



NOTICE OF MEETING

**Notice is hereby given of the Meeting of the
Finance and Policy Committee
to be held in the Council Chamber,
First Floor, Civic Administration Building,
101 Esk Street, Invercargill on
Tuesday 1 August 2017 at 4.00 pm**

His Worship the Mayor Mr T R Shadbolt JP
Cr D J Ludlow (Chairman)
Cr G D Lewis (Deputy Chair)
Cr R L Abbott
Cr R R Amundsen
Cr I R Pottinger
Cr L S Thomas

EIRWEN HARRIS MITCHELL
MANAGER, SECRETARIAL SERVICES

A G E N D A

	Page
1. APOLOGIES	
2. PUBLIC FORUM	
3. MONITORING OF SERVICE PERFORMANCE	
3.1 LEVELS OF SERVICE 1 JULY 2016 TO 30 JUNE 2017	4
4. ACTIVITY PLAN REVIEW	
N/A.	
5. DEVELOPMENT OF POLICIES/BYLAWS	
N/A.	
6. OTHER BUSINESS	
6.1 REPORT OF THE DIRECTOR OF FINANCE AND CORPORATE SERVICES	
6.1.1 <i>Significant Events Bylaw</i>	7
7. URGENT BUSINESS	
8. PUBLIC EXCLUDED SESSION	
Moved, seconded that the public be excluded from the following parts of the proceedings of this meeting; namely	
<i>(a) Report of the Director of Finance and Corporate Services</i>	
The general subject 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(1)(d) 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(1) for the passing of this resolution
(a) Presentation by Emergency Management Southland	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial or industrial negotiations)	Section 7(2)(i)
Insurance – Jardine Lloyd Thompson (JLT)	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial or industrial negotiations)	Section 7(2)(i)
Interests Register	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial or industrial negotiations)	Section 7(2)(i)
OAG Report	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial or industrial negotiations)	Section 7(2)(i)
Invercargill Brand Launch	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial or industrial negotiations)	Section 7(2)(i)

TO: FINANCE AND POLICY COMMITTEE

FROM: DIRECTOR OF FINANCE AND CORPORATE SERVICES

MEETING DATE: TUESDAY 1 AUGUST 2017

LEVELS OF SERVICE REPORT – 1 JULY 2016 TO 30 JUNE 2017

Report Prepared by: Melissa Short – Strategy and Policy Manager

SUMMARY

Reporting on the Corporate Services levels of service measures for the period comprising 1 July 2016 to 30 June 2017.

RECOMMENDATIONS

That the report be received.

IMPLICATIONS

1.	<i>Has this been provided for in the Long Term Plan/Annual Plan?</i> The report monitors performance in relation to levels of service measures identified in the Long Term Plan and Annual Plan.
2.	<i>Is a budget amendment required?</i> No
3.	<i>Is this matter significant in terms of Council's Policy on Significance?</i> No
4.	<i>Implications in terms of other Council Strategic Documents or Council Policy?</i> No
5.	<i>Have the views of affected or interested persons been obtained and is any further public consultation required?</i> No
6.	<i>Has the Child, Youth and Family Friendly Policy been considered?</i> No – not relevant

FINANCIAL IMPLICATIONS

No financial implications result from this report.

DEMOCRATIC PROCESS

Democratic Activities	1 July 2016 to 30 June 2017
2015/16 Annual Report adopted before 30 October 2016.	Annual Report adopted on 26 October 2016. Unmodified audit report received.

Consultation:

- Consultation Document for the 2017/18 Annual Plan.
- Proposed Fee Increase - Second or Subsequent Certificate of Public Use for Commercial Buildings under the Building Act 2004; and Producer Statement Authors (PSA) Register Maintenance.
- Equity and Access for People with Disabilities Policy.
- Easter Trading.
- Library Layout.
- Fire Prevention (Vegetation) Bylaw and Trade Waste Bylaw

INVESTMENT PROPERTY

	1 July 2016 to 30 June 2017
Investment Property Activity	
June 2017	Sale Lots 2 and 3, Bond Street/Waihopai Walkway Subdivision (Marshall Industries) Settlement: 2 June 2017
May 2017	Sale Lot 2, Bond Street Sub-Division, Invercargill (Fulton Hogan) Settlement: 19 May 2017 Sale 257 Etrick Street, Invercargill Settlement: 29 May 2017
April 2017	No Purchase or Sale Transactions
March 2017	All Property Transactions in March 2017 are Freeholding Sales to Lessees - 154/156 was a Deferred Settlement from 2016. Sale 25 Etrick Street, Invercargill Settlement: 7 March 2017 Sale 88 Foyle Street, Bluff Settlement: 7 March 2017 Sale 154/156 Clyde Street, Invercargill Settlement: 7 March 2017 Sale 241 Crinan Street, Invercargill Settlement: 15 March 2017

February 2017	Sale 262 Ness Street, Invercargill Settlement: 27 February 2017
January 2017	No Purchase or Sale Transactions
December 2016	No Purchase or Sale Transactions
November 2016	No Purchase or Sale Transactions
October 2016	No Purchase or Sale Transactions
Investment Property transactions (Purchases and Sales) September 2016	Purchase of Buildings and Lease (Council Owned Land): 13 and 17 Clyde Street, Invercargill 26 Liddell Street, Invercargill Settlement: 29 September 2016
August 2016	No Purchase or Sale Transactions
July 2016	No Purchase or Sale Transactions

TO: FINANCE AND POLICY COMMITTEE
FROM: DIRECTOR OF FINANCE & CORPORATE SERVICES
MEETING DATE: TUESDAY 1 AUGUST 2017

SIGNIFICANT EVENTS BYLAW

Report Prepared by: Melissa Short – Manager, Strategy and Policy

SUMMARY

In accordance with the Local Government Act 2002, the Significant Events Bylaw needs to be reviewed.
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RECOMMENDATIONS

That this report be received.

AND THAT

Council determine that in accordance with Section 155 of the Local Government Act, the Invercargill City Council Bylaw 2011/1 - Significant Events remains the most appropriate way of addressing the issues associated with Street Trading, Distribution of free products or advertising material and Advertising within the Invercargill district during the hosting of Significant Events.

AND THAT

Council determine to publicly consult on continuing the Bylaw without amendment in accordance with Section 160(3)(ii) of the Local Government Act with the consultation period being 16 August until 15 September 2017.

IMPLICATIONS

1.	<i>Has this been provided for in the Long Term Plan/Annual Plan?</i> No
2.	<i>Is a budget amendment required?</i> No
3.	<i>Is this matter significant in terms of Council's Policy on Significance?</i> No
4.	<i>Implications in terms of other Council Strategic Documents or Council Policy?</i> The report recommends the continuation of an existing Bylaw.
5.	<i>Have the views of affected or interested persons been obtained and is any further public consultation required?</i> Public Consultation would be required.

6.	<i>Has the Child, Youth and Family Friendly Policy been considered?</i> Yes.
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FINANCIAL IMPLICATIONS

No financial implications arise from this report.

SIGNIFICANT EVENTS BYLAW

During the 2011 Rugby World Cup Tournament the Council had obligations under the Host Region Agreement (HRA) signed between the Council and RNZ2011. One of the obligations was for reasonable assistance with the prevention of ambush marketing and to provide a “Clean” 500m precinct surrounding the match venue. Council adopted the Significant Events Bylaw to enable it to provide this assistance. When adopting the Bylaw, Council noted that it would be able to be utilised for other significant events that are hosted in the Invercargill district. The Significant Events Bylaw is due to be reviewed.

REVIEW OF BYLAW

To begin a review of the Bylaw, Council must make the determinations required by Section 155 of the Local Government Act 2002. This section requires Council to consider whether a Bylaw is the most appropriate method of addressing the perceived problem, as well as any implications under the New Zealand Bill of Rights Act 1990.

What is the Perceived Problem to be Addressed?

Many major / significant events will require Council to assist in providing a “clean” area surrounding the location of the event. A Clean area will prevent ‘ambush marketing’ by those who are not legitimate sponsors of the event. Within a designated precinct certain activities would not be permitted. These activities are:

- Street trading (including merchandise, food or beverage).
- Distribution of free products or advertising material.
- Advertising – exception for business as usual advertising.
- Trading/Retailing from private property – exception for business as usual activity.

Is a Bylaw the Most Appropriate Method of Addressing the Perceived Problem?

Bylaws have been a traditional method of addressing issues associated with trading in public places and protecting the public from nuisance. An alternative would be to use the Resource Management Act 1991 to address public trading and nuisance issues. It would, however, be difficult to view these issues as “significant” under the Act. There are also rights of appeal on enforcement matters which could result in a minor nuisance matter requiring considerable resources to resolve in front of the Environment Court.

In order to meet the intention of a “Clean” area, the Council needs to have an enforcement procedure that can quickly be utilised. The Resource Management Act 1991 and the District Plan rules made under it take time to enforce and are, therefore, not the most effective or efficient method of implementing a “Clean” area.

A bylaw can be enforced in a timely fashion and could be imposed for limited time periods surrounding events that the Council considers to be significant. The bylaw can be utilised by Council when any events that involve rights protection agreements are staged in Invercargill.

What are the Implications Under the New Zealand Bill of Rights Act 1990?

Council needs to be satisfied that the proposed bylaw will not be inconsistent with this Act, that is, it imposes reasonable limits that can be reasonably justified in a free and democratic society. Case law suggests that permanent prohibition of certain activities that the community may wish to undertake may impose unreasonable limits. This could apply to things such as the distribution of free products or advertising material. Being able to regulate allows Council to make rules which have the intention of preventing or reducing the distribution of free products or advertising material in certain areas for a prescribed period of time which would enable the Council to meet its obligations for major / significant events and would further advance the economic, social and cultural interests of the Community.

Where To From Here?

Staff recommend that the Bylaw be continued with no amendments made. Staff further recommend that consultation be undertaken in accordance with Section 160(3)(ii) of the Local Government Act as there has only been one Significant Event during the life of the Bylaw and the number of people affected by the Bylaw's continuation are minimal.

A Consultation Pack incorporating the existing Significant Events Bylaw (***Appendix 1***), this report and a submission form will be made available on Council's website and advertised through social media. Notice will be given in the Southland Times of the review and submission period. The suggested consultation timetable is as follows:

16 August 2017	Consultation Pack available on website and advertised through social media.
16 August – 15 September	Submission period.
19 August	Public Notice in the Southland Times.
26 September	Council considers submissions and adopts reviewed bylaw subject to any amendments.

CONCLUSION

The continuation of the Significant Events Bylaw will assist in promoting the Invercargill District as a host region for significant events and will provide Council with a tool to enable enforcement of ambush marketing prevention measures should further significant events choose Invercargill City District a host region.
