



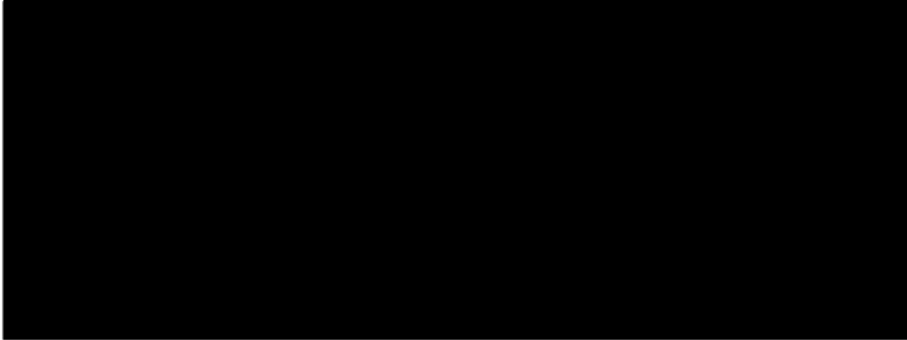
Ref: [REDACTED]

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23 January 2025



OFFICIAL INFORMATION REQUEST FOR INFORMATION IN RELATION TO NELSON CITY COUNCIL'S POLICY AND ENFORCEMENT POSITION ON BEGGING.

Thank you for your official information request dated 1 January 2025 in relation to Nelson City Council's policy and enforcement approach to begging, reproduced below:

*"I believe it was in May 2024 I spoke to a senior Nelson City Council employee who in summary said:
1 The Council's anti begging policy mandates that Council do nothing to move on beggars in the CBD unless a member of the public complains;*

2 That the Council passed a bylaw some time ago that enables it to prosecute beggars but the Council passed a motion not to prosecute beggars under this provision; and

3 That nobody has been prosecuted under this bylaw.

Please provide me with a copy of the bylaw, advise whether points 1-3 are correct, details of the mover, and a copy of the motion that was passed that prevents prosecutions under the bylaw, any minutes recording discussion on the motion, and details of how individual Councillors voted on the motion. I have considerable experience in administrative law and a Harvard Law School article opines that a statutory body uniformly forbidding use of a regulation's powers is quite possibly. Do you have an opinion on the legality of the motion, and was any legal advice sought, and if so, what was the advice? Was there any in house advice from Council staff to the Council on the motion before the vote, and if so please provide me with a copy..."

I confirm that Council has a Bylaw - the Urban Environments Bylaw, that prohibits begging in the City Centres (as defined in the Bylaw) and provides the New Zealand Police or Council Enforcement Officers with the ability to require any person to cease begging and seize equipment used for that activity (after a verbal warning).

The Urban Environments Bylaw was updated in 2024, and the amended Bylaw came into effect on 12 September 2024.

Internal Document ID: [REDACTED]

The Bylaw can be found here (see in particular clauses 5.11-5.12):

- <https://www.nelson.govt.nz/council/bylaws/urban-environments-bylaw-225/>.

Council has an ability to create and enforce Bylaws as per section 145 of the Local Government Act 2020 and follows the legal consultation processes under that Act when creating and reviewing Bylaws.

The Shape Nelson webpage for the 2024 Bylaw review contains links to all the Council reports and meetings: <https://shape.nelson.govt.nz/Proposal-Commercial-Occupation-Policy-fees-and-Urban-Environments-Bylaw>

Prior to this there a Bylaw review was completed in 2022. Links to the Council and Committee meetings for this can be found here:

- Committee meeting agenda with report:
http://meetings.nelson.govt.nz/Open/2022/03/EC_20220324_AGN_5729_AT.PDF
- Committee meeting minutes with resolutions, and online meeting video:
http://meetings.nelson.govt.nz/Open/2022/04/EC_20220407_MIN_5642.PDF
<https://www.youtube.com/watch?v=JtlHeoRNVgo>
- Council meeting minutes with resolutions, and online meeting video:
http://meetings.nelson.govt.nz/Open/2022/05/CL_20220510_MIN_5646.PDF
<https://www.youtube.com/watch?v=AYglQIAovtE>

With regards to your question concerning Council policy to support enforcement of the Bylaw, Council has a Compliance Strategy (2020) that provides the overarching strategic approach to both monitoring and enforcement, which can be found here:

<https://www.nelson.govt.nz/assets/Our-council/Downloads/Plans-strategies-policies/2020/NCC-Compliance-Strategy-2020-A2275547.pdf>

This Strategy was approved by the then Environmental Committee on 22 October 2020. Links to the Council committee meetings for this can be found here:

- Committee meeting agenda with report:
http://meetings.nelson.govt.nz/Open/2020/10/EC_20201022_AGN_2166_AT.PDF
- Committee meeting minutes with resolutions, and online meeting video
http://meetings.nelson.govt.nz/Open/2020/10/EC_20201022_MIN_2166.PDF
<https://www.youtube.com/watch?v=mBIAHU-XcE8&t=4437s>

Council does not have an *'anti begging policy that mandates the Council do nothing to move on beggars in the CBD unless a member of the public complains'*, nor has Council passed a resolution not to prosecute beggars.

Council's Enforcement Officers respond to complaints and we work proactively to address begging in the city centre through patrols by our Enforcement Officers who ask those persons begging to cease that activity (as per clause 5.12 of the Bylaw).

We encourage local businesses to report any incidents of begging near their premises to the Council, as this assists us to gather data on the issue, identify hotspots, and enhance our proactive efforts.

Furthermore, I can confirm that no persons have been prosecuted for begging by Council. It is noted Council would need to meet the [Solicitor-General's Prosecution Guidelines](#) in relation to evidential and public interest tests prior to any prosecution of begging.

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at www.ombudsman.parliament.nz or Freephone 0800 802 602.

Ngā mihi

A handwritten signature in blue ink, appearing to read 'Clare Piper', is centered on the page.

Clare Piper

Manager Planning and Development

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