

MINUTES OF A MEETING OF THE GOVERNANCE COMMITTEE HELD IN THE COUNCIL CHAMBER, CIVIC HOUSE, TRAFALGAR STREET, NELSON ON THURSDAY 2 APRIL 2009 COMMENCING AT 9.00AM

PRESENT: Councillor G Thomas (Chairperson), His Worship the Mayor, Councillors A Boswijk, G Collingwood, M Cotton, D Henigan (Deputy Chairperson), M Holmes, A McAlpine, P Rainey, R Reese, and D Shaw

IN ATTENDANCE: Chief Executive (K Marshall), Divisional Manager Community Services (S Coleman), Accountant (N Hadfield) and Administration Adviser (A Rose)

APOLOGIES: Apologies were received and accepted from Councillor I Barker and for lateness from His Worship the Mayor and Councillor P Rainey

1.0 PUBLIC FORUM

There was no public forum.

2.0 HEARINGS OF SUBMISSIONS TO THE DRINKING IN PUBLIC PLACES BYLAW REVIEW 2009

The following submitters presented their submissions.

2.1 Anglican Maori Mission (Nelson)

Submission number 9520 page 62

Archdeacon Andy Joseph presented the submission on behalf of the Anglican Maori Mission in Nelson. He advocated for a total ban on drinking in all public places saying there was ample licence premises to meet the needs. He cited the potential harm done to children in particular who experience the bad language and the behaviour that often emanates from people drinking in public places. He also said that much of the bad in society stems from the abuse of alcohol.

2.2 Steven Zindel

Submission number 9504 page 46

Mr Zindel presented his submission and tabled additional information. He spoke as a defence lawyer and his experience defending young people. He said it was too easy with strict bylaws for young people to be unnecessarily criminalised. He reminded Councils that the bylaws should not unnecessarily intrude on peoples lives.

Attendance: Councillor Rainey joined the meeting at 9.19am.

Mr Zindel said that young people need to see behaviour modelled properly in society and that this would lead to better behaviour generally. Mr Zindel also warned that in a town like Nelson alcohol can often be the primary entertainment for young people.

2.3 Nelson Youth Councils

Submission number 9563 page 72

Scott Miller and Megan Lewis, members of the Nelson Youth Council, presented the submission on behalf of the Nelson Youth Council. They said that the Nelson Youth Council supported the proposed Bylaw.

They identified two other areas of concern and requested that Neale Park be included in the 24 hour alcohol ban as well as the Railway Reserve from Broadgreen to Annesbrook which they said should have an alcohol ban from 9pm to 7am.

2.4 Ruth Suckling

Submission number 9570 page 77

Mrs Suckling presented her submission which focussed on the Paddy's Knob area. She said she supported the proposals extending to that area and cited many problems that neighbouring residents had experienced in the last few months with young visitors who used the area to drink.

2.5 Health Action Group

Submission number 9592 page 81

Miss Rosey Duncan presented the submission on behalf of the Health Action Trust. She said that Health Action Trust was not currently in favour of the draft bylaw as proposed as there had been no evaluation on the existing bylaw. The organisation had concerns that the extension of banned areas would simply relocate the problem. She said that the Council needs to be clear about the role and effects of any bylaw it imposes. Miss Duncan said it was also very important for Council to promote any changes to the community with more friendly processes rather than the traditional instructional messages.

2.6 New Zealand Police

Senior Sergeant Tony Bernards commenting on behalf of the New Zealand Police said that the Police were in favour of the proposed draft Bylaw. He said it would give the Police a better tool for intervening early into problems rather than relying on the disorderly behaviour legislation which tended to get Police intervention only when a situation had got out of hand. He said the use and abuse of alcohol was getting worse especially amongst young people. He also reminded Council that drinkers were often becoming victims. In answer to a question he agreed that the more places that are covered by the bylaw the better the Police will be able to do their job.

His Worship the Mayor arrived at 10.07am.

Senior Sergeant Bernards said that the earlier the Police can address a situation the better and the liquor ban gives a better opportunity for this to happen. In answer to a question he said that the "homeless group" is still a huge issue for the Police. The bylaw will push them out of town and they will become less visible and have less contact with the vulnerable young people, he added.

That concluded the hearing of submissions.

Attendance: The meeting adjourned for morning tea at 10.15am until 10.30am during which time Councillor Collingwood left the meeting.

3.0 NELMAC LIMITED: STATEMENT OF INTENT 2009/10

Document number 733635 dated 2 March 2009 agenda pages 41-61 refer.

The Nelmac Chairperson Richard Jenkins and the Chief Executive Malcolm Topliss joined the meeting and presented the Statement of Intent together with the Company's six monthly report. In addition, Mr Topliss outlined the Company's sustainable development focus over 2008/09 and outlined Nelmac's sustainability policy.

Resolved

THAT the Nelmac Statement of Intent for 2009/10 be approved for signing;

AND THAT the Nelmac Limited unaudited Six Monthly Report to the Shareholders for the period ending 31 December 2008 be received.

Boswijk/McAlpine

Carried

4.0 2009/10 TOURISM NELSON TASMAN LIMITED SIX MONTH REPORT

Document number 739227 dated 24 March 2009 agenda pages 62-74 refer.

The Tourism Nelson Tasman Limited Chairperson Donna Hiser and Chief Executive Paul Davis joined the meeting and presented the report. Miss Hiser said a very conservative approach had been taken.

Resolved

THAT the Tourism Nelson Tasman Limited six month report to shareholders July-December 2008 be received.

Rainey/Reese

Carried

5.0 CONFIRMATION OF MINUTES

Resolved

THAT the minutes of the Governance Committee, held on Thursday 19 February 2009 be confirmed as a true and correct record.

Thomas/Rainey

Carried

6.0 GOVERNANCE COMMITTEE STATUS REPORT MARCH 2009

Agenda pages 5-6 refer.

Resolved

THAT the Governance Committee Status Report March 2009 be received.

His Worship the Mayor/Boswijk

Carried

7.0 GOVERNANCE FINANCE REPORT FOR THE EIGHT MONTHS TO 28 FEBRUARY 2009

Document No 739216, dated 23 March 2009, agenda pages 7-23 refer.

The Accountant Neville Hadfield presented the report and explained that a replacement page 23, the abbreviated balance sheet, gave the balance as at 28 February 2009.

Resolved

THAT the report be received and the variations noted.

Holmes/His Worship the Mayor

Carried

8.0 DOCUMENTS SEALED SCHEDULED FOR THE PERIOD 3 DECEMBER - 18 MARCH 2009

Councillor Shaw declared an interest in the item regarding 18 Mount Street and took no further part in the discussion of this item.

Agenda pages 24-27 refer.

Resolved

THAT the schedule of documents sealed for the period 3 December 2008 - 18 March 2009 be received.

Boswijk/McAlpine

Carried

9.0 COMMUNITY ASSISTANCE POLICY

Document 730284 dated 19 March 2009 agenda pages 28-42 refer.

The Manager Community Policy and Planning Nicky McDonald and the Community Policy and Planning Adviser Bjarne Vandeskog joined the meeting and presented the report and the following amendments to the draft policy were noted:

9.1 Page 33

It was agreed to remove the paragraph 4.2.

9.2 Page 34

It was agreed to amend paragraph 6.3 by the addition of the words or Governance Committee at the end of the sentence.

It was agreed to amend paragraph 7.5 to read applications for new community leases and licences will be considered for approval by the Community Services Committee or the Governance Committee using the criteria in paragraph 4 above.

9.3 Costs of Community Assistance

It was agreed that a detail of the breakdown of the costs of Community Assistance would be included and this would mean the amount of monies distributed to the public and the staff time involved.

Resolved

THAT the draft Community Assistance Policy be approved for consultation with the amendments made by the Governance Committee;

AND THAT the Community Assistance Policy Working Party considers feedback on the draft policy and makes amendments as necessary.

Boswijk/Reese

Carried

10.0 DOG CONTROL ENVIRONMENTAL HEALTH FEES AND CHARGES 2009/10

Document number 734312 dated 3 March 2009 agenda pages 43-47 refer.

Manager Environmental Inspections Limited Steven Lawrence and the Manager Resource Consents Mandy Bishop joined the meeting and presented the report.

Resolved

THAT the Schedule of Dog Control fees and charges for 2009/2010 be adopted as detailed in Appendix A to Report No 734312;

AND THAT the Schedule of Environmental Health fees and charges for 2009/2010 be adopted as detailed in Appendix B to report No 734312;

AND THAT the charges apply as from 1 July 2009 until such time as they are varied or amended by Council.

Reese/Shaw

Carried

11.0 DRINKING IN PUBLIC PLACES BYLAW REVIEW 2009 - CONSIDERATION OF SUBMISSIONS

Document number 734659 dated 18 March 2009 agenda pages 75-90 refer.

The Administration Adviser Richard Palmer joined the meeting and presented the report. He explained that the time shown in paragraph 2.3 for daylight saving should be 9.00pm to 7.00am. There was some discussion about the inclusion of Neale Park and Bishops Park but it was decided to leave them out of the bylaw at this stage and to review their inclusion in the future if deemed necessary.

Recommendation to the Council

THAT the Drinking in Public Places Bylaw No 206 be confirmed subject to the following amendments:

Schedule A be amended by adding the following under Clause 1: (i.e. a 24 hour seven day a week ban)

- ix. "That the area of Stoke Commercial Centre bounded by and including Main Road Stoke, Songer Street, Neale Avenue and Poorman Valley Stream."***
- x. Extension of the Nelson Business District westwards to include the area bounded by Kerr Street, Gloucester Street, Pioneers Park, Haven Road, ANZAC Park and Halifax Street.***

Schedule A being amended by adding the following under Clause 2: (i.e. a 7pm to 7am ban but a 9pm to 7pm ban during Daylight Savings).

- vi. *Saxton Field Reserve*
- vii. *Isel Park*
- viii. *Broadgreen Gardens*
- ix. *Marsden Reserve*
- x. *The Botanics Reserve*
- xi. *Paddy's Knob*
- xii. *Green Meadows*
- xiii. *Abel Tasman Statue Carpark*
- xiv. *Victory Square Reserve*
- xv. *Neale Park*
- xvi. *Railway Reserve (Tahunanui Drive to Saxton Road)*
- xvii. *QEII Walkway/Cycleway.*

Cotton/Holmes

Carried

Attendance: The meeting adjourned for lunch at 12.28pm and resumed at 1.05pm during this time Councillor Rainey left the meeting.

12.0 REPORTS AND RECOMMENDATIONS FROM SUB-COMMITTEES

12.1 Communications Committee

Resolved

THAT the minutes of a meeting of the Communication Subcommittee, held on 5 March 2009, be received and the following recommendation be adopted:

THAT the Civic Awards be reinstated as "Community Spirit" Awards taking place tri-annually with the next occurrence in May 2010;

AND THAT the policy be reviewed to reconsider the specification that the recipient must be a volunteer;

AND THAT an additional \$3,000 be included in the 2009/10 financial year for operational expenditure for the Community Spirit Award;

AND THAT Nelson City Council approach Tasman District Council to reinvigorate the Regional Environmental Awards with a focus to showcasing sustainability and solar initiatives.

Boswijk/Holmes

Carried

12.2 Property Committee

Resolved

THAT the minutes of a meeting of the Property Committee held on 19 March 2009 be received.

Shaw/Boswijk

Carried

13.0 PUBLIC EXCLUDED BUSINESS**13.1 Exclusion of the Public**

Resolved

THAT the public be excluded from the following parts of the proceedings of this meeting in accordance with section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 on the grounds that the public conduct of this part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.

i. Confirmation of Public Excluded Minutes – 19 February 2009

Reasons:

To enable the Council to carry out negotiations or commercial activities without prejudice or disadvantage; and

To protect the privacy of natural persons.

ii. Governance Committee Status Report – March 2009

Reasons:

To enable the Council to carry out negotiations or commercial activities without prejudice or disadvantage; and

To protect the privacy of natural persons.

iii. Property Subcommittee Public Excluded Minutes – 19 March 2009

Reasons:

To enable the Council to carry out negotiations or commercial activities without prejudice or disadvantage; and

To protect the privacy of natural persons.

iv. Port Nelson

Reason:

To protect the privacy of natural persons.

Reese/Cotton

Carried

The meeting went into public excluded session at 1.20pm and resolved in public session at 1.44pm.

13.2 Re-admittance of the Public

Resolved

THAT the public be re-admitted to the meeting.

Thomas/Holmes

Carried

There being no further business, the meeting ended at 1.44pm.