



NAPIER
CITY COUNCIL
Te Kaunihera o Ahuriri

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REGULATORY COMMITTEE

Open Agenda

Meeting Date:	Tuesday 19 February 2019
Time:	Following the Strategy and Infrastructure Committee
Venue:	Large Exhibition Hall Napier Conference Centre Napier War Memorial Centre Marine Parade Napier

Committee Members	Councillor Jeffery (In the Chair), Mayor Dalton, Councillors Boag, Brosnan, Dallimore, Hague, McGrath, Price, Tapine, Taylor, White, Wise and Wright
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Officer Responsible	Director City Strategy
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Administration	Governance Team
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Next Regulatory Committee Meeting
Tuesday 19 March 2019

ORDER OF BUSINESS

Apologies

Nil

Conflicts of interest

Public forum

Nil

Announcements by the Mayor

Announcements by the Chairperson

Announcements by the management

Confirmation of minutes

That the Minutes of the Regulatory Committee meeting held on Tuesday, 13 November 2018 be taken as a true and accurate record of the meeting.6

Agenda items

1 NCC and Napier City Business Inc Events 20193

Public Excluded

Nil

AGENDA ITEMS

1. NCC AND NAPIER CITY BUSINESS INC EVENTS 2019

<i>Type of Report:</i>	Procedural
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	694616
<i>Reporting Officer/s & Unit:</i>	Fleur Lincoln, Strategic Planning Lead

1.1 Purpose of Report

The purpose of this report is to obtain a resolution of Council to allow trading in a public place to occur at Napier City Council and Napier City Business Inc events in Napier city until the end of October 2019.

Officer's Recommendation

That the Regulatory Committee:

- a. Approve the sale of food and beverages to the public on public land within the city centre as part events held by either Napier City Council or Napier City Business Inc until the 31st October 2019.

Chairperson's Recommendation

That the Council resolve that the officer's recommendation be adopted.

1.2 Background Summary

The Trading in Public Places Bylaw 2014 prohibits trading in public places within the city centre, unless a resource consent or resolution of Council has been obtained. To date, a resolution of Council has been sought prior to each event (that involves trading such as food trucks and markets). This has proved to be problematic due to the lead-in time required to prepare a report and the frequency of Council meetings. On a number of occasions, ideas for city centre events have been abandoned (particularly over the busy summer period) due to the inability to obtain Council approval within the timeframes required for event planning.

To avoid this issue, this report requests approval of Council for multiple events to be run by either NCC or Napier City Business Inc to be held within the prohibited area of the central city, up until the end of October 2019. It is noted that the White Night event is to be held one week after the elections, however there is not sufficient time in which to hold a Council meeting with the new Council before the event. As such, resolution is sought for approval until the end of October 2019.

The following events (involving trading) are programmed to be held in the city centre:

Event name	Date	Agency responsible
Night Fiesta	24 th May & 19 th July 2019	NCBI

After 5 pop-ups	Unknown (at this stage)	NCBI
White Night	19 th October 2019	NCBI

It is possible that events may be held throughout the year that have not yet been programmed. In order to respond to public and retailer requests, and to move quickly on good ideas, it is requested that this resolution is inclusive of events that are not yet known. To provide Council with some certainty around the appropriateness of these circumstances, a set of criteria are proposed that must be met in order to be approved by this resolution:

1. Trading must occur as part of an event or pop-up event
2. Trading must not occur for more than 5 hours at any one time
3. Trading must only occur within the street reserve (not on reserve land)
4. Goods traded must not be in direct competition with those sold by a bricks and mortar store unless permission has been obtained.
5. Trading of food and beverages only.
6. Permission must be obtained from both the Transportation Team Leader and NCC CE
7. Consultation with nearby retailers must be completed at least one week prior to the event and all issues resolved
8. Trading is limited to the following streets: Hastings Street; Market Street; Tennyson Street; Emerson Street; Dalton Street; Clive Square East; Herschell Street; Marine Parade
9. The usual road closure procedures will be followed if road closures are deemed necessary.

1.3 Issues

This resolution will provide for trading in public places related to events that are both programmed, as well as those that are yet to be thought of, up until October 2019. This will avoid the need to request Council permission throughout the year for each event, and will also enable the city to act quickly on good ideas for city activation that involve trading in public places. Although this presents a risk to Council (Council approval without full knowledge of event details), the criteria proposed above should provide Council with some certainty of the types of activities that could be approved, and that Manager approval is still required. In the long-term, the Trading in Public Places Bylaw will be reviewed to better manage events in public places where trading occurs.

1.4 Significance and Engagement

N/A

1.5 Implications

Financial

N/A

Social & Policy

The number and frequency of events in Napier's city centre are increasing, bringing life to the city both during peak shopping periods, and in the quieter times (typically after

5pm). Over the past few years, events such as these have proven to be popular and to increase the number of people in the city. The sale of food and drink supplement entertainment activities at these events, and create a full and vibrant street scene. They also help to supplement existing hospitality providers where demand for goods could outstrip supply.

The existing Bylaw doesn't provide for trading relating to events well. Once the Bylaw is up for review, Council Officers will be amending this Bylaw to avoid the need to seek a resolution of Council for each event.

A Council resolution that provides the ability to quickly respond to ideas and opportunities, whilst ensuring fairness to existing retailers in the city, is consistent with the City Vision framework.

Risk

As noted above, there is a risk to Council in approving trading in public places where this occurs as part of an event, where Council does not yet know the full details of each event. However, the criteria proposed above should provide Council with some certainty of the types of activities that could be approved, and that Manager approval is still required. If Council does not approve this recommendation there is a risk of lost opportunity to support events which promote a vibrant city centre.

1.6 Options

The options available to Council are as follows:

- a. Resolve to allow the sale of food and beverages in public places as part of events held by NCC or NCBI in the city centre until October 2019
- b. Require Council resolutions to be obtained for each event that involves the sale of food and beverages in public places on a case by case basis.

1.7 Development of Preferred Option

This report seeks to obtain a resolution of Council that will allow trading of food and beverages to the public in public places of the city centre as part of an event. Typically a resolution is sought prior to each event. The frequency of Council meetings and the summer shut down period has meant that a number of event ideas have not had sufficient time to obtain approval resulting in them not being held. Planning ahead, and providing approval for all known and not as yet known events held by NCC and NCBI in the city centre will enable opportunities to be seized as they arise. A set of criteria that must be met in order to fall within this resolution will provide some certainty to Council that future events involving trading in public places are appropriate. Once the Bylaw comes up for review under the LGA, Council officers will be looking at the best options on how to manage these events in the future.

1.8 Attachments

Nil

REGULATORY COMMITTEE

Open Minutes

Meeting Date: Tuesday 13 November 2018

Time: 3.30pm-3.36pm

Venue Council Chambers
Hawke's Bay Regional Council
159 Dalton Street
Napier

Present Mayor Dalton, Councillor Jeffery (In the Chair), Councillors Boag, Brosnan, Dallimore, Hague, McGrath, Price, Tapine, Taylor, White, Wise and Wright

In Attendance Chief Executive, Director Corporate Services, Director Community Services, Director Infrastructure Services, Director City Services, Director City Strategy, Manager Communications and Marketing, Manager Regulatory Solution/ Manager Business Excellence & Transformation, Team Leader Transportation, Traffic & Safety Engineer

Administration Governance Team

Apologies

Nil

Conflicts of interest

Deputy Mayor White and Councillor Price declared an interest in Agenda Item 1.

Public forum

Nil

Announcements by the Mayor

Nil

Announcements by the Chairperson

Nil

Announcements by the management

Nil

Confirmation of minutes

Mayor Dalton / Councillor Wise

That the Minutes of the meeting held on 21 August 2018 were taken as a true and accurate record of the meeting.

Carried

Questions from Councillors for Further Action

Item	Requestor	Action	Responsible
2	Cr Brosnan	Is any priority given to waste-free vendors at this event?	Richard M

AGENDA ITEMS

1. APPOINTMENT OF DISTRICT LICENSING COMMITTEE

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	Sale and Supply of Alcohol Act 2012
<i>Document ID:</i>	661285
<i>Reporting Officer/s & Unit:</i>	Rachael Horton, Manager Business Excellence & Transformation

1.1 Purpose of Report

To seek Council's approval to reappoint the current District Licensing Committee for a further term of 12 months to 29 November 2019, and to align the District Licensing Committee appointment process with the triennial election cycle.

At the Meeting

It was noted that there is no requirement for Councillors to be appointed to the District Licensing Committee and that due to the nature of this committee it would be beneficial for members to have a legal background.

In response to questions from Councillors, the Director City Strategy advised that the value in having local representation on the committee is to ensure local circumstances are considered in the decision, as well as the safe consumption of alcohol.

Committee's recommendation

Councillors Taylor / Wright

That the Regulatory Committee:

- a. Receive the report.
 - b. Approve the reappointment of the following members of the District Licensing Committee pursuant to the provisions of the Sale and Supply of Alcohol Act 2012 for a further term of 12 months to 29 November 2019:
 - Dave Fellows as Commissioner and Chair
 - Deputy Mayor Faye White as Deputy Chair
 - Councillor Keith Price
 - John Cocking
 - Ross Pinkham
 - c. Approve future appointments of District Licensing Committees for terms of three years in line with the triennial election cycle.
 - d. That a **DECISION OF COUNCIL** is required urgently due to the appointment terms ending in November 2018.
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Deputy Mayor White and Councillor Price did not participate in the discussion or voting due to their expressed conflict of interest.

Carried

Council Resolution Councillors Taylor / Wright

That Council:

- a. Receive the report.
- b. Approve the reappointment of the following members of the District Licensing Committee pursuant to the provisions of the Sale and Supply of Alcohol Act 2012 for a further term of 12 months to 29 November 2019:
 - Dave Fellows as Commissioner and Chair
 - Deputy Mayor Faye White as Deputy Chair
 - Councillor Keith Price
 - John Cocking
 - Ross Pinkham
- c. Approve future appointments of District Licensing Committees for terms of three years in line with the triennial election cycle.

Deputy Mayor White and Councillor Price did not participate in the discussion or voting due to their expressed conflict of interest.

Carried

2. NAPIER CHRISTMAS FIESTA - PROVISION OF FOOD TRUCKS

Type of Report: Procedural

Legal Reference: Local Government Act 2002

Document ID: 652821

Reporting Officer/s & Unit: Fleur Lincoln, Strategic Planning Lead

2.1 Purpose of Report

The purpose of this report is to obtain a resolution of Council to allow the sale of food and drink (no alcohol) to the public within Clive Square East and Emerson Street between Clive and Memorial Squares as part of the Napier Christmas Fiesta that will be held following the Christmas parade. The Fiesta will run from 1.30pm to 4.00pm on Sunday 2 December 2018.

At the Meeting

In response to questions, it was noted that further information would be provided to Councillors following the meeting as to whether priority would be given to waste-free vendors at this event.

Committee's recommendation

Councillors Brosnan / Wise

That the Regulatory Committee:

- a. Resolve to allow the sale of food and drink to the public within Clive Square East and Emerson Street between Clive and Memorial Squares at the Napier Christmas Fiesta event from 1.30pm to 4.00pm on Sunday 2 December 2018.

Carried

The meeting closed at 3.36pm.

Approved and adopted as a true and accurate record of the meeting.

Chairperson

Date of approval