

MEETING — AGENDA —

Ngā Take

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LONG TERM AND ANNUAL PLAN COMMITTEE

Komiti Kaupapa Tiro Whakamua

LTAP5
Tuesday, 15 May 2018
Council Chambers
Barkes Corner, Tauranga
2.30pm

Notice of Meeting No LTAP5 Te Karere

Long Term and Annual Plan Committee Komiti Kaupapa Tiro Whakamua

Tuesday, 15 May 2018
Council Chambers
Barkes Corner
2.30pm

His Worship the Mayor

G J Webber

Councillors:

J Scrimgeour (Chairperson)
P Mackay (Deputy Chairperson)
G Dally
M Dean
M Lally
K Marsh
D Marshall
M Murray-Benge
J Palmer
D Thwaites
G Webber
M Williams

Media
Staff

Miriam Taris
Chief Executive Officer
Western Bay of Plenty District Council



Western Bay of Plenty
District Council

Te Kaunihera a rohe mai i nga Kuri-a-Whare ki Otamarakau ki te Uru

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Long Term and Annual Plan Committee Delegations Mangai o Te Kaunihera

Quorum:

The quorum for this meeting is six members.

Role

Subject to compliance with legislation to develop the Long Term and Annual Plans and associated strategies for the future direction of Council and its communities.

Delegations

To undertake on behalf of Council all processes and actions precedent to the final adoption of Long Term and Annual Plans including the development of consultation documents, community engagement and associated special consultative processes, policies, and strategies required to be adopted and consulted on under the Local Government Act 2002.

Subject to compliance with legislation and the Long Term Plan to resolve all matters of strategic policy which does not require, under the Local Government Act 2002, a resolution of Council. Strategic policy is defined as any matter relating but not limited to, the following:

- Overall Infrastructure Strategies and financial Planning/Action Plans
- Policy direction for asset management planning
- To set service standards including levels of service.
- Utilities services/ infrastructure policy and planning
- Road / Transport policy and planning

Other

Pursuant to clause 32(1) of Schedule 7 of the Local Government Act 2002, each of the Mayor and Councillors, whether individually or collectively, the power to listen to and receive the presentation of views by people and to engage in spoken interaction with people pursuant to section 83(1)(d) of the Local Government Act 2002 in relation to any processes Council undertakes to consult on under the Special Consultative Procedure as required by the Local Government Act 2002 or any other Act.

The Committee may without confirmation by Council exercise or perform any function, power or duty relating to those matters delegated by Council in like manner, and with the same effect, as the Council could itself have exercised or performed them.

The Committee may delegate any of its functions, duties or powers to a subcommittee subject to the restrictions on its delegations and provided that any sub-delegation to subcommittees includes a statement of purpose and specification of task.

The Committee may make recommendations to Council or its Committees on any matters to achieve the outcomes required in the role of the Committee but outside its delegated authorities.

Agenda for Meeting No. LTAP5

Pages

**Present
In Attendance
Apologies**

Public Forum

A period of up to 30 minutes is set aside for a public forum. Members of the public may attend to address the Committee for up to three minutes on items that fall within the delegations of the Committee provided the matters are not subject to legal proceedings, or to a process providing for the hearing of submissions. Speakers may be questioned through the Chairperson by members, but questions must be confined to obtaining information or clarification on matters raised by the speaker. The Chairperson has discretion in regard to time extensions.

Such presentations do not form part of the formal business of the meeting, a brief record will be kept of matters raised during any public forum section of the meeting with matters for action to be referred through the customer contact centre request system, while those requiring further investigation will be referred to the Chief Executive.

LTAP5.1

Recommendation for Adoption of 2018-2019 Dog Control and Health Act (Registered Premises) Fees And Charges

6-14

Attached is a report from the Group Manager Policy, Planning and Regulatory Services dated 8 May 2018.

Western Bay of Plenty District Council

Long Term and Annual Plan Committee

Recommendation for Adoption of 2018-2019 Dog Control and Health Act (Registered Premises) Fees and Charges

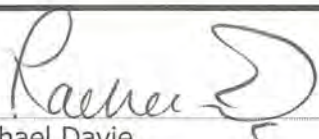
Purpose

To adopt the 2018-2019 Dog Control and Health Act (Registered Premises) Fees and Charges as included in the 2018-2019 draft schedule of Fees and Charges.

Comments have been sought from ratepayers and stakeholders through the 2018-2028 Draft Long Term Plan Consultation Document, which includes the draft schedule of Fees and Charges as supporting information.

Recommendation

- 1. THAT the Group Manager Policy, Planning and Regulatory Services report dated 7 May 2018 and titled "Recommendation for Adoption of 2018-2019 Dog Control and Health Act (Registered Premises) Fees and Charges be received.***
- 2. THAT the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.***
- 3. THAT the Long Term and Annual Plan Committee recommend to Council the adoption of the 2018-2019 Dog Control and Health Act (Registered Premises) Fees and Charges as included in the 2018-2019 draft schedule of Fees and Charges and that they be approved for public notification in accordance with the Dog Control Act 1996.***
- 4. THAT submitters be thanked for their submission and be advised of Council's decision and responses to their submission.***



Rachael Davie
Group Manager Policy, Planning & Regulatory Services

1. Background

In accordance with the Dog Control Act 1996, Council is required to adopt Dog Control Fees and Charges (**Attachment C**) for the 2018-2019 year. The adopted fees and charges for dog control must be publicly notified at least once during the month preceding the start of the registration year, being 1 July 2018.

Premises required to be registered under Regulations made subject to the Health Act 1956, are required to be registered annually. The annual registration for these premises is required to be undertaken by 30 June annually. Council is required to adopt Health (**Attachment B**) fees by resolution. Premises that are subject to Regulations made under the Health Act include; camping grounds, hairdressers, funeral directors, and food businesses yet to transition to registration under the Food Act 2014. Public notification of these fees is not required.

Dog registration and health registration invoices are required to be sent to the parties responsible prior to their expiry date.

Proposed Health and Dog Control Fees and Charges for the 2018-2019 year were included in the 2018-2019 draft schedule of Fees and Charges circulated as part of the 2018-2028 Consultation Document and supporting information. During the consultation period, Council received one submission relating broadly to dog control. A summary of this submission as well as Council's proposed response is provided at (**Attachment A**).

Fee increases have been based on a combination of inflationary increases to meet increasing costs and expectations in relation to user funding requirements set under Councils Regulatory Strategy.

Legislation requires registration to be undertaken by health premises and dog owners in accordance with statutory timeframes. These timeframes require Council to provide registration information prior to the end of the financial year, being 30 June annually, and opportunity for owners to undertake registration in a timely manner prior to 30 June registration expiry. Due to these timeframes Council is required to adopt these fees in advance of the Long Term Plan adoption.

2. Significance and Engagement

The Local Government Act 2002 requires a formal assessment of the significance of matters and decisions in this report against Council's Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.

The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.

In terms of the Significance and Engagement Policy this decision is considered to be of low significance as it is not expected to have any major financial or social implications for the community.

3. Engagement, Consultation and Communication

Interested/Affected Parties	Completed/Planned Engagement/Consultation/Communication
Name of interested parties/groups	Completed - Ratepayers, Health premises owners, Dog owners and other stakeholders as part of the 2018-2028 Draft Long Term Plan consultation process.
Tangata Whenua	As above.
General Public	Completed – as above, the general public were given the opportunity to provide feedback during consultation.

4. Issues and Options Assessment

<i>THAT the Long Term and Annual Plan Committee recommend to Council the adoption of the 2018-2019 Dog Control and Health Act (Registered Premises) Fees and Charges as included in the 2018-2019 draft schedule of Fees and Charges and that they be approved for public notification in accordance with the Dog Control Act 1996</i>	
Reasons why no options are available	Legislative or other reference
Council is required to set Dog Control Fees and Charges in advance of the registration expiry period. Dog fees and charges must be publicly notified at least once in the month immediately preceding the registration period on an annual basis.	S37, Dog Control Act 1996
Council is required to set fees for health registration in a timely manner to ensure premises can meet the annual registration deadline. The Council registration deadline is 30 June annually. Failure to set fees and send reminders before the required due date has been the subject of auditor general audit reporting.	Health (Registration of Premises) Regulations 1966, S3, Health (Hairdressers) Regulations 1980, S4, Food Hygiene Regulations 1974, S4, Health (Burial) Regulations 1946, S3, Camping ground Regulations 1985.

5. Statutory Compliance

The resolutions contained within this report meet all relevant statutory requirements.

6. Funding/Budget Implications

Budget Funding Information	Relevant Detail
Nil	Funding information for Dog Control and Health Registration Fees and Charges Fees and Charges has been considered as part of the overall 2018-2028 Draft Long Term Plan process.

Attachment A

Submissions on Fees and Charges for Dog Registration.

Submitter	Submission Summary
Michelle Reichmuth	<p>Does not support the fee increase in dog registration fees. Noted that Council has a surplus from previous year.</p> <p>Proposed response:</p> <p>The Dog Control Activity for the 2016-17 year showed that the revenue generated was over 80% (but less than 100%) of the total costs of the animal services activity. This was due to delayed spending in staff recruitment and contractor costs, as well as a small sum of unspent funding from the Department of Internal Affairs.</p> <p>This DIA funding will be carried forward to specifically continue the work of de-sexing dangerous and/or menacing dogs.</p> <p>Fee increases are required for the 2018-19 year to cover expenditure for dog control activities, including new shelter operations, and increased after hours customer service provision.</p>

All figures include GST

FEES &
CHARGES
2018/19
(\$)

NOTES

HEALTH

****PREMISES REGISTERED - FOOD HYGIENE REGULATIONS 1974 (EXISTING OPERATORS PRIOR TO 1 MARCH 2016)**

Food premises (high Risk): Following categories: restaurant/café, grocery/supermarket, butcher, deli, manufacture readily perishable foods, fish shop, takeaway, food packaging.		450.00	
Food premises (low risk): Fruit and vegetable shop, pre packaged goods only.		290.00	
Food premises - mobile		450.00	
Change of Ownership of Premise		100.00	
Issue of Notice to Rectify/Non Compliance		320.00	
Additional inspections and mentoring	per hour	170.00	

****FOOD PREMISES - OPERATING UNDER VOLUNTARY IMPLEMENTATION PROGRAMME (VIP) PRIOR TO 1 MARCH 2016**

New Food Act legislation was introduced in 2010. Fees for these services will be based on actual time involved in providing advisory and inspection services to assist premise owners implement food control plans

Administration charge (annual) - until transition to registration under Food Act 2014		150.00	
Verification, inspection and audit	deposit	390.00	
	plus additional	170.00	Additional fee per hour after the first 1.5 hours

****Note:** Late penalty fee of 10% applies to all licence registration fees unpaid after 60 days from date of invoice.

****FOOD PREMISES - FOOD ACT 2014 (NEW OPERATOR AND TRANSITIONED PREMISES FROM 1 MARCH 2016)****Food Control Plans**

Application for Registration of Food Control Plan (based on template or model)	application	220.00	
	plus additional	170.00	Additional fee per hour after the first hour
Application for renewal of registration of Food Control Plan (based on template or model)	application	150.00	
	plus additional	170.00	Additional fee per hour
Application for registration of an amendment to a Food Control Plan (based on a template or model)	application	150.00	
	plus additional	170.00	Additional fee per hour after the first hour
Verification, inspection and audit	deposit	390.00	
	plus additional	170.00	Additional fee per hour after the first 2 hours

National Programmes

Application for assessment and registration of national programme business	application	220.00	
	plus additional	170.00	Additional fee per hour after the first hour
Application for renewal of registration of national programme	application	150.00	
	plus additional	170.00	Additional fee per hour
Verification, inspection and audit	deposit	390.00	

All figures include GST

		FEES & CHARGES 2018/19 (\$)	NOTES
**NON FOOD PREMISES (HEALTH) REGISTRATION			
Hairdressers		*300.00	
Mortuaries		*300.00	
Camping grounds		*390.00	
Change of ownership		*100.00	
Issue of Notice to Rectify/Non Compliance		*340.00	
Property Inspections and reporting (Health Act 1956)		*170.00	
*Additional inspections and processing		170.00	Per hour
**BY-LAW LICENCES			
Amusement devices - licence fees pursuant to Amusement Devices Regulations 1978		12.00	
Trading in Public Places Licence (individual operator)			
	per annum	330.00	
	per month	150.00	Application fee plus \$50.00 per month
Trading in Public Places Event Licence e.g. event - market, fair, festival		350.00	Plus additional monitoring time at \$150.00 - \$170.00 per hour
Public Places Licence - (permission to occupy footpath)		330.00	Fee for placement of tables & chairs on Council footpath/road reserve as outdoor seating for premises

All figures include GST

ANIMAL CONTROL SERVICES

REGISTRATION FEES 2018/2019

CLASS OF DOG	REGISTRATION FEE (IF PAID ON OR BEFORE 1 AUGUST 2018) (\$)	REGISTRATION FEE DANGEROUS DOG (IF PAID ON OR BEFORE 1 AUGUST 2018) (\$)	PENALTY FEE (IF PAID AFTER 1 AUGUST 2018) (\$)	PENALTY FEE DANGEROUS DOG (IF PAID AFTER 1 AUGUST 2018) (\$)
All dogs unless otherwise categorised	88.00	132.00	132.00	198.00
Stock working dog (kept solely or principally for the purpose of herding or driving stock)	47.50	71.25	71.25	106.50
Spayed or neutered dog	70.00	105.00	105.00	157.50
Any dog(s) kept by:				
New Zealand Police				
Customs Department				
Ministry of Defence				
Ministry of Agriculture	-	-	-	-
Ministry of Fisheries				
Department of Conservation				
(for carrying out the function of the Police or Department of State)				
Security dog (kept by a security guard as defined in the Private Investigators and Security Guards Act 1974 - as a bona fide security dog)	-	-	-	-
Search and Rescue dog	-	-	-	-
Disability assist dog	-	-	-	-
Dogs domiciled on Matakana Island	42.50	63.75	63.75	95.50

Notes:

- (1) Dog owners who have more than 5 dogs may be entitled to discounted dog registration fees for the sixth and subsequent registration, on the following basis:
 - a) All dogs must be registered by 30 June to qualify.
 - b) All dogs must be microchipped.
 - c) No verified complaints have been received by Council in the previous registration year for welfare or nuisance complaints (e.g. barking, roaming).

Please note: No refund for deceased dogs will be paid to owners of more than 5 dogs where dogs were registered at a discounted or no charge, until the total number of dogs falls below 5.
- (2) Legislation regarding the micro-chipping of dogs came into force on 1 July 2006, the cost of this process is passed on to the dog owner. Dog owners will be referred to a veterinarian at their own cost to have the dog micro-chipped. Dogs that must be micro-chipped before being released from the pound will be micro-chipped by Council staff. The dog owner will be charged for the cost of this service.
- (3) **Disability assist dog** means a dog certified by one of the following organisations as being a dog trained to assist (or as being a dog in training to assist) a person with a disability:
 - (a) Hearing Dogs for Deaf People New Zealand.
 - (b) Mobility Assistance Dogs Trust.
 - (c) New Zealand Epilepsy Assist Dogs Trust.
 - (d) Royal New Zealand Foundation of the Blind.
 - (e) Top Dog Companion Trust.
 - (f) Assistance Dogs New Zealand.
 - (g) Perfect Partners Assistance Dogs Trust.

All figures include GST

	FEES & CHARGES 2018/19 (\$)		NOTES
DOG ADOPTION FEE			
A dog adopted from a Western Bay of Plenty District Council pound (including registration until the end of the current year microchip, de-sexing and vaccination).	250 male dog		
	280 female dog		
DOG POUND FEES (IMPOUNDING)			
	Un-registered	Registered	
First impounding	80.00	40.00	
Second impounding (for same dog within 24 months)	160.00	80.00	
Third and subsequent impounding (for same dog within 24 months)	200.00	160.00	
DOG POUND FEES			
Sustenance	per day	12.50	
Seizure fees:			
First seizure fee		80.00	
Second seizure fee		160.00	
Third seizure fee		200.00	
Euthanasia fee		45.00	
Micro-chipping fee		20.00	
Micro-chipping for third and subsequent dogs		20.00	