

**KAIKOURA DISTRICT COUNCIL MEETING HELD AT 9.00AM
ON WEDNESDAY 21 APRIL 2010, IN MEMORIAL HALL
SUPPER ROOM, ESPLANADE, KAIKOURA.**

AGENDA

1. *Apologies*
2. *Matters of Importance to be raised as Urgent Business*
3. *Open Forum – Session for members of the public wishing to comment on items included in this agenda.*

The Council meeting will adjourn following this item and will resume following the Finance and Policy Committee meeting.

4. **Minutes to be Confirmed:**
 - *Council 17/3/2010* *page 76*

Reports to be Adopted:

- *Works & Services Committee 17/3/2010* *page 80*
- *Environmental Services Committee 17/3/2010* *page 82*
- *Finance and Policy Committee 17/3/2010* *page 85*
- *Social Services Committee 7/4/2010* *page 86*
- *Tourism & Development Committee 10/3/2010* *page 90*

5. *Matters arising from Confirmed minutes*
6. *11.30am NZ Police Update*
 - **An update from Kaikoura Police will be provided in Public Excluded**

7. *Public Forum*

TIME	NAME	SUBJECT
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8. *Youth Council*
 - **A representative from the Youth Council will be in attendance at 1pm to present this item.**
9. *Licence to Occupy Sites – Allocation Criteria* *page 93*
10. *Delegations in terms of the Local Government (Rating) Act 2002* *page 94*
11. *Approval of Draft Annual Plan 2010/2011 and the proposed amendment to the Long Term Council Community Plan 2009-2019 for public comment.* *page 96*
12. *Committee Updates*

13. Urgent Business

14. Council Public Excluded Session

Moved, seconded that the public be excluded from the following parts of the proceedings of this meeting, namely

a. Confirmation of Minutes of Council Public Excluded meeting on 17/3/2010

b. New Zealand Police Update

The general subject 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) and 7(2)(i) of the Local Government Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each to be considered	Reason for passing this resolution in relation to each matter	Grounds of the Act under which this resolution is made
Minutes of the Council Public Excluded meeting 17/3/2010	The exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Local Authority to deliberate in private on its decision or recommendation.	Section 48(1)(a) and 7(2)(a)
New Zealand Police Update	The exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Local Authority to deliberate in private on its decision or recommendation.	Section 48(1)(a) and 7(2)(c)(ii)

LICENCE TO OCCUPY SITES –ALLOCATION CRITERIA

Council currently has seven sites within Kaikoura; three at Jimmy Armers, two on the Esplanade and two in South Bay, where a Licence to Occupy is required. The Licence allows food stall holders to operate from dawn to dusk during the licence period and Licensees are restricted to 16 covers. These Licences became operational for the first time in 2009/10.

Initially there was a lot of interest in the sites particularly for those at Jimmy Armers and the Esplanade. Sites in 2009/10 were allocated on a first come first serve basis. A waiting list was operated and if an interested party decided not to go ahead after viewing the agreement then the site was offered to the next person on the list.

In the end not all sites were occupied for the 2009/10 year. This occurred due to people not wishing to operate from South Bay, however one licence was issued for this area. Two people who had signed up for sites had met with unforeseen circumstances and those who were offered sites later in the year after others had turned then down declined the licence due to the non pro rata of the licence fee.

All current Licenses expire on the 30 of June 2010. Over and above those people currently holding a Licence, expressions of interest for sites in the coming year have been received. It is anticipated the most desirable areas will have more people interested than sites available. Direction is sought from Council regarding criteria for the allocation of sites in future years.

Council may like to consider setting criteria to assist with the allocation process. These could be based around the type of food or beverage sold.

- Does Council wish to see a variety of food and beverages sold from the sites?
- Does Council wish to push the Seafood theme?
- Are there certain types of stalls that Council wish to exclude?

The current Licence to Occupy agreement requires Licence holders to operate for at least six months of the year. A further condition could be added to the Licence agreement which requires Licence holders to have commenced trading by 1 October. If Licence holders failed to commence trading by this date the Licence could be deemed terminated. The introduction of this clause would deter people who had no intention of trading but wished to restrict the number of stalls and would also allow time for the reallocation of the site if a Licence holder could not meet the Licence conditions.

Recommendation:

- a) That Council consider setting criteria for the allocation of sites for future years; and***
- b) A clause requiring stalls to commence trading by 1 October in the Licence year be added to the Licence to Occupy agreement.***

DELEGATIONS IN TERMS OF THE LOCAL GOVERNMENT (RATING) ACT 2002

1.0 Introduction

The Kaikoura District Council would like to take this opportunity to update our delegations policy with regards to the Local Government Rating Act 2002. It is appropriate that the existing delegations be updated to bring them into line with the Rating Act 2002, encompass changes to staff titles and to make delegations open to a wider number of staff to increase accessibility and efficiency in processing.

PROPOSED DELEGATIONS

+ = **and** (requiring two or more parties to reach agreement)

, = **Either** (requiring only one of the listed parties)

Section	Details for Power	Delegations
27 (5)	<i>The decision on whether to divide rating units and the methodology for division.</i>	<ul style="list-style-type: none"> • Chief Executive Officer, • Finance Manager, • Rates Officer,
28 (2)	<i>The decision on whether the disclosure of the name of any person is necessary to identify a rating unit.</i>	<ul style="list-style-type: none"> • Chief Executive Officer, • Finance Manager, • Rates Officer,
29	<i>Authority to determine objections to the RID.</i>	<ul style="list-style-type: none"> • Chief Executive Officer, • Finance Manager,
35	<i>Authority to remove a name from the RID.</i>	<ul style="list-style-type: none"> • Chief Executive Officer, • Finance Manager, • Rates Officer,
39	<i>Authority to determine objections to rates records.</i>	<ul style="list-style-type: none"> • Chief Executive Officer, • Finance Manager, • Rates Officer,
40	<i>Authority to correct errors in the RID and Rate Records.</i>	<ul style="list-style-type: none"> • Chief Executive Officer, • Finance Manager, • Rates Officer,
52	<i>Authority to agree methods of payments for rates.</i>	<ul style="list-style-type: none"> • Chief Executive Officer, • Finance Manager, • Rates Officer,
54	<i>Authority not to collect small amounts that are uneconomic to collect.</i>	<ul style="list-style-type: none"> • Chief Executive Officer, • Finance Manager, • Rates Officer,
61	<i>Authority to collect unpaid rates from the owner.</i>	<ul style="list-style-type: none"> • Chief Executive Officer, • Finance Manager, • Rates Officer,
62	<i>Authority to collect unpaid rates from persons other than the owner.</i>	<ul style="list-style-type: none"> • Chief Executive Officer, • Finance Manager, • Rates Officer,
63	<i>Ability to commence legal proceedings for the recovery of rates that are in default.</i>	<ul style="list-style-type: none"> • Chief Executive Officer, • Finance Manager, • Rates Officer,
67	<i>Commencement of rating sale or lease provisions.</i>	• No Delegation – Council Decision
72	<i>Authority to sell land by private treaty.</i>	• Chief Executive Officer,

		<ul style="list-style-type: none"> • Finance Manager,
77-83	<i>Authority to sell abandoned land.</i>	<ul style="list-style-type: none"> • Chief Executive Officer, • Finance Manager,
85/87/114/ 115	<i>Authority to administer rate remission and postponement policies.</i>	<ul style="list-style-type: none"> • Chief Executive Officer, • Finance Manager,
99	<i>Authority to apply for charging orders.</i>	<ul style="list-style-type: none"> • Chief Executive Officer, • Finance Manager, • Rates Officer,
135	<i>Authority to sign documents for court proceedings.</i>	<ul style="list-style-type: none"> • Chief Executive Officer, • Finance Manager,

2.0 Recommendation

It is recommended that Council adopt the delegations as outlined in the above schedule.

Approval of the Draft Annual Plan 2010/2011 and the proposed amendment to the Long Term Council Community Plan 2009-2019 for public comment

The following is the proposed timetable for publication of the Draft Annual Plan for the 2010/2011 financial year, and the proposed amendment to the LTCCP 2009-2019 to provide for the museum construction to proceed.

Approve Draft documents for publication	Wed 21 April
Draft printed, delivered, and advertised as publicly available	Wed 28 April
Submissions close	Wed 2 June
Hearing date for submissions	Tue 15 June
Audit NZ review of changes following submissions	Week 21-25 June
Adopt Annual Plan and Amendment to the LTCCP	Tue 29 June

It is recommended that Council adopt the Draft Annual Plan 2010/2011 and the proposed amendment to the Long Term Council Community Plan 2009-2019, to be released for public comment.