### **ORDINARY MEETING**

### OF

## COMMUNITY, SPORT AND RECREATION COMMITTEE

## AGENDA

Time: 9.15am Date: Wednesday, 3 February 2016 Venue: Committee Room 1 Ground Floor, Council Offices 101 Wakefield Street Wellington

#### **MEMBERSHIP**

Mayor Wade-Brown Councillor Ahipene-Mercer Councillor Coughlan Councillor Eagle (Chair) Councillor Foster Councillor Free Councillor Lee Councillor Lester Councillor Marsh Councillor Pannett Councillor Peck Councillor Ritchie Councillor Sparrow Councillor Woolf Councillor Young

Have your say!

You can make a short presentation to the Councillors at this meeting. Please let us know by noon the working day before the meeting. You can do this either by phoning 803-8334, emailing <u>public.participation@wcc.govt.nz</u> or writing to Democratic Services, Wellington City Council, PO Box 2199, Wellington, giving your name, phone number and the issue you would like to talk about.

## AREA OF FOCUS

The focus of the Community, Sport and Recreation Committee is to build strong, safe, healthy communities for a better quality of life. It will be responsible for social infrastructure (including social housing), social cohesion, encourage healthy lifestyles, support local community events, protect public safety, and provide a wide range of recreation and sporting facilities for residents and visitors to use and enjoy.

Quorum: 8 members

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### 1 Meeting Conduct

#### 1.1 Apologies

The Chairperson invites notice from members of apologies, including apologies for lateness and early departure from the meeting, where leave of absence has not previously been granted.

#### 1.2 Conflict of Interest Declarations

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

#### 1.3 Confirmation of Minutes

The minutes of the meeting held on 25 November 2015 will be put to the Community, Sport and Recreation Committee for confirmation.

#### 1.4 Public Participation

A maximum of 60 minutes is set aside for public participation at the commencement of any meeting of the Council or committee that is open to the public. Under Standing Order 3.23.3 a written, oral or electronic application to address the meeting setting forth the subject, is required to be lodged with the Chief Executive by 12.00 noon of the working day prior to the meeting concerned, and subsequently approved by the Chairperson.

#### 1.5 Items not on the Agenda

The Chairperson will give notice of items not on the agenda as follows:

## *Matters Requiring Urgent Attention as Determined by Resolution of the Community, Sport and Recreation Committee.*

1. The reason why the item is not on the agenda; and

2. The reason why discussion of the item cannot be delayed until a subsequent meeting.

## *Minor Matters relating to the General Business of the Community, Sport and Recreation Committee.*

No resolution, decision, or recommendation may be made in respect of the item except to refer it to a subsequent meeting of the Community, Sport and Recreation Committee for further discussion.

### 2. General Business

## UPDATE OF THE LOCAL PUBLIC HEALTH BYLAW

#### Purpose

1. This paper briefs the Committee on the upcoming changes to the food industry, as a result of implementation of the Food Act 2014 (the Act) and related regulations.

#### Summary

- 2. Part Two (Food Premises) of the Local Public Health Bylaw (the Bylaw) governs food safety and hygiene in Wellington. It was created to regulate how the Food Act 1981 and the Food Hygiene Regulations 1974 apply in Wellington.
- 3. The Act comes into force on 1 March 2016 and replaces previous legislation. It provides a new and more targeted approach to food safety, and moves away from 'one-size-fits-all' to a more flexible model that recognises the different levels of risk associated with different food businesses.
- 4. Initial regulations supporting the Act have been released, however further regulations will be progressively released until the Act is fully implemented in 2019.
- 5. Implications of the new legislation for the Bylaw will not be fully known until all supporting regulations are released and the Act is fully implemented. The Ministry of Primary Industries (MPI) has advised that these provisions are likely to include regulations that enable a national approach to the grading of food businesses.
- 6. The Act and its supporting provisions supersede a large proportion of Part Two of the Bylaw. Part 2.2 of the Bylaw (relating to the grading of food premises) will be the only substantive component that will not be superseded by the Act.
- 7. Based on the provisions released to date elements of the Bylaw will be inconsistent with the Act when it commences in March 2016. The inconsistencies are minor and technical in nature and largely relate to terminology.
- 8. Once fully implemented, inconsistent bylaws must amended or revoked, as per Section 446(2) of the Act. If any issues arise, the Act will prevail and the bylaw has no effect to the extent of the inconsistency.
- 9. Officers recommend that Part Two of the Bylaw is reviewed or revoked once the Act is fully implemented in 2019. This could be done by 2020 (which is when the Bylaw will terminate if not reviewed or revoked sooner) and still meets the requirements of Section 446(2) of the Act.
- 10. The Bylaw also includes regulation of public pools, which will also be reviewed within this time frame.

#### Recommendations

That the Community, Sport and Recreation Committee:

- 1. Receive the information.
- 2. Agree that Part Two (Food Premises) of the Local Public Health Bylaw 2008 will be

reviewed or revoked by 2020, when the Food Act 2014 is fully implemented; all regulations are known; and requirements for local authorities are clear.

3. Note that there will be some minor inconsistencies between the Food Act 2014 and the Local Public Health Bylaw during the transitional period. Where this occurs the Act will take precedence until the Bylaw is revoked or reviewed.

## Background

#### The Food Act 2014

- 11. The Act replaces the Food Act 1981 and the Food Hygiene Regulations 1974. Part Two of the Bylaw was created to regulate how the Food Act 1981 and the Food Hygiene Regulations apply in Wellington.
- 12. Key features of the new Act include:
  - a focus on the processes of food production and not the premises where it is made;
  - a sliding scale where businesses that are higher risk, from a food safety point of view, will operate under more stringent food safety requirements and checks than lower risk food businesses;
  - recognition that each business is different unlike the old Food Act 1981 and it's one-size-fits-all approach to food safety; and
  - new food safety measures including food control plans for higher risk activities, and national programmes for lower risk activities.

#### Regulations and supporting provisions for the Food Act 2014

- 13. Regulations released to date include the Food Regulations 2015, and Food (Fees and Charges) Amendment Regulations 2015. Further regulations are to be released during the transition period.
- 14. Officers have been liaising with MPI regarding the content of any subsequent regulations to be released. While content cannot be confirmed yet, MPI have advised that the development of a national grading scheme, and associated regulations is likely. The final decision regarding any regulations on grading will be made following further policy analysis and public consultation. This work is expected to commence in 2018.
- 15. The Act also brings in new food safety measures including food control plans for higher-risk activities, and national programmes for lower-risk activities.
- 16. A food control plan sets out what steps a business making or selling higher-risk foods needs to take to make safe food. It is to be used used to identify risks, and to show how they are being managed.
- 17. Working with a national programme is the way that lower-risk food businesses will operate under the Food Act 2014. There are three levels of national programmes, which are based on the food safety risk of the activities a business does. All of these require:
  - record keeping to show the business is selling safe food;
  - registration of business details with the local council; and

• one or more visits from a verifier recognised by MPI.

#### Food businesses will transition to the new legislation in phases

- 18. The Act proposes a three year transition period to the new legislation for food sectors, although this may be extended for an additional two years. This means that by 28 February 2019, all food businesses will be operating under the new Act unless the transition period is extended.
- 19. When the Act comes into force on 1 March 2016 it will apply to all new food businesses from that date. Existing businesses will transition between 2016 and 2019 according to timetables that have been published by MPI. Existing businesses can therefore continue to operate under existing laws until the transition period for their sector ends.

#### Discussion

- 20. Officers recommend that the Bylaw be reviewed or revoked by 2020, when the Food Act 2014 is fully implemented; all regulations are known; and requirements for local authorities are clear. This approach avoids the need for multiple reviews as regulations are progressively released, while also meeting the requirements of Section 446(2) of the Act (that a local authority must amend or revoke the bylaw if there is inconsistency with the Act).
- 21. Alternatively, amendments could be made as part of a review as each set of regulations is released during the transition period. This approach is not recommended as this will require multiple review processes for a Bylaw that may be revoked once the Act is fully implemented.
- 22. Should the preferred approach be approved by the Committee, during the transition period:
  - the Act will prevail where there is any inconsistency with the Bylaw (as per Section 446(2) of the Act); and
  - the primary function of the Bylaw will be to provide the mandate and parameters for the grading of food businesses in Wellington as the Act does not currently provide for this.

#### **Next Actions**

- 23. Should you agree to the recommendations in this paper, officers will:
  - work with the Ministry of Primary Industries to ensure Wellington food businesses are informed of requirements during the transition period
  - continue to work with food businesses to ensure they are aware of their obligations under the Act and the Bylaw

### Attachments

Nil

Authors	Geoff Lawson, Principal Advisor Jessica Clarke, Graduate Advisor, Policy and Reporting Julie Rushton, Senior Advisor
Authoriser	John McGrath, Acting Director Strategy and External Relations

## SUPPORTING INFORMATION

#### **Consultation and Engagement**

If Council agrees to the recommendations in this paper officers will continue to work with food premises to ensure they understand their obligations under the Food Act 2014 and the Public Health Bylaw 2008.

Treaty of Waitangi considerations

Not applicable.

**Financial implications** There are no financial implications at this point.

#### Policy and legislative implications

This paper responds to changes in central government policy and legislation.

Risks / legal

DLA Piper was consulted during the development of this paper.

Climate Change impact and considerations

Not applicable.

**Communications Plan** Subject to approval of this paper, a public consultation plan will be developed.

## FORWARD PROGRAMME MARCH 2016 - SEPTEMBER 2016

#### Purpose

1. The purpose of this report is to provide the Community, Sport and Recreation Committee with details of the reports to be considered by the Committee over the remainder of the 2013-2016 triennium.

### Recommendation

That the Community, Sport and Recreation Committee:

1. Receive the information

### Background

2. The Community, Sport and Recreation Committee forward programme reflects the policy work streams for the Committee as prioritised by the Governance, Finance and Planning Committee (under its delegations) at its meeting held on 11 June 2015. This forward programme also includes operational / "business-as-usual" work requiring decisions in accordance with the delegations of the Community, Sport and Recreation Committee.

#### Discussion

- 3. The Community, Sport and Recreation Committee Forward Programme will be presented to each meeting of the Committee.
- 4. It should be noted that the forward programme as presented in Attachment 1 may be subject to change and that there is the flexibility to respond to any opportunities and obligations that may arise during the next 7 months and as such, any changes will require the removal or re-prioritisation of other items.

#### Attachments

Attachment 1. 2016 Community, Sport and Recreation Committee Forward Page 13 Programme

Author	Helga Sheppard, Governance Advisor
Authoriser	Crispian Franklin, Governance Team Leader

## SUPPORTING INFORMATION

#### **Consultation and Engagement**

Where the work programmes has identified items that require consultation, such engagement and consultation will be undertaken accordingly.

#### Treaty of Waitangi considerations

Where any Treaty of Waitangi considerations are identified, these will be taken into account.

#### **Financial implications**

Any financial implications associated with any policy or operational matters will be considered.

#### Policy and legislative implications

Any policy and legislative implications associated with this work programme will be considered.

#### Risks / legal

Any legal issues or risks identified will be outlined as each item is brought to the Committee for considered.

#### Climate Change impact and considerations

Any climate change impacts will be considered.

#### **Communications Plan**

There is no communication plan associated with this work programme. However, where necessary, communications plans associated with specific items of work will be developed.

Absolutely Positively **Wellington** City Council Me Heke Ki Pöneke

2016 Community, Sport and Recreation Committee Forward Programme

#### Community, Sport and Recreation Committee - Forward Programme

Updated: 27/01/2016

#### Thursday, 3 March 2016

Community, Sport and Recreation Committee			
Report Title	Description	Business Unit	
Provisional Local Alcohol Policy	Next steps following decision from the Alcohol Regulatory and Licensing Authority	Community Networks	
Alex Moore Park Indoor Sport Facility	This report will provide an update on the proposed Alex Moore Park indoor sport facility and make recommendations on future funding and support	Parks, Sport and Recreation	

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2016 Community, Sport and Recreation Committee Forward Programme

#### Wednesday, 13 April 2016

Community, Sport and Recreation Committee			
Report Title	Description	Business Unit	
Arlington Site1 Redevelopment Business Case	Public Excluded Report	City Housing	
Omnibus Housing Report	The report will cover the following items: Housing policy, Business Model Reivew, Partnership, sign off consultation for policy review and dates for hearings	City Housing	
Social and Recreation Fund- March 2016 and CH Izard Bequest	Grants Round	Community Networks	
Smokefree Wellington: Optons Report	Report back on options following research	Policy and Reporting	
Draft Playgrounds Policy	The approval of the draft policy for consultation over 6 weeks May to June 2016	Parks, Sport and Recreation	

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Absolutely Positively **Wellington** City Council Me Heke Ki Pôneke

2016 Community, Sport and Recreation Committee Forward Programme

#### Wednesday, 15 June 2016

Community, Sport and Recreation Committee			
Report Title	Description	Business Unit	
Social and Recreation Fund - March 2016 multi-year contract funding	Grants Round	Community Networks	
Updates/renewals of existing plans and initiatives	Accessible Wellington Action Plan - scoping paper	Policy and Reporting	
Graffiti Volunteer Programme	Update on the implementation of the Graffiti Management Plan: Bank It - Graffiti Volunteer Programme	Community Networks	
Urban Agriculture Programme	Implementation and options for the future	Community Networks	
Begging	Stakeholder engagement and opportunities for change	Community Networks	
Sports Strategy	Scoping report	Parks, Sport and Recreation	

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#### 2016 Community, Sport and Recreation Committee Forward Programme

#### Wednesday, 10 August 2016

Community, Sport and Recreation Committee		
Report Title	Description	Business Unit
Hearings - Playgrounds Policy	Oral hearings following the consultation on the draft Playgrounds Policy	Parks, Sport and Recreation

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2016 Community, Sport and Recreation Committee Forward Programme

#### Thursday, 8 September 2016

Community, Sport and Recreation Committee			
Report Title	Description	Business Unit	
Social and Recreation Fund -August 2016	Grants Round	Community Networks	
Playgrounds Policy	Agree the final Playgrounds Policy and recommend to Council for adoption	Parks, Sport and Recreation	

Please note that this proposed Forward Programme may be subject to change depending on any changes to the policy work programme or resourcing constraints.

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