



NOTICE OF MEETING

Notice is hereby given of the Extraordinary Meeting of the Performance, Policy and Partnerships Committee to be held in the Council Chamber, First Floor, Civic Administration Building, 101 Esk Street, Invercargill on Tuesday 7 December 2021 at the conclusion of the Infrastructural Services Committee Meeting

Cr D J Ludlow (Chair)
Cr R R Amundsen (Deputy Chair)
His Worship the Mayor, Sir T R Shadbolt
Cr R L Abbott
Cr A J Arnold
Cr W S Clark
Cr A H Crackett
Cr P W Kett
Cr G D Lewis
Cr M Lush
Cr I R Pottinger
Cr N D Skelt
Cr L F Soper
Ms E Cook – Māngai – Waihopai
Mrs P Coote – Kaikaunihera Māori – Awarua

CLARE HADLEY
CHIEF EXECUTIVE

Extraordinary Performance, Policy and Partnerships Committee - Public

Invercargill City Council

07 December 2021

Agenda Topic

Page

1. Apologies
2. Declaration of Interest
 - a. Members are reminded of the need to stand aside from decision-making when a conflict arises between their role as an elected representative and any private or other external interest they might have.
 - b. Elected members are reminded to update their register of interests as soon as practicable, including amending the register at this meeting if necessary.
3. [Covid Protection Framework and Vaccine Passports for Council Services and Facilities](#) 3
To be distributed separately.
 - 3.1 [Appendix 1 - Public Facilities - Business.Govt_Covid Protection Framework](#) 14

COVID PROTECTION FRAMEWORK AND VACCINE PASSPORTS FOR COUNCIL SERVICES AND FACILITIES

| | |
|-----------------------|--|
| To: | Extraordinary Performance, Policy and Partnerships Committee |
| Meeting Date: | Tuesday 7 December 2021 |
| From: | Executive Leadership Team |
| Approved: | Clare Hadley - Chief Executive |
| Approved Date: | Monday 6 December 2021 |
| Open Agenda: | Yes |

Purpose and Summary

This reports sets out the matters to be taken into account when considering Council's approach to accessing Council services and facilities, and specifically whether vaccine certificates will be required.

Recommendations

1. That the report "Covid Protection Framework and Vaccine Passports for Council Services and Facilities" be received.
2. That the Committee note Council operates public facilities as defined in the Covid Protection Framework.
3. That some of the public facilities operated by Council may also conduct events or gatherings as defined in the Covid Protection Framework.
4. That the Committee confirm where venues, namely the Civic Theatre, Rugby Park and Scottish Hall operate events those events must comply with the requirements for events as set out in the Covid Protection Framework.
5. That the Committee confirm that where gatherings at the cemetery or chapel occur, these gatherings must comply with the requirements for gatherings as set out in the Covid Protection Framework.
6. That the Committee determine that all other properties controlled by Council, and set out below, continue to operate in accordance with the requirements of the Covid Protection Framework for Public facilities.

7. That vaccine passes be required/not required for entry to the Customer Service Centre, Ground Floor, Civic Administration Building.
8. That vaccine passes be required/not required for entry to the Council Chamber and/or Meeting Rooms, First Floor, Civic Administration Building.
9. That vaccine passes be required/not required for entry to the Bluff Service Centre and Library.
10. That vaccine passes be required/not required for entry to the Bluff Municipal Chambers.
11. That vaccine passes be required/not required for entry to the Eve Poole Public Library.
12. That vaccine passes be required/not required for entry to the Splash Palace Aquatic Centre.
13. That vaccine passes be required/not required for entry to He Waka Tuia.
14. That vaccine passes be required/not required for access at the Animal Control Facility.
15. That if vaccination passes are confirmed, this requirement be introduced from Monday, 13 December.
16. That Council ensure as far as practicable compliance with the Covid Protection framework for all users of Council property for gatherings, outdoor community gatherings or events, as defined in the Covid Protection Framework.

Background

Covid-19 has been an issue for the world for approaching 2 years. Following an eradication approach New Zealand has recently moved to "living with" Covid-19 and acceptance that it has become an endemic disease.

The NZ Government introduced the Covid Protection Framework (Traffic Lights) known as the traffic light system. The first reading records Minister Hipkins stating:

... The next phase of our response here in New Zealand focuses on the framework that allows for much greater freedom due to the success of the roll-out of the vaccination

.... So this bill clarifies the framework for the management of COVID-19 in our community – and we have to accept the reality that COVID-19 is here to stay.

The key point here is greater freedom.

The Traffic Lights place mandatory obligations on conduct at various levels by defining the activity. It is this definition that drives the operating requirements. A public facility, defined as *premises owned or managed by central or local government e.g. libraries, museums, public pools* (Covid-19 Protections Framework traffic lights detailed table accessed 5 December 2021), is a regulated premise.

As a regulated premise, Council services and facilities can operate with or without vaccine certificates, as long as they operate within the framework defined by the decision.

Council can elect to put in place controls to manage the public health risk associated with Covid-19, the purpose of the Traffic Lights framework, greater than those recommended by the Government. If Council elects to operate on a different basis, i.e. with vaccine certificates, it must remain compliant with regulated premise rules (e.g. it cannot go to unlimited numbers in its facilities – Public Facilities Guidance business.govt.nz accessed 5 December 2021) and it must undertake a separate workplace health and safety assessment for staff. Opting to require vaccine certificates does not mean you fall into a different category in Traffic Lights. It does not override the workplace health and safety assessment.

Before considering the matters using the decision making framework of the Local Government Act, it is appropriate to set out some issues to take into account:

- The requirements for workplace operation under Traffic Lights are determined according to defined activity. Council should first determine the definition of its operations that best applies to each of its sites. Where there is more than one activity on the site Council should consider whether practical to operate more than one system;
- That a workplace health and safety assessment for staff is a separate requirement, undertaken by the Chief Executive;
- That under Traffic Lights, there are certain settings where denying entry on the basis of vaccination status is prohibited. These include basic needs services e.g. health care, supermarkets, public transport, pharmacies, petrol stations; publicly funded and emergency housing services, education and care. Further guidance is expected from the Government on this.
- The need to ensure accessibility of services to the public and the nature of services provided;
- That if a vaccine pass is required, alternative methods of access to services other than face to face should be provided for members of the public that do not have a vaccine pass
- That the requirement for a vaccine pass for those accessing services or visiting the premises, unless mandated as part of the Traffic Lights, does not necessarily mean staff have to be vaccinated. Separate risk assessments have been undertaken for all roles staff hold.
- That if Council chooses to require a vaccine certificate at any of its services or facilities, then it also takes on the enforcement of that and becomes liable for the penalty for any breach.

Currently all of Council's public facilities and services are operating at Orange.

Implications and Risks

Strategic Consistency

Covid-19 has challenged us all, in a variety of ways. The Government has now introduced a Covid Protection Framework, known as the traffic light system. That framework is based on health, legal and other advice.

Council services and facilities are operating within that framework, and currently meet Government expectations.

Invercargill City Council may consider operating facilities in ways beyond those required by the traffic Lights, i.e. utilising the My Vaccine Pass setting. It is important to note however that this would be a choice, not a requirement of the Traffic Lights. From a national perspective this would appear to be inconsistent with the stated objectives of the Traffic Lights.

Council seeks to support and encourage *A City with Heart*. It is for Council to determine how that vision informs decision making on this issue.

Financial Implications

Covid-19 has had significant financial implications on Council's operations already. Previous financial and activity reporting has reflected a reduction in numbers accessing services.

If vaccination certificates become a requirement of access, it is likely there will be an accompanying increase in costs as additional staff may be required to sight the vaccine pass and enforce its requirement. Anecdotally this will increase stress, and risk of abuse leading to potential workplace claims. The need for, and number of, additional staff will depend upon the facility (e.g. Eve Poole Public Library has multiple entry points which frustrates efforts to streamline the checking process).

Additional resource may be necessary to manage the volume of scan-on-demand or scan-to-print Property File Requests.

It is worth noting the experience during lockdown, dealing with customers who did not have access to electronic payments. At that time rates and dog registrations were due and the solution was to defer payments until facilities were reopened to the public.

Legal Implications

This report is prepared on the basis of guidance from a range of government agencies as at 3 December.

Given the transmissibility of Covid-19, it is a public health issue. The New Zealand Government has addressed the Public Health Risks most recently through the introduction of the Covid-19 Protection Framework (Traffic Lights). The Traffic Light system makes a distinction between certain businesses operating with and without the requirement for a My Vaccine Pass.

Significantly the Traffic Lights, in the "general settings" recognise certain services as facilities able to operate at all levels with or without a vaccine pass. Public Facilities, such as the majority of Invercargill City Council operations, are included in the definition of Public Facilities.

There are some activities where a vaccination pass cannot be introduced, e.g. publicly funded housing. For this reason, Council's community housing units are not included in this report.

It is also appropriate to consider whether it is lawful to exclude members of the public from publicly funded facilities, i.e. a ratepayer who contributes to, for instance, the swimming pool. Advice is that where a vaccination passport is required, alternative service delivery should be provided.

The Covid Response Unit of Government guidance on this point states that rates are set to have the facilities available for use, and it is ratepayers' choice to use the service, just as it is their choice to be unvaccinated, and many services will be translated into a safe contact-less service.

Any decision of Council is potentially subject to judicial review. In this case the greatest risk to Council arises from:

- Failure to take into account relevant considerations; and/or
- Taking into account irrelevant considerations

Risk

Covid-19 is a significant transmissible disease. It requires consideration by the Chief Executive of the health and safety requirements for staff. The Chief Executive has undertaken an assessment for all staff based on the current guidance provided by WorkSafe New Zealand. Workplaces have been advised that this assessment will remain valid even following the introduction of new guidance. 160 roles have been identified as high risk, and requiring staff to be vaccinated.

The health risk to the public at all council facilities is being addressed through a range of measures. It is reasonable to assume, although it will not be released before mid-January that health advice on transmissibility has been considered in the protection framework.

It is also worth noting that introducing restrictions brings with it more risk. Vaccination passes are not required for those under the age of 12 years. It can be difficult to calculate age, and typically youth aged 2-16 don't have proof of ID. While their habits may change, this is a potential risk/failure point.

Issues and Options

Analysis

First it is appropriate to confirm the definition, under the Traffic Lights that applies to services provided by Council. It is proposed that the services provided at Civic Theatre and Rugby Park are confirmed as events. Under the Traffic Lights this practically requires operating with a vaccination certificate requirement.

The Scottish Hall is operating on an approach that sees the hirer determine and enforce the use of vaccination certificates based on the size of their event and / or gathering and personal choice.

We assume that no further changes are needed to these operations as they all currently comply with the new guidelines, are aligned to the sector advice regarding venues and event services in requiring vaccination certificate to access. The public areas and rooms associated with the Vaccination clinic can be regarded as an essential medical provision and outside of the guidance sought in this paper.

The analysis of other services are set out below.

Leisure and Recreation Services

There are different levels of impact and risk across the five units of the Leisure and Recreation group. The risks come according to: the number of customers and visitors for each service area / facility; the ages of participants; the facility design and its systems, and the financial impact on the business performance.

The size of the facility guides determining the capacity limits that are applied to public facilities under the traffic light system. The following are the approximate sizes of the facilities:

- Splash Palace - just over 4,000sqm and the occupancy load is for 1,000 max capacity
- Library – just over 2,700sqm and the occupancy load of 413 max capacity
- He Waka Tuia – just over 490sqm and the occupancy load of 118 max capacity.

The parks and reserves spaces, except for the Cemetery and Crematorium services have been excluded, given they are outside areas and would be impractical to implement vaccination certificate checks. For all organised gatherings on the parks and reserves of Invercargill, organisers would need to comply with Traffic Light guidelines around gathering limits and safety measures. It would be the choice of the event organiser to determine and enforce the use of vaccination certificates.

All roles associated with the above facilities and services have been through a risk assessment.

Splash Palace:

- If vaccination certificates are used:
 - All people accessing the facility will be required to present their vaccination certificate. This includes active participants, parents and supervisors of children. Additional staff or security guards may need to be employed.
 - All current existing health protocols and increased cleaning schedules remain
 - Capacity limitations are the same across all three levels and not affected by the change in level. This does not mean the capacity is unlimited.
 - All event and club activities will require all participants to scan in their certificate
 - The café service can operate a full service.
- If vaccination certificates are not used:
 - At Green, Splash Palace operates with the current level of health measures in place and no capacity restrictions on attendance.
 - At Orange and Red the capacity limit for Splash Palace still remains 1000 based on the facility size and design. However:
 - events and programmes run by sport clubs would be directed by their national association
 - The café service can only operate a contactless / takeaway service.

Eve Poole Public Library

- If vaccination certificates are used:
 - All people accessing the facility will be required to present their vaccination certificate at one of the three entrances. This will necessitate additional staff or security guards to be employed
 - All current existing health protocols and increased cleaning schedules remain
 - Capacity limitations are the same across all three levels and not affected by the change in level. This does not mean the capacity is unlimited.

- If vaccination certificates are not used:
 - At Green Level the Library operates with the current level of health measures in place and no capacity restrictions on attendance
 - At Orange and Red the capacity limit for the Library remains 413 based on the facility size and design. However events and programmes / gatherings would likely be affected

He Waka Tuia

- If vaccination certificates are used:
 - All people accessing the facility will be required to present their vaccination certificate at the main entrance
 - All current existing health protocols and increased cleaning schedules remain
 - Capacity limitations are the same across all three levels and not affected by the change in level. This does not mean the capacity is unlimited.
- If vaccination certificates are not used:
 - At Green He Waka Tuia operates with the current level of health measures in place and no capacity restrictions on attendance
 - At Orange and Red the capacity limit for He Waka Tuia would change to 100, based on the small facility size and design.
 - The majority of events and programmes would either be affected and / or cancelled due to the small size of the facility.

For the Cemetery and Chapel this would mean:

- If vaccination certificates are used:
 - then the services can operate at capacity and in very similar ways to pre pandemic operations.
- If vaccination certificates are not used:
 - at Green and Orange services at the chapel would be limited to 100 and 50 people max respectively;

Council staff have been working with the Funeral Directors and it will be up to the funeral directors and the whānau / family to agree if the tangihanga / funeral is only open to people with My Vaccine Pass or to a mix of people with and without My Vaccine Pass.

At each facility we will also need to address any exemptions that appear as a result of a medical or other reason. This management approach will be dealt with in each teams Health and Safety Plans that will require updating upon entering into the new protection framework.

Customer Services

Civic Administration Building

Council provides a face-to-face service at the ground floor of the Civic Administration for residents, customers and visitors to access the following services:

- Payments of rates, parking or compliance infringements, dog registration etc
- Ticket sales for events via Ticketek
- General enquiries and lodgement of rates rebates or request for service
- Property file viewing
- Meetings with staff or public attendance of council and committee meetings on the first floor.

If vaccination certificates are used:

Access for the unvaccinated would be by telephone or online only. Consideration would have to be given to whether this would be sufficient, given the diversity of our community. Since contact tracing was mandated in September 2021, 20% of customers visiting the site did not have access or were unwilling to use the COVID tracing application via a smartphone. Additional cleaning, mask, contact tracing and social distancing practices have been successfully implemented across the sites.

To ensure compliance with the Local Government Official Information and Meetings Act 1987 to provide access to Property Files within 10 business days, additional resource may be required. After the last lockdown in September, staff attempted to provide a contactless environment by scanning files; however due to the high volume of LIM and Property File Requests, this was unsustainable and a return to customers having a compliant and safe space to view the files was required.

The customer demographic which accesses our face-to-face service commonly require additional support from staff regarding their transactions as they tend to have limited access to technology or the internet. This means staff take precautionary steps when interacting with these members of the public to ensure they adhere to the COVID-19 mandated guidelines.

Council Chamber (and First Floor Meeting Rooms)

These have been operating on a 1m distance between elected members and staff, and a 2m distance between members of the public. The capacity of the Chamber is affected by its size and the traffic light operating at the time.

Consideration should be given to the activities within the Chamber – the democratic process, but also the conduct of citizenship ceremonies.

If vaccination certificates are required, alternative service would be online. This could disadvantage those without access to technology, particularly if the library also required vaccine certificates. It is not known whether there would be an alternative provided for Citizenship Ceremonies.

Bluff Service Centre

The Bluff Service Centre offers further services including Lotto NZ, NZ Post, Kiwibank and retail store plus Council and Library services.

At the Bluff site, due to the additional services provided, Council is considered the host of Lotto and Kiwibank and these services can continue to operate no matter what option is selected. Currently NZ Post is working through with MBIE as to whether they are deemed an essential service like a supermarket. If so, we cannot mandate the vaccine pass. More information will be provided by them over the coming days.

If a vaccination certificate is able to be required, the only alternative would be on-line or by telephone.

Bluff Municipal Chambers

The Bluff Community Board meets at the Bluff Municipal Chambers.

If vaccination certificates are used additional staff will need to attend meetings to provide resource for checking at the meeting.

If vaccination certificates are not used, the current operating conditions will continue. If an issue arose that prompted significant public interest for Bluff, then the maximum capacity rules would apply.

Animal Control Facility

The Animal Control Facility is where dog owners collect their dogs from impoundment, having already paid the fine at the customer services centre. The current arrangements are that the public interaction is limited to conversation at a window, and a low risk handover using appropriate PPE.

If vaccination certificates are used, this will extend the interaction between officers and the public.

Other Council Services and Facilities

It is proposed that a vaccination certificate would not be required to access the following facilities but all visitors must scan in using the NZ Covid Tracer app or manual registration form, wear a mask and observe physical distancing requirements:

- The Transfer station
- Recycle drop off point
- Public Toilets (that are not part of a venue requiring a vaccination certificate)
- Public car parking facilities
- Parks and Reserves including playgrounds, bike and skate parks and dog exercise areas
- Sportsgrounds and outdoor courts

Leased Premises

Premises which council owns but leases to a third party come under the control of the third party and should not be considered in this report.

Conclusion

In all instances, it is appropriate for council to consider the impact on its levels of service as set out in the Long Term Plan. This is its contract with the community.

It is also appropriate to consider the additional impacts required, as set out in the Covid Protection Framework, if vaccination certificates are required.

| | Vaccination Certificates required | Unvaccinated entry |
|--|--|---------------------------|
| Additional staff / cost | Yes | No |
| Required to provide alternative services | Yes | No |

| | | |
|---|-----|------|
| Denies service where alternative cannot be supplied | Yes | Yes* |
| Liability for breaches / penalty imposition | Yes | No |

The * beside Yes in the unvaccinated column is to reflect that the immuno-compromised may argue they are denied access through their own assessment of increased risk. This reflects the reality that there will be impacts on some parts of the community no matter what the decision.

The committee should satisfy itself that the issues the Government has asked it to address warrant the decision it makes. The framework already has considered public health, Bill of Rights, employment rights and broader social and economic considerations.

Significance

This matter is significant in terms of its impact on sections of the community, the level of interest in the subject, and the potential impact on services and costs of delivering those.

However, it is not proposed to engage with the community. This is not a proposal unique to Invercargill City Council and the community is already familiar with the issues.

Options

Council has three options:

Option 1: require a vaccine pass for all of its services and facilities

Option 2: require a vaccine pass for some of its services and facilities

Option 3: maintain the current approach, and not require a vaccine pass for any of its services and facilities

The impact of these options has been covered in the analysis above.

It is appropriate to note that no option proposes that all Council premises require vaccine passes, ie this is not a mandate for all staff to be vaccinated.

Community Views

The Government has introduced a Covid Protection Framework, known as the traffic light system. That framework has been developed after considering health, legal and other advice.

Council services and facilities are operating within that framework, and currently meet Government expectations.

Council can introduce a requirement for vaccination passes. It is important to note however that this would be a choice, not a requirement of the Covid-19 Protection Framework.

There are a range of views in the community on mandatory vaccine passes. It is for elected members to consider the impacts on the community and determine whether it wishes to exercise the choice offered.

Next Steps

If no vaccine certificates are required then there will be no change to current operations.

If vaccine certificates are required there will be significant changes to operations as set out below. It is recommended that the introduction date be no earlier than 13 December, to allow for implementation as below;

Alternative services:

- Where vaccination passes are required, alternative services must be provided. The best way to give effect to this need, and to communicate it, needs a short time to organise. It should be noted there are some services for which there will be no public alternative.

Communication and marketing:

- A change in approach needs to allow time to recommunicate messaging, signage installation and other communication strategies.

Workforce:

- There would be an immediate workforce requirement to implement vaccine checking – e.g. Splash palace would require extra staffing for times when there is only one person on front counter (typically early mornings), but the Library would require extra staff at all three entrances during all opening hours.
- It may be that additional resource should be from a security company for the duration of vaccine pass use, as not all staff are willing or able to manage the likely customer interactions (experience elsewhere suggests there may be some incidents of aggression).

Service Level Continuity:

- The Library has a 'click and collect' style book programme and E Books to service those unable to visit in person. To mitigate a significant drop in customer service levels further investment in these programmes may be required.

Attachments

1. Covid Protection Framework – public facilities guidance [Public facilities — business.govt.nz](#)

Public facilities guidance

COVID-19 Protection Framework guidance if you operate a public facility.



- [At all levels](#)
([/covid-19/covid-19-protection-framework/public-facilities/#e-27869](#))
- [Red level guidance](#)
([/covid-19/covid-19-protection-framework/public-facilities/#e-27872](#))
- [Orange level guidance](#)
([/covid-19/covid-19-protection-framework/public-facilities/#e-27875](#))
- [Green level guidance](#)
([/covid-19/covid-19-protection-framework/public-facilities/#e-27878](#))
- [General overview COVID-19 Protection Framework guidance](#)
([/covid-19/covid-19-protection-framework/](#))

Public facilities are services at facilities provided by central or local government, that are open to all of the public for recreational, social, community or cultural activities or services, including museums, public galleries, libraries, recreation centres, swimming pools, and zoos. Membership facilities are not included. Event or gathering rules apply to any part of the facility that is hired for exclusive use.

At all levels

| Business/service | Restrictions are the same if My Vaccine Pass verification is used or not. |
|--|---|
| Public facilities, such as public: libraries, art galleries, swimming pools and museums. | <ul style="list-style-type: none"> • Businesses and services must display NZ COVID tracer app QR codes, and are required to ensure that, as much as possible, record keeping is undertaken (ie all those on premises must scan QR tracer codes, or other record keeping must be used). |

Red

| Business/service | Restrictions are the same if My Vaccine Pass verification is used or not. |
|------------------|---|
|------------------|---|

| Business/service | Restrictions are the same if My Vaccine Pass verification is used or not. |
|--|--|
| Public facilities, such as public: libraries, art galleries, swimming pools and museums. | <ul style="list-style-type: none"> Public facilities may open with capacity limits based on 1m distancing. Face coverings are mandatory (except for those who are exempt, or at swimming pools). |

Orange

| Business/service | Restrictions are the same if My Vaccine Pass verification is used or not. |
|--|---|
| Public facilities, such as public: libraries, art galleries, swimming pools and museums. | <ul style="list-style-type: none"> Public facilities may open with capacity limits based on 1m distancing. Face coverings are mandatory (except for those who are exempt or at swimming pools). |

Green

| Business/service | Restrictions are the same if My Vaccine Pass verification is used or not. |
|--|--|
| Public facilities, such as public: libraries, art galleries, swimming pools and museums. | <ul style="list-style-type: none"> Public facilities may open. |

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