

5. TIMETABLE AND PROCESS FOR UPCOMING BYLAW REVIEWS



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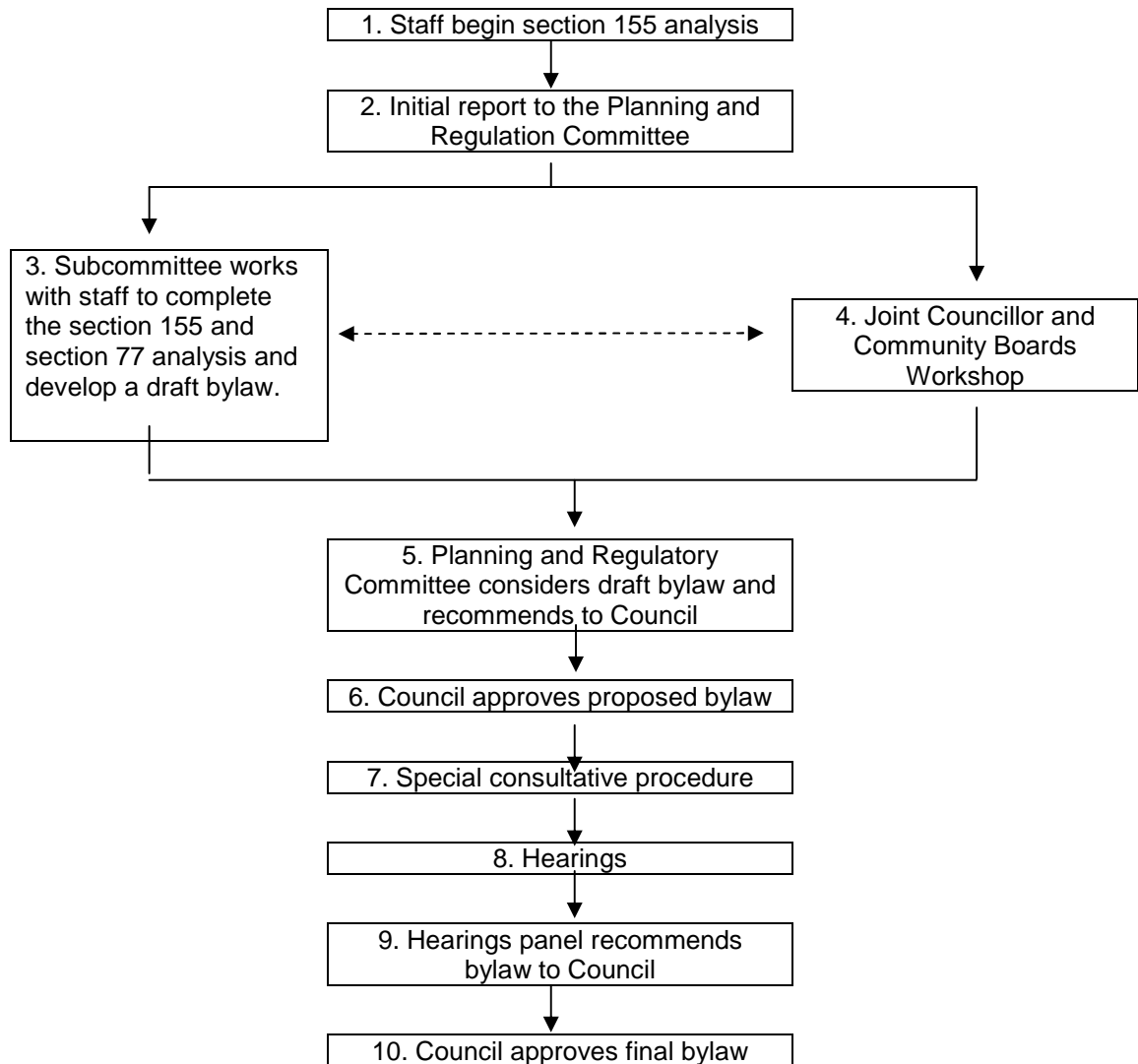
PURPOSE OF REPORT

1. To recommend the process and timing of the review of the next set of bylaws (namely the Refuse Bylaw, Liquor Control Bylaw and the Brothels Location and Signage Bylaw), as well as a review of the Alcohol policy and consideration of other mechanisms to address alcohol related behavioural problems.

EXECUTIVE SUMMARY

2. At its January 2008 meeting the Planning and Regulatory Committee recommended a timetable for the bylaw reviews that needed to be completed prior to 30 June 2008. The timing of reviews for those bylaws that did not need to be reviewed by 30 June 2008 was parked with the intention of considering it at a later date. The bylaws that need to be reviewed by 30 June 2008 have now all at least reached their consultation phases and it is appropriate to revisit the timeline for the subsequent bylaw reviews.
3. For the bylaw reviews that have taken place during the first half of 2008 the time available to get through the required process has been very tight and opportunities for elected members (both councillors and community board members) to provide considered input to the reviews prior to a proposed bylaw being determined in each case has been less than ideal. With the subsequent bylaw reviews there is a little more time available, **although in each case there are still time and other constraints**. This additional time should allow for a different process to be used that allows greater input from elected members at an earlier stage.
4. To enable greater input by councillors and community board members this process includes firstly establishing a subcommittee of the Planning and Regulatory Committee and secondly undertaking joint councillors and community boards workshops to help shape the development of a draft bylaw in each case for consideration by the Planning and Regulatory Committee (note this is at an earlier stage in the process than has been the case with the bylaws reviewed earlier in 2008).

5. The proposed process for review of the Refuse Bylaw and the Brothels Signage and Location bylaws can be summarised as follows:



6. It is anticipated that staff will work with the proposed subcommittee to further consider the section 155 analysis (essentially determining whether a bylaw is the most appropriate way to address the issues identified), develop options about how the issues could be addressed through a bylaw and to develop a draft bylaw to be considered by the Planning and Regulatory Committee and eventually the Council.
7. During this period in which the subcommittee is working a joint workshop of the councillors and community boards will be held to gain feedback on the analysis being carried out and to identify any issues or problems with the way the bylaw might work in various areas of the city. The subcommittee will be able to consider the feedback from the wider elected member group in completing its work and in recommending a draft bylaw to the Planning and Regulatory Committee.
8. For the Refuse Bylaw and the Brothels Location and Signage Bylaw timelines based on the process outlined above have been developed as Appendix A. It should be noted that the Subcommittee will need to begin working with staff on the Refuse Bylaw review very quickly following today's Planning and Regulatory Committee meeting.

9. The Liquor Control Bylaw provides one of a number of mechanisms the Council has at its disposal to influence liquor related issues. Other mechanisms being the Alcohol Policy (Attachment 1) , other policies, liquor licensing, the City Plan and non-regulatory interventions. These all interact with one another to some degree. As a consequence it will be a much more effective process to really influence the liquor issues and many of the negative behaviours associated with liquor to consider these various tools together rather than separately. In many ways the Alcohol Policy provides the overall direction to which the other tools can be aligned. Consequently it is appropriate to review the Alcohol Policy first and the Liquor Control Bylaw subsequently (as well as any of the other tools considered useful). A process and timeline for these reviews has been prepared as Appendix B.
10. In this process the Subcommittee will work with staff to more clearly identify the liquor related issues to be addressed, explore the best mechanisms to address these issues (including the section 155 assessment and consideration of options for the existing Liquor Control Bylaw) and engage with key stakeholders. A combined workshop with councillors and community board members will also take place to ensure that the key issues have been identified and the questions to raise with key stakeholders have been clarified.
11. The Subcommittee will need to consider how best to engage with key stakeholders at an early stage in the process i.e. whether to adopt a staff led approach, a governance led approach or a stakeholder led approach.
12. This work by the Subcommittee will result in a draft Alcohol Policy (as the central direction setting guide for liquor issues). This will be recommended to the Planning and Regulatory Committee and then follow a Council and consultation process. The Subcommittee's work will also form the basis of the Liquor Control Bylaw review to follow closely behind the Alcohol Policy, as well as considering any other measures (both regulatory and non-regulatory) the Council might adopt to address the liquor related issues identified.
13. The Committee should consider the composition of the subcommittee including if and what form community boards should be represented on it. As there is a need to get the subcommittee working on both the Refuse Bylaw and the liquor related issues in the short-term, there is a need for the Committee to resolve the composition of the subcommittee at this meeting.
14. The proposed terms of reference of the Subcommittee are as follows:

To work with staff to carry out the initial review of the Refuse and Brothels Location and Signage Bylaw and to present draft bylaws to the Planning and Regulatory Committee for consideration.

To work with staff to carry out the initial review of the Alcohol Policy, Liquor Control Bylaw and consider other measures (regulatory and non-regulatory) the Council could adopt to address liquor related behavioural problems and make recommendations to the Planning and Regulatory Committee.

FINANCIAL IMPLICATIONS

15. The work to review these bylaws and associated other processes largely involves staff and elected member time which is already budgeted for. There are clearly opportunity costs involved with staff and elected members working on these projects not being available to carry out other work, however given the statutory timeframes and operational necessity associated with these bylaw reviews there is little option other than to carry out the work. With regards the other liquor related areas there is no driver from a statutory timeframe but councillors have indicated that this work is a priority to address the liquor related behaviours in the city and reviewing them in a coordinated way with the Liquor Control Bylaw makes good sense.

Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

16. Budgets to coordinate the review of bylaws are provided for within the City Development Activity in the LTCCP. An allowance for staff time contribution to policy and planning processes is built in to the other activities in the LTCCP.

LEGAL CONSIDERATIONS

17. The Local Government Act 2002 requires the review of bylaws within specified timeframes. The statutory timeframe to review the Refuse Bylaw is 30 June 2008 however as it was made under clauses on the LGA 74 that remain in force it does not automatically revoke on this date. Rather it remains active for a further two years before automatically revoking. There are operational considerations surrounding the new kerbside collection system that mean the bylaw needs to be reviewed before the new kerbside collection system commences operation.
18. The Liquor control Bylaw and the Brothels Location and Signage Bylaw were both made under the LGA 2002 and must be reviewed by 30 June 2009.

Have you considered the legal implications of the issue under consideration?

19. See notes above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

20. The timetables and processes outlined in this report are consistent with the Democracy and Governance Group of activities in the LTCCP which states *'The Council provides opportunities for public participation in decision-making, and it receives and processes the community's input to ensure effective decision-making'*.

Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?

21. Yes, supports - percentage of residents satisfied with the way the Council involves the public in decision making and percentage of residents satisfied that the Council makes decisions in the best interests of Christchurch.

ALIGNMENT WITH STRATEGIES

22. The overall timetable and process is not directly applicable to any specific strategy. The content of the individual bylaws relate to and play important roles in contributing to a number of the Strategic Directions and Council strategies.

Do the recommendations align with the Council's strategies?

23. As above.

CONSULTATION FULFILMENT

24. Not applicable to this report. Clearly, consultation is an important part of the process to review bylaws. It should be noted that consultation on the LTCCP will dominate the Council's and public's capacity for consultation in the first half of 2009. For this reason as much of the consultation as possible for these bylaws should be completed before the end of 2008.

STAFF RECOMMENDATION

It is recommended that the Committee:

- (a) Endorse the process and timeline **attached** as Appendix A for the review of the Refuse Bylaw, Brothels Location and Signage Bylaw.
- (b) Endorse the process and timeline **attached** as Appendix B for review of the Alcohol Policy, Liquor Control Bylaw and to consider other measures (regulatory and non-regulatory) the Council could adopt to address liquor related behavioural problems.

- (c) Appoint a subcommittee with the following terms of reference:

To work with staff to carry out the initial review of the Refuse and Brothels Location and Signage Bylaw and to present draft bylaws to the Planning and Regulatory Committee for consideration.

To work with staff to carry out the initial review of the Alcohol Policy and Liquor Control Bylaw, and consider other measures (regulatory and non-regulatory) the Council could adopt to address liquor related behavioural problems and make recommendations to the Planning and Regulatory Committee.

- (d) Determine the composition of the subcommittee and appoint the necessary committee members to it.

COMMITTEE RECOMMENDATION

That the Council:

- (a) Endorse the process and timeline **attached** as Appendix A for the review of the Refuse Bylaw, Brothels Location and Signage Bylaw.
- (b) Endorse the process and timeline **attached** as Appendix B for review of the Alcohol Policy, Liquor Control Bylaw and to consider other measures (regulatory and non-regulatory) the Council could adopt to address liquor related behavioural problems.
- (c) Appoint three subcommittees with the following terms of reference:

Refuse Bylaw Subcommittee

Membership: Councillors Buck, Reid, Shearing, Wall, Wells and Williams

To work with staff to carry out the initial review of the Refuse Bylaw and to present a draft bylaw to the Regulatory and Planning Committee for consideration.

Brothels Location and Signage Bylaw Subcommittee

Membership: To be determined by the Council

To work with staff to carry out the initial review of the Brothels Location and Signage Bylaw and to present a draft bylaw to the Regulatory and Planning Committee for consideration.

Alcohol Policy and Liquor Control Bylaw Subcommittee

Membership: To be determined by the Council

To work with staff to carry out the initial review of the Alcohol Policy and Liquor Control Bylaw, and consider other measures (regulatory and non-regulatory) the Council could adopt to address liquor related behavioural problems and make recommendations to the Regulatory and Planning Committee.