

Notice is hereby given that an ordinary meeting of the Horowhenua District Council will be held on:

Date: Wednesday 12 August 2020
Time: 4.00 pm
Meeting Room: Council Chambers
Venue: 126-148 Oxford St
Levin

Council

OPEN AGENDA

MEMBERSHIP

Mayor	Mr Bernie Wanden	
Deputy Mayor	Mrs Jo Mason	
Councillors	Mr David Allan	
	Mr Wayne Bishop	
	Mr Ross Brannigan	
	Mr Todd Isaacs	
	Mr Sam Jennings	
	Mrs Victoria Kaye-Simmons	
	Mr Robert Ketu	
	Mrs Christine Mitchell	
	Ms Piri-Hira Tukapua	
Reporting Officer	Mr David Clapperton	(Chief Executive)
Meeting Secretary	Mrs Karen Corkill	

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Website: www.horowhenua.govt.nz

Full Agendas are available on Council's website
www.horowhenua.govt.nz

Full Agendas are also available to be collected from:
Horowhenua District Council Service Centre, 126 Oxford Street, Levin
Te Awahou Nieuwe Stroom, Foxton,
Shannon Service Centre/Library, Plimmer Terrace, Shannon
and Te Takeretanga o Kura-hau-pō, Bath Street, Levin

ITEM	TABLE OF CONTENTS	PAGE
PROCEDURAL		
1	Apologies	5
2	Public Participation	5
3	Late Items	5
4	Declarations of Interest	5
5	Confirmation of Minutes	5
6	Announcements	5
7	Proceedings of Committees	
7.1	Proceedings of the Creative New Zealand Funding Allocation Committee 9 June 2020	7
7.2	Proceedings of the Foxton Community Board 27 July 2020	11
7.3	Proceedings of the Finance, Audit & Risk Committee 29 July 2020	17
REPORTS		
8	Executive	
8.1	Adoption of a Rates Postponement Policy and COVID-19 Event Declaration and Eligibility Criteria	23
8.2	Mayoral Report – July 2020	49
8.3	Monitoring Report to 12 August 2020	51
8.4	Chief Executive's Report to 12 August 2020	55
9	Customer and Regulatory Services	
9.1	Adoption of Local Alcohol Policy	59
IN COMMITTEE		
10	Procedural motion to exclude the public	77
C1	Shannon Community Development Trust - Appointment of Replacement Trustee	77

1 Apologies

2 Public Participation

Notification of a request to speak is required by 12 noon on the day of the meeting by phoning 06 366 0999 or emailing public.participation@horowhenua.govt.nz.

See over the page for further information on Public Participation.

3 Late Items

To consider, and if thought fit, to pass a resolution to permit the Council to consider any further items which do not appear on the Agenda of this meeting and/or the meeting to be held with the public excluded.

Such resolution is required to be made pursuant to Section 46A(7) of the Local Government Official Information and Meetings Act 1987, and the Chairperson must advise:

- (i) The reason why the item was not on the Agenda, and
- (ii) The reason why the discussion of this item cannot be delayed until a subsequent meeting.

4 Declarations of Interest

Members are reminded of their obligation to declare any conflicts of interest they might have in respect of the items on this Agenda.

5 Confirmation of Minutes

5.1 Meeting minutes Council, 17 June 2020

5.2 Meeting minutes Extraordinary Meeting of Council, 29 June 2020

5.3 Meeting minutes Extraordinary Meeting of Council, 8 July 2020

5.4 Meeting minutes Open & In Committee Extraordinary Meeting of Council, 23 July 2020

6 Announcements

Foxton Community Board

Regular update on behalf of the Foxton Community Board.

Public Participation (further information):

The ability to speak at Council and Community Board meetings provides the opportunity for members of the public to express their opinions/views to Elected Members as they relate to the agenda item to be considered by the meeting.

Speakers may (within the time allotted and through the Chairperson) ask Elected Members questions as they relate to the agenda item to be considered by the meeting, however that right does not naturally extend to question Council Officers or to take the opportunity to address the public audience be that in the gallery itself or via the livestreaming. Council Officers are available to offer advice too and answer questions from Elected Members when the meeting is formally considering the agenda item i.e. on completion of Public Participation.

Meeting protocols

1. All speakers shall address the Chair and Elected Members, not other members of the public be that in the gallery itself or via livestreaming.
2. A meeting is not a forum for complaints about Council staff or Council contractors. Those issues should be addressed direct to the CEO and not at a Council, Community Board or Committee meeting.
3. Elected members may address the speaker with questions or for clarification on an item, but when the topic is discussed Members shall address the Chair.
4. All persons present must show respect and courtesy to those who are speaking and not interrupt nor speak out of turn.
5. Any person asked more than once to be quiet will be asked to leave the meeting

Proceedings of the Creative New Zealand Funding Allocation Committee 9 June 2020

File No.: 20/313

1. Purpose

To present to Council the minutes of the Creative New Zealand Funding Allocation Special Committee meeting held on 09 June 2020.

2. Recommendation

- 2.1 That Report 20/313 Proceedings of the Creative New Zealand Funding Allocation Committee 9 June 2020 be received.
- 2.2 That the Council receives the minutes of the Creative New Zealand Funding Allocation Special Committee meeting held on 09 June 2020.

3. Issues for Consideration

There are no items that require further consideration by Council.

Attachments

There are no attachments for this report.

Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

Signatories

Author(s)	Neil Hirini Community Development Advisor	
Approved by	Cathryn Pollock Community & Social Development Manager	

Creative New Zealand Funding Allocation Special Committee

OPEN MINUTES

Minutes of a meeting of the Creative New Zealand Funding Allocation Special Committee held in the Horowhenua Room, 126-148 Oxford St, Levin, on Tuesday 9 June 2020 at 5.30 pm.

PRESENT

Chairperson Mr Mike Lepper
Deputy Chairperson Ms Emma Childs
Members Mr Bill Inge
Ms Sarah-Jayne Shine
Mr Neil Perfect
Ms Kate Rowan

IN ATTENDANCE

Reporting Officer Mr Neil Hirini
Mrs Cathryn Pollock

1 Welcome / Karakia

Mr Mike Lepper / Mr Neil Hirini

2 Apologies

Apologies were recorded for Tracy White and Councillors Piri-Hira Tukapua and Todd Isaacs.

MOVED by Ms Childs, seconded Mr Inge:

THAT the apologies from Ms White and Crs Tukapua and Isaacs be accepted.

CARRIED

3 Confirmation of Minutes – 30 September 2019

MOVED by Ms Childs, seconded Ms Shine:

THAT the minutes of the meeting of the Creative New Zealand Funding Allocation Special Committee held on Monday, 30 September 2019, be confirmed as a true and correct record.

CARRIED

4 Confirmation of Minutes – 10 March 2020

MOVED by Ms Rowan, seconded Mr Perfect:

THAT the minutes of the meeting of the Creative New Zealand Funding Allocation Special Committee held on Wednesday, 10 March 2020, be confirmed as a true and correct record.

CARRIED

5 Projects In Progress Report

The Projects in Progress Report presented for discussion with main points noted;

- All but two historical project reports completed, (Neil)
- It would be a good initiative to somehow have a selection of outstanding project completions shared and / or celebrated , (Mike)
- It was suggested that we factor this in to our Round 1 annual allocations meetings, (Emma).

6 Declarations of Interest

A conflict of interest was declared by Sarah-Jayne Shine – Application 3 (Fale Pasifika Horowhenua).

7 Presentations

Presentations were made by Kristy McGregor, Wendy Hodder, Takarea & Hemi Te Peeti, (by ZOOM), Sue Hori Te Pa, and Victoria Gregory.

8 Assessor Marking Tally Sheet

The Assessor Marking Tally Sheet was presented for reference.

9 Discussion and Allocation of Funding

MOVED by Mr Lepper, seconded Ms Shine:

THAT the Horowhenua Creative Communities Funding Scheme Grant allocations for Round 2 2019-2020 be as follows:

	Organisation	Requested reason	Amount Sought	Amount Granted
1	Kristy McGregor - Muster Vibrant Rural Communities	<u>Voices of Horowhenua Project</u>	\$7,150.00	\$7,150.00
2	Wendy Hodder	<u>Waitarere Beach Community</u>	\$7,200.00	Nil
3	Fale Pasifika Horowhenua	<u>Pasifika Youth Jandal Jam</u>	\$1,000.00	\$1,000.00
4	Contact Incorporated, (Te Whare Mahana Community Hub)	<u>Te Whare Mahana Mural</u>	\$7,000.00	\$7,000.00
5	Te Kōtahitanga o Punahau	<u>Te Kōtahitanga o Punahau</u>	\$3,500.00	Nil
6	Takarea Rawhiti Te Peeti	<u>Whare Manaaki Carved Canoe / Waka</u>	\$32,692.00	Nil
7	Horowhenua Kids,	<u>Hinemoa House</u>	\$2,700.00	Nil

	Teens & Family Trust T/A Hinemoa House			
		Totals	\$61,242.00	\$15,150.00
			Less Amount Available	\$26,333.00
		Amount to rollover to the 2020/2021 Round 1		\$11,183.00

CARRIED

10 Special Meeting

The Reporting Officer to organise a special meeting of the Committee before the next Funding Allocation Round opening in August to discuss applications, promotion and applying criteria to decision making.

7.45 pm

There being no further business, the Chairperson declared the meeting closed.

CONFIRMED AS A TRUE AND CORRECT RECORD
AT A MEETING OF THE CREATIVE NEW ZEALAND
FUNDING ALLOCATION SPECIAL COMMITTEE
HELD ON

DATE:.....

CHAIRPERSON:.....

Proceedings of the Foxton Community Board 27 July 2020

File No.: 20/306

1. Purpose

To present to the Council the minutes of the Foxton Community Board meeting held on 27 July 2020.

2. Recommendation

- 2.1 That Report 20/306 Proceedings of the Foxton Community Board 27 July 2020 be received.
- 2.2 That the Council receives the minutes of the Foxton Community Board meeting held on 27 July 2020.

3. Issues for Consideration

There are no items considered by the Foxton Community Board that require further consideration by Council.

Attachments

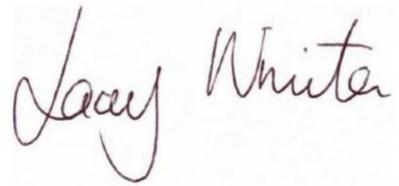
There are no attachments for this report.

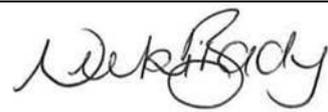
Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

Signatories

Author(s)	Lacey Winiata Community Wellbeing & Engagement Manager	
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Approved by	Nicki Brady Deputy Chief Executive	
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Foxton Community Board

OPEN MINUTES

Minutes of a meeting of the Foxton Community Board held in the Blue Room, Te Awahou Nieuwe Stroom, 92 Main Street, Foxton, on Monday 27 July 2020 at 6.00 pm.

PRESENT

Chairperson	Mr D J Roache
Deputy Chairperson	Ms P R Metcalf
Members	Cr D A Allan Cr R J Brannigan Mr T J Chambers Mr J F Girling Mrs N J Newland

IN ATTENDANCE

Reporting Officer	Mrs L Winiata	(Community Engagement Manager)
	Ms C H Marheine	(Meeting Secretary)

ALSO IN ATTENDANCE

Miss X Stephens	(Youth Empowerment Project Representative)
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1 Apologies

An apology was recorded for HWTM Bernie Wanden.

MOVED by Cr Roache, seconded Cr Allan:

THAT the apology from Mayor Wanden be accepted.

CARRIED

2 Public Participation

There was no public participation.

3 Late Items

There were no late items.

4 Declaration of Interest

None declared.

5 Confirmation of Minutes

MOVED by Ms Metcalf, seconded Mr Girling:

THAT the minutes of the meeting of the Foxton Community Board held on Monday, 25 May 2020, be confirmed as a true and correct record.

CARRIED

6 Announcements

Mrs Winiata introduced Miss Xyvana Stephens as the new youth representative from the Youth Empowerment Project (YEP) who will sit on the Community Board in an unofficial capacity.

7 Reports

7.1 Monitoring Report to 27 July 2020

Purpose

To present to Foxton Community Board the updated monitoring report covering requested actions from previous meetings of the Community Board.

MOVED by Ms Metcalf, seconded Mr Girling:

THAT Report 20/285 Monitoring Report to 27 July 2020 be received.

THAT this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

CARRIED

Page 8 14/674 Target Reserve Strategic Plan

The Board discussed the NZMCA proposal to build a motorhome park on Victoria Park. Cr Allan asked for a briefing on options at a future workshop. Cr Brannigan reiterated the need for all parks and reserves options be explored not just Victoria park. The Board asked for this to be made a separate item on the Monitoring Report, as this should be looked at on its' own rather than captured in the wider strategic plan.

Page 8 17/39 Foxton Beach Reserves Investment Plan

There was discussion around this item, Ms Metcalf requested the Foxton Beach promenade carpark be looked at as a refurbishment, not as maintenance. Ms Metcalf asked the Board to consider options to pay for this work to be carried out including the Foxton Beach Freeholding Account or a submission to the LTP. The Community Board requested this be brought to the workshop in August and officers from the Parks and Property team attend.

Page 11 19/456 Adoption of Standing Orders (Council Report)

The Community Board discussed the status of the review of the Policy and Strategy for the Foxton Beach Freeholding Account and asked for this to be a topic for the workshop in August. The Community Board would like FBPAI to be included in the workshop to finalise the document before it goes out for public feedback.

7.2 Chairperson's Report to 27 July 2020

Purpose

To present to the Foxtton Community Board matters relating to the Foxtton Community Board area.

MOVED by Cr Allan, seconded Ms Newland:

THAT Report 20/286 Chairperson's Report to 27 July 2020 be received.

THAT these matters or decisions be recognised as not significant in terms of s76 of the Local Government Act 2002.

CARRIED

3.1 Foxtton Rugby Club proposal

The Community Board confirmed their support for the Foxtton Rugby Club and the appointment of two members, Cr Ross Brannigan and Mr Trevor Chambers to work in conjunction with the Rugby Club.

MOVED by Ms Metcalf, seconded Ms Newland:

THAT the Foxtton Community Board appoints Cr Ross Brannigan and Mr Trevor Chambers to work alongside the Foxtton Rugby Club on a Business Case looking at the feasibility of improving facilities and offerings at Easton Park.

CARRIED

3.2 Foxtton Futures

There was discussion about the Channel/ Foxtton Futures Group and the two new Project Management Groups (PMG); there was need for clarity on Community Board representatives for each group. Mrs Winiata advised she would seek clarification and advise the Community Board members. The Chair asked for this item to be tabled at the next FCB meeting.

3.3 Nature calls Submission – Foxtton Community Board

This item was noted, members of the Community Board were grateful for the work Mrs Winiata undertook to draft the FCB submission.

3.4 Parking at Forest Entrance – Cousins Ave

Mrs Winiata discussed the options outlined for the Community Board, in response to correspondence from a concerned resident regarding parking at the Forest Entrance on Cousin Avenue, Foxtton Beach. The Community Board agreed to meet with Council officers at the site before deciding on the options proposed.

MOVED by Cr Allan, seconded Mr Chambers:

THAT the Foxtton Community Board meets with Council Officers at Cousins Avenue, Foxtton Beach, to look at parking options.

CARRIED

3.6 Project Updates

Mr Roache asked if the application for the Foxtton Beach Stormwater Consent was lodged mid-June. Mrs Winiata confirmed the application was lodged with Horizons Regional Council on 12 June 2020.

3.7 Board member updates

Mr Roache thanked the Community Board members for their reports. Ms Metcalfe talked to her report. Mrs Newland talked to her report, Cr Brannigan asked for FTDA to be invited quarterly to provide an update to the Community

Board; the other Community Board members agreed.
Mr Girling talked to his report and requested a report be brought to the next Community Board meeting to clarify and officially appoint the FCB members on the Channel/Foxton Futures Group and two new project management subgroups.

3.8 Foxton Beach Progressive Association – Chairperson’s Report

Mr Melton spoke to the report, Cr Brannigan and Ms Metcalfe reiterated their support for the FBPAI work on the Foxton Beach CCTV project.

MOVED by Mr Girling, seconded Ms Newland:

THAT the Foxton Community Board recommends to Horowhenua District Council to reallocate funding for the Foxton Beach CCTV project from the Foxton Beach Progressive Association to the Horowhenua Camera Trust, up to \$110,000 provided that a final order of costs and contractual arrangements are agreed between the Foxton Beach Progressive Association and the Horowhenua Camera Trust which are acceptable to Council.

CARRIED

3.9 Foxton Beach Freeholding Account

Ms Metcalfe had been provided answers to her questions about the Freeholding Account prior to the Board meeting. Mrs Winiata advised she would organise a meeting for Ms Metcalfe with the Finance Team to discuss the Freeholding Account in further detail. Mr Roache asked about depreciation and what happened to it. Mrs Winiata advised she would speak with the Finance Team and provide a response.

Mr Roache raised the retirement of Mr Paul Andrews and asked for a letter to be drafted to acknowledge and thank Mr Andrews for his contribution to the Foxton community.

6.44 pm

There being no further business, the Chairperson declared the meeting closed.

CONFIRMED AS A TRUE AND CORRECT RECORD
AT A MEETING OF THE FOXTON COMMUNITY
BOARD HELD ON

DATE:.....

CHAIRPERSON:.....

Proceedings of the Finance, Audit & Risk Committee 29 July 2020

File No.: 20/309

1. Purpose

To present to the Council the minutes of the Finance, Audit & Risk Committee meeting held on 29 July 2020.

2. Recommendation

- 2.1 That Report 20/309 Proceedings of the Finance, Audit & Risk Committee 29 July 2020 be received.
- 2.2 That the Council receives the minutes of the Finance, Audit & Risk Committee meeting held on 29 July 2020.

3. Issues for Consideration

There are no items considered by the Finance, Audit & Risk Committee that require further consideration by Council.

Attachments

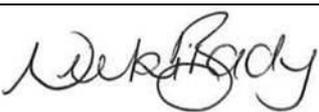
There are no attachments for this report.

Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

Signatories

Author(s)	Doug Law Chief Financial Officer	
Approved by	Nicki Brady Deputy Chief Executive	

Finance, Audit & Risk Committee

OPEN MINUTES

Minutes of a meeting of the Finance, Audit & Risk Committee held in the Council Chambers, Horowhenua District Council, Levin, on Wednesday 29 July 2020 at 4.00 pm.

PRESENT

Chairperson	Mr P Jones
Deputy Chairperson	Mrs C B Mitchell
Members	Mr D A Allan
	Mr W E R Bishop
	Mr R J Brannigan
	Mr T N Isaacs
	Mr B J Jackson
	Mr S J R Jennings
	Mrs V M Kaye-Simmons
	Mr R R Ketu
	Mrs J F G Mason
	Ms P Tukapua
	HWTM B P Wanden

IN ATTENDANCE

Reporting Officer	Mr D Law	(Chief Financial Officer)
	Mr D M Clapperton	(Chief Executive)
	Mrs N Brady	(Deputy Chief Executive)
	Mr D McCorkindale	(Group Manager – Regulatory & Strategy)
	Mr K Peel	(Group Manager – Infrastructure Operations)
	Mrs L Slade	(Group Manager – People & Culture)
	Mr J Paulin	(Finance Manager)
	Mr S Magi	(Information Services Manager)
	Mrs T Glavas	(Health & Safety Advisor)
	Mrs K J Corkill	(Meeting Secretary)

PUBLIC IN ATTENDANCE

There were nine members of the public in attendance at the commencement of the meeting.

1 Apologies

There were no apologies.

2 Public Participation

7.2 Twelve Month Report 1 July 2019 – 30 June 2020

Graeme Lindsay, accompanied by Christine Moriarty, joined the table to speak on behalf of the Horowhenua Ratepayers & Residents Association, with concerns raised that Council had breached its duty of fiduciary care in relation to some property transactions that it had undertaken, with two examples being outlined before Dr Lindsay reached the five minute speaking limit for public participation.

With Dr Lindsay advising that he had only reached page 3 of a 12 page discourse, a suggestion from the Chair that Standing Orders be suspended to allow Dr Lindsay to complete his discourse was not supported by Elected Members. However, Mayor Wanden did request that a copy of the full submission be forwarded to him, to which Dr Lindsay agreed. Mr Clapperton also said he would be happy to work with the Horowhenua Ratepayers & Residents Association to correct the inaccuracy of some of the information that had been conveyed and to address anything else that may need clarification.

3 Late Items

There were no late items.

4 Declarations of Interest

None declared.

5 Confirmation of Minutes

MOVED by Cr Allan, seconded Cr Kaye-Simmons:

THAT the minutes of the meeting of the Finance, Audit & Risk Committee held on Wednesday, 24 June 2020, be confirmed as a true and correct record.

CARRIED

6 Announcements

With the agreement of the meeting, 7.3 Health & Safety – Quarterly Report would be the next item to be addressed.

7 Reports

7.3 Health & Safety - Quarterly Report

Purpose

To provide an update to the Finance, Audit and Risk (FAR) Committee on health and safety matters at Horowhenua District Council for the three-month period April to June 2020.

Speaking to the report, Mrs Glavas advised that the only update was on page 95 in relation to a fall at Te Awahou Nieuwe Stroom, with a quote now having been received for a handrail and high visibility stair edges. She also noted that while a lot had happened in terms of Health & Safety, it was not in the workplace as many staff had been working from home; it was mainly in terms of supporting essential workers and ensuring they and the community were aware and safe during what were challenging times.

Mrs Glavas then responded to queries in relation to who would be ultimately responsible in circumstances when injury or a fatality occurred, noting that where a contractor was employed, both Council and the contractor would be PCBUs;

however, as Council employed the contractor it would have an overarching responsibility.

Responding to the Chair's comments that it would be helpful for the FAR Committee to know what were the top five Health & Safety Risks, Mrs Glavas said she would include these in the next H & S report.

MOVED by Cr Isaacs, seconded Cr Jennings:

THAT Report 20/279 Health & Safety - Quarterly Report be received.

THAT this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

CARRIED

7.1 Projects Update

Purpose

To provide the Finance, Audit and Risk (FAR) Committee with an update on the projects being undertaken by the Infrastructure Group.

Mr Peel joined the table to speak to the report. He advised that the hearing on the Tokomaru Wastewater Discharge Short Term Consent had been held yesterday morning in Palmerston North. Four submitters had spoken and the hearing had been concluded by lunchtime. The Commissioner had advised that he would report back within five days, so his response should be available next week.

C. Tokomaru Water Supply – Overview

With it suggested that it would be helpful to have some comment on what was behind the cost over-run for this project, Mr Clapperton responded that this was not in relation to the physical works, but had been caused by the consultation process. In this context, he said the outcome had been very positive.

Mr Peel noted that there would be some changes made to the graphs for the new financial year and these would be included in next month's reports.

D. Tokomaru Water Consent Handover

Responding to a query as to what Band B was in terms of Key Dates (page 19), Mr Peel said he did not know, and with this report being hot off the press, he had not had the opportunity to have a catch up meeting with the consultant, Good Earth Matters. Mr Clapperton said clarification would be sought and circulated to Elected Members as soon as it was available.

MOVED by Mr Jackson, seconded Cr Kaye-Simmons:

THAT Report 20/265 Projects Update be received.

THAT these matter or decisions are recognised as not significant in terms of s76 of the Local Government Act 2002.

CARRIED

7.2 Twelve Month Report 1 July 2019 - 30 June 2020

Purpose

To present to the Finance, Audit & Risk (FAR) Committee the financial report for the twelve months ended 30 June 2020.

Mr Law reiterated some of the items of interest included in the report, and responded to queries from Elected Members. He stressed that this was not a full Annual Report, with more work required before the Annual Report was finalised.

With the unfavourable variance in relation to the Alliance raised, Mr Law advised that Council was obliged to report on such variances in the Annual Report and give the reasons why. The Chair clarified that more detailed information would be brought back in the next report.

Raised in discussion:

- it was again noted that at the top of page 24, the Total surplus/(deficit) should read “more” rather than “less”.
- how Council could use the community networks that Elected Members had to progress projects such as the Himatangi Block Road. This was supported by the Chief Executive who said there was a need to understand how Council could use Elected Members’ areas of interest to avoid delays and he would follow that up.
- in terms of the additional cost associated with the Himatangi Block Road, Mr Clapperton said he had not yet received confirmation of the cost of the retaining wall but would circulate that when available.
- attention was drawn to page 35 and the Funding Impact Statement for the Whole of Council with the Chair and Mr Law providing clarification as to the difference between that and the Statement of Cashflow on the following page.

With the Chair proposing that the recommendation be amended to include the word “Interim” before “Twelve Month Report” and noting that there was more work to be done in relation to the Annual Report, it was:

MOVED by Mr Jones, seconded Cr Jennings:

THAT Report 20/266 Interim Twelve Month Report 1 July 2019 - 30 June 2020 be received, with it noted that there is more work to be done that relates to the Annual Report.

THAT this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

CARRIED

7.4 Treasury Report

Purpose

To present to the Finance, Audit & Risk (FAR) Committee the Bancorp Treasury Report for the June 2020 quarter.

With this being the normal quarterly report, Mr Law said a lot had happened in the quarter with COVID-19 and the Lockdown going from Level 4 down to Level 1. However, the biggest impact had been the amount of money that had been put in by central banks and governments across the world to try and weather the storm which had had the impact of keeping interest rates low. Without that injection of money, interest rates would have gone up quite considerably. NZ’s Reserve Bank was doing what was called ‘quantitative easing’ – buying bonds from LGFA that may not normally have been on the market. There was a lot of stimulus across the world; if and when that started to come off then economies would see a downturn

Mr Law noted an error in 4.7 of the Report. The 2.84% cost of funds should read at 30 June, not 31 March. It was down from 3.08% in March; it had gone lower to 2.82% and would probably go lower again next month. This supported the 3% interest rate that had been factored into the current Annual Plan.

Mr Law then responded to queries from Members, in relation to:

- interest rates and what would happen to them if governments suddenly stopped quantitative easing, i.e. stopped buying bonds.
- the possible use of swaps to mitigate risk and the things that needed to be considered in that regard, such as the use of fixed rate bonds and timing, with discussions underway with LGFA in terms of refinancing.

MOVED by Cr Brannigan, seconded Cr Isaacs:

THAT Report 20/283 Treasury Report be received.

THAT this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

CARRIED

7.5 Monitoring Report - Audit Recommendations 2018/2019 - July 2020

Purpose

To present to the Finance, Audit & Risk Committee the Monitoring Report covering Audit Recommendations 2018/19.

Speaking to the Monitoring Report , Mr Law said it was longer than he would like but quite a few of the items had been completed, were on track or under review, and they would drop off. When the audit had been done at the end of June/beginning of July, Audit had been asked to sign off on the things that had already been done and these were colour-coded green. He would follow up with Audit as the requested interim management letter had not yet been received.

There were two items yet to start:

- page 123 – Purchase Order Clearing Account – discussions were in train with Council’s provider, Civica, as to how to go about that.
- page 130 – Contract Management – tighter controls were needed over the management of contracts and that would be in the Finance Team’s Business Plan.

With there being over 50 recommendations, some of which seemed to reoccur, how this could be tracked to indicate if there were repeat issues was raised.

Mr Law then responded to a query in relation to the Procurement Review mentioned on page 128, saying he had hoped the internal audit would feed into that, and it may still, but it had been set back by COVID-19 and the unavailability of the internal auditor.

MOVED by Cr Mitchell, seconded Mr Jackson:

THAT Report 20/291 Monitoring Report - Audit Recommendations 2018/2019 - July 2020 be received.

THAT this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

CARRIED

4.55 pm

There being no further business, the Chairperson declared the meeting closed.

CONFIRMED AS A TRUE AND CORRECT RECORD
AT A MEETING OF THE FINANCE, AUDIT & RISK
COMMITTEE HELD ON

DATE:.....

CHAIRPERSON:.....

File No.: 20/310

Adoption of a Rates Postponement Policy and COVID-19 Event Declaration and Eligibility Criteria

1. Purpose

Following consultation, to hear those wishing to speak to their submissions, to deliberate and to adopt (or not) the proposed Rates Postponement Policy. Should the policy be adopted, then to consider a resolution declaring the COVID-19 pandemic as an event triggering the policy and setting eligibility criteria for the event.

2. Executive Summary

- 2.1 Council at its meeting of 8 July 2020 decided to adopt a draft Rates Postponement policy for consultation. The consultation period was from 17 July through to 31 July 2020 and was targeted to CBD businesses and resident and ratepayers' organisations, and included engagement through the use of an on-line survey and social and local media advertising.
- 2.2 Following consultation, Council now needs to receive and consider submissions, hear those who wish to be heard, deliberate and adopt (or not) the policy. Once the policy is adopted then Council could consider a resolution that triggers the policy for the COVID-19 pandemic, with the resolution also setting out the eligibility criteria.

3. Recommendation

- 3.1 That Report 20/310 Adoption of a Rates Postponement Policy and COVID-19 Event Declaration and Eligibility Criteria be received.
- 3.2 That this matter or decision is recognised as significant in terms of S76 of the Local Government Act.
- 3.3 That the Horowhenua District Council adopts/does not adopt the Rates Postponement Policy (attached as Attachment A).

4. Background / Previous Council Decisions

- 4.1 Council has debated this policy at the Finance Audit and Risk (FAR) Committee on 29 April and 27 May 2020, and at the subsequent Council meeting of 6 May 2020 and again on 8 July 2020.
- 4.2 It was decided that the policy would be generic to cater for any event and would therefore become a tool that Council could use for any event or emergency now and in the future. This would mean that Council would need to pass a specific resolution for each event to trigger the policies application, the resolution would also set out the eligibility criteria.

5. Discussion

- 5.1 Council is looking to provide targeted relief to ratepayers and small business ratepayers affected by the alert level impacts through the COVID-19 pandemic. Not all businesses and ratepayers will be affected by the economic downturn of the pandemic response in the same way. Main street shops, cafes, restaurants, tourist attractions, accommodation providers and ratepayers who have been made redundant will need some relief, while other businesses and ratepayers may be affected to a lesser extent.

- 5.2 A Rates Postponement Policy enables Council to postpone rates rather than writing them off as a remissions policy would do. Rates fund just over 70% of Council's annual income. In turn, this is then invested back into the community to provide services and support. Council can ill afford to reduce income long-term as it strives to maintain service levels while endeavouring to balance the budget and avoid loan funding operational costs.
- 5.3 Postponement Policies do come with increased administrative work and complexities. They will also create short-term cash flow deficits.
- 5.4 Attached to this report is suggested wording for a Rates Postponement Policy that could be used for any emergency or event (including the Covid-19 pandemic) and so be available long-term. This policy was used for the consultation.
- 5.5 Consultation on the policy occurred between 17 July and 31 July 2020. Because of the shorter period, the consultation was targeted with a flyer being delivered to the CBD areas in Levin, Shannon, Foxton and Foxton Beach, along with e-mails to accommodation providers, resident and ratepayer associations, and farmer groups. This produced six (6) formal submissions, with two (2) submitters asking to present their submission to Council. The submissions are **attached** to this report.
- 5.6 It is noted the Horowhenua GreyPower's submission does not address the policy as such but advocates for a senior citizens' remission policy as they requested in their Annual Plan submission. They have asked to speak to their submission.
- 5.7 The Horowhenua District Residents and Ratepayers' Association oppose the adoption of the policy and have also asked to speak to their submission.
- 5.8 Federated Farmers are seeking assurance that the policy will definitely be available for farming properties and not just residential properties.
- 5.9 An online survey was also conducted which received 113 responses. The link to the survey results is here.

<https://www.surveymonkey.com/stories/SM-9M67RBBD/>

The majority of responders support the adoption of the policy.

6. Options

- 6.1 There are two options. Option 1 is to adopt the policy and option 2 is to not adopt the policy.
- 6.2 Council needs to decide which option to adopt after taking into account the submissions and feedback for and against.

6.1 Cost

As outlined below

Option	Cost
Do not adopt a Rates Postponement Policy	\$0
Adopt a Policy	Dependent on up-take of the policy and the eligibility criteria yet to be set by Council resolution

6.2 Rate Impact

There will be no impact as rates remain payable.

6.3 Community Wellbeing

This will contribute to economic wellbeing.

6.4 Consenting Issues

There are no consents necessary.

6.5 LTP Integration

The current LTP is silent on Postponement Policies.

7. Consultation

Consultation is not required and has already been carried out in accordance with S82 of the Local Government Act 2002 as outlined in section 5 of the report.

8. Legal Considerations

8.1 The policy is authorised under section 102(3)(b) of the Local Government Act 2002 (LGA).

8.2 The policy must conform with s 110 LGA, which provides:

“110 Rates postponement policy

(1) A policy adopted under [section 102\(3\)\(b\)](#) must state—

(a) the objectives sought to be achieved by a postponement of the requirement to pay rates; and

(b) the conditions and criteria to be met in order for the requirement to pay rates to be postponed.

(2) In determining a policy under [section 102\(3\)\(b\)](#), the local authority may consider the matters set out in [Schedule 11](#).

(2A) If a policy is adopted under [section 102\(3\)\(b\)](#), the policy—

must be reviewed at least once every 6 years using a consultation process that gives effect to the requirements of [section 82](#); and

(b) may be revoked following the review under paragraph (a).”

8.3 Once such a policy is adopted the Local Government Rating Act 2002 (LG(R)A) section 87 forces Councils to apply the policy:

“87 Postponement of requirement to pay rates

(1) A local authority must postpone the requirement to pay all or part of the rates on a rating unit (including penalties for unpaid rates) if—

(a) the local authority has adopted a rates postponement policy under [section 110](#) of the Local Government Act 2002; and

(b) the ratepayer has applied in writing for a postponement; and

(c) the local authority is satisfied that the conditions and criteria in the policy are met.

(2) the local authority must give notice to the ratepayer—

(a) identifying the postponed rates; and

(b) stating when, or in which circumstances, the rates will become payable.”

9. Financial Considerations

It is hard to calculate the up-take of the policy. This may not become apparent until the current government employment subsidies cease on 1 September 2020. Any cash flow deficits will be funded from within cash reserves if possible but may mean borrowing to cover any cash shortfalls depending on the magnitude and nature of any applications.

10. Iwi Considerations

None exist beyond the District ratepayers as a whole.

11. Climate Change Considerations

Not applicable.

12. Environmental Considerations

Not applicable.

13. Health & Safety Considerations

Not applicable.

14. Other Considerations

Should the Council adopt the Policy and wish to use it for the COVID-19 pandemic event, it will need to pass an additional resolution to trigger the policy and define the eligibility under the policy.

Council has seen and debated the criteria at FAR committee meetings in April and May 2020.

The suggested wording of the resolution is as follows;

“Council identifies the COVID-19 pandemic and the economic effects of the level 4 lock down are sufficiently severe to necessitate triggering the rates Postponement policy. It is expected that sections of the residential and business community will be affected especially those individuals that have been made redundant or industries like tourism, travel and accommodation that have lost revenue sufficient to suffer financial hardship. The event has and will occur in Quarters 2,3 and 4 of the 2020 calendar year. Consequently, the rates instalments 1 and 2 for the 2020/21 rating year are able to be postponed until 1 July 2021.

Eligibility Criteria is as follows:

- *For business (non-residential) ratepayers, evidence of:*
 - *a 30% reduction or more in monthly revenue compared to the same time the previous year (or if the business is less than 12 months old, the average monthly revenue calculated over any continuous 3-month period of operation);*
 - *a 50% reduction in predicted revenue;*
 - *qualification for a Government emergency financial support package (for example the wage subsidy scheme);*
 - *qualification for a mortgage “holiday” from the relevant lender;*
- *For residential ratepayers, evidence of:*
 - *loss of regular employment;*
 - *a significant reduction in income;*
 - *qualification for a mortgage “holiday” from the relevant lender”*

15. Next Steps

Should Council adopt the policy and pass the necessary resolution to trigger the policy application, Council officers will;

- Develop an application form to be used by applicants
- Advertise the availability of rates postponement
- Set-up the necessary software to account for the postponement which will apply fees and interest charges.

16. Supporting Information

Strategic Fit/Strategic Outcome N/A
Decision Making N/A
Consistency with Existing Policy N/A
Funding: no funding is available or needed as rates remain payable.

Risk Area	Risk Identified	Consequence	Likelihood	Risk Assessment (Low to Extreme)	Managed how
Strategic					
Financial	Cash flow deficit if up-take is high	Lower liquidity and risk of not meeting current liabilities	Low	Low	With cash flow management and treasury management
Service Delivery					
Legal					
Reputational					

Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

17. Appendices

No.	Title	Page
A	2020 Draft RATES POSTPONEMENT POLICY – FOR CONSULTATION	29
B	Submission - Grey Power Assoc Inc	33
C	Submission - Horowhenua District Ratepayers and Residents Association	42
D	Submission - Federated Farmers	43
E	Submission - Horowhenua Farmers Ratepayers Group	44
F	Submission - Walter Hyndman	46
G	Submission - Dianne Laura Baker	47

Author(s)	Doug Law Chief Financial Officer	
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Approved by	Nicki Brady Deputy Chief Executive	
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RATES POSTPONEMENT POLICY – FOR CONSULTATION

Policy Purpose

The purpose of this policy is:

- to enable Council to postpone the requirement to pay all or part of the rates on a rating unit under section 87 of the Local Government (Rating) Act 2002, through an enabling policy allowing Council to resolve to implement postponement arrangements in response to one or more specific events where the conditions and criteria of the policy have been met.

Policy Objective

The objective of this policy is:

- to provide a rates postponement to rating units or ratepayers experiencing financial hardship directly resulting from an event that affects their ability to pay.

Definitions

Unless the context requires otherwise, the following terms have the corresponding meaning:

Event	Mean an event defined by Council resolution, where the Council will confirm the type and/or the location of the rating units or ratepayers affected. An event could be a natural occurrence (including by not limited to an earthquake, flood, storm, drought, subsidence, erosion or tsunami), other defined emergency or an economic event. The event needs to be of an extraordinary or emergency nature but does not necessarily require a Civil Defence or emergency declaration. The event may include circumstances where a rating unit is rendered incapable of regular use by the ratepayer for a certain period.
Financial hardship	Means when ratepayer income reduces to a level where paying rates would result in significant financial hardship, to be further defined by Council resolution, having regard to the nature and degree of the event triggering the policy.
Applicant	Mean the persons listed on the Council's Rating Information Database (RID) as the ratepayer for the relevant rating unit. In the case of a closed company, this means every Director.

Policy Conditions and Criteria

General Approach

If the ratepayer is eligible for the government rate rebate, an application for this rebate should be completed before any rates are postponed for that year.

Council will add all administrative and financial costs to the postponed rates. This will ensure neutrality between ratepayers who use the postponement option and those who pay as rates are levied

Rating units that are granted a rates postponement will be subject to a statutory land charge being registered on the rating unit title. The statutory land charge serves to ensure that property settlements do not occur without all postponed rates and fees being fully paid.

Triggering the Policy

While this is a standing policy of Council, it will only have effect where Council resolves that an event has occurred and that the policy is activated.

The relevant Council resolution triggering the policy must also include:

- Identification of the event triggering the policy; and
- How the event is expected to impact the community;
- The types or location of rating units and ratepayers affected by the event;

Council may, at time of triggering the policy, or by way of a subsequent resolution, set:

- A timeframe for the event;
- A specified start or end date for the event; and
- Additional eligibility criteria, conditions or other requirements to supplement this policy tailored to meet the particular circumstances of the event.

Council will review the criteria and timeline of an event through subsequent resolutions

Eligibility

Council will define, by way of Council resolution, those rating units that are eligible for postponement under this policy.

The eligibility of rating units under the policy may be defined by reference to geographical location, type, class or other criteria specified in the Council resolution.

Standing Criteria

Where an event is declared, the following standard conditions and criteria will apply in addition to any additional conditions or criteria that may form part of the Council resolution:

- Every person entered as the ratepayer (in the case of a closed company, every director) must sign the application form, or their authorised agent, must sign the application;
- The applicant must demonstrate to Council's satisfaction that paying the rates would result in financial hardship;
- The financial hardship must be the direct result of an event which affects the applicant's ability to pay rates;
- The applicant must demonstrate to the Council's satisfaction that the applicant has taken all steps necessary to claim any central government benefits or allowances the applicant is properly entitled to receive to assist with the payment of rates;
- The applicant must declare that they are not receiving business interruption payments or other such insurance benefits in respect of the defined event;
- If the rating unit in respect of which postponement is sought:

- is subject to a mortgage, then the applicant(s) will be required to obtain the mortgagee's consent before Council agrees to postpone rates;
- is owned by a Family Trust, Council must be satisfied that all trustees have agreed to be part of the postponement scheme. Council will require a consent form from the trustees confirming that the family Trust has agreed to apply for postponement of rates.
- Council must be satisfied, based on reasonable assumptions, that the risk of any shortfall when postponed rates, (including accumulated administration and finance costs), are ultimately paid is negligible;
- To best safeguard Council, the total amount of rates postponed (including accumulated administration and finance costs), when added to other amounts secured by a mortgage, may not exceed 70% of the applicant ratepayer(s) equity in the property. Equity in the property is calculated as the difference between Council's rateable value of the property (the capital value at the most recent Triennial valuation) and all other amounts secured by a property mortgage or other encumbrances;

For prudential reasons, the Council will need to register a statutory land charge against the property to protect its right to recover postponed rates. At present, the law does not allow Councils to register such a statutory land charge against Māori freehold land. Accordingly, Māori freehold land is not eligible for rates postponement under this policy (unless and until the law is changed so that the Council can register a statutory land charge).

Insurance

- The property must be insured for its full replacement value, and evidence of this must be provided to the Council annually.
- If insurance cannot be arranged because the property is uninsurable, only the land value can be used when calculating maximum postponement allowable under this policy.

Rates that can be Postponed

All Horowhenua District Council rates are eligible for postponement under this policy except for:

- Lump-sum options which are rates paid in advance; and
- Central government rates rebates received by the applicant.

Where Council resolves that an event triggers this policy, an application for postponement will be postponed until any of the following events occurs:

- the rating unit is sold or transferred (other than just a change of trustees); or
- the maximum date specified by Council, as agreed in writing and in advance between Council and any applicant ratepayer(s) is reached; or
- the expiry of one year after the Council resolves the effects of the event are no longer felt in the community. At that date, the ratepayer must make arrangements to repay outstanding rates.

Whilst is not a condition, the Council strongly recommends that applicant should first obtain independent legal and/or financial advice from a suitably qualified person(s), prior to applying for a rates postponement.

Fees and Charges

All postponements will be subject to the following fees and charges:

- A once-off establishment fee of \$250 plus GST
- An annual management fee of \$100 plus GST for each twelve-month period (or part thereof) between the rates payment due date and the date they are paid.
- An interest charge calculated in accordance with the methodology set out below.

These fees are designed to cover Council's administrative costs to establish the rates postponement account, register the statutory land charge (one-off) and confirm adequate annual insurance cover is in place and provide rates postponement account statements to eligible ratepayer(s) every twelve (12) months.

The interest cost applicable will be the interest that Council will incur, being Council's average cost of borrowings as at 30 June of the preceding financial year, calculated daily, plus a margin of 1% to cover staff costs related to calculating and applying such interest charges to respective postponed rates accounts. A further 0.25% interest will be applied to a risk reserve.

Interest will be applied to rates postponement accounts every six (6) months and will be included in the total rates postponement balance, as shown on ratepayers' statement of account every instalment one (1) and four (4) respectively.

The postponed rates, (including accumulated administration and finance costs), or any part thereof, may be paid to Council at any time.

Review or Suspension of Policy

The policy is in place indefinitely and can be reviewed subject to the requirements of the Local Government Act 2002 at any time.

Any resulting modifications will not change the entitlement of people already in the postponement scheme to the continued postponement of those rates.

Council reserves the right not to postpone any further rates once the postponed rates (including accumulated administration and finance costs), combined with secured borrowings against the residential property, exceed 70% of Council's rateable value of the property as recorded in Council's rating information database. This will require the ratepayer(s) for that property to pay all future rates.

All postponed rates before such time will only fall due for payment when any condition(s), as outlined in the relevant conditions are satisfied.

Procedures

Applications must be made in the required form and timelines specified in the relevant Council resolution.

The policy shall apply to ratepayers who meet the relevant criteria as approved by the Chief Financial Officer. The administration of this policy may be sub-delegated to a Council Officer(s) as appropriate.

Submission Form Proposed Draft Rates Postponement Policy 2020



Please print using a black or dark blue pen

OFFICE USE ONLY
RM8 #: _____
Submission No: _____

Your details

Name: Mr / Mrs / Miss / Ms / Dr (circle): Terry Hemmingsen

Name of organisation (if applicable): Horowhenua Grey Power

Postal address: P.O. Box 328, Levin

Post Code: 5540

Telephone: day: 367-0300 evening: 367-0300 mobile: 0274-805-834

Email: terry.hemmingsen@gmail.com

Communication

Preferred method of communication: Email Telephone Post

Presentation

Submissions will be heard by the Hearings Committee, on Wednesday 5 August 2020

Do you wish to present your comments to Council at a hearing? Yes No

My Submission(s):

Please note your submission will be included in a public agenda.

Submission attached - (3 Pages)
together with a proposed; Draft - Rates Postponement
Policy - (1 Page) and
Supplementary Support Material.

(continued overleaf)

Return your submission by:

- **Post to:** Draft Rates Postponement Policy 2020 Submission, Horowhenua District Council, Private Bag 4002, Levin, 5440.
- **Deliver to:** Draft Rates Postponement Policy 2020, Horowhenua District Council, 126 Oxford Street, Levin.
- **Email to:** ratespostponement@horowhenua.govt.nz
- **Fax to:** (06) 366 0983



We need to receive your submission by 4.00 pm on Friday, 31 ^{July} August 2020.

Copies of the draft Rates Postponement Policy 2020, Summary of Information, Submission form and Frequently Asked Questions are available on Council's website at www.horowhenua.govt.nz.

For any queries, please contact the Horowhenua District Council, Customer Service Centre on (06) 366 0999.



**P.O. Box 328
Levin 5540.
New Zealand.**



Submission to:

Horowhenua District Council

Name: Terry Hemmingsen (President)
Organisation: Horowhenua Grey Power Association Incorporated
Address: 635 Queen St East, Levin 5510
Telephone: 0274-805-834 (Mobile)
Email: terry.hemmingsen@gmail.com

Rates Postponement Policy:

Ladies and Gentlemen.

Councils throughout New Zealand have seen fit to introduce a Rates Postponement Policy, giving people the option to postpone the payment of all, or a portion of their rates for a fixed or indefinite period. The objective of such a postponement policy is (or should be) to enable Councils to provide older ratepayers with more options and more flexibility when it comes to paying their rates. It lets older ratepayers decide how best to manage their personal finances and also gives older rate payers the opportunity to stay in their houses for longer.

Given that the proportion of the older residents, and more particularly superannuitants in the Horowhenua, is increasing at a rate that is higher than the national average and further; that these people are often asset rich but cash poor, the concept of a Rates Postponement Policy appears to have a great deal of merit for the older citizens of our community.

Legislation:

- 1). **Local Government Act 2002, states, section 102(3);**
"A local authority may adopt either or both of the following policies:"
 - (a) a rates remission policy
 - (b) a rates postponement policy
- 2). **Local Government Act 2002, states, section 110(1);**
"A policy adopted under section 102(3)(b) must state – "
 - (a) the objectives sought to be achieved by a postponement of the requirement to pay rates; and
 - (b) the conditions and criteria to be met in order for the requirement to pay rates to be postponed.
- 3). **Local Government (Rating) Act 2002 No 6, section 87(1);**
"A local authority must postpone the requirement to pay all or part of the rates on a rating unit (including penalties for unpaid rates) if –"

the active organisation for those aged 50 plus

- (a) the local authority has adopted a rates postponement policy under section 110 of the Local Government Act 2002;
- 4). **Local Government Act 2002, states, section 102(4);**
A local authority –
- (a) must consult on a draft policy in a manner that gives effect to the requirements of section 82 of the Local Government Act 2002 before adopting a policy under this section.

Submission:

Horowhenua Grey Power would submit that there are a number of social, medical and financial pressures being placed on older people in our community that now makes the concept of a Rates Postponement Policy both desirable and at times necessary.

The Local Government (Rating) Act 2002 and the Local Government Act 2002 allow for a rates postponement for residential rate payers. Prior to that, those rates could only be postponed if the rate payer proved hardship.

Horowhenua Grey Power, are recommending a rates postponement scheme that will be available to all residential ratepayers that are aged 65 and over (or over 60 if on a benefit) to postpone their rates for life or until such time as the residence against which the rates postponement is applied, is sold. Whichever comes later.

The aim is to give qualifying ratepayers a choice of paying their rates now or later.

To qualify for a rates postponement the rate payer must be required to meet the conditions and criteria, as set out in the Policy, namely;

- i. The ratepayer must be over the age of 65 (or over the age of 60 if on a benefit).
- ii. The property must be insured.
- iii. The postponed rates must not exceed 80 per-cent (80%) of the available equity in the property. The available equity being the difference between the Council's valuation of the property (the capital value at the most recent revaluation) and the value of any encumbrances against the property, including mortgages and loans.
- iv. The property must be the prime residence of the ratepayer and owner occupier.

Horowhenua Grey Power recommends that the costs of the proposed scheme should be paid (only) by those whose rates are being postponed. No other ratepayers should be required to subsidise those people who wish to engage in the rates postponement scheme.

As well as the annual rates demand, it is recommended that that costs of the scheme should be;
Six monthly interest on postponed rates (at the Council's marginal rate), plus 1% for administration.
An annual reserve fund levy of 0.25% to meet the costs of any unrecoverable rates postponements.
An initial Application Fee of \$75.00.
Interest rates to be compounding.

So, what are the benefits for our older residents;

- (i) They do not have to pay rates each year.
- (ii) They will have extra money to do the things they really want or need to do.
- (iii) Repairs and maintenance to their house, a medical procedure, new spectacles, an urgent trip to deal with a family matter either locally or off-shore – it should be their choice.
- (iv) Not having to pay rates can considerably ease financial pressures for older people.

the active organisation for those aged 50 plus

Page 2

Horowhenua Grey Power recognises that by installing a Rates Postponement Scheme, there will (may) at times be pressures put on Council's ability to acquire additional funding to support the Scheme using the Council's marginal rate. Having stated this, it is important to consider the bigger picture around the need to continue to provide a social housing structure for our senior citizens. Successive governments have encouraged our older residents to remain in their homes for as long as they can, as this reduces pressure on the Rest Home and Retirement Village communities. It also diverts funding that would be taken up by rest home subsidies, should older residents need to move out of their existing homes into rest home care.

It is far less costly to provide home-care and personal-care options into senior's homes than it is to put such people into 'a home' and then have to pay increased costs in the form of subsidies.

By using a Rates Postponements Scheme the seniors who take it up will be paying for **"their own roof over their own head"** rather than relying on the state to pick up the bill.

In the Q & A supplementary paper attached to this submission there is a question about; "Who pays the costs of the Scheme?"

It is a good question and it interesting to note that the response makes it quite clear that the, **"costs of operating the Scheme will be paid ONLY by those whose rates are being postponed."**

Will there be a cost to Council? The answer to that is NO. And, nor should there be.

The only outstanding issue would be the need for Council to acquire sufficient funds at the marginal rate to support the Scheme.

Conclusion:

Within this submission and the attachments, Horowhenua Grey Power have put in place some suggestions and recommendations about how a Rates Postponement Policy could (and should) operate.

We have provided answers to many of the questions that should be asked.

We have made it clear that such a Policy is not about avoiding having people pay their rates, but rather it is about keeping older people in their homes for longer, ensuring that (over time) they pay their way and that they can continue to live in our community without the added burden of having to pay their rates 'immediately' with the associated financial pressures that may come with such demands.

So here is the question; ***should a Rates Postponement Scheme be introduced, who loses (financially or otherwise)?***

And the answer is: ***No-one !!!***

We would submit that Horowhenua District Council needs to adopt this proposed policy and support our seniors through the latter years of their lives.

Terry Hemmingsen

PRESIDENT
HOROWHENUA GREY POWER

DATED: 24 JULY 2020

the active organisation for those aged 50 plus

Page 3

HOROWHENUA DISTRICT COUNCIL

RATES POSTPONEMENT POLICY – DRAFT

Objective:

The objective of the Rates Postponement Policy is to enable Council to provide older ratepayers with more options and flexibility. It lets older ratepayers decide how best to manage their finances and also gives older ratepayers the opportunity to stay in their own houses/homes for longer.

Conditions & Criteria:

- (a) The ratepayer must be over the age of 65-years (or over the age of 60-years if on a benefit,
- (b) The property must be insured.
- (c) The postponed rate must not exceed 80 per cent (80%) of the available equity in the property. The available equity being the difference between the Council's valuation of the property (capital value at the most recent valuation) and the value of any encumbrances against the property, including loans and mortgages.
- (d) The property must be the prime residence of the ratepayer and be owner occupied.

Procedures:

- (i) Applications must be made on the prescribed form which can be obtained from a Council Customer Service Centre or on our website; www.horowhenua.govt.nz
- (ii) There is an initial application fee of \$75.00.
- (iii) Applications must include detailed information explaining how they meet the conditions and criteria under this policy. This must include a statutory declaration for the first year of the ratepayer's property insurance and the value of encumbrances against the property including loans and mortgages.
- (iv) Note that: for the rates to continue to be postponed, the Council will require each year thereafter, by way of a statutory declaration, of the ratepayer's insurance and the value of encumbrances against the property, including mortgages and loans.
- (v) Decisions on applications under this policy will be made by the _____

Other Matters:

The applicant may choose to postpone the payment of a lesser amount of rates than the full amount that they would be entitled to postpone under this policy.

There is no income testing attached to this policy.

The repayment of the postponed rates will be required at the earlier of;

- (a) Sale of the property, or
- (b) Death of the ratepayer (or surviving ratepayer where there is a couple)

Interest will be charged on the postponement rates six (6) monthly at Council's marginal rate (the current cost to Council of borrowing the required funds) plus 1% for administration and 0.25% to a risk reserve.

Council recommends that ratepayers considering postponing their rates seek independent advice from a financial adviser on the financial impacts and appropriateness of postponing their rates.

HOROWHENUA DISTRICT COUNCIL

RATES POSTPONEMENT POLICY – SUPPLEMENTARY INFORMATION

How do I Qualify for Rates Postponement?

You must meet the conditions and criteria in the Policy

The ratepayer must be over the age of 65-years (or over the age of 60-years if on a benefit)

The property must be insured.

The postponement rates must not exceed 80% of the available equity in the property. [the available equity is the difference between the Council's valuation of the property (the capital value at the most recent valuation) and the value of any encumbrances against the property, including mortgages and loans.]

The property must be the prime residence of the ratepayer and be owner occupied.

How do I apply?

As a first step you are required to fill out an eligibility form (this is attached as Appendix "A")

There is an initial application fee of \$75.00. Applications must include detailed information explaining how the conditions and criteria will be met under this policy. This must include a Statutory Declaration for the first year, of your property insurance and the value of encumbrances against your property, including mortgages and loans.

Please note: that for the rates to continue to be postponed, Council will require evidence each year thereafter, by way of statutory declaration of your property insurance and the value of encumbrances against your property, again including mortgages and loans.

Making the Decision?

Council recommends that ratepayers considering postponing their rates seek independent advice from a financial adviser on the financial impacts and appropriateness of postponing their rates.

Applying for the Scheme:

You can do this by signing a conditional Letter of Offer and returning it to Council with all of the required documentation.

What if I still have a Mortgage?

If you have a mortgage, you can still apply for the scheme. However, you will need to have written to have written agreement from the financial institution which funds your mortgage.

When will my Postponed Rates actually be payable?

You can choose to pay your postponed rates in full (or in part) any time you like, without penalty. Otherwise, Council will require them to be paid:

- After you have died, or in the case of couples, the second partner has died. Council is aware that it can take time to settle an estate, and will allow up to twelve (12) months for payment.
- When you cease to be the owner of the property. However, if you sell your property and buy another one within the Horowhenua District, Council will consider transferring the outstanding balance, or as much as is needed, to facilitate the purchase, provided it is satisfied that there is adequate security in the new property for eventual repayment.

Who pays the cost of the scheme?

The cost of operating the scheme will be paid only by those whose rates are being postponed. Council has determined that there will be no subsidy from other ratepayers.

As well as annual rates, the costs of the scheme are:

- Six-monthly interest on the postponed rates (at the Council's marginal rate), plus 1% for administration. There will also be an annual reserve levy of 0.25% to meet the costs of any unrecoverable postponements.

There is an initial Application Fee of \$100.00.

What if my home is owned by a Family Trust – can I still apply?

Yes, but there are special requirements.

The issue with trusts is that the trust is technically the legal ratepayer. If you live in a house owned by a trust, or you have a life tenancy/remainder agreement, you are eligible to apply. However, Council must be satisfied that all people with an ownership interest in the property have agreed to be part of the Scheme. As well as trustee(s) this may include beneficiaries, depending on the terms of the Trust Deed.

Council will require a letter from the Trust's lawyer to confirm that all parties whose consent is required have in fact consented, and that they have the legal authority to do so. Council's conditional Letter of Offer will also need to be signed both by the Applicant(s) and all parties whose consent is required.

Why is Horowhenua District Council offering Rates Postponement?

The law allows councils to offer rates postponements to residential ratepayers. Council has made the decision to offer residential property owners a choice as to when they pay their rates.

What are the benefits for me?

If you don't have to pay rates each year, you will have extra money to do the things that you really want or need to do. Medical treatment, Dental treatment, new glasses, house maintenance, a holiday It's your choice. For a lot of older people, not having to pay rates can considerably ease the financial pressure.

How will I know what the accumulated costs are likely to be over time?

Councils across New Zealand who already have the Scheme have developed financial models that Council can tap into to develop their own model. Whenever you request it, Council will be able to give you a "snapshot" of your total accumulated costs compared to the value of your property at that time.

Will I get myself so far into debt that it cannot be repaid?

No. If the total postponed charges reach 80% of the available equity in your property, future postponement will cease. From then on you will be required to begin paying your rates up front again.

The available equity is the difference between the Council's valuation of the property (Capital Value at the most recent re-valuation) and the value of any encumbrances against the property, including mortgages and loans.

However, this will not affect postponements that have already been made.

The postponed rates will continue to accrue, along with associated costs, and will still be repayable when you sell the property, or when you die.

What about Insurance?

If you have insurance for your property when you apply, you will be required to keep it insured and to produce evidence of this each year.

If you do not have insurance, you will be required to take on insurance.

Insurance is to protect you and Council if your home is substantially damaged or destroyed. It means that the postponed rates debt will not affect the re-building or replacement of your home.

Do I have to postpone all of my rates or can I postpone part of them (just the amount I need)?

The Scheme is entirely flexible so, yes, you can apply to postpone all or part of your rates. Once you are in the Scheme, you can vary the amount you postpone depending on your financial situation. This is something you will need to discuss with Council officers.

Does Council get an Ownership Right in my House?

No, you retain full ownership. Council simply has first claim on your property for the postponement amount that has accumulated, when it is sold or become a part of your estate.

Do I need to consult a Lawyer about this?

If you think you should. However, there is no need for your lawyer be involved.

Do I need to consult a Financial Adviser about this?

Council recommends that ratepayers considering postponing their rates seek independent advice from a Financial Adviser on the financial impacts and appropriateness of postponing their rates., although it can be reviewed

Can the Scheme be reviewed or suspended?

Council's Scheme is in place indefinitely, although it can be reviewed at any time subject to the requirements of the Local Government (Rating) Act 2002. If there were to be changes, they would not affect the entitlement of people already in the Scheme to continue postponement of future rates.

Council reserves the right not to postpone any further rates once the total of postponed rates and accrued charges exceeds 80% of the available equity in the property. The available equity is the difference between Council's valuation of the property and the value of any encumbrances against the property, including mortgages and loans.

How do I get started?

Complete the Eligibility / Application Form and post, deliver or email it to the Horowhenua District Council.

You will then be contacted to make an appointment with one of the Council's staff to determine your eligibility and to complete your application.

The Horowhenua District Ratepayers and Residents Association Inc oppose the planned Ratepayers Postponement Policy for these reasons:

Has this plan been based on evidence- based research and not just because a few other councils around New Zealand have adopted it?

Has a survey been done of the population who would likely apply for this?

According to our information the Horowhenua population is approximately 35,000 people. Of these 8,330 are employed/self employed. That leaves 26,670 who are either superannuitants or beneficiaries.

The likelihood of a number of the latter population group who were experiencing hardship would have existed pre-covid. We know that a rates postponement policy was not part of the Annual Plan and therefore taking this group into account for being financially strapped was not on the radar. This is evidenced by your proposed rate increase of 6.9% and thankfully HDC saw fit to reduce that proposed increase.

Those people who were employed and whose positions were no longer tenable as a result of the lockdown were eligible for the wage subsidy scheme. That means that group of people were/are unlikely to experience hardship.

Businesses affected by the lockdown also received government support so self employed people were/are unlikely to experience hardship.

Of those two latter groups there are likely to be only a very small group who maybe experiencing hardship if their business or employment has needed to close due to the lockdown.

Would it not make sense for HDC to survey how many of these two groups are ratepayers?

If this policy is pursued are you going to be very explicit about interest charges? Would it not be helpful to aid peoples understanding to give an example – i.e. \$3,100.00 annual rates + \$250.00 establishment fee +\$100.00 plus GST annual management fee + interest being council's average cost of borrowings of preceding financial year, calculated daily, + plus a margin of 1% to cover staff costs + 0.25% risk reserve? That adds up to quite a difference and is not going to be helpful to those already cash strapped.

Why would HDC pursue a policy that has potential to bring hardship on families who maybe disadvantaged due to payback time frame and accumulated interest?

We ask you to seriously reconsider this policy. Rushing this through before the next lot of rates are due without giving the community ample time to consider this is not based on bottom-up consultation.

Thank you
Leone Brown (secretary)

Karen Corkill

From: Coralee Matena <cmatena@fedfarm.org.nz>
Sent: Friday, 31 July 2020 4:58 PM
To: Rates Postponement
Cc: Geoff Kane; ANN THOMAS
Subject: Rates Postponement Proposal - Comments from Federated Farmers

Good Afternoon Doug

Please find below a short submission from Federated Farmers with regard to the Rates Postponement Proposal.

- Federated Farmers appreciates Council considering ways ratepayers can defer their rating burden in times of hardship.
- Farmers are especially vulnerable to business downturns as a result of conditions that are often outside of their control, like market and trade volatility, pests and diseases and the weather. Natural events, like this years' drought, are in particular, becoming more frequent for farmers.
- Federated Farmers therefore seeks to ensure that farming properties are captured by the Policy.
- We therefore seek from Council, assurance that the scope of the Policy includes farming and rural properties, recognising that:
 - Farming units are residential units also. Rates postponement that applies only to rating units used solely for residential purposes can by default excludes farming ratepayers.
 - Farms can be made up of a number of titles. The requirement to limit the number of titles ratepayers can have, can unfairly exclude farming ratepayers, as farms are often on multiple titles.

Kind regards

Coralee

Coralee Matena
Senior Policy Advisor (Regional)

Federated Farmers of NZ
Farming House, 105 Queen Street, Palmerston North
PO Box 945, Palmerston North

027 265 1648
www.fedfarm.org.nz



Submission Form: Proposed Draft Rates Postponement Policy



Submission date: 30 July 2020, 9:29PM

Receipt number: 6

Related form version: 2

Question	Response
Notes for Submitters	
Your details	
Title:	Mrs
Full Name:	Ann THomas
Name of Organisation (if applicable):	Horowhenua Farmers Ratepayers Group
Postal Address for Service:	156 Gladstone Road RD 1 LEVIN
Postcode:	5571
Daytime Telephone:	+64274321855
After Hours Telephone:	021 182 1900
Mobile:	021 182 1900
Email:	ann.thomas@xtra.co.nz
Preferred method of communication:	Email
Hearing of Submissions	
Do you wish to present your comments to Council in person at a hearing?:	No
My Submission(s)	
My Submission	<p>We have read the proposed Policy and are in agreement with the proposal.</p> <p>Having read the policy we believe that there are sufficient checks and balances and registered security to ensure that the Council can fully recoup the debt and no rate payer is disadvantaged going forward.</p> <p>There is no material advantage to the rate payer applying for the postponement relatively to rate payers who pay in full.</p> <p>Our only request is that the annual costs are re-assessed in June each year to ensure that the fees charged are covering the actual costs of administration of the policy.</p>

1 of 2

Submission Attachments	
Privacy Act 1993	
Council Use Only	
Date Received:	
RM8 Number:	
Submission No:	

Submission Form: Proposed Draft Rates Postponement Policy



Submission date: 25 July 2020, 1:13AM

Receipt number: 4

Related form version: 2

Question	Response
Notes for Submitters	
Your details	
Title:	Mr
Full Name:	Ian Walter hyndman
Name of Organisation (if applicable):	None
Postal Address for Service:	28 cobham street levin
Postcode:	5510
Daytime Telephone:	063679789
After Hours Telephone:	063679789
Mobile:	
Email:	ian1986@paradise.net.nz
Preferred method of communication:	Email
Hearing of Submissions	
Do you wish to present your comments to Council in person at a hearing?:	No
My Submission(s)	
My Submission	I agreecwith the policy to help people.
Submission Attachments	
Privacy Act 1993	
Council Use Only	
Date Received:	
RM8 Number:	
Submission No:	

Submission Form: Proposed Draft Rates Postponement Policy



Submission date: 26 July 2020, 8:58AM

Receipt number: 5

Related form version: 2

Question	Response
Notes for Submitters	
Your details	
Title:	Mrs
Full Name:	Dianne Laura
Name of Organisation (if applicable):	
Postal Address for Service:	52 Norbiton Road Foxton
Postcode:	4814
Daytime Telephone:	02040201563
After Hours Telephone:	02940201563
Mobile:	02040201563
Email:	diannebker262@gmil.com
Preferred method of communication:	Email
Hearing of Submissions	
Do you wish to present your comments to Council in person at a hearing?:	No
My Submission(s)	
My Submission	I'm a rate paying with hardship my husband works but I do not only one income
Submission Attachments	
Privacy Act 1993	
Council Use Only	
Date Received:	
RM8 Number:	
Submission No:	

Mayoral Report – July 2020

File No.: 20/282

1. Purpose

For His Worship the Mayor to report to Council on the community events and Council-related meetings attended

AND FURTHER

To provide Councillors the opportunity to give a brief verbal update on conference/forums attended, or the activities of those organisations/groups for which they are a Council representative.

2. His Worship the Mayor's Recommendations

- 2.1 That Report 20/282 Mayoral Report – July 2020 be received.
- 2.2 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

3. Mayoral Report – July 2020 Meetings and Events

Following several months of there being noticeably fewer meetings, events and functions, July was surprisingly busy. It was good to be out and about more and talking with people within the community. Whilst we remain in uncertain times due to the impact of COVID-19, there is a feeling of confidence within the local business sector, which is great to see.

I attended a range of meetings and functions, both locally and out of the district this month including;

- Horowhenua New Zealand Trust Meeting
- Waitārere Beach Progressive representatives meeting
- Council Workshop
- Hon Shane Jones – Minister's Announcement on Foxton Futures
- New Zealand Infrastructure Commission (Infracom)
- Hokio Landfill Project Management Group Update to the Neighbourhood Liaison Group
- Horowhenua Water Summit with Hon David Parker
- Ngāti Raukawa Hapū Hui
- Extraordinary Council Meeting
- Minister's Visit - Hon. Twyford - Geotech site visit - O2NL
- Masterton District Council – hosted a visit at Te Awahou Nieuwe Stroom
- LGNZ Rural & Provincial Meeting
- Waitārere Beach Progressive Meeting and 'Waitārere – Our Past and Our People' Book Launch
- Heritage Week - Meeting with organisers
- NZTA - State Highway 57 safety improvements - drop in session
- Motor Sport Park Meeting
- Tour of Council Facilities and Projects (Tour 1/3)
- Hon Phil Twyford Meeting at Parliament
- Emergency Council Meeting
- Business After 5 function
- Levin & District's Friendship Club
- Finance, Audit & Risk Committee meeting.

Attachments

There are no attachments for this report.

Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

Signatories

Author(s)	Bernie Wanden Mayor	
Approved by	Bernie Wanden Mayor	

Monitoring Report to 12 August 2020

File No.: 20/281

1. Purpose

To present to Council the updated monitoring report covering requested actions from previous meetings of Council.

2. Recommendation

- 2.1 That Report 20/281 Monitoring Report to 12 August 2020 be received.
- 2.2 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

Attachments

No.	Title	Page
A	Horowhenua District Council Monitoring Report	52

Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

Signatories

Author(s)	David Clapperton Chief Executive	
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Approved by	David Clapperton Chief Executive	
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Item No.	Meeting Date	Item Description	Resolved / Action	Responsible Officer	Completed	Officer Comment
17/534	27 November 2017	Provisional Local Alcohol Policy – Appeals	<i>THAT Council resolves that the Hearings Committee of Council be directed to act on behalf of Council on this matter as may be required following notification by the Licensing Authority.</i>	V Miller		Report seeking Council's adoption of the Local Alcohol Policy is included in the 12 August 2020 Council Agenda.
19/199	12 June 2019	Proceedings of the Foxton Community Board 27 May 2019	<i>THAT as recommended by the Foxton Community Board, the Horowhenua District Council supports the development of a detailed design for a wetland at Holben Reserve and requests officers to progress to a detailed design through an RFP process.</i>	A Nelson	Ongoing	An initial concept design has been presented at the Foxton Community Board meeting of 20 April 2020. A wider consultation is currently being undertaken with iwi and the Foxton Beach community.
20/116	8 April 2020 10 June 2020	Delegations Register – Update	The delegated authority provided to the Chief Executive in 7.1 Authorisation of Operating and Capital Expenditure within Approved Budgets to be referred to the FAR Committee for further discussion	D Clapperton		To be included in the next FAR Committee Agenda.
20/120	8 April 2020	Fees and Charges 2020/2021: Food	<i>THAT the Horowhenua District Council resolves that the Food Act Fees</i>	M Leyland/ V Miller	Completed 10 June 2020	Officers had directly contacted all the relevant food businesses; no submissions were received.

Item No.	Meeting Date	Item Description	Resolved / Action	Responsible Officer	Completed	Officer Comment
		Act and Resource Consenting (Planning)	<p><i>and Resource Consent (Planning) Fees for the 2020/21 year be retained at the 2019/20 level and be consulted on using the special consultative procedure as set out in section 83 of the Local Government Act 2002.</i></p> <p><i>THAT the hearing of any submissions be heard by the Hearings Committee of Council acting under delegated authority, and a subsequent recommendation be made by the Committee to Council on this matter.</i></p>			A report for the adoption of the Fees and Charges is included in the June 2020 Council Agenda.
20/164	6 May 2020 8 July 2020	Draft Rates Postponement Policy	<p><i>THAT Report 20/164 Draft Rates Postponement Policy lay on the table pending a workshop to be held to further consider the Policy.</i></p> <p><i>THAT the Horowhenua District Council adopts the Draft Rates Postponement Policy for public consultation.</i></p>	D Law		

Item No.	Meeting Date	Item Description	Resolved / Action	Responsible Officer	Completed	Officer Comment
20/154	6 May 2020	Options for Community Grants and Funding in the 2020/2021 financial year in response to the COVID-19 pandemic	<i>THAT the Community Funding and Recognition Committee brings to the 10 June 2020 meeting of Council recommended grants and funding criteria.</i>	N Brady	Completed 10 June 2020	
20/91	6 May 2020 10 June 2020	Draft Water Supply Bylaw 2020	That the Draft Water Supply Bylaw go out for public consultation prior to coming back to Council for adoption	Asli Crawford	Ongoing	Submissions closed on 27 th July. There are 6 submissions. CE to provide update to Elected Members

Chief Executive's Report to 12 August 2020

File No.: 20/305

1. Purpose

For the Chief Executive to update Councillors, or seek endorsement on, a number of matters being dealt with.

2. Recommendation

- 2.1 That Report 20/305 Chief Executive's Report to 12 August 2020 be received.
- 2.2 That these matters or decisions be recognised as not significant in terms of s76 of the Local Government Act 2002.
- 2.3 That the Horowhenua District Council approves the extension of the Council Controlled Organisation exemption to the Shannon Community Development Trust for a further three (3) years under section 7 of the Local Government Act, due to the unchanged scope and scale of the Trust and existing robust reporting process.

3. Chief Executive Updates

3.1 Shannon Community Development Trust – CCO Exemption

At a meeting of the Horowhenua District Council on 7 November 2012, the Trust was granted status as exempt from being a Council Controlled Organisation (CCO) under section 7 of the Local Government Act. This was extended in September 2015 for a further three (3) years and is now overdue for consideration.

As specified in section 7 (2) of the Local Government Act, the Trust is subject to comparable reporting and monitoring requirements as a CCO, with its annual report and financial statements being prepared in line with the CCO format recommended by Audit New Zealand.

Under section 7 (5), exemption can be made by resolution of its Local Authority on the grounds of:

- (a) the nature and scope of the activities provided by the organisation; and
- (b) the costs and benefits, if an exemption is granted, to the local authority, the organisation and the community.

The Shannon Community Development Trust is a small organisation, with a specific and limited purpose. Its operating revenue is sourced from interest on its Term Deposit, which provides the Trust less than \$15,000 each year, and much less in an environment of low interest rates.

If it were subject to the extra expenses associated with the full regulations of a CCO, such as full audit by Audit New Zealand, its ability to function would be significantly diminished.

Section 7 (6) of the Local Government Act specifies that exemption must be reviewed every three years. Given no significant change to the rationale behind the existing CCO exemption for the Trust since 2012, it is recommended that CCO exemption be continued, with the next review to be in 2023.

Council's approval is sought for the Council Controlled Organisation exemption to be extended to the Shannon Community Development Trust for a further three years under section 7 of the Local Government Act, due to the unchanged scope and scale of the Trust and existing robust reporting process.

3.2 **One Network Framework (ONF)**

The One Network Road Classification (ONRC) system has become a core element of the New Zealand land transport management system over the past eight years, providing a consistent and well-understood classification baseline for a wide range of planning processes. Waka Kotahi (NZTA) and the Road Efficiency Group (REG) are developing the new ONF to better align the roading classification with the Government's outcomes focus areas, the Transport Outcomes Framework and the Investment Decision-Making Framework.

The ONF should also enable a better linkage with Council's District Plan to create more integrated land use and transport planning. The focus will shift from vehicle movements to people and freight movement. The more granular 'Movement and Place' approach under the ONF will be better placed to capture different mode priorities, surrounding land use, community wellbeing, economic activity and growth aspirations for the future.

As the ONF is an evolution to the ONRC categorisation, it is not expected that there should be much change from the existing system. The implementation of this will occur within 2021, with voluntary adoption under the 2021-24 NLTP and compulsory usage for the 2024-27 NLTP.

3.3 **Land Transport Rule – Setting of Speed Limits Amendment 2020**

The Government is developing a new Setting of Speed Limits Rule (the draft rule) as part of its Tackling Unsafe Speeds programme. This is intended to give effect to a new regulatory framework for speed management and the requirements for safer speed limits outside schools. This draft rule would replace the Land Transport Rule: Setting of Speed Limits 2017. Formal consultation is expected to be carried out shortly after the 2020 General Election and the draft rule is expected to be signed in early 2021.

Under the new rule, Council will be required to work collaboratively with their Regional Transport Committee and Waka Kotahi to produce regional speed management plans, setting out speed management treatments in the region over a 10-year period. These plans would be developed every six years and would be updated every three years to align with the land transport planning process. Waka Kotahi (as regulator) would be responsible for certifying regional speed management plans. All speed management plans would be made publicly available on the Waka Kotahi website. This approach would remove the current bylaw-making requirements. All speed limits would formally come into force through inclusion on a national register.

Under the current draft rule the likely impacts to Council would be:

- All urban schools must have either a variable or permanent speed limit of 30km/h (certain conditions would allow 40km/h).
- All rural schools must have either a variable or permanent speed limit of 60km/h (certain conditions would allow 40km/h). Note:
 - That there would be 10 years available to implement the changes around schools from the *Road to Zero* strategy.
 - Rural is defined as any area that is not 50km/h or lower.
- 70 or 90 km/h speed limits can be set without the requirement to obtain approval from Waka Kotahi.
- Variable speed limits can be set without the requirement to obtain approval from Waka Kotahi, under certain circumstances.
- Amendment to Council's Land Transport Bylaw to remove the section regarding speed limits, with the Waka Kotahi Register taking them over. The speed limits are required to be migrated over to the register within 12 months of the draft rule coming into effect.

3.4 Funding Assistance Rate (FAR) Review

The percentage of the Land Transport budget that is funded by Central Government, through Waka Kotahi, and therefore the percentage funded by Council, is determined by Council's calculated FAR. The FAR co-investment means that the costs of the land transport network are appropriately shared between Roding Network users and local communities, recognising that national and local benefits are derived from investment in the network.

Waka Kotahi administer the FAR, for all approved organisations, for most transport activities. A year prior to the start of each NLTP, the inputs for each Council's calculated FAR are updated with the latest available information and the FAR for each approved organisation amended if required. On 18 June 2020 the Waka Kotahi NZ Transport Agency Board agreed to defer a decision on the reset of the funding assistance rates (FAR) for the 2021–24 National Land Transport Programme (NLTP) until its 20th August meeting. This is to enable the Board to take account of the final Government Policy Statement on Land Transport.

Changes to FAR, if any, reflect movements in centreline kilometres, capital values, rating units and the index of deprivation. Waka Kotahi's local investment team have advised that they are unaware, at this stage, of any likely changes to Council's FAR; however, COVID 19 has affected Waka Kotahi's income, and also significantly affected some areas of deprivation, which may affect the outcome. As an example of the effect, a 1% lowering of our FAR would require a \$100K local share on a \$10M annual budget.

3.5 Tokomaru Water Take Consent

Council has been granted resource consent, subject to a suite of conditions, for a period of 18-years through to 2038, allowing the abstraction of water from the Tokomaru River to provide public water supply to Tokomaru's reticulated network.

The application was publicly notified and two submissions were received, both in support of granting the consent. No submissions were received in opposition. Both submitters signed off on draft conditions and the consent was granted without a hearing.

3.6 Tokomaru Wastewater Short Term Consent

On 22 July 2016, Council sought to renew its resource consents for the discharges of the Tokomaru Wastewater Treatment Plant (WWTP). The WWTP is located on 2 hectares of land on Nikau Street, around 650m south of Tokomaru. The existing consents expired on 24 January 2017, but Council was able to continue exercising them under s124(3) of the RMA.

The replacement consents were initially sought for a duration of 35 years, but Council subsequently amended the term sought to 5 years duration to allow time to progress planning into a long-term disposal option.

The application was publicly notified on 17 October 2016 and 15 submissions were received. Pre-hearing meetings were held on 15 March 2017 and 27 February 2020 before the application progressed to a hearing on 28 July 2020.

The Hearing Commissioner's decision, which we received on 31 July, granted consent for a duration expiring on 30 June 2023, subject to a suite of conditions.

Attachments

There are no attachments for this report.

Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,

- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

Signatories

Author(s)	David Clapperton Chief Executive	
Approved by	David Clapperton Chief Executive	

File No.: 20/304

Adoption of Local Alcohol Policy

1. Purpose

To present to Council the Horowhenua Provisional Local Alcohol Policy as adopted by the Alcohol Regulatory and Licensing Authority (ARLA) on 19 June 2020, and to seek a resolution from Council on the date on which to bring the Local Alcohol Policy into force.

2. Executive Summary

- 2.1 The Sale and Supply of Alcohol Act 2012 (the Act) provides the ability for a territorial authority that wishes to do so to have a Local Alcohol Policy.
- 2.2 In August 2017, Council adopted a draft Provisional Local Alcohol Policy (PLAP) that until recently was subject to appeal.
- 2.3 Following successful negotiation with appeal parties, and following the process prescribed in the Act, on 19 June 2020 ARLA made the decision to adopt the Horowhenua PLAP.
- 2.4 Council must now meet to resolve what date to bring the Local Alcohol Policy into force.

3. Recommendation

- 3.1 That Report 20/304 Adoption of Local Alcohol Policy be received.
- 3.2 That this matter or decision is recognised as not significant in terms of S76 of the Local Government Act.
- 3.3 That the Horowhenua District Council resolves, with the exception of clauses 6.1, 7.1 and 9.1, to bring the entire Local Alcohol Policy into force on 1 September 2020.
- 3.4 That the Horowhenua District Council resolves that clauses 6.1, 7.1 and 9.1 of the Local Alcohol Policy come into force on 1 December 2020.

4. Background / Previous Council Decisions

- 4.1 There have been a number of reports to Council in respect of a Local Alcohol Policy.
- 4.2 In August 2017 Council adopted the Provisional Local Alcohol Policy (PLAP), and during the appeal period (30 days) two appeals were received; one from Progressive Enterprises Limited (name changed now to Woolworths Ltd) and the other from Foodstuffs North Island.
- 4.3 In November 2017, in response to the notification of appeals having been received, Council resolved to appoint the Hearings Committee to act on behalf of Council relating to matters of the PLAP.

5. Discussion

- 5.1 In August 2017 Council adopted a draft Provisional Local Alcohol Policy (PLAP) that until recently was subject to appeal.
- 5.2 In August 2018 Council entered into negotiations with appeal parties resulting in a joint memorandum submitted to ARLA in June 2019 seeking consent (by way of order from ARLA) to allow Council to reconsider certain elements of the draft PLAP.
- 5.3 A public hearing of ARLA was held and their decision number [2019] NZARLA 164-165 dated 9 August 2019, instructed Council reconsider the following elements of the draft PLAP:

- (a) CI 6.1 (relating to off-licence hours);
- (b) CI 6.3 (relating to discretionary conditions and in particular advertising signage);
- (c) CIs 6.2(b) and 7.2(b) (relating to the prohibition of new off-licences in close proximity to certain amenities); and
- (d) CI 6.2(c) (relating to a temporary cap on off-licence bottle stores and grocery stores).

(together, the “original elements”)

Following the instruction from ARLA, the original elements were reconsidered and amendments were made in agreement with the parties to the original appeal proceedings.

- 5.4 Section On 21 April 2020, all parties that made submissions on the original elements of the draft local alcohol policy were informed of the terms of the resubmitted elements, and of their rights under section 205(2) of the Act.
- 5.5 On 19 May 2020 the amended PLAP was submitted to ARLA for consideration, subsequently resulting in their decision number [2020] NZARLA 97 dated 19 June 2020; attached as Attachment A.
- 5.6 Section 87 of the Act sets out that where a PLAP is resubmitted to ARLA (as occurred here), the resubmitted policy is adopted when ARLA makes its decision. This means the Local Alcohol Policy, attached as Attachment B was adopted on 19 June 2020.
- 5.7 Section 90 of the Act explains how to bring a Local Alcohol Policy into force. A local authority must:
 - (a) Give public notice of its adoption; and
 - (b) May then bring it into force on a day stated by resolution.

In considering what day to bring the policy into force, Council must consider Section 90(6)(a) of the Act, which applies to a LAP that “contains an element having the effect of stating maximum trading hours for licensed premises, or licensed premises of any kind, that differ from those applying previously”.

As the maximum trading hours in this policy have changed (being different from the maximum trading hours in the Act); the trading hours’ aspect of the policy must not be brought into effect until 3 months after the day on which public notice of its adoption was given.

All other parts of the policy can be brought into effect on any day stated by resolution – bearing in mind the need to give time for public notice requirements to be met first.

- 5.8 The Sale and Supply of Alcohol Regulations 2013 (Regulations) set out the public notice requirements for an adopted Local Alcohol Policy; they require that the notice state that the provisional LAP has been adopted and has therefore ceased to be provisional; as well as the day it will come into force.

As adoption of the PLAP has already occurred, the decision on what day to have the policy take effect is what must be determined before public notice can be completed.

- 5.9 Giving consideration to section 90(6)(a) of the Act, it is proposed Council resolve that with the exception of clauses 6.1, 7.1 and 9.1 (relating to maximum trading hours), to bring the entire Local Alcohol Policy into force on 1 September 2020; and, in relation to maximum trading hours that clauses 6.1, 7.1 and 9.1 of the Local Alcohol Policy come into force on 1 December 2020.

6. Options

That Council resolves to bring the Local Alcohol Policy into force as proposed in clause 5.8 above.

6.1 Cost

There are no costs associated with this matter.

6.1.1 Rate Impact

There will be no rate impact arising.

6.2 Community Wellbeing

In a submission to the draft local alcohol policy in 2017, the Community Wellbeing Committee considered that the draft Local Alcohol Policy adequately addresses the situations that exist in the District whilst still being near enough to the status quo to enable commercial interests and the public to feel they have not been left out of consideration. Their collective view at the time was that the Local Alcohol Policy (LAP) proposed is “fit-for-purpose” for the Horowhenua environment.

6.3 Consenting Issues

There are no consents required.

6.4 LTP Integration

There is no LTP programme related to the options or proposals in this report and there are no special consultative processes required.

7. Consultation

As discussed in section 5 above, public notice must be given in accordance with the Sale and Supply of Alcohol Regulations 2013.

8. Legal Considerations

As discussed in section 5 above, the Sale and Supply of Alcohol Act 2013 and the associated Sale and Supply of Alcohol Regulations 2013 apply to this matter.

9. Financial Considerations

There are no financial considerations or impact.

10. Iwi Considerations

There are no specific Iwi considerations.

11. Climate Change Considerations

There are no specific climate change considerations.

12. Environmental Considerations

There are no specific environmental considerations.

13. Health & Safety Considerations

There are no specific health and safety considerations.

14. Other Considerations

There are no other considerations.

15. Next Steps

- (a) That on 12 August 2020, Council resolves the date to bring the Local Alcohol Policy into effect
- (b) That on Friday 14 August 2020, a public notice of Local Alcohol Policy be published in "The Chronicle" and on Council's website. Printed copies to be made available at all Council offices and public libraries.
- (c) That the Horowhenua Local Alcohol Policy comes into force on 1 September 2020 for all elements except clauses 6.1, 7.1 & 9.1.
- (d) That the Maximum trading hours' clauses in the Horowhenua Local Alcohol Policy (clauses 6.1, 7.1 and 9.1) come into force on 1 December 2020.

16. Supporting Information

Strategic Fit/Strategic Outcome
Decision Making
Consistency with Existing Policy
Funding

Risk Area	Risk Identified	Consequence	Likelihood	Risk Assessment (Low to Extreme)	Managed how
Strategic					
Financial					
Service Delivery					
Legal					
Reputational	Local Alcohol Policy is abandoned	Public expectation that Council pursues a LAP	Low	Low	Clear guidance and information provided to Councilors for decision making.

Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

17. Appendices

No.	Title	Page
A	NZARLA Decision	64
B	HDC Local Alcohol Policy	66

Author(s)	Vai Miller District Licensing Committee Secretary	
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Approved by	David McCorkindale Group Manager - Customer & Strategy	
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[2020] NZARLA 97

UNDER

the Sale and Supply of Alcohol Act
2012

AND
IN THE MATTER

of appeals pursuant to section 81
of the Act

BETWEEN

WOOLWORTHS NEW ZEALAND
LIMITED and FOODSTUFFS
NORTH ISLAND LIMITED

Appellants

AND

HOROWHENUA DISTRICT
COUNCIL

Respondent

BEFORE THE ALCOHOL REGULATORY AND LICENSING AUTHORITY

Chairperson: District Court Judge K D Kelly
Member: Ms J D Moorhead

FINAL DECISION OF THE AUTHORITY
(ON THE PAPERS)

[1] Following a hearing at Levin on 8 August 2019, and by way of a consent order dated 9 August 2019, the Authority asked the Horowhenua District Council (Council) to reconsider the following elements of its Provisional Local Alcohol Policy (PLAP):

- [a] cl 6.1 (relating to off-licence hours);
- [b] cl 6.3 (relating to discretionary conditions and in particular advertising signage);
- [c] cls 6.2(b) and 7.2(b) (relating to the prohibition of new off-licences in close proximity to certain amenities); and
- [d] cl 6.2(c) (relating to a temporary cap on off-licence bottle stores and grocery stores).

[2] By way of a letter dated 19 May 2020¹ counsel for the Council has advised that the Council has reconsidered the elements of the PLAP as set out in the Authority's consent order and has amended those elements. Further, all parties to the original appeals agree with the resubmitted elements of the PLAP.

¹ and subsequent email dated 19 June 2020



2

[3] The Council now resubmits the amended PLAP to the Authority for approval pursuant to s 84(1)(b) of the Act.

[4] The Authority is satisfied that in accordance with the Authority's Practice Note dated 19 March 2015 the Council has informed all those who made submissions on the original elements in its draft PLAP:

- (a) of the terms of the proposed elements; and
- (b) of their rights under s 205(2)(d) of the Act.

[5] No persons have entered an appearance opposing the proposed elements either in terms of s 205(2)(d) or (e) of the Act.

[6] On that basis, and in accordance with its Practice Note dated 19 March 2015 and s 86(2) of the Act, the Authority has considered the proposed elements without a public hearing.

[7] The Authority is satisfied that the elements that the Authority asked the Council to reconsider in its consent order dated 9 August 2019, have been replaced by a new or amended element that is not unreasonable in light of the object of the Act.

[8] Therefore, in accordance with s 87(3) of the Act the resubmitted PLAP is now adopted.

DATED at WELLINGTON this ~~19th~~ day of June 2020



District Court Judge K D Kelly
Chairperson
Alcohol Regulatory and Licensing Authority



PROVISIONAL LOCAL ALCOHOL POLICY



CONTENTS

Description		Page
<u>Section</u>	<u>Description</u>	
1.	Introduction and Explanatory Material	3
2.	Criteria for Considering Licensing Applications	4
3.	Goals of the Local Alcohol Policy (LAP)	4
4.	Objectives of the LAP	4
5.	Definitions	4
6.	Off-Licences	6
6.1	Hours	6
6.2	Locations	6
6.3	Discretionary Conditions	7
7.	On-Licences	7
7.1	Hours	7
7.2	Locations	7
7.3	Discretionary Conditions	8
8.	Special Licences	8
8.1	Hours	8
8.2	On and Off-site	8
8.3	Discretionary Conditions	9
9.	Club Licences	9
9.1	Hours	9
9.2	Discretionary Conditions	9
10.	Policy Review	9

HOROWHENUA DISTRICT COUNCIL LOCAL ALCOHOL POLICY

1. INTRODUCTION AND EXPLANATORY MATERIAL

1.1 The Sale and Supply of Alcohol Act 2012 (the Act) has the following objectives:

- (a) that the sale, supply and consumption of alcohol should be undertaken safely and responsibly; and
- (b) the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.

1.2 Alcohol related harm is defined very widely and includes any crime, damage, death, disease, disorderly behaviour, illness or injury, and harm to individuals or the community, either directly or indirectly caused by excessive or inappropriate alcohol consumption.

1.3 The Act allows territorial authorities to make a local alcohol policy (LAP). The LAP is a set of policies, made by the Council in consultation with its community, about the sale and supply of alcohol in its geographical area. Horowhenua District Council has decided to develop a LAP for its district and to set restrictions and conditions for licensed premises within the district.

1.4 Once the LAP comes into force, Council's District Licensing Committee (DLC) and the Alcohol Regulatory Licensing Authority (ARLA) must have regard to the policy when they make decisions on licence applications.

1.5 Once adopted, the LAP will enable the District Licensing Committee to:

- Limit the location of licensed premises in particular areas or near certain types of facilities, such as in specific neighbourhoods or near schools or churches;
- Limit the density of licensed premises by specifying whether new licences or types of licences should be issued in a particular areas;
- Impose conditions on groups of licences, such as a "one-way door" condition that would allow patrons to leave premises but not enter or re-enter after a certain time;
- Recommend discretionary conditions for licences;
- Restrict or extend the default maximum trading hours set in the Act, which are:
 - 8.00 am – 4.00 am for on-licences (such as hotels and restaurants)
 - 7.00 am - 11.00 pm for off-licences (such as bottle stores and supermarkets).

1.6 Where the LAP does set maximum trading hours, the District Licensing Committee has discretion to set the permitted trading hours as more restrictive than the maximum trading hours in the LAP.

1.7 The LAP can be more restrictive in its provisions relating to licensed premises, but cannot permit activities not allowed by the District Plan. The Horowhenua District Plan provides for entertainment activities (including licensed premises) within the commercial zone, or by resource consent.

1.8 Section 117 of the Act permits the District Licensing Committee and the Alcohol Regulatory Licensing Authority to issue any licence subject to "any reasonable conditions not inconsistent with this Act". The LAP includes policies to guide the District Licensing

Committee and Alcohol Regulatory Licensing Authority as to the discretionary conditions that may be appropriate.

2. CRITERIA FOR CONSIDERING LICENSING APPLICATIONS

2.1 The purpose of the LAP is to provide local guidance to the Council's District Licensing Committee in deciding whether to issue or renew a licence.

2.2 Under section 105 of the Act, the DLC has to have regard to a range of matters in addition to any relevant local alcohol policy when considering a licence application. The types of matters include:

- the object of the Act;
- the suitability of the applicant;
- the design and layout of any proposed premises;
- whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the issue of the licence;
- whether (in its opinion) the amenity and good order of the locality are already so badly affected by the effects of the issue of existing licences that—
 - they would be unlikely to be reduced further (or would be likely to be reduced further to only a minor extent) by the effects of the issue of the licence; but
 - it is nevertheless desirable not to issue any further licences.

2.3 The Act says that a licence may be refused or conditions applied if the issue of the licence, or the consequences of the issue of the licence, would be inconsistent with the LAP (section 108 and 109). Where a licence is renewed and it will be inconsistent with the provisions of the LAP, conditions may be imposed (section 133).

3. GOALS OF THIS LAP

The LAP provides direction for the DLC so that licensing decisions:

- contribute to Horowhenua being a safe and healthy District;
- reflect local communities' character and amenity and their values, preferences and needs;
- encourage licensed environments that foster positive, responsible drinking behaviour and minimise alcohol-related harm.

4. OBJECTIVES OF THE LAP

The objectives of the LAP are to provide a policy which:

- reflects the views of local communities as to the appropriate location, number, hours and conditions that should apply to licensed premises within their communities;
- provides certainty and clarity for applicants and the public as to whether a proposed license application will meet the criteria of the LAP;

- provides effective guidance for the decisions of the DLC and ARLA.

5. DEFINITIONS

5.1 When reading this LAP, the following words and phrases have been used. For further details refer to the section of the Act referenced.

5.2 Types of Licences

- **on-licences** where the licensee can sell and supply alcohol for consumption on the premises and can let people consume alcohol there (see section 14 of the Act);
- **off-licences** where the licensee sells alcohol from a premises for consumption somewhere else (see section 17 of the Act);
- **club licences** where the licensee (e.g. a club) can sell and supply alcohol for consumption on the club premises to authorised customers (see section 21 of the Act); and
- **special licences** which can be either on-site or off-site special licences. With an on-site special, the licensee can sell or supply alcohol for consumption there to people attending an event described in it. With an off-site special, the licensee can sell the licensee's alcohol, for consumption somewhere else, to people attending an event described in it (see section 22 of the Act).

Notes:

Some premises hold more than one licence – for example, a tavern will hold an on-licence and may also hold an off-licence and be able to sell alcohol which is consumed off the premises.

The Act allows special licences to be issued for up to 12 months. Unlike other kinds of licence, special licences are not subject to the Act's default maximum hours so can apply up to 24 hours a day. Special licenses are to allow the sale or supply of alcohol at events and are not intended to be a substitute for a "Club", "on" or "off" licence.

5.3 Other terms

- bottle store** means retail premises where (in the opinion of the DLC) at least 85% of the annual sales revenue is expected to be earned from the sale of alcohol for consumption somewhere else (refer section 32(1) of the Act).
- bar** in relation to a hotel or tavern, means a part of the hotel or tavern used principally or exclusively for the sale or consumption of alcohol (refer section 5(1) of the Act).
- café** has the same meaning as restaurant in terms of the licence.

- club** means a body that –
- (a) is a body corporate having as its object (or as one of its objects) participating in or promoting a sport or other recreational activity, otherwise than for gain; or
 - (b) is a body corporate whose object is not (or none of whose objects is) gain; or
 - (c) holds a permanent club charter (refer section 5(1) of the Act).
- grocery store** grocery store means a shop that –
- (a) has the characteristics normally associated with shops of the kind commonly thought of as grocery shops; and
 - (b) comprises premises where –
 - (i) a range of food products and other household items is sold; but
 - (ii) the principal business carried on is or will be the sale of food products (refer sections 5(1) and 33(1) of the Act).
- hotel** means premises used or intended to be used in the course of business principally for providing to the public –
- (a) lodging; and
 - (b) alcohol, meals, and refreshments for consumption on the premises (refer section 5(1) of the Act).
- new off-licence** means an application for a licence for a premises that has not traded pursuant to a licence of the same kind within the previous 6 months.
- night-club** a place of entertainment open at night which normally provides music and space for dancing and may provide a show, e.g. of comedy or other 'acts'.
- supermarket** means supermarket premises with a floor area of at least 1,000 m² (including any separate departments set aside for such foodstuffs as fresh meat, fresh fruit and vegetables, and delicatessen items) (refer section 5(1) of the Act).
- tavern** means premises used or intended to be used in the course of business principally for providing alcohol and other refreshments to the public, but does not include an airport bar (refer section 5(1) of the Act).

6. OFF-LICENCES

6.1 Hours

- (a) The following maximum trading hours apply to off-licensed supermarket and grocery store premises in the Horowhenua District territorial area:

Monday to Sunday 7.00am to 10.15pm

- (b) The following maximum trading hours apply to all other off-licensed premises in the Horowhenua District territorial area:

Monday to Sunday 7.00am to 10.00pm

Note: In relation to supermarkets and grocery stores, Council's intention is that purchases of alcohol may be completed in the 15 minutes after 10.00pm to clear queues. It is Council's position that applicants seeking maximum trading hours of 10.15pm in any off-licence application or renewal for supermarkets or grocery store premises should take steps to ensure that only customers who have entered the relevant store before 10.00pm are able to purchase alcohol between 10.00pm and 10.15pm.

6.2 Location

- (a) From the date this LAP comes into force no off-licences are to be issued for any premises unless that premises is already licensed; or is located on land zoned commercial or a Resource Consent has been granted by Council for its operation either before or after that date.
- (b) No new off-licences in respect of a bottle store shall be issued for any premises located within 100 metres of the legal site boundary of any school, early childcare facility, place of worship, Marae, health care facility, public park or reserve, urupa, cemetery, or other Off-Licence premises existing at the time the licence application is made.

Note: Renewal of a licence shall be unaffected should such a facility later establish at a site within 100 metres of the premises.

- (c) From the date this LAP comes into force there will be a temporary cap placed on the total number of off-licensed bottle store premises in each town or township in the district. The caps will remain in place for a period of 2 years, or until such earlier time as this policy is reviewed. The number of permitted licences for bottle stores for each town or township in the district will be determined by the number of operative licences for bottle stores issued at the time this policy is enacted. This provision does not apply to supermarket or grocery store premises.

Note: The temporary cap for each town or township does not restrict an application for an off-licence for a business that has relocated within the same town or township from existing licensed premises or an application for an off-licence for premises that has traded pursuant to a licence of the same kind within the previous 6 months.

6.3 Discretionary Conditions

Conditions relating to the following matters may be appropriate for off licences:

- Supervised designation of all bottle stores to ensure unaccompanied minors do not enter bottle stores;
- Display of safe drinking messages;/Supermarkets and grocery stores seeking maximum off-licensed hours of 10.15pm should take reasonable steps with the aim of ensuring that only customers who have entered the relevant store before 10pm are able to purchase alcohol between 10pm and 10.15pm.
- Supermarkets, grocery stores and bottle stores will give effect to the principles of Crime Prevention Through Environmental Design with regards to the following outcomes:
 - Lighting
 - internal lighting inside the premises enables passive surveillance by staff and active surveillance by CCTV
 - lighting allows customers to be seen as they enter the premises
 - lighting allows staff to check IDs

- external areas such as car parks and loading bays are well lit, subject to the requirements of any resource consent or a district plan rule.
- Internal Layout - general points of sale are positioned near the main entrance.
- CCTV - CCTV is installed in suitable locations to monitor vulnerable areas (areas which are not easily or not continuously monitored by staff).
- customers are aware of the CCTV system.
- Staff - relevant staff understand how to operate the CCTV system.
- there are sufficient numbers of staff to ensure control of the premises during trading hours.

7. ON-LICENCES

7.1 Hours

The following maximum trading hours apply to all on-licensed premises in the Horowhenua District territorial area (other than hotel in-bedroom (mini-bar) sales):

Monday to Sunday 9.00 am to until 1.00 am the following day

The following hours apply to hotel in-bedroom (mini-bar) sales:

Monday to Sunday 24 hours per day

7.2 Locations

- (a) From the date this LAP comes into force no on-licences are to be issued for any premises unless that premises is already licensed; or is located on land zoned commercial or a Resource Consent has been granted by Council for its operation either before or after that date.
- (b) No new on-licences shall be issued for any premises located within 100 metres of the legal site boundary of any school, early childcare facility, place of worship, Marae, health care facility, public park or reserve, urupa, or cemetery, existing at the time the licence application is made.

Note: Renewal of a licence shall be unaffected should such a facility later establish at a site within 100 metres of the premises.

7.3 Discretionary Conditions

Conditions relating to the following matters may be considered generally appropriate for on-licensed premises such as night-clubs and late-night bars:

- 'One-way door' restrictions;
- The time entertainment finishes;
- Provision of additional security (staff) after 'x' hour, as determined by the DLC;

- The installation and operation of CCTV cameras on the exterior of, and within a premises;
- Provision of effective exterior lighting;
- Restrictions on the size of servings (e.g. 'doubles') and time of 'last orders';
- Management of patrons queuing to enter the licensed premises;
- Restriction on the use of outdoor areas after 'x' hour, as determined by the DLC;
- That where a licence is granted for the first time (first time meaning premises where the prospective licensee has never held a liquor licence previously or is operating a premises that has never been a licensed premises before), the trading hours may be more restrictive than the maximum trading hours contained in this LAP;
- Application of the principles of Crime Prevention Through Environmental Design;
- The display of advertising signage will be considered as part of the effect on the amenity and good order of the locality during the application consideration process.

The following conditions may be appropriate for on-licensed premises such as BYO restaurants:

- The holder of a manager's certificate to be on duty during busy periods, e.g. Thursday, Friday and Saturday nights;
- That where a licence is granted for the first time (first time meaning premises where the prospective licensee has never held a liquor licence previously or is operating a premises that has never been a licensed premises before), the trading hours are more restrictive than the maximum trading hours contained in this LAP.

8. SPECIAL LICENCES

8.1 Hours

The hours (opening and closing) and duration of a special licence are set at the discretion of the DLC for each event, having regard to the nature of the event or series of events.

8.2 On and Off-site

Special licences may be issued both for off-site consumption (e.g. wine sales from a market stall) or for on-site consumption, e.g. at a community event or when a bar has a special licence to open earlier/close later for significant events. Generally for premises holding existing on-licences, the conditions of a special licence will specify a closing time no more than two hours later than permitted by their on-licence.

8.3 Discretionary Conditions

In addition to the discretionary conditions in Section 147 of the Act, the following conditions may be considered appropriate for special licences:

- Any special licence for a series of events should not be for a period exceeding 6 months, and the number of events is not to exceed 20.
- A 'One-way door' restriction to apply from a specified time.
- No glassware is to be taken outside the building or onto grass or artificial grass surfaces.
- Plastic containers or cans to be used for any event (except when it is being served and remains within the building).

- Areas to be clearly defined / cordoned off / demarcated where liquor is being sold/consumed outside of the building, e.g. beer tent. Where appropriate people are to remain within the defined area.
- The holder of a manager's certificate to be present when alcohol is available for sale, or the number of manager's certificate holders required may be specified.
- The maximum number of alcoholic drinks per sale transaction may be specified.
- A register to be maintained recording any incidents or issues of concern, and is to be available to Police or Licensing Inspector on request.

9. CLUB LICENCES

9.1 Hours

The following maximum trading hours apply to all club-licensed premises:

Monday to Sunday 9.00 am until 1.00 am the following day.

9.2 Discretionary Conditions

Conditions relating to the following matters may be appropriate for Club licensed premises depending on the size and nature of the club:

- a requirement for the holder of a manager's certificate to be present when alcohol is available for sale during busy periods, e.g. more than 100 people are on the Club premises.

10. POLICY REVIEW

Pursuant to section 97 of the Act Council must review its LAP using the Special Consultative Procedure no later than six (6) years after it comes into force and no later than six (6) years after the most recent review of it was completed. The first review is to be conducted within 2 years of the operative date of this policy – see clause 6.2(c).

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

The following motion is submitted for consideration:

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

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 follows.

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

C1 Shannon Community Development Trust - Appointment of Replacement Trustee

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.