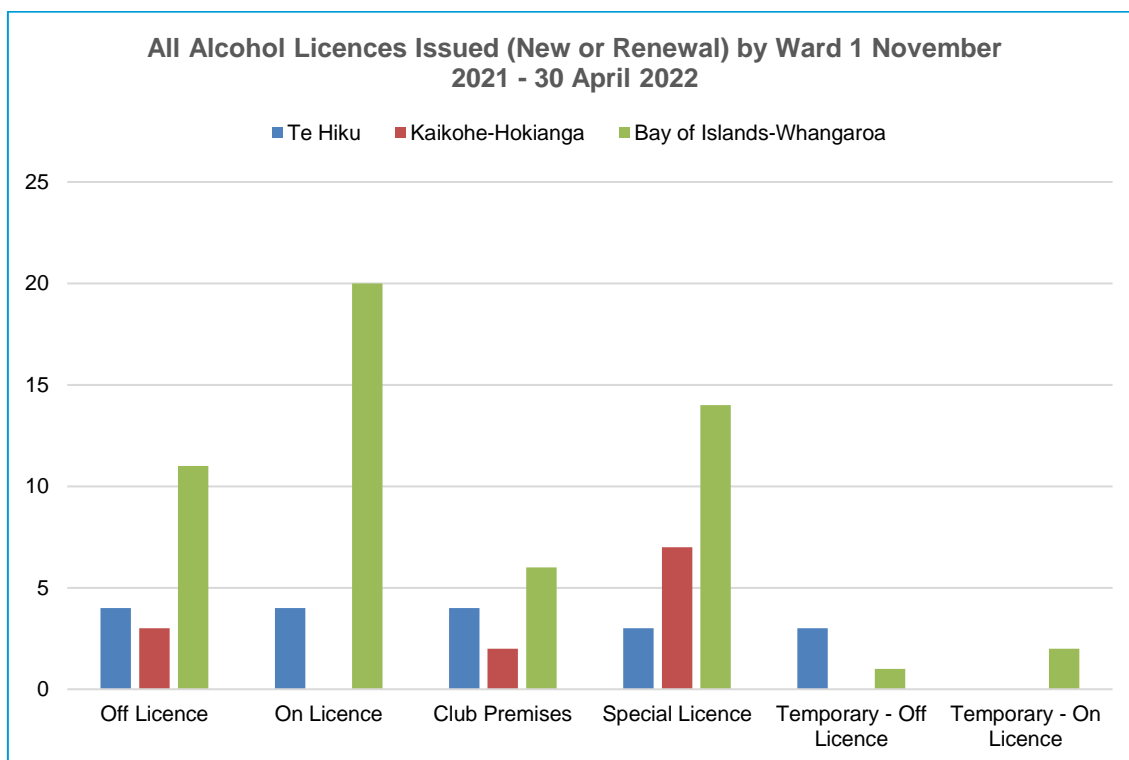
MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

Number of Alcohol Licences Issued.

For the period 1 November 2021 to 31 April 2022 there has been a total of 84 alcohol licenses issued. This is 53 less licenses than for the same period last year. This reduction is largely due to fewer special licences issued because of covid uncertainty.

The following table includes all new and renewed licenses issued by Ward during this period:

Ward	Off Licence	On Licence	Club Premises	Special Licence	Temporary Off Licence	Temporary On Licence	Total
Te Hiku	4	4	4	3	3	0	18
Kaikohe-Hokianga	3	0	2	7	0	0	12
BOI-Whangaroa	11	20	6	14	1	2	54
Total	18	24	12	24	4	2	84



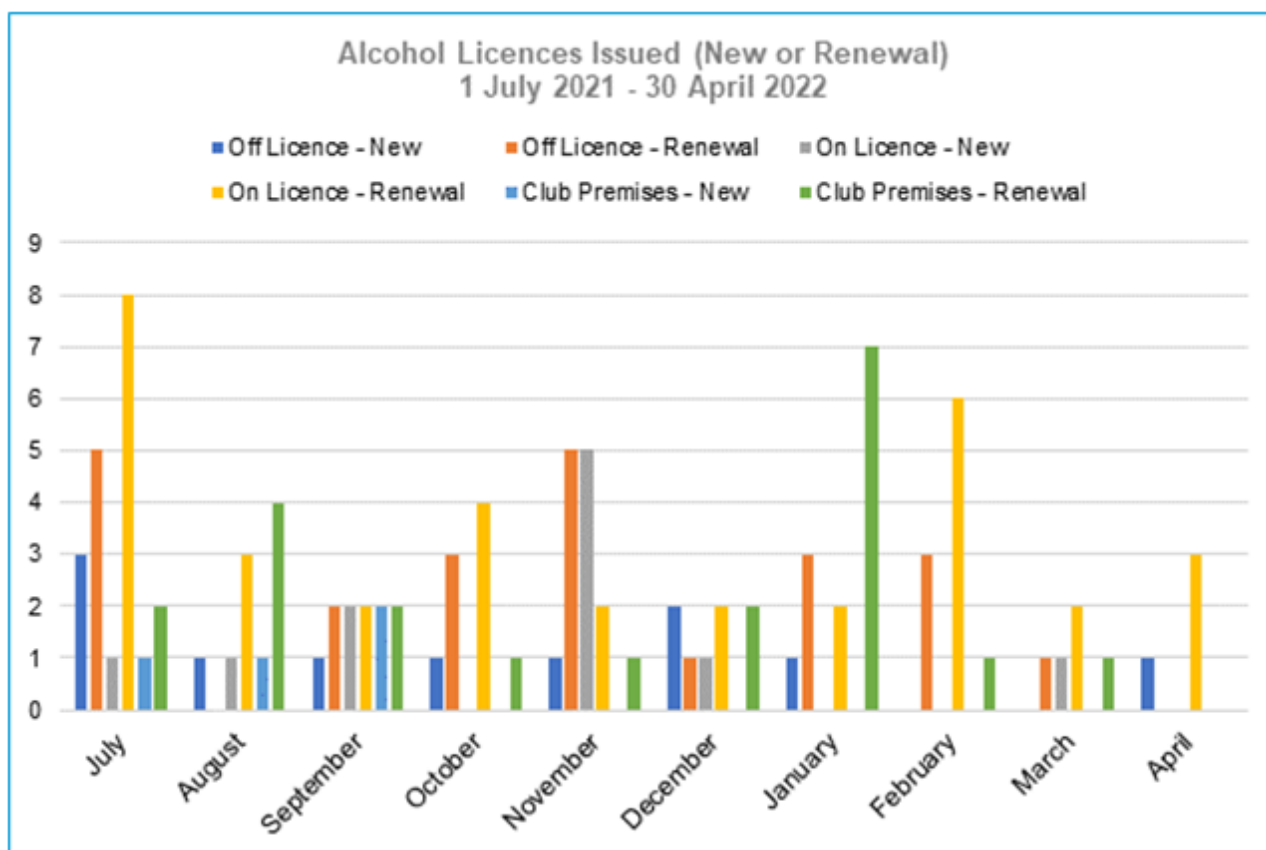
Special Licenses

A total of 24 Special Licenses were applied for and issued between 1 November 2021 – 30 April 2022 compared to 57 for the same period last year. This is due to the uncertainty in being able to hold events and the COVID19 restrictions for events.

New and Renewed Licenses

The following information includes all new and renewed licenses that have been issued (by type and by month). It does not include the special licenses or temporary licences as they are not able to be renewed. There have been 54 new or renewed licences compared to 62 for the same period last year.

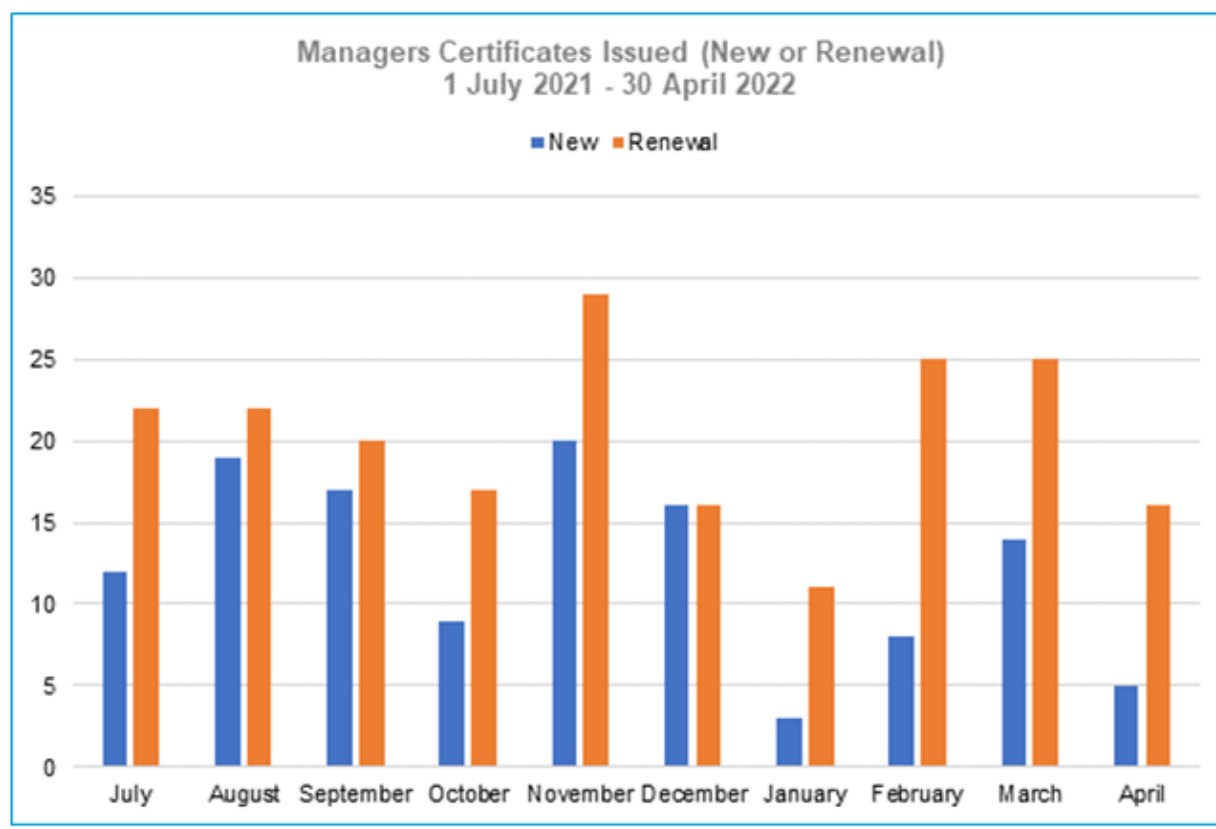
Month	Off Licence New	Off Licence Renewal	On Licence New	On Licence Renewal	Club Premises New	Club Premises Renewal	Total
November 2021	1	5	5	2	0	1	14
December 2021	2	1	1	2	0	2	8
January 2022	1	3	0	2	0	7	10
February 2022	0	3	0	6	0	1	13
March 2022	0	1	1	2	0	1	5
April 2022	0	1	0	3	0	0	4
Total	4	14	7	17	0	12	54



Managers Certificates (new / renewed)

For the period 1 November 2021 – 30 April 2022, a total of 188 Managers Certificates were issued compared to 157 for the same period last year. Of the Managers Certificates issued, 66 were new certificates and 122 were renewals.

Month	New	Renewal	Total
November 2021	20	29	49
December 2021	16	16	32
January 2022	3	11	14
February 2022	8	25	33
March 2022	14	25	39
April 2022	5	16	21
Total	66	122	188



Objections

During the period of 1 November 2021 – 30 April 2022, 20 objections were received against one application.

The objections received are explained in the following table:

Application Date	Application Type	Trading Name	Number of Objections	Outcome
11 March 2022	New OFF Licence	Waipapa Liquor Store	<p>Twenty public objections – objecting due to the following reasons:</p> <ul style="list-style-type: none"> • object of the Act • days and hours during which the applicant proposes to sell alcohol • design and layout of the proposed premises • amenity and good order • appropriate systems, staff and training to comply with the law <p>Reports as required by section 103 of the Act, are still to be filed by the NZ Police and Medical Officer of Health – both of these reporting agencies have invoked the “Immediate Modification Order” which allows for an extension to the time they have to file a report on the application. Once these</p>	<p>Due to the high number of objections received against this application, the application will be heard at a DLC hearing which will be scheduled in due course.</p>

			reports are received, the Inspector will complete their report and the application will be sent to the DLC for determination.	
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Hearings

The District Licensing Committee (DLC) can consider applications in a public hearing where they have been opposed or unopposed. There have been no DLC hearings between 1 November 2021 – 30 April 2022.

Alcohol Licensing Newsletter

The Environmental Health team has now successfully published and distributed two quarterly alcohol licensing newsletters. The newsletters are emailed out to licensed premises and placed on the FNDC website. The first “Summer 2021/2022” edition was published on 18 November 2021 and the “Autumn 2022” edition was published on 5 April 2022. The “Winter 2022” edition is due for publication in June 2022.

The purpose of the newsletters is to circulate important information or messages in relation to alcohol licensing requirements or practices. A copy of the “Autumn 2022” edition is attached to this report. Refer Attachment A.

PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial implications with this report.

ĀPITIHINGA / ATTACHMENTS

1. Attachment A Autumn 2022 Alcohol Licensing Newsletter - A3704377 [↓](#) 

5.2 ENVIRONMENTAL HEALTH SERVICES: FOOD LICENSING UPDATE

File Number: A3702183

Author: Rochelle Deane, Manager - Environmental Services

Authoriser: Dean Myburgh, General Manager - District Services

TAKE PŪRONGO / PURPOSE OF THE REPORT

To provide an update to the committee on Food Licensing in the District, reporting on:

- The number of premises registered
- The number of food verifications completed
- The number of complaints received, and enforcement action taken
- Recognised Agency Assessment
- Impact of COVID-19

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

The Far North District Council, as a territorial authority, is deemed a recognised agency under the Food Act 2014 (s137) and is therefore authorised to act as a verification agency (FVA) for template food control plans operating entirely within the Far North District area and where the sales are primarily directly to consumers.

The Food Act 2014 (the Act) aims to ensure that food sold throughout New Zealand is safe. A central feature of this legislation is a sliding scale where businesses that are higher risk, from a food safety point of view, will operate under more stringent food safety requirements than lower-risk food businesses. The Food Act 2014 promotes food safety by focusing on the processes of food production, not the premises where food is made.

This report is an update on food licencing activities in the district, between 1 November 2021 and 30 April 2022, the period since the last Committee report.

TŪTOHUNGA / RECOMMENDATION

That the Regulatory Compliance Committee receive the report Environmental Health Services: Food Licensing Update.

TĀHUHU KŌRERO / BACKGROUND

Food businesses can fall into two food safety measure groups:

Food Control Plans: Written plans for managing food safety on a day-to-day basis. These are used by higher-risk businesses such as restaurants and cafes.

National Programmes (1-3): A set of food safety rules for medium and low-risk businesses such as dairies or olive growers. Although a written plan is not required, these businesses still need to register, meet food safety standards, keep some records, and be verified.

The purpose of the Food Act 2014 is for verifiers to focus on what is most important for achieving food safety at each type of business. Guidelines for verifiers are aimed at supporting them to use their professional judgement and technical expertise.

The Act introduced a verification-based method to check that food operators conform to procedures outlined in their documented plan or programme. This is different to the previous inspection regime used under the Health (Registration of Premises) Regulations 1966.

FNDC, as a territorial authority, is deemed a recognised agency under s137 of the Act and is therefore authorised to act as a verification agency for template food control plans operating entirely within the Far North district and where the sales are primarily directly to consumers.

There is also a requirement for council to apply for approval from the Ministry of Primary Industries (MPI) to verify certain businesses subject to National Programmes. FNDC currently holds a Notice of Recognition, issued (under delegation) by the Chief Executive of the MPI to verify National Programmes.

MPI has independently assessed staff at the Far North District Council and confirmed technical, legislative, verification and quality management system competencies to provide verification services in the following areas:

Template Food Control Plans (FCP)

Section 39 template food control plans registered by the Far North District Council where the business is only in the Far North District and sells primarily directly to consumers
Section 40 template food control plans with food service or food retail focus as specified in the food notice

National Programme 1 (NP1)

Extract or pack honey
Make sugar molasses, syrups or related products
Sell tea, coffee, hot chocolate, and packaged shelf stable food only
Sell packaged ice creams, ice blocks or similar items only
Store or transport food only

National Programme 2 (NP2)

Manufacture:

Bread, fruit loaves, bagels pita bread etc.
Cereals, biscuits, and crackers
Crisps, popcorn, and other snack foods
Peanut butter, jams, pickles, and chutneys
Confectionery, chocolate, and icing
Ice, iced confectionery and iced desserts
Frozen, dried, or dehydrated fruits and vegetables

Chilled or frozen foods

Business:

Nuts and seeds

Service:

Food at an early childhood education centre (ECE) / Kōhanga Reo

National Programme 3 (NP3)

Brew, distil, manufacture alcoholic beverages (not including wine), vinegar or malt extract
Manufacture non-alcoholic beverages
Manufacture oils or fats (other than butter) for human consumption
Process grain (includes milling, malting rolling and roasting)
Handle food for retail (includes scooping ice cream and reheating manufacture prepared food)
Process herbs or spices (includes loose tea)
Manufacture dry mix products (includes cake mixes, powdered desserts, drinks, flavourings, and soups)

MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

Food Premises Registered

As of 30 April 2022, FNDC have 482 food premises registered in the district. This is six more premises than reported in the previous Committee report.

Covid related uncertainties and lower visitor numbers does not appear to have had an effect on the number of food businesses registered with the Far North District Council.

Section 48 of the Food Act 2014 requires food business operators subject to operate under a food control plan to register with the appropriate registration authority (Council or MPI).

Section 79 of the Food Act 2014 requires food business operators subject to a national programme to register with the appropriate registration authority (Council or MPI).

A food premise operator is required to renew their registration, where the renewal frequency depends on the type of registration held. Food Control Plans require annual renewals and National Programs require renewal every two years.

The Food Act in Schedule 4, Part 2 (3) states that food businesses can only renew their registration while it is current. Council, as a registration authority can extend the expiry date (Food Act, Section 61(1)(b)) but this can only be done while it is current.

Whilst it is the operator's responsibility to ensure they renew their food registration on time, all Operators are sent a reminder letter approximately six weeks before their registration expires, a courtesy email approximately two weeks before expiry and then a phone call two days before it expires. Operators who fail to renew their food registration on time are required to cease trading and apply for a new food registration.

A breakdown of registered food premises is as follows:

Program	Number of Premises
Template Food Control Plan (FCP)	313
National Program 1 (NP1)	52
National Program 2 (NP2)	39
National Program 3 (NP3)	78

A breakdown of food premise registration type and ward is as follows:

Template Food Control Plan (FCP)

Bay of Islands-Whangaroa Ward	192
Kaikohe-Hokianga Ward	37
Te Hiku Ward	84

National Programme (NP1)

Bay of Islands-Whangaroa Ward	29
Kaikohe-Hokianga Ward	3
Te Hiku Ward	20

National Programme (NP2)

Bay of Islands-Whangaroa Ward	19
Kaikohe-Hokianga Ward	4
Te Hiku Ward	16

National Programme (NP3)

Bay of Islands-Whangaroa Ward	33
Kaikohe-Hokianga Ward	17
Te Hiku Ward	28

Food Verifications

Between 1 November 2021 to 30 April 2022, there have been 166 verifications completed by the Environmental Health Services team. There have been some challenges due to COVID where scheduling of verifications has been affected with operators' availability due to isolating or confirmed cases.

155 of these verifications had an “acceptable outcome” and 11 of these verifications had an “unacceptable outcome”.

If an unacceptable outcome has been achieved from an initial verification or a subsequent verification, the verifier must determine whether the operator is:

- Willing and able to comply
- Unwilling and unable to comply
- There is an immediate risk to public health.

Of the 11 unacceptable outcomes, all operators were willing and able to comply with no immediate risk to public health.

If it is an unacceptable outcome the period between verifications shortens which increases the running costs for an operator.

Acceptable Outcome	Unacceptable Outcome
<ul style="list-style-type: none"> • The operator is complying with all applicable regulatory requirements of the Act. • Corrective action have been or are being applied appropriately and are effective. • The RBM is applicable to the operations of the business. • The RBM is effective. 	<ul style="list-style-type: none"> • There is non-compliance that is likely to result in food being unsafe or unsuitable. • The operator is knowingly operating under an incorrect RBM. • The RBM is ineffective. • The operator’s verification plan is failing to identify problems leading to unsafe and unsuitable food. • The operator has failed to identify or address a problem that could lead to critical non-compliance. • The verifier has no confidence in the operation due to the repeated non-compliance or problematic record keeping (absent, incomplete, or altered).

The frequency of verification depends on the type of registration that an operator holds. As an incentive, operators who are compliant with food safety as per their registered FCP or NP, can have the frequency between verifications extended which is a cost saving for the operator.

Food Control Plan

Regulations (Food regulations 87-88)

Initial verification must be completed by

	NEW BUSINESSES	EXISTING BUSINESSES
Custom FCP*	Within 3 months of registering	Within 6 months of registering
Template FCP	Within 6 weeks of registering	Within 1 year of registering

Regulations

Step	Time between different verifications
5	18 months
4	12 months
3	9 months
2	6 months
1	3 months

(Food Regulations 90(1))

National Programme

Regulations (Food regulations 91-93)		
Initial verification must be completed by		
	NEW BUSINESSES	EXISTING BUSINESSES
NP1	Within 6 weeks of registering	Within 1 year of registering
NP2	Within 6 weeks of registering	Within 1 year of registering
NP3	Within 6 weeks of registering	Within 6 months of registering

Regulations (Food regulations 91-93)		
Initial verification must be completed by		
	Existing businesses (was operating prior to 1 March 2016)	New businesses (started operating post 29 Feb 2016)
NP1	Within 1 year of registering	Within 6 weeks of registering
NP2	Within 1 year of registering	Within 6 weeks of registering
NP3	Within 6 months of registering	Within 6 weeks of registering

Complaints Received

Between 1 November 2021 and 30 April 2022, there have been 17 complaints received via the FNDC Request for Service platform.

Type of Complaint	Total Number Received
Complaint regarding food premise staff	2
EHO Behaviour	4
Food Poisoning	4
Hygiene of Premises	4
Registration Process	1
Unregistered Operator	2
Total	17

All complaints received are investigated and the appropriate action taken to resolve the issue. The EHS team uses the compliance model called “VADE” – Voluntary, Assisted, Directed, Enforced approach when dealing with compliance issues.

In most instances, the Environmental Health Services team have been able to actively work with the operators to achieve positive outcomes.

The complaints regarding staff behaviour were due to the operator being unsatisfied that the relevant staff member had required them to improve their business operating practices or apply for a food registration and these instructions were responded to by a complaint from the operator.

In April 2021, the food infringement process was introduced in the FNDC Pathway system allowing a Food Safety Officer / Environmental Health Officer (EHO) to serve an infringement notice for any breach or offence under the Food Act 2014.

Since the introduction of the infringement process, a total of six infringements have been issued. All six infringements were served on unregistered operators.

Recognised Agency Remote Surveillance Assessment

In February 2022, FNDC (the Food Verification Agency) underwent a remote surveillance assessment by JAS-ANZ on behalf of MPI to ensure requirements of an Agency were being met. JAS-ANZ recommended that FNDC continues to meet the requirements to be a Recognised Agency to conduct verification services under the Food Act 2014. Refer Attachment A - JAS-ANZ Assessment Findings.

Overall, the assessment was an excellent result for the Food Verification Agency (FVA) and one to be commended.

Two non-conformances were identified, action plans have been developed and accepted to address these and they will be closed out by MPI at the next audit scheduled for January / February 2023.

The non-conformances were:

1. Competency matrix improvements required

The existing competency matrix did not provide detail or evidence to determine upon what basis competency for the various sections is assessed and verified.

The Food Verification Agency (FVA) engaged the services of an external Contractor who reviewed the competency matrix and updated it accordingly. The improved competency matrix was sent back to the JAS-ANZ auditor who has now closed this non-conformity.

2. Onsite peer reviews required

The Auditor identified that no onsite peer reviews have been completed for the three FVA verifiers since their initial external witness by MPI for verification recognition. The FVA does carry out desk top peer reviews every six months; however, the Auditor did request that the verifiers undergo annual onsite peer reviews.

The FVA has engaged the services of an external Contractor who will complete annual onsite peer reviews of the FVA verifiers. Onsite peer reviews are scheduled for June 2022, and we expect this non-conformity to be closed out at the next audit in 2023.

The Impact of COVID

It appears that COVID19 restrictions have not had an impact on the number of registrations held with the Far North District Council, with a slight increase in numbers held over the past six months.

COVID19 has caused disruption to operations of food businesses as well as the FVA. Many registered businesses have faced shortages in staff or the ability to operate due to staff isolating or testing positive with COVID19.

Business Improvements within the Food Business Area

Food Business Newsletters

The Environmental Health team has successfully published and distributed two quarterly food business newsletters. The newsletters are emailed out to registered food operators and placed on the FNDC website. The first "Summer 2021/2022" edition was published on 29 October 2021 and the "Autumn 2022" edition was published on 5 April 2022. The "Winter 2022" edition is due for publication in June 2022.

The purpose of the newsletters is to circulate important information or messages in relation to food registration requirements or practices. A copy of the "Autumn 2022" edition is attached to this report. Refer Attachment B.

PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial or resource implications associated with this report.

ĀPITIHINGA / ATTACHMENTS

1. Attachment A JAS ANZ Assessment Findings - A3702603  
2. Attachment B Autumn 2022 Food Business Newsletter - A3702612  

5.3 BUILDING SERVICES BCA UPDATE

File Number: A3726946

Author: Trent Blakeman, Manager - Building Services

Authoriser: Dean Myburgh, General Manager - District Services

TAKE PŪRONGO / PURPOSE OF THE REPORT

To provide the Regulatory Compliance Committee with an update on the current state of the statutory compliance of the Building Consents Authority (BCA) with the building (Accreditation of Building Consent Authorities) Regulations 2006 (the Regulations).

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

The BCA compliance rates are in the 99 percentiles for both building consents and code compliance certificates. **Attachment 1** summarises the compliance rates and a brief presentation will be made at the Committee meeting.

The building consents processing function has a level of resilience due to using a combination of resourcing involving both contractors and in-house staff. This arrangement also offers some flexibility when there are staff shortages due to Covid. The inspectorate is under pressure due to the inability to recruit experienced staff and staff absences (due to Covid), resulting in 3-4 day delays in obtaining an inspection in all areas. The BCA has a scheduled external audit in October 2022 and a robust internal audit schedule is underway to facilitate implementing any improvements that are identified.

TŪTOHUNGA / RECOMMENDATION

That the Regulatory Compliance Committee receive the report Building Services BCA Update.

TĀHUHU KŌRERO / BACKGROUND

International Accreditation New Zealand (IANZ) has been appointed by the Ministry for Business, Innovation and Employment (MBIE) as the accreditation body that undertakes accreditation assessments against the requirements of the building (Accreditation of Building Consent Authorities) Regulations 2006 (the Regulations). These requirements are further detailed in the Ministry of Business, Innovation and Employment (MBIE's) regulatory guidance for Building Consent Authorities (BCA), and Accredited Organisations (AO) accredited under the Regulations.

One of the metrics used to measure the performance of the BCA function is its ability to perform certain tasks within a statutory time frame (20 days). This is one of the few metrics that can be measured without the need for audit. The timeframes for processing of Building Consents (BCs) and issuing Code Compliance Certificates (CCC's) are tracked using the Business Intelligence (BI) system.

MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

In the current Covid environment, the BCA is looking at enhancing the resilience of the service it provides to the community. Staff positions are being filled, with an emphasis on retaining staff when they join the team. The BCA will focus on reducing consenting days for all tasks to aid over- all compliance with statutory times. This has been successful with a reduction in the 4th quarter to 8 days (on average) to issue a building consent. While Covid has caused some disruption, the BCA has, to date, maintained a 99-percentile performance on 20-day statutory compliance. BCA staff, apart from those who are undergoing training or having connectivity issues, are currently working from home. Challenges are being experienced with the recruitment of experienced inspectors and the BCA is working with People and Capability to address ways of being more competitive in the current labour market.

PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

NIL

ĀPITIHINGA / ATTACHMENTS

1. **BCA RCCPP 7-6-2022 Powerpoint - A3735647** [↓](#) 

5.4 DISTRICT SERVICES MONTHLY BUSINESS REPORT FOR APRIL 2022

File Number: A3727880

Author: Maggie Thomas, Executive Assistant to General Manager

Authoriser: Dean Myburgh, General Manager - District Services

TAKE PŪRONGO / PURPOSE OF THE REPORT

To present a summary of District Services activity and information items.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

The District Services Monthly Business Report provides a summary of progress and highlights for the month of April 2022.

TŪTOHUNGA / RECOMMENDATION

That the Regulatory Compliance Committee receive the report District Services Monthly Business Report for April 2022.

TĀHUHU KŌRERO / BACKGROUND

The District Services group provides many services for the benefit of our communities to make it a great place to work, live and visit. The group is made up of three departments:

Community & Customer Services: This includes Customer Care – Service Centres and Contact Centre, Libraries and Museum, i-SITE Information Centres, Tenancy services for Housing for the Elderly and burial processing for Cemeteries.

Building Services: This includes processing and inspecting Building Consents and Building Compliance related matters.

Environmental Services: This includes Animal Management, Environmental Health (Food, Alcohol and Health licensing and monitoring), Compliance Monitoring (Legislation and Bylaw monitoring and enforcement) and Resource Consents processing

MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

The information is attached in the form of a report.

PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial implications (or budgetary provision requirements) associated with this report.

ĀPITIHINGA / ATTACHMENTS

1. District Services Monthly Business Report - April 2022 - A3727875 [↓](#) 

5.5 REGULATORY COMPLIANCE COMMITTEE ACTION SHEET UPDATE JUNE 2022**File Number:** A3713621**Author:** Marlema Baker, Democracy Advisor**Authoriser:** Aisha Huriwai, Team Leader Democracy Services**TAKE PŪRONGO / PURPOSE OF THE REPORT**

To provide the Regulatory Compliance Committee with an overview of outstanding decisions from 1 January 2020.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- Council staff have reintroduced action sheets as a mechanism to communicate progress against decisions/resolutions and confirm when decisions have been implemented.
- The focus of this paper is on decisions made by the Regulatory Compliance Committee.
- Action sheets are also in place for Council and Community Boards.
- There are no outstanding or overdue actions for the Regulatory Compliance Committee. All actions from 1 January 2020 have been completed.

TŪTOHUNGA / RECOMMENDATION

That the Regulatory Compliance Committee receive the report Action Sheet Update June 2022.

1) TĀHUHU KŌRERO / BACKGROUND

The Democracy Services Team have been working on a solution to ensure that elected members can receive regular updates on progress against decisions made at meetings, in alignment with a Chief Executive Officer key performance indicator.

Action sheets have been designed as a way to close the loop and communicate with elected members on the decisions made by way of resolution at formal meetings. Action sheets are not intended to be public information but will provide updates to elected members, who, when appropriate can report back to their communities and constituents.

There are no outstanding or overdue actions for the Regulatory Compliance Committee. All actions for the Regulatory Compliance Committee from 1 January 2020 have been completed.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

The outstanding tasks are multi-facet projects that take longer to fully complete. The Democracy Services staff are working with staff to ensure that the project completion times are updated so that action sheets provided to members differentiate between work outstanding and work in progress.

Take Tūtohunga / Reason for the recommendation

To provide the Regulatory Compliance Committee with an overview of outstanding committee decisions from 1 January 2020. There are no outstanding or overdue actions for the Regulatory Compliance Committee. All actions from 1 January 2020 have been completed.

3) PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial implications or need for budgetary provision in receiving this report.

ĀPITIHINGA / ATTACHMENTS

Nil

6 KARAKIA WHAKAMUTUNGA – CLOSING PRAYER

7 TE KAPINGA HUI / MEETING CLOSE