
Regulatory and Bylaws Committee

OPEN MINUTES

Minutes of a meeting of the Regulatory and Bylaws Committee held in the Reception Lounge, Auckland Town Hall, 301-305 Queen Street, Auckland on Tuesday, 22 July 2014 at 9.30am.

PRESENT

Chairperson	Calum Penrose	
Deputy Chairperson	Denise Krum	
Members	Cr Bill Cashmore	
	Cr Sharon Stewart, QSM	
	Cr John Watson	
	Member Glenn Wilcox	Until 10.59am, Item 12
	Cr George Wood, CNZM	From 9.44am, Item 6.1

APOLOGIES

Cr Linda Cooper, JP	For absence
Member Glenn Wilcox	For early departure
Cr George Wood, CNZM	For lateness

ALSO PRESENT

Cr C Casey

1 Apologies

Resolution number RBC/2014/22

MOVED by Chairperson CM Penrose, seconded by Deputy Chairperson DA Krum:

That the Regulatory and Bylaws Committee:

- a) **accept the apologies from Cr L Cooper for absence, Cr G Wood for lateness, and Member G Wilcox for early departure.**

CARRIED

2 Declaration of Interest

There were no declarations of interest.

3 Confirmation of Minutes

Resolution number RBC/2014/23

MOVED by Chairperson CM Penrose, seconded by Cr WB Cashmore:

That the Regulatory and Bylaws Committee:

- a) **confirm the ordinary minutes of its meeting, held on Tuesday, 20 May 2014, as a true and correct record.**

CARRIED

4 Petitions

There were no petitions.

5 Public Input

Secretarial Note: The Chairperson received late requests from Vernon Tava, Lynn Charlton and Jill Latham to speak at public input on the topic under consideration at item 9 - Events involving animals on Auckland Council land. The chairperson agreed to hear the public input speakers at the item.

6 Local Board Input

6.1 Local Board Input - Māngere-Ōtāhuhu Local Board: Alcohol Controls Bylaw

Māngere-Ōtāhuhu Local Board chairperson, Lydia Sosene was in attendance to address the meeting regarding the Alcohol Controls Bylaw.

A powerpoint presentation was provided. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Member GS Wood entered the meeting at 9.44 am.

Resolution number RBC/2014/24

MOVED by Cr WB Cashmore, seconded by Cr SL Stewart:

That the Regulatory and Bylaws Committee:

- a) **receive the presentation from Māngere-Ōtāhuhu Local Board chairperson, Lydia Sosene, and thank her for speaking to the Regulatory and Bylaws Committee on the issue of alcohol controls bylaw.**

CARRIED

Attachments

- A Powerpoint presentation: Māngere-Ōtāhuhu Local Board Input - Alcohol Controls Bylaw

7 Extraordinary Business

There was no extraordinary business.

8 Notices of Motion

There were no notices of motion.

9 Events involving animals on Auckland Council land

Vernon Tava, Lynn Charlton and Jill Latham were in attendance and requested to speak at public input regarding this item. The chairperson agreed to hear the public input at this time.

Resolution number RBC/2014/25

MOVED by Chairperson CM Penrose, seconded by Member GS Wood:

That the Regulatory and Bylaws Committee:

- a) note that the Local Government Act 2002 does not provide council with the power to make bylaws about animal welfare;
- b) note that decisions on the use of council land are delegated to local boards for local parks, and governing body for regional parks;
- c) confirm that no additional measures beyond the Auckland Council Events Policy 2013 apply to events held on council owned or controlled land.

A division was called for, voting on which was as follows:

<u>For</u>	<u>Against</u>	<u>Abstained</u>
Cr WB Cashmore Deputy Chairperson DA Krum Chairperson CM Penrose Cr SL Stewart Member G Wilcox Cr GS Wood		Cr J Watson

The division was declared **CARRIED** by 6 votes to 0.

10 Proposed Animal Management Bylaw and Statement of Proposal

Resolution number RBC/2014/26

MOVED by Member GS Wood, seconded by Cr WB Cashmore:

That the Regulatory and Bylaws Committee:

- a) **recommend to the governing body of Auckland Council that it resolves (i) to (vi) as follows:**
- i) **that pursuant to section 155(1) of the Local Government Act 2002, a bylaw is the most appropriate way of addressing certain issues related to animals as identified in Attachment A;**
 - ii) **that under section 155(2)(a) of the Local Government Act 2002, the proposed draft Animal Management Bylaw (Attachment B) is the most appropriate form of bylaw to address problems related to animal management;**
 - iii) **that under section 155(2)(b) of the Local Government Act 2002, the proposed draft Animal Management Bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990;**
 - iv) **that under section 62 of the Local Government (Auckland Transitional Provisions) Act 2010, the Auckland Council proposes to revoke in full seven legacy bylaws and revoke the relevant provisions of eleven other legacy bylaws on animal management matters (and replace them with a new region-wide bylaw on animal management);**
 - v) **that under sections 83 and 86 of the Local Government Act 2002, Attachment A: Statement of Proposal “Review of Animal Management Bylaws, July 2014” be adopted for public consultation;**
 - vi) **that the Manager Policies and Bylaws be authorised to make any minor edits or amendments to the Statement of Proposal to correct any identified errors or typographical edits or to reflect decisions made by the governing body that affect the Auckland Council bylaw.**
- b) **note that submissions to the Animal Management Bylaw and Auckland Regional Pest Management Plan will provide a better understanding of wider cat predation issues and help identify whether a separate project to develop an overarching council-wide strategy on cats is necessary.**
- c) **agree that the Manager Policies and Bylaws be authorised to make any minor edits or amendments to the Statement of Proposal to correct any identified errors or typographical edits or to reflect decisions made by the committee that affect the Statement of Proposal.**

CARRIED

11 Review of Alcohol Control Bylaws

Resolution number RBC/2014/27

MOVED by Member GS Wood, seconded by Cr WB Cashmore:

That the Regulatory and Bylaws Committee:

- a) recommend to the governing body of Auckland Council that it resolves (i) to (vii) as follows:
- i) that pursuant to section 155(1) of the Local Government Act 2002, a bylaw is the most appropriate way of addressing the issues relating the control of the possession and consumption of alcohol in public places.
 - ii) that pursuant to section 155(2)(a) of the Local Government Act 2002, the proposed alcohol control bylaw (Attachment B) is the most appropriate form of bylaw to address the issues relating to the possession and consumption of alcohol in public places.
 - iii) that pursuant to section 155(2)(b) and section 155(3) of the Local Government Act 2002, the proposed alcohol control bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.
 - iv) that pursuant to section 62 of the Local Government (Auckland Transitional Provisions) Act 2010, the Auckland Council proposes to allow the seven legacy council bylaws that deal with the issues of possession and consumption of alcohol in public places to lapse on 31 October 2015 (and replace them with a new region-wide bylaw).
 - v) that pursuant to section 31 of the Local Government (Auckland Council) Act 2009, the Auckland Council proposes to delegate regulatory decisions on local alcohol bans to local boards.
 - vi) that pursuant to sections 83 and 86 of the Local Government Act 2002, Attachment A: *Statement of Proposal - Alcohol Control in Public Places* be adopted for public consultation.
 - vii) that the Manager Policies and Bylaws be authorised to make any minor edits or amendments to the Statement of Proposal and proposed Alcohol Control Bylaw 2014 to correct any identified errors, typographical edits, or to reflect decisions made by the governing body that affect the Statement of Proposal.
- b) appoint a hearings panel comprised of Councillor GS Wood, Councillor CM Penrose, Councillor DA Krum and Member G Wilcox to hear submissions, deliberate and make recommendations to the governing body of Auckland Council on the Review of Alcohol Control Bylaws.
- c) appoint Councillor CM Penrose as chairperson of the hearings panel.
- d) delegate to the chairperson of the Regulatory and Bylaws Committee the power to make a replacement appointment to the hearings panel in the event that any member appointed by the committee under resolution (b) is unavailable.
- e) agree that the Manager Policies and Bylaws be authorised to make any minor edits or amendments to the Statement of Proposal and proposed Alcohol Control Bylaw 2014 to correct any identified errors, typographical edits, or to reflect decisions made by the committee that affect the Statement of Proposal.

CARRIED

12 Amendment of the Health and Hygiene Bylaw 2013

Member G Wilcox left the meeting at 10.59 am.

Resolution number RBC/2014/28

MOVED by Chairperson CM Penrose, seconded by Cr WB Cashmore:

That the Regulatory and Bylaws Committee:

- a) recommend to the governing body of Auckland Council that it resolves (i) to (v) as follows:
 - i) that regulation in the form of a bylaw is not the most appropriate way to address health and hygiene risks from commercial ear-piercing services provided by pharmacists.
 - ii) that existing industry-based regulation of pharmacists and their premises effectively manages the health and hygiene risks from commercial ear-piercing services provided by pharmacists.
 - iii) that it is appropriate to exempt commercial ear-piercing services provided by pharmacists from compliance with the Auckland Council Health and Hygiene Bylaw 2013 as specified in Attachment A.
 - iv) that under sections 83 and 86 of the Local Government Act 2002, Attachment A Statement of Proposal Amendment to Health and Hygiene Bylaw 2013, be adopted for public consultation.
 - v) that the Manager Policies and Bylaws be authorised to make any minor edits or amendments to the Statement of Proposal to correct any identified errors or typographical edits or to reflect decisions made by the governing body that affect the Statement of Proposal.
- b) appoint a hearings panel comprised of Councillor GS Wood, Councillor CM Penrose, Councillor DA Krum and Member G Wilcox (Chair) to hear submissions, deliberate and make recommendations to the governing body of Auckland Council on the proposed amendment of the Health and Hygiene Bylaw 2013.
- c) delegate to the chairperson of the Regulatory and Bylaws Committee the power to make a replacement appointment to the hearings panel in the event that any member appointed by the committee under resolution (b) is unavailable.
- d) agree that the Manager Policies and Bylaws be authorised to make any minor edits or amendments to the Statement of Proposal to correct any identified errors or typographical edits or to reflect decisions made by the committee that affect the Statement of Proposal.

CARRIED

13 Integrated bylaws review and implementation programme (IBRI) update – July 2014

Resolution number RBC/2014/29

MOVED by Chairperson CM Penrose, seconded by Cr WB Cashmore:

That the Regulatory and Bylaws Committee:

- a) **note the progress of the Integrated Bylaw Review and Implementation programme towards its completion of the delivery of new bylaws by October 2015.**
- b) **note that a proactive role is proposed for the council in relation to boarding houses, and that further work is underway to identify the appropriate mechanism for this; that this could rely on existing powers or include the development of a boarding houses bylaw; and that a report on this will be provided to this committee later this year.**

CARRIED

14 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

11.15 am

The Chairperson thanked Members for their attendance and attention to business and declared the meeting closed.

CONFIRMED AS A TRUE AND CORRECT RECORD
AT A MEETING OF THE REGULATORY AND
BYLAWS COMMITTEE HELD ON

DATE:.....

CHAIRPERSON:.....