



**Far North
District Council**



Te Kaunihera o Tai Tokerau ki te Raki

AGENDA


Regulatory Compliance Committee Meeting

Tuesday, 1 December 2020

Time: 1.00 pm
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
Member Adele Gardner – Te Hiku Community Board

	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

Adele Gardner – Te Hiku 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 book keeping, 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
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		

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
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
	Top Energy	Supplies my power		No other interest greater than the publics
	District Licensing	N/A	N/A	N/A
	Top Energy Consumer Trust	Trustee	Crossover in regulatory functions, consenting economic development and contracts such as street lighting.	Declare interest and abstain from voting.
	Ann Court Trust	Private	Private	N/A
	Waipapa Rotary	Honorary member	Potential community funding submitter	Declare interest and abstain from voting.
	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,

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
				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		
Rachel Smith (Partner)	Property Owner	Kerikeri		
	Friends who work at Far North District Council			
	Kerikeri Cruising Club	Subscription Member and Treasurer		
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

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	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		
Adele Gardner	N/A - FNDC Honorarium			
	The Far North 20/20, ICT Trust	Trustee		
	Te Ahu Charitable Trust	Trustee		
	ST Johns Kaitaia Branch	Trustee/ Committee Member		
	I know many FNDC staff members as I was an FNDC staff member from 1994-2008.			
Partner of Adele Gardner	N/A as Retired			

Far North District Council
Regulatory Compliance Committee Meeting
will be held in the Council Chamber, Memorial Avenue, Kaikohe on:
Tuesday 1 December 2020 at 1.00 pm

Order Of Business

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1 KARAKIA TIMATANGA – OPENING PRAYER**2 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 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: A3005555

Author: Marlema Baker, Meetings Administrator

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 20 October 2020 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. 2020-10-20 Regulatory Compliance Committee Minutes - A2984812** [↓](#) 

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.

**MINUTES OF FAR NORTH DISTRICT COUNCIL
REGULATORY COMPLIANCE COMMITTEE MEETING
HELD AT THE COUNCIL CHAMBER, MEMORIAL AVENUE, KAIKOHE
ON TUESDAY, 20 OCTOBER 2020 AT 1.00 PM**

PRESENT: Cr Kelly Stratford, Cr Dave Collard, Cr David Clendon, Deputy Mayor Ann Court, Cr Rachel Smith, Cr John Vujcich, Member Adele Gardner, Member Belinda Ward.

STAFF PRESENT: Shaun Clarke (Chief Executive Officer), William Taylor (General Manager, Corporate Services), Richard Edmondson (Manager – Communications), Dean Myburgh (General Manager, District Services), Andy Finch (General Manager, Infrastructure and Asset Management), Bill Lee (Special Projects Manager, Te Hono), Rochelle Deane (Manager, Environmental Services) Robert Maslamani (Animal Management Officer), Paparangi Pirini (Animal Management Officer), Marlema Baker (Meetings Administrator)

1 KARAKIA TIMATANGA – OPENING PRAYER

Chair Stratford declared the meeting open and commenced with a karakia/opening prayer.

2 APOLOGIES AND DECLARATIONS OF INTEREST

COMMITTEE RESOLUTION 2020/15

Moved: Cr Rachel Smith

Seconded: Cr John Vujcich

That apologies from Mayor John Carter be received and accepted.

CARRIED

3 DEPUTATION

Leonie Exel representing Pamela Ann Backhouse-Smith (Dog Owner) for the Menacing Dog Hearing.

4 CONFIRMATION OF PREVIOUS MINUTES

4.1 CONFIRMATION OF PREVIOUS MINUTES

Agenda item 4.1 document number A2968376, pages 14 - 18 refers.

COMMITTEE RESOLUTION 2020/16

Moved: Member Adele Gardner

Seconded: Cr Rachel Smith

That the Regulatory Compliance Committee confirms that the minutes of the meeting held 8 September 2020 are a true and correct record.

CARRIED

5 REPORTS

5.1 UPDATE REPORT: ENVIRONMENTAL SERVICES MONITORING AND COMPLIANCE

Agenda item 5.1 document number A2965291, pages 19 - 24 refers.

COMMITTEE RESOLUTION 2020/17

Moved: Cr John Vujcich

Seconded: Cr Rachel Smith

That the Regulatory Compliance Committee receive the report "Update Report: Environmental Services Monitoring and Compliance".

CARRIED

5.2 BCA REGULATORY COMPLIANCE UPDATE

Agenda item 5.2 document number A2966768, pages 25 - 26 refers.

COMMITTEE RESOLUTION 2020/18

Moved: Member Belinda Ward

Seconded: Cr Rachel Smith

That the Regulatory Compliance Committee receive the report "BCA Regulatory Compliance Update".

CARRIED

5.3 OBJECTION TO THE CLASSIFICATION OF A DOG AS MENACING BY BREED/TYPE (SECTION 33C OF THE DOG CONTROL ACT 1996), DOG OWNER PAMELA ANN BACKHOUSE-SMITH, DOG NAME: RICHARD

Agenda item 5.3 document number A2976064, pages 27 - 73 refers.

At the commencement of the Hearing Ms Backhouse-Smith's representative Leonie Exel disclosed that the dog (Richard) passed away on Saturday 17 October.

Meeting adjourned 1:49 pm to 1:56 pm.

The Chairperson advised that the Committee would not proceed with the Hearing..

The Committee requested that staff investigate and advise whether the Objection to the Menacing Dog Classification still needed to be resolved, and if so whether needs discussing at a future meeting.

6 KARAKIA WHAKAMUTUNGA – CLOSING PRAYER**7 MEETING CLOSE**

The meeting closed at 2:11 pm

The minutes of this meeting will be confirmed at the Regulatory Compliance Committee Meeting held on 1 December 2020.

.....
CHAIRPERSON

5 INFORMATION REPORTS

5.1 ENVIRONMENTAL SERVICES: ALCOHOL LICENSING UPDATE

File Number: A2999512

Author: Rochelle Deane, Manager - Environmental Service

Authoriser: Dean Myburgh, General Manager - District Services

PURPOSE OF THE REPORT

To provide an update to the committee on Alcohol Licensing in the District

- The number of premises registered
- The number of good host visits completed
- The number of premises that still require a good host visit.

EXECUTIVE SUMMARY

The Far North District Council, as a territorial authority, is deemed a regulatory agency under the Sale and Supply of Alcohol Act 2012 (the Act).

The Council has an important role in monitoring licensed premises to ensure they operate within the law and regarding public health and safety. Council carry out a range of investigations and reporting, it can also apply to have a licence suspended, varied or cancelled.

As a regulatory agency, Council is required to collaborate with the other regulatory agencies such as the Police and the Medical Officer of Health.

The three agencies collaborate in monitoring licences and enforcing the Act as well as implementing strategies for reducing alcohol related harm.

RECOMMENDATION

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

BACKGROUND

The Sale and Supply of Alcohol Act 2012 (the Act), requires each territorial authority to appoint one or more Licensing Inspectors. If there is more than one Inspector, then one must be appointed as Chief Licensing Inspector.

There are currently four Licensing Inspectors and one Chief Licensing Inspector covering the Far North District.

The function of a Licensing Inspector includes

- Inquire into and report on every application and renewal to the District Licensing Committee or ARLA
- Collaborate with the other regulatory agencies (Police and Medical Officer of Health)
- Monitor licensed premises for compliance with the Act
- Investigate and respond to complaints regarding licensed premises.

There are four kinds of licences that can be issued to a premise

- **On-licence** – this licence is held for a premise where the licensee can sell and supply alcohol for consumption there and can let people 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

Every holder of an on-licence must appoint a Manager or Managers in accordance with the Act. Council Inspectors must inquire into and file with the Licensing Committee a report on every "Managers Certificate" application.

A Duty Manager of a licensed premise is responsible for the compliance with and enforcement of the provisions of the Act and the conditions of the licence for the premises. They are also responsible for the conduct of the premises with the aim of contributing to the reduction of alcohol related harm.

The Sale and Supply of Alcohol Act 2012 states that it is an offence to:

- Sell or supply alcohol to intoxicated persons
- Allow any person to become intoxicated on licensed premises
- Allow drunkenness or disorderly behaviour on licensed premises
- Any licensee, manager or server of alcohol has a legal obligation to refuse to supply alcohol to an intoxicated person, to allow a person to become intoxicated on licensed premises or to allow an intoxicated person to remain on the premises.

The principles of host responsibility include:

- The provision and promotion of food, non and low alcohol drinks
- Serving alcohol with care and responsibility
- Responsible approaches to dealing with intoxicated and underage people
- The arrangement of safe transport options

DISCUSSION AND NEXT STEPS

Registered Premises

There are currently 257 licensed premises in the district. These are made up of:

126 – on licences

81 – off licences

50 – club licences

A licensee is required to renew their licence:

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

Good Host Visits

Between 1 July 2020 – 31 October 2020 a total of 78 good host visits (GHVs) have been completed by the Environmental Health Services team.

72 of these good host visits had a “compliant” inspection result and six visits had a “non - compliant” inspection result.

A “non-compliant” result is an outcome where the inspector has observed the licensee not meeting their obligations under the Act.

Five of these “non-compliant” outcomes were minor breaches such as the duty managers name being displayed incorrectly.

In these instances, following the Voluntary-Assisted-Directed-Enforced (VADE) model-based approach, the Inspectors have used education to enable compliance.

One of the “non-compliant” outcomes was deemed serious. This related to a licensee selling product that was not permitted under their licence conditions, where they had already been advised they could not sell the product.

Evidence detailing this breach was provided to the local Alcohol Harm Reduction Police Officer who issued an infringement notice to this licensee.

The Level of Service KPI target for the Long-Term Plan for GHVs is for all licensed premises to have inspections at least once every four years ($\geq 25\%$ of premises visited annually)

To date the team are already tracking at 30% of licensed premises visited with 78 out of 257 licensed visited between 1 July 2020 – 31 October 2020.

Number of Licences issued 2019-2020

Type of Licence	Number Issued	Number Refused	Number Withdrawn
On Licence	54	0	2
Off Licence	31	0	4
Club Licence	9	0	1
Special Licence	154	0	0

Manager's certificates 2019-2020

Number Issued	380
Number Refused	0
Number Withdrawn	7

Compared to last financial year the number of licences and certificates issued is similar.

During COVID19 lockdown (March/April 2020) there was a slight decrease in the number of applications received. Outside of lockdown there have been no obvious changes or trends in the committee's workload.

Process Improvements

In the past two months the team have focused on several process improvements. Some improvements to note are:

- Reviewed alcohol licensing processes – from lodgement of applications by the Administration team through to good host visits - the aim of this process improvement was to confirm roles and responsibilities to improve our service to internal and external customers

- Mobile inspection tool for good host visits – the aim of this process was to reduce the time spent on carrying out these inspections and processing the inspection checklist
- Reviewed alcohol application forms to make applications more customer friendly and improve the quality of applications being lodged with the licensing committee
- Monthly meetings held with the Police and Medical Officer of Health with full team of Environmental Health Officers to discuss alcohol licensing matters. These meetings have proven to be invaluable in improving agency relationships and sharing knowledge.
- Regional “Inter-agency alcohol liaison” has been re-established after five years to occur on a quarterly basis; these forums include Whangarei District Council, Kaipara District Council, Police, Medical Officer of Health and Fire and Emergency NZ, fostering consistency of alcohol licensing practices across the District and improving collaboration.

FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial or other resource implications regarding this report.

ATTACHMENTS

Nil

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	Low Significance – this matter does not meet the criteria/threshold for a matter of significance
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Sale and Supply of Alcohol Act 2012 Local Government Act 2002 LTP Community Outcomes: Communities that are healthy, safe, connected and sustainable.
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.	District Wide Significance
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.	No specific implications
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 (for example – youth, the aged and those with disabilities.	Information report only

State the financial implications and where budgetary provisions have been made to support this decision.	There are no financial implications
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report.

5.2 UPDATE REPORT: BYLAW ENFORCEMENT

File Number: A3003300

Author: Rochelle Deane, Manager - Environmental Service

Authoriser: Dean Myburgh, General Manager - District Services

PURPOSE OF THE REPORT

To provide an update to the committee on Bylaw enforcement activity for the Far North district.

EXECUTIVE SUMMARY

Bylaws are local laws made by Council which apply only to the district. Bylaws are made under the Local Government Act 2002 as well as any other legislation specific to the activity being regulated.

Bylaws are reviewed every five to ten years. This process involves public consultations to make sure the bylaws are useful and reflect what the district needs. Many FNDC bylaws are currently revoked as they were not reviewed by the date required.

A work programme is now in progress to address bylaws identified as revoked by the Strategy and Policy team.

This report is an update on Bylaw enforcement over the district by the Council's Monitoring and Compliance team.

RECOMMENDATION

That the Regulatory Compliance Committee receive the report Update Report: Bylaw Enforcement.

BACKGROUND

There are nine staff in the Monitoring team, of which five have bylaw enforcement as part of their responsibilities.

The Bylaw Monitoring team investigate bylaw breaches that are proactively seen or that are reported to us.

Several statutes empower the council to make bylaws. The most significant legislation is the Local Government Act 2002.

Using the Voluntary-Assisted-Directed-Enforced (VADE) model approach, Monitoring Officers can use a range of compliance methods to respond to bylaw breaches.

These include:

- advice and education
- issuing warnings
- prosecution

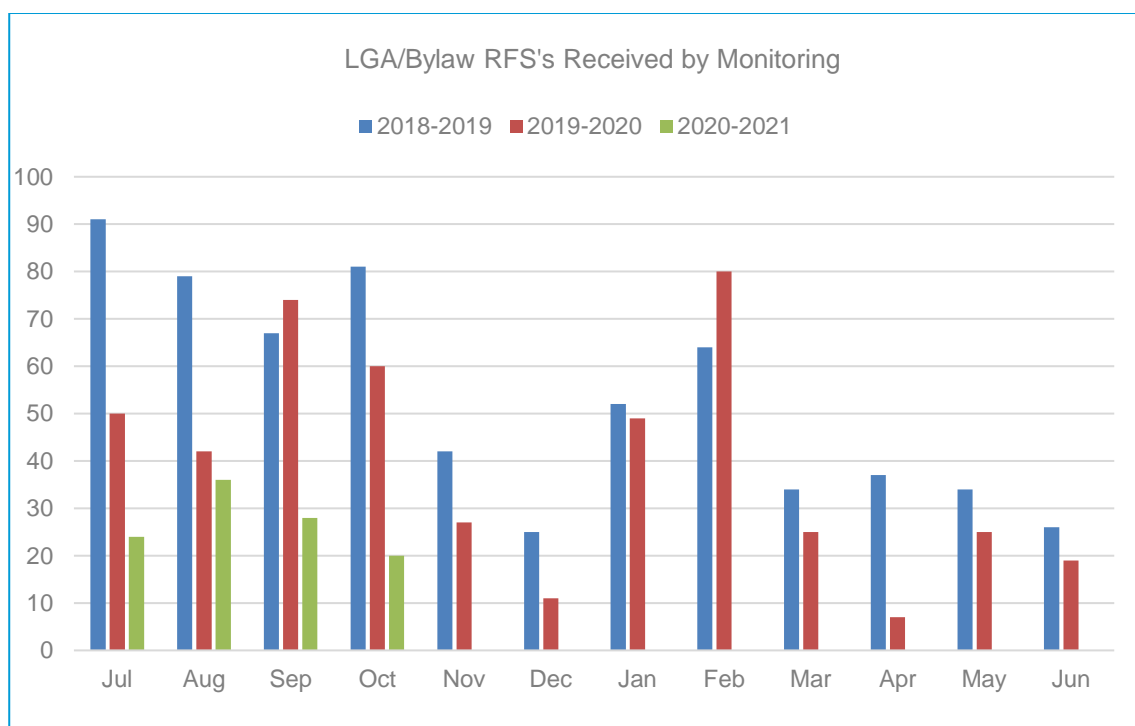
The Local Government Act does not have provisions to issue infringements for Bylaw breaches.

The Monitoring team monitor eight bylaws as shown in the table below:

Bylaw Title		Status
1	Control of Earthworks Bylaw 2019	Active
2	Control of On-site Wastewater Disposal Systems Bylaw 2010	Revoked
3	Control of the Use of Public Spaces Bylaw 2010	Revoked
4	Control of Vehicle Crossings Bylaw 2010	Revoked
5	Keeping of Animals, Poultry and Bees Bylaw 2007	Revoked
6	Mobile Shops and Hawkers Bylaw 2010	Revoked
7	Parking and Traffic Control Bylaw 2010	Review date 17 June 2020
8	Vehicles on Beaches Bylaw 2015	Review date 12 March 2020

Even though the bylaws are revoked they remain relevant for achieving outcomes such as protecting public health and safety. These rules should still be taken into consideration by the community and Council officers continue to enforce for the protection of public safety, private property and the rights of individuals and organisations. The authority to continue to regulate in these areas is provided by governing Acts and Regulations in the respective areas.

DISCUSSION AND NEXT STEPS



The number of Bylaw Requests for Service (RFSs) received have dropped significantly compared with the previous two years. The significant differences shown between 2018/2019 and 2019/2020 can be attributed to a correction of coding errors in recording RFSs in October 2018. There was also a drop in RFSs received during the Covid lock down period.

As many of the FNDC bylaws are currently revoked, this may also account for a drop in the number of RFS received.

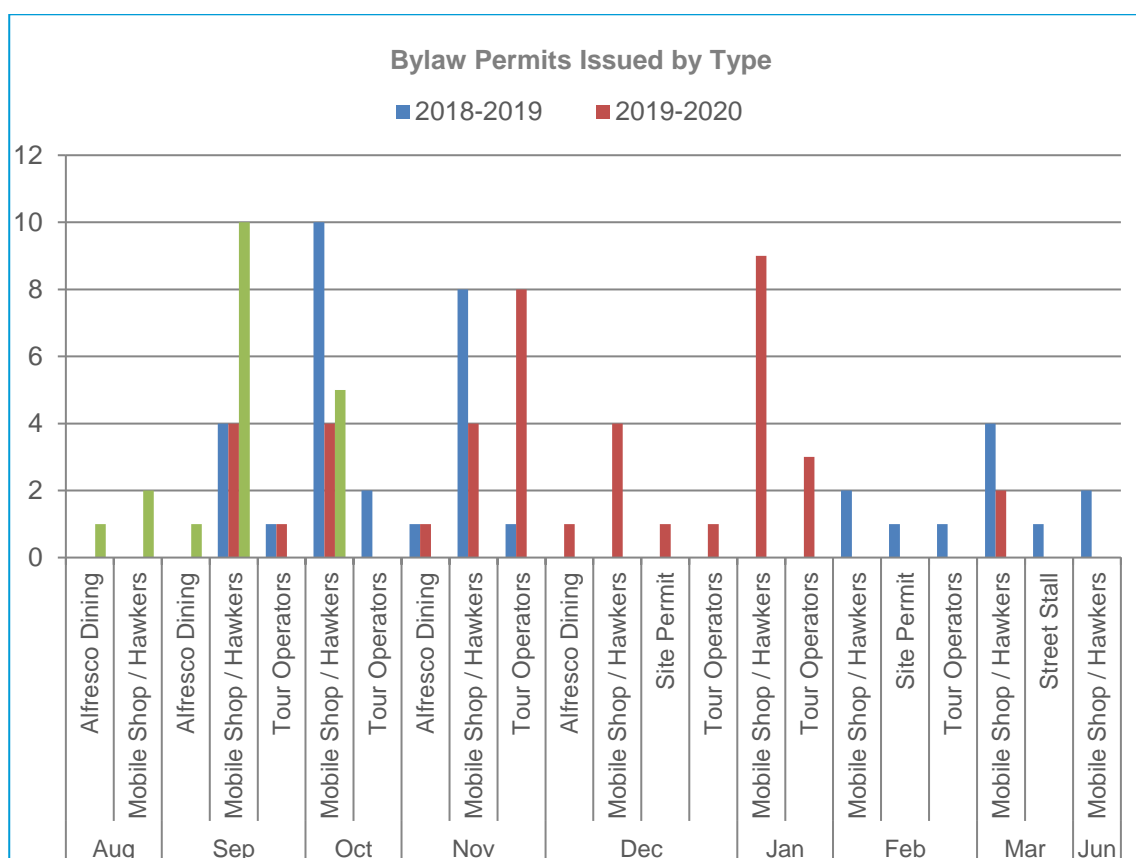
Bylaw RFS's received during the current financial year have the following issues reported:

- signage

- keeping of pigs, bees and chickens
- roosters crowing (noise issues can also be dealt with s16 RMA)
- removal of trees on public land
- street vendors and mobile shops
- earthworks
- erection of fencing on public land
- vehicle crossings with no permit
- private cars for sale on roads

All RFSs to date have been managed through education, formal letters and warnings. There is no provision under the LGA to issue infringements for bylaw breaches.

Licences/Permits can be obtained to permit activities within a bylaw. The majority of permits issued over the first quarter are for alfresco dining and mobile hawker licenses. As expected, tour operator permits are lower than for previous years.



FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

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

ATTACHMENTS

Nil

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	Low Significance – this matter does not meet the criteria/threshold for a matter of significance
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Local Government Act 2002 FNDC Bylaws LTP Community Outcomes: Communities that are healthy, safe, connected and sustainable.
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.	District Wide Significance
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.	No specific implications
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 (for example – youth, the aged and those with disabilities.	Information report only

State the financial implications and where budgetary provisions have been made to support this decision.	There are no financial implications
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report.

6 PUBLIC EXCLUDED**RESOLUTION TO EXCLUDE THE PUBLIC****RECOMMENDATION**

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
6.1 - BCA Regulatory Compliance Update	s7(2)(f)(i) - free and frank expression of opinions by or between or to members or officers or employees of any local authority	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

7 KARAKIA WHAKAMUTUNGA – CLOSING PRAYER

8 MEETING CLOSE