

### 3. FORMATION OF A PUBLIC PLACES POLICY WORKING PARTY



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#### PURPOSE OF REPORT

1. To seek the formation of a working party to consider the review of policies relating to the Public Places Bylaw 2008 and to assist staff to discuss the revised public places policy or policies to be recommended to the Regulatory and Planning Committee.

#### EXECUTIVE SUMMARY

2. At its meeting of 28 February 2008, the Council resolved that the operational policies relating to the Public Places Bylaw were to be reviewed by the end of 2008.
3. The policies relate to the clauses in the Public Places Bylaw which regulate commercial activities and obstructions in public places. The twelve policies that need to be reviewed can be grouped into four subject areas:
  - (a) Structures on roads
  - (b) Signboards
  - (c) Market stalls, and
  - (d) Busking.
4. At its meeting of 4 September 2008, the Regulatory and Planning Committee considered a report noting that staff were undertaking the initial stages of the review of these policies. Feedback from Councillors on the initial stages of the review was sought and Councillors raised a wide range of questions and additional matters for staff to consider.
5. The number of policies which relate to the Public Places Bylaw and the work required to review them has meant that the deadline for reviewing the policies by the end of 2008 has not been possible. Work began on reviewing the policies in late 2008, and has continued steadily since then. Staff are now at the point of having a draft single new policy to present to Councillors, but also have a number of options and matters which require Councillor input.
6. It would be valuable for staff to work with Councillors (via a working party) to discuss some of these matters and to then present a single revised policy to the Regulatory and Planning Committee for decision, with the support of the working party.
7. The terms of reference for the working party would be:

*To work with staff to discuss the new operational policy relating to matters covered by the Public Places Bylaw and to make recommendations to the Regulatory and Planning Committee to that effect.*

#### FINANCIAL IMPLICATIONS

8. It is important that the operational policies are reviewed, updated and adopted in a timely manner as there are a number of stall sites due for tender and subsequent awarding of contracts during 2009. In the interim, it may be that existing contracts are rolled over on a short-term (for example, six-month) basis in anticipation of the new policy or policies, rather than being competitively tendered and awarded for the usual three years.
9. The work to review these policies involves largely staff and elected member time which is already budgeted. There are opportunity costs involved with staff and elected members working on these projects not being available to carry out other work, however, given the earlier resolution of Council to review the policies, there is little option other than to carry out the work in a timely manner.

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

10. An allowance for staff time and contributions to policy processes is built into a number of activities in the LTCCP. The review of the policies relating to the Public Places Bylaw is part of the bylaw's implementation process.

**LEGAL CONSIDERATIONS**

11. The Local Government Act 2002 generally requires councils to comply with policies they have adopted. If a decision is likely to be inconsistent with, or to have consequences that are inconsistent with a policy adopted by the Council, it must take certain steps, including clearly identifying the reason for the inconsistency (section 80).
12. In order to avoid the likelihood of Council needing to consider making a decision contrary to a policy it has adopted, it is appropriate to review and update the 12 policies relating to the Public Places Bylaw in order to ensure that they are still necessary, appropriate and fit for purpose.
13. These policies also need to be reviewed in order to ensure appropriate tendering and contracting can be undertaken, as mentioned above in paragraph 8.

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

14. Yes, as above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

15. 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?**

16. Yes, supports 75 per cent of residents satisfied with the way the Council involves the public in decision making and 75 per cent of residents satisfied that the Council makes decisions in the best interests of Christchurch.

**ALIGNMENT WITH STRATEGIES**

17. The overall timetable and process is not directly applicable to any specific strategy. The content of the bylaw and policies 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?**

18. As above.

**CONSULTATION FULFILMENT**

19. Not applicable to this report.

**STAFF RECOMMENDATION**

It is recommended that the Committee:

- (a) Agree to appoint a working party with the following terms of reference:

*To work with staff to discuss the new operational policy relating to matters covered by the Public Places Bylaw and to make recommendations to the Regulatory and Planning Committee to that effect.*

- (b) Determine the composition of the working party and appoint a chairperson and the necessary members to it.