
Regulatory and Consents Committee

OPEN MINUTES

Minutes of a meeting of Regulatory and Consents Committee held in the Council Chambers, 15 Forth Street, Invercargill on Tuesday, 15 August 2017 at 9am.

PRESENT

Acting Chairperson
Councillors

Mayor Gary Tong
Brian Dillon
Paul Duffy
Darren Frazer
Julie Keast

IN ATTENDANCE

Environmental Health Manager (Michael Sarfaiti), Team Leader, Building Solutions (Michael Marron), Team Leader, Resource Management (Marcus Roy), Senior Resource Management Planner-Policy (Courtney Ellison), Resource Management Planner (Theresa Cameron), Communications Manager (Louise Pagan) and Committee Advisor, (Alyson Hamilton).

Election of Acting Chairperson

Due to the absence of the Chair the Committee Advisor called for nominations for an Acting Chairperson for the Community and Policy Committee meeting.

Moved Cr Dillon, seconded Cr Keast and **resolved that Mayor Tong Chair this meeting of the Regulatory and Consents Committee.**

1 Apologies

Apologies were received from Councillors Paterson and Macpherson.

Moved Cr Keast, seconded Cr Frazer and **resolved:**

That the Regulatory and Consents Committee accept the apologies.

2 Leave of absence

There were no requests for leave of absence.

3 Conflict of Interest

There were no conflicts of interest declared.

4 Public Forum

There was no public forum.

5 Extraordinary/Urgent Items

There were no Extraordinary/Urgent items.

6 Confirmation of Minutes

Resolution

Moved Cr Frazer, seconded Cr Dillon **and resolved:**

That the minutes of Regulatory and Consents Committee meeting held on 29 June 2017 be confirmed as a true and correct record of that meeting.

Reports for Resolution

7.1 Strategic Resource Management Planning Projects

Record No: R/17/5/9454

Team Leader, Resource Management (Marcus Roy), Senior Resource Management Planner-Policy (Courtney Ellison) presented the report.

Mrs Ellison advised the purpose of the report is to update the Committee on progress towards planning for strategic resource management projects.

Mrs Ellison explained staff have taken a broad look at key resource management issues that are likely to face the Southland District in the near future.

Mrs Ellison informed three key issues have been identified: climate change; historic heritage; and biodiversity.

The Committee noted these projects have implications broader than just resource management, therefore staff have begun engaging with other stakeholders prior to forming any project plans.

Mrs Ellison advised staff will provide an update including any project plans to the Committee later in the year.

Resolution

Moved Cr Keast, seconded Cr Duffy **and resolved;**

That the Regulatory and Consents Committee:

- a) **Receives the report titled “Strategic Resource Management Planning Projects” dated 30 July 2017.**

7.2 Dog Control Annual Report for the year ending 30 June 2017

Record No: R/17/7/16240

Michael Sarfaiti (Environmental Health Manager) presented the report.

Mr Sarfaiti advised the purpose of the report is to cover the administration of the Southland District Council’s Dog Control Policy and its associated practices.

Mr Sarfaiti explained Section 10A of the Dog Control Act 1996 provides that every territorial authority shall report on the administration of its Dog Control Policy and dog control practices, and submit it to the Secretary of Local Government, and give public notice of the report in a daily newspaper.

The Committee noted the statistical information supplied for the period 1 July 2015 to 30 June 2016 included information relating to; wandering dogs, barking dogs, microchipping, proportion of pet dogs to working dogs, infringement notices and attacks/rushing.

Members commented it is pleasing there has been a decrease in the number of rushing/attack incidents which may be related to observations of less wandering dogs or dogs that are better contained.

Resolution

Moved Cr Dillon, seconded Cr Frazer **and resolved:**

That the Regulatory and Consents Committee:

- a) **Receives the report titled “Dog Control Annual Report for the year ending 30 June 2017” dated 25 July 2017.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages**

prior to making a decision on this matter.

- d) **Adopts the Annual Report and authorises it to be forwarded to the Secretary of Local Government by the Manager of Environmental Health, and that the report be publicly notified as required by the Dog Control Act 1996.**

Reports for Recommendation

8.1 Alcohol Licensing Annual Report and Income and Costs Report

Record No: R/17/7/16508

Michael Sarfaiti (Environmental Health Manager) presented the report.

Mr Sarfaiti advised the purpose of the report is to meet Council's alcohol licensing reporting requirements under alcohol legislation.

Mr Sarfaiti advised that under Section 199 of the Sale and Supply of Alcohol Act 2012 Council is required to prepare a report of the proceedings and operations of its licensing committee during the year, and to send to the Licensing Authority.

Mr Sarfaiti explained Section 199 (5) requires that the annual report must be made available on Council's Internet site for a period of not less than five years.

Mr Sarfaiti added the Alcohol Regulatory and Licensing Authority has detailed the format it requires for the Annual Report and Annual Return. Mr Sarfaiti confirmed the report and annual return conforms to these requirements.

The Committee noted regulation 19 of the Sale and Supply of Alcohol (Fees) Regulations 2013 requires Council to make publicly available a report showing its alcohol licensing income from fees and its costs.

Mr Sarfaiti informed Council's legal advisor advises that the financial information in the format meets the requirements of the Regulations.

Resolution

Moved Cr Duffy, seconded Cr Keast **and resolved:**

That the Regulatory and Consents Committee:

- a) **Receives the report titled "Alcohol Licensing Annual Report and Income and Costs Report" dated 27 July 2017.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**

- d) **Receives the Annual Report and authorises it to be forwarded to the Alcohol Regulatory and Licensing Authority and to be made publicly available on Council's website.**
- e) **Receives the financial information and authorises it to be made publicly available on Council's website.**

Item - 8.2. Objection to Disqualification from owning a dog - Scott Skilling - will be considered later in the meeting.

Reports

9.1 Nuisance Complaints Survey

Record No: R/17/7/17163

Michael Sarfaiti (Environmental Health Manager) presented the report.

Mr Sarfaiti advised the purpose of the report is to provide the Committee with the results of the Nuisance Complaints survey.

Mr Sarfaiti explained the Nuisance Complaints Survey provides Council with useful feedback about its response to noise and environmental health complaints.

Mr Sarfaiti advised this allows reporting on whether levels of service as outlined in the Council's Long Term Plan are being achieved.

Mr Sarfaiti commented that overall the results are very good with high levels of customer satisfaction.

Resolution

Moved Cr Frazer, seconded Cr Dillon **and resolved:**

That the Regulatory and Consents Committee:

- a) **Receives the report titled "Nuisance Complaints Survey" dated 28 July 2017.**

9.2 IANZ Certificate of Accreditation

Record No: R/17/7/16916

Michael Marron (Team Leader Building Solutions) presented the report.

Mr Marron advised the Southland District Council Building Control department has successfully renewed its Building Consent Authority Accreditation.

Mr Marron explained the Corrective Action required has been cleared by IANZ and the Certificate of Accreditation has been received from IANZ. Mr Marron added this will allow building control to continue to issue building consents through to February 2019 which is the preliminary date for our next assessment.

Mr Marron advised the process identified some additional areas for improvement and these will be completed over the coming year.

Mr Marron commented the department accepts and welcomes the findings of the Auditor and a number of their recommendations have already been acted on.

Mr Marron felt the process was very worthwhile and has allowed the team to improve the services provided to customers.

The Committee noted there was a focus on the completeness of forms and recording thought processes in decision-making.

Mr Marron confirmed this has been taken on board and continued monitoring has shown the team is complying with IANZ recommendations.

Resolution

Moved Cr Keast, seconded Cr Frazer **and resolved:**

That the Regulatory and Consents Committee:

- a) **Receives the report titled “IANZ Certificate of Accreditation” dated 1 August 2017.**

9.3 Building Control Customer Survey Results 2017

Record No: R/17/7/16930

Michael Marron (Team Leader Building Solutions) presented the report.

Mr Marron advised the building Control; Customer Survey is conducted once every two years to provide useful feedback and identify areas for improvement in the department and to allow reporting on whether levels of service as outlined in Council's Long Term Plan are being achieved.

Mr Marron explained the survey covered all Building Consent Authority and Territorial Authority functions of the building department but the majority of the responses were in relation to the issuing and inspecting of building consents.

Mr Marron informed the survey indicated that the department has failed to meet its KPI of achieving an 80% satisfaction rating (achieved 76%). Mr Marron added the department did achieve its internal KPI in achieving 85% of respondents agreeing Council provided consistent timely and professional service for the onsite inspections.

Mr Marron advised the department will take the responses and comments on board and will take appropriate measures to address customers' concerns and make further customer service improvements.

Resolution

Moved Cr Duffy, seconded Cr Frazer **and resolved:**

That the Regulatory and Consents Committee:

- a) **Receives the report titled “Building Control customer survey report 2017” dated 2 August 2017.**

9.4 Resource Management Customer Survey Results 2017

Record No: R/17/7/17144

Marcus Roy (Team Leader Resource Management) presented the report.

Mr Roy advised every two years the resource management customers are surveyed to identify areas of improvement and provide data for the Resource Management department's levels of service.

Mr Roy informed the survey indicated that 63% of the respondents were satisfied with the service provided by the staff however Mr Roy added the target of 80% was not met.

The Committee was advised the survey indicated that 68% of the respondents agreed that Resource Management staff provided timely guidance and assistance to their queries. It was noted the target of 75% was not met.

Mr Roy explained the data provided from the survey will be used to improve how the department engages with customers and the two priorities to focus on are:

- Improving guidance and easy access to documents for applicants.
- Establishing on-line lodgement.

Mr Roy advised these two priorities were also highlighted during Section 17 of the Local Government Act review of the department that was completed in early 2017.

Resolution

Moved Cr Dillon, seconded Cr Frazer **and resolved:**

That the Regulatory and Consents Committee:

- a) **Receives the report titled "Resource Management Customer Survey Results" dated 27 July 2017.**

The meeting adjourned at 10.10am and to reconvene at 11.00am.

The meeting reconvened at 11.01am.

(Mayor Tong, Councillors Dillon, Duffy, Keast and Frazer were present when the meeting reconvened).

8.2 Objection to Disqualification from owning a dog - Scott Skilling

Record No: R/17/6/12107

Mr Skilling appeared before the Committee advising that he wished to speak in support of his objection to being disqualified from owning a dog.

Mr Skilling acknowledged the number of complaints and infringements received in regards his two dogs and acknowledged Council will have been frustrated by complaints from his neighbours of his dogs escaping all the time and wandering the streets.

Mr Skilling advised he previously lived in Winton township and had recently moved to Lumsden township.

Mr Skilling admitted his dogs are difficult to keep contained and seem to escape all the time.

The Committee was advised that the local publican has offered their border control wire to keep the dogs contained within the section, however Members agreed this

particular system is not effective.

Mr Skilling informed his own health is not good, he suffers from depression and is currently going through the court system for custody for some of his children.

Mr Skilling added he wished to keep his dogs as they are his companions, live inside and sleep with him. He advised he has had the female dog since a puppy and he saved the male dog from an abusive owner and feels due to his care this dog is a more friendly and sociable dog as a result.

Mr Skilling confirmed he is a sickness beneficiary and is stuck financially and is unable to afford to neuter the dogs.

Mr Skilling advised if the Council decision is to remove the dogs he requested that he be able to keep the female dog.

Mayor Tong (Acting Chair) thanked Mr Skilling for his presentation and attendance at the meeting.

Mr Skilling was advised that the Committee will deliberate on the information provided in a public excluded part of the meeting.

Public Excluded

Exclusion of the Public: Local Government Official Information and Meetings Act 1987

Resolution

Moved Cr Duffy, seconded Cr Keast **and resolved:**

That the public be excluded from the following part(s) of the proceedings of this meeting.

C8.2 Objection to Disqualification from owning a dog - Scott Skilling

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) 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
Objection to Disqualification from owning a dog - Scott Skilling	s7(2)(a) - protect the privacy of natural persons, including that of deceased natural persons	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.

That the Environmental Health Manager, Dog Control Ranger, Communications Manager and Committee Advisor be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of the items C8.2 Objection to Disqualification from owning a dog - Scott Skilling. This knowledge, which will be of assistance in relation to the matters to be

discussed, is relevant to those matters because of their knowledge on the issues discussed and meeting procedure.

The public were excluded at 11.30am.

The meeting returned to open session at 11.55am.

8.2 Objection to Disqualification from owning a dog - Scott Skilling (Continued)
(Record No: R/17/6/12107)

Michael Sarfaiti (Environmental Health Manager) presented the supporting report.

Mr Sarfaiti advised the purpose of the report is to determine Mr Scott Skilling's objection to disqualification from owning a dog.

Mr Sarfaiti informed that on 18 May 2017, the Group Manager Environmental Services, disqualified Mr Skilling from owning a dog until 22 January 2021, in accordance with Section 25 of the Dog Control Act 1996.

The Committee noted that Mr Skilling has objected to the disqualification, and had used his entitlement to appear before the Committee and speak in support of the objection.

Following deliberations in the public excluded section of the meeting the Committee agreed with the officers recommendation.

Resolution

Moved Mayor Tong, seconded Cr Keast **recommendations a to d and a new e (as indicated) and resolved:**

That the Regulatory and Consents Committee:

- a) **Receives the report titled "Objection to Disqualification from owning a dog - Scott Skilling " dated 2 August 2017.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Upholds the decision to disqualify Mr Scott Skilling and gives notice of this decision to Mr Skilling in accordance with Section 26(4) of the Dog Control Act 1996.**
- e) **Agrees to the withdrawing of the last two infringements issued to Mr Skilling total value \$400 held with the District Court, should he choose the option of surrendering his dogs to Council.**

Mayor Tong advised that officers will notify Mr Skilling of the Committee's decision, in writing, as soon as possible, and that Mr Skilling has a right of appeal against the decision to the District Court.

Resolutions in relation to the confidential items are recorded in the confidential section of these minutes and are not publically available unless released here.

The meeting concluded at 11.55am

CONFIRMED AS A TRUE AND CORRECT
RECORD AT A MEETING OF THE
REGULATORY AND CONSENTS COMMITTEE
HELD ON TUESDAY, 15 AUGUST 2017.

DATE:.....

CHAIRPERSON:.....