

# MAIN AGENDA



## NOTICE OF MEETING

### COUNCIL

I hereby give notice that an Ordinary Meeting of the Council will be held on:-

**DATE:**            **Wednesday, 27 November 2002**            **TIME:**            **5.30 pm**

**VENUE:**        **Civic Centre, 6 Waipareira Avenue, Lincoln, Waitakere City**

to consider the business as set out herein and to take any necessary action connected therewith.

**NOTE:** Pursuant to Standing Order 25.8 at 5.00 pm a 30 minute Public Forum will precede the Council meeting.

1. Mr Graeme East - General Agreement on Trade Services (GATS);
2. Mr Patrick Walsh - Road Safety.

22 November 2002

Sharon Simiona  
**COMMITTEE SECRETARY**

Telephone (09) 836 8000 extn 8820

#### **MEMBERSHIP:**

Mayor	RA	Harvey, QSO, JP
Deputy Mayor	CA	Stone
Councillors	DQ	Battersby, JP
	BA	Brady, JP
	JM	Clews, QSO, JP
	RP	Dallow, QPM, JP
	AC	Fenton
	OE	Hoskin, JP
	PA	Hulse
	JP	Lawley
	GE	Nash, JP
	VS	Neeson, JP
	GB	Presland
	GW	Russell
	DA	Yates, JP

(Quorum 8 members)

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(The reports and recommendations contained in all agendas are reports and recommendations only and are not to be construed, in any way, as Council policy until adopted.)

AGENDA FOR AN ORDINARY MEETING OF THE COUNCIL TO BE HELD IN THE  
CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,  
ON WEDNESDAY, 27 NOVEMBER 2002 COMMENCING AT 5.30 PM.

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**AGENDA FOR AN ORDINARY MEETING OF THE COUNCIL TO BE HELD IN THE  
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ON WEDNESDAY, 27 NOVEMBER 2002 COMMENCING AT 5.30 PM.**

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**1 OPENING PRAYER**

Reverend Mark Taylor from St Andrews Church, Glen Eden will say the Opening Prayer.



**2 APOLOGIES**



**3 CONFIRMATION OF MINUTES**

Ordinary - Wednesday, 30 October 2002

**RECOMMENDATION**

That the minutes of the Ordinary Meeting of the Council held on Wednesday, 30 October, as circulated, be taken as read and now be confirmed.



**4 URGENT BUSINESS**

Section 46A(7) and (7A) of the Local Government Official Information and Meetings Act 1987 provides that where an item of business is not on the agenda, it may only be dealt with at the meeting if:

- (i) the item is a minor matter; and
- (ii) the Chairperson has explained at the beginning of the meeting (when open to the public) that the item will be raised for discussion, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting; and
- (iii) the Council resolves to deal with the item.

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

**NOTE:** Urgent business need not be dealt with now and may be delayed until later in the meeting.



**PART A - CONFIRMATION OF SPECIAL ORDER**

**5 BYLAW NO. 32, 2002 HEALTH PROTECTION - SKIN PIERCING**

The Council on Wednesday, 31 October 2002 resolved by way of Special Order to introduce Bylaw No. 32, 2002 Health Protection - Skin Piercing. The Special Order was publicly notified on Wednesday, 6 November 2002 and Monday, 18 November 2002 in accordance with Section 716B of the Local Government Act 1974. At the time of the agenda printing no objections had been received.

The Special Order resolution is now submitted for confirmation:

1. That Council introduce by way of Special Order, Bylaw No. 32, 2002 Health Protection - Skin Piercing, as set out:

**WAITAKERE CITY COUNCIL**

**BYLAW NO. 32, 2002**

**HEALTH PROTECTION – SKIN PIERCING**

The Waitakere City Council acting in pursuance and exercise of the power and authorities conferred on it by the Local Government Act 1974, the Health Act 1956, the Bylaws Act 1910, their respective amendments, and all other powers and authorities in any way enabling it HEREBY CONFIRMS BY WAY OF SPECIAL ORDER the following Bylaw.

**1 SHORT TITLE**

The short title of this Bylaw shall be Bylaw No. 32, 2002 Health Protection - Skin Piercing.

**2 COMMENCEMENT**

This Bylaw shall come into force on Monday, 9 December 2002.

**3 APPLICATION OF BYLAW**

This Bylaw shall apply to all occupiers, operators or licensees of premises providing or intending to provide facilities and services for skin piercing as defined in clause 5 of this Bylaw at the date of the coming into force of this Bylaw and to all such premises intended to be operated thereafter.

**4 PURPOSE**

The purpose of this Bylaw is to control the licensing and minimise the risk of illness or injury due to infection or contamination resulting from skin piercing activities or activities associated with skin piercing by:

- (a) Imposing standards to ensure proper hygiene, sterilisation and infection control practises are maintained on premises used for skin piercing within the District; and
- (b) Monitoring the operation of premises providing skin piercing to ensure proper hygiene, sterilisation and infection control are maintained to prevent the spread of illness.

5 **INTERPRETATION**

In this bylaw unless the context otherwise requires or where otherwise expressly provided –

AUTHORISED OFFICER means any person appointed or authorised by the Council to carry out or exercise the duties of an authorised officer under this bylaw.

COUNCIL means the Waitakere City Council.

SKIN PIERCING means any process involving piercing, cutting and puncturing the skin or other part of the human body, but does not include the cutting of hair or nails. Skin piercing includes such processes as acupuncture, pedicure, epilation (hair removal), body piercing, hair restoration and tattooing.

6 **EXEMPTIONS**

6.1 Nothing in this Bylaw shall apply to the carrying out of skin piercing by:

- (a) A medical practitioner registered pursuant to the Medical Practitioners Act 1995, a dentist registered under the New Zealand Dental Act 1988, a nurse registered under the Nurses Act 1977, a physiotherapist registered under the Physiotherapists Act 1949, or a podiatrist registered under the Medical and Dental Auxiliaries Act 1966 where the process is carried out in the practise of medicine, dentistry, nursing, physiotherapy or podiatry, respectively; or
- (b) A person acting under the direction or supervision of any such medical practitioner, nurse, physiotherapist, podiatrist or dentist, where the process is carried out for the purpose of the practise of medicine, physiotherapy, podiatry or dentistry, respectively.

6.2 Nothing in this Bylaw shall apply to ear piercing carried out by staff of a pharmacy registered pursuant to the Pharmacy Act 1970 acting under the supervision of a pharmacist registered pursuant to the Pharmacy Act 1970.

7 **LICENSING**

7.1 No person shall carry out any skin piercing on any premises unless the premises are licensed by the Council and such licence is currently in force.

7.2 A licence shall not be issued unless the premises concerned complies with all requirements of this Bylaw and with all other statutory provisions governing its operation or occupancy.

- 7.3 The provisions of Clause 7.1 shall not apply to the carrying out of acupuncture where any person wishing to undergo acupuncture is unable to attend the licensed premises because of injury, infirmity or medical emergency provided that the acupuncture is carried out in compliance with the procedures specified in Clauses 9 and 10 of this Bylaw.
- 7.4 The provisions of Clause 7.1 shall not apply to the carrying out of any skin piercing in any temporary structure or premises for a maximum period of 5 days in any 30 day period provided that the person carrying out the skin piercing complies with all conditions specified by an authorised officer in respect of the temporary structure or premises and the skin piercing including the provision of approved facilities for the proper cleansing and sterilising of any instrument or like article, including any ear studs, ear keepers or similar jewellery is in accordance with the provisions of Clauses 8 and 9 of this Bylaw.
- Any person wishing to take advantage of the provisions of this clause shall require the consent of an authorised officer and shall pay such fee for any inspection required and for the authorised officer's time to consider the matter.
- 7.5 Application for the licensing of any premises used or intended to be used for skin piercing shall be made by the owner, occupier, manager, or person proposing to use the premises. The applicant shall be a natural person or persons.
- 7.6 Each application shall be on the form prescribed and all requested information shall be provided.
- 7.7 On receipt of an application and payment of the required fee a licence may be issued to the applicant if an authorised officer is satisfied in respect of the following matters:
- (a) That the premises concerned and the proposed method of operation comply with:
    - (i) The requirements of all Acts or Regulations which relate to skin piercing;
    - (ii) The provisions of any plan or proposed plan (as those words are defined in Section 2 of the Resource Management Act 1991) which have application to the premises concerned;
    - (iii) The provisions of this Bylaw; and
  - (b) That the applicant has a sufficient knowledge of this Bylaw and the hazards associated with carrying out skin piercing. For the purpose of determining an applicant's knowledge an authorised officer may require an applicant to undergo such tests as are necessary to show the applicant's knowledge of the requirements of this Bylaw.
- 7.8 Every licence issued pursuant to this Bylaw shall be prominently displayed in a public part of the premises to which it relates so as to be readily visible to any member of the public or authorised officer visiting the premises.

- 7.9 Every licence issued under this Bylaw shall expire on 30 June in every year or on such other date which the Council for administrative purposes from time to time may select. A licence may be renewed in accordance with the foregoing provisions. No licence shall be for a term of more than one year.
- 7.10 The foregoing provisions of this clause relating to licensing shall apply to every application for the renewal of a licence but in the case of Clause 7.7(a)(ii) shall be read subject to the provisions of Section 10 of the Resource Management Act 1991.
- 7.11 The Council may from time to time by resolution fix and alter fees and charges for the issue of licences and the making of inspections, and for any other services provided by the Council in respect of any provisions of this Bylaw.

8 **GENERAL**

- 8.1 No person shall carry out skin piercing on any person under the age of 16 years of age unless with the written permission of that person's parent or guardian in person on the premises upon which the skin piercing is to be carried out.
- 8.2 No person shall carry out skin piercing on any person who they suspect is under the influence of alcohol, drugs or mind-altering substances.
- 8.3 No person shall smoke on any premises where skin piercing is undertaken except in a part of the premises that is clearly separate from the area where a process of skin piercing is carried out.
- 8.4 Any person who wishes to undergo skin piercing shall sign (or if under the age of 16 years, have their parent or guardian sign) a declaration or consent form confirming that, to the best of their knowledge, he/she does not:
- suffer from a communicable disease or skin disease; or,
  - suffer from a bleeding disorder; or,
  - take medication such as anticoagulants which thin the blood or interfere with blood clotting; or,
  - have a history of allergies or adverse reactions to pigments, dyes or other skin sensitivities; or,
  - have a history of epilepsy or seizures,

before any skin piercing is undertaken.

The licensee, manager, or other person for the time being in charge may decline to carry out any skin piercing on the basis of such information or agree to carry out the skin piercing subject to such conditions and safeguards as are considered appropriate in the circumstance. Nothing in this Bylaw shall be construed as requiring any person to perform a skin piercing on any other person.

- 8.5 No person who knows or suspects that he or she is suffering from or is a carrier of a skin infection or a communicable disease, or associated condition shall carry out any skin piercing, without taking adequate precautions to prevent the transmittance of such infection, disease or condition.
- 8.6 Prior to the commencement of any skin piercing the person who will be carrying out the process shall advise the person who wishes to undergo such process of risks associated with the process and the potential for infection to occur during and after the process and shall give written advice appropriate to the procedure to be undertaken, concerning precautions and post process procedures which should be taken by the person who wishes to undergo the process.
- 8.7 Every licensee shall keep records of the names and addresses of any person who undergoes any skin piercing; the date on which the skin piercing was undertaken; the nature of the skin piercing; and the location on the body where the skin piercing was undertaken. Such records shall only be made available where it is necessary to prevent or lessen a serious and imminent threat to public health or public safety; or the life or health of the individual concerned or another individual, such as to an Environmental Health Officer or a Medical Officer of Health as defined in the Health Act 1956 who are carrying out any investigation pursuant to Part III of the Health Act 1956 or the Health (Infectious and Notifiable Diseases) Regulations 1966.
- 8.8 Every licensee shall ensure that the information collected under Clause 8.7 is protected by such security safeguards as it is reasonable in the circumstances to take, against:
- (i) loss;
  - (ii) access, use, modification, or disclosure; and
  - (iii) other misuse.
- 8.9 Every licensee shall ensure that the information collected under Clause 8.7 is disposed of after 5 years from the date of collection, in a manner that preserves the privacy of the information.
- 8.10 Where an authorised officer is satisfied that compliance with any requirements of this Bylaw would be impractical or unreasonable having regard to the premises in question or the skin piercing being undertaken, a written exemption may be granted with such modifications and subject to such conditions as are in the interest of public health as may be desirable in the circumstances.
- 8.11 The holder of the licence issued under Clause 7 or in the case of any premises where skin piercing is undertaken and no licence is required or is in force, the owner, occupier, manager, or other person in charge of the premises shall keep on the premises and make available for reading by any person employed on the premises and by any person attending the premises for the purpose of undergoing any skin piercing a copy of this Bylaw.

- 8.12 Where any premises, whether licensed or not, upon which skin piercing is so carried on as to be unnecessarily offensive or likely to be injurious to health, or, by reason of the state, situation, construction or disrepair of those premises the customer is likely to be exposed to contamination, an authorised officer may serve notice on the owner or occupier of those premises to carry out, within a time to be stated on the notice, such remedial action as may be specified in the notice.

During this period so specified, the conditions that are identified as unnecessarily offensive, likely to be injurious to health, or likely to expose the customer to contamination, shall be removed.

Any such notice may require that owner or occupier to cease using those premises or cause the use of those premises to cease for a period specified in the notice.

## 9 **STERILISATION OF INSTRUMENTS AND JEWELLERY**

- 9.1 No person shall use any instrument or like article, including any ear studs, ear keepers or similar jewellery for or in connection with carrying out skin piercing unless immediately before the instrument or article is used or since the instrument or article was last used the instrument or article has been sterilised in accordance with the provisions of Clause 10.1 and kept in such a manner to maintain its sterility.
- 9.2 A person who uses an instrument or like article to carry out skin piercing does not contravene Clause 9.1 if the instrument or article:
- (a) Has been taken in the presence of the person for whose treatment it is intended to be used, from a package which has been sealed by the manufacturer, being a package:
    - (i) In an unbroken and undamaged condition; and
    - (ii) To which the manufacturer has affixed a label containing a statement to the effect that the contents of the package have been sterilised; and
    - (iii) The article or instrument if steam sterilised has been packaged according to the NZ Code of Practice for Steam Sterilisation 1981; and
    - (iv) Has not been subjected to any contamination during storage.
- 9.3 The holder of a licence shall ensure that, immediately after the completion of a skin piercing carried out by the holder or a person employed by the holder, any instrument, appliance or like article used in that process:
- (a) Is disposed of to waste in a dry puncture resistant container; or

- (b) Is thoroughly cleansed and sterilised and stored in an appropriate manner so as to maintain its sterility before use on any other person or the same person at a latter time.

9.4 Where an instrument or like article used for projecting a needle into the skin of any person would be rendered inoperable or be damaged if a hand piece attached to it were sterilised, the hand piece shall be deemed to be disinfected if it has been cleaned of all visible soiling then wiped with a clean paper towel saturated with:

- (a) a 70% dilution of industrial methylated spirit in water or
- (b) a 70% dilution of ethyl alcohol or isopropyl alcohol in water; or
- (c) a chlorine solution having a minimum strength of 500 parts per million.

The needle shall be removed from the hand piece and sterilised.

(Advisory Note: Chlorine solution will corrode metals.)

9.5 Notwithstanding the provisions of Clause 9.1 no needle or similar product having a hollow lumen shall be used for carrying out a skin piercing on any person if it has previously been used to carry out a skin piercing on any other person.

## 10 **STERILISATION**

10.1 An instrument or like article or a container shall be deemed to have been sterilised if the instrument, article or container has been:

- (a) Thoroughly cleansed by washing in warm water and detergent or within an ultrasonic cleaner and exposed to steam under the pressure indicated below in a steriliser (autoclave) for:
  - (i) 103 KPa (15psi) - At least 15 minutes at not less than 121<sup>0</sup>C; or
  - (ii) 138KPa (20psi) - At least 10 minutes at not less than 126<sup>0</sup>C; or
  - (iii) 206KPa (30psi) - At least 4 minutes at not less than 134<sup>0</sup>C.

The times quoted above are holding times and do not include the time taken for the autoclave contents to reach the required temperature.

Every steriliser (autoclave) used for the purpose of this Part of the Bylaw shall be fitted with time, temperature and pressure gauges. Additionally every time the autoclave is used chemical indicator strips shall be inserted to show that the temperatures as set out above have been attained during the autoclaving procedure. During each use the gauges shall be viewed to ensure that the correct times, temperatures and pressures are reached. Time, temperature and pressure readings shall be recorded and noted after each usage.

Regular spore testing must be undertaken and the results noted. The autoclave shall be serviced at no less than 6 monthly intervals, and the results noted. These records shall be maintained for a minimum of 3 years. The records shall be made available to an Authorised Officer, Environmental Health Officer or a Medical Officer of Health on request.; or

- (b) Thoroughly cleansed by washing in warm water and detergent and exposed to dry heat for at least 60 minutes at not less than 170<sup>0</sup>C; or
- (c) Thoroughly cleansed in an ultrasonic cleaner using a proprietary cleaning solution for a minimum of 20 minutes and then totally immersed in clean gluteraldehyde solution of a minimum strength of 2 percent for a minimum of 30 minutes; or  
(Advisory Note: Gloves should be used when handling gluteraldehyde.)
- (d) Thoroughly cleansed by washing in cold water and detergent and then totally immersed in a glass bead steriliser operating at 250<sup>0</sup>C for a minimum of 5 minutes; or
- (e) Thoroughly cleansed by a method appropriate to the nature of the article concerned and then submitted to a process of sterilisation approved by an authorised officer.

(Advisory Note: This may include ethylene oxide treatment and gamma irradiation.)

- 10.2 The holder of the licence issued in accordance with the provisions of Clause 7 shall cause to be displayed and maintained adjacent to every place in the premises where cleaning and/or sterilising of instruments and like articles is undertaken written instructions setting out in clear and legible format the processes to be followed to ensure compliance with the provisions of Clauses 9 and 10.

## 11 **PREMISES**

- 11.1 The following clauses may be waived if an authorised officer thinks it is unnecessary because of the nature of the skin piercing being carried out.
- 11.2 Premises in which skin piercing is or is intended to be carried on shall comply with the following requirements:
- (a) The premises shall be well constructed in accordance with the Bylaws of the Council and in accordance with any applicable provisions of the Building Act 1991 and the Health Act 1956;
  - (b) The premises and all fittings, fixtures and appliances in the premises shall be maintained in a state of good repair and in a clean and tidy condition;
  - (c) Any structural alterations, repairs, renovations, plumbing, or drainage work that may be undertaken or required shall be carried out without unnecessary delay;

- (d)
  - (i) The walls, ceilings, fixtures and fittings in any area connected with the carrying out of skin piercing shall be constructed of materials that are light in colour, and capable of being easily cleaned, and shall be maintained in good repair. If the walls are liable to be wetted or fouled they shall be constructed of impervious material;
  - (ii) No ceiling shall be less than 2.4 metres above the floor measured at the lowest point of the ceiling;
  - (iii) The floor of that part of any premises where skin piercing is carried out shall be surfaced with a smooth, durable material that is impervious to water and capable of being easily cleaned. The floor and the material with which the floor is surfaced shall be maintained in good repair;
- (e)
  - (i) A wash-hand basin supplied with a constant supply of hot and cold water or tempered running water at a temperature of not less than 38 degrees Celsius, soap, and approved hand-drying facilities shall be provided in a readily accessible position within 6 metres by the most practicable route of the place where any person carries out any skin piercing;
  - (ii) The supply of hot and cold water to the wash-hand basin shall be by way of elbow-operated taps however other taps of the hands-off type, including foot operated, electronically controlled or knee operated; taps may also be used;
  - (iii) The place where the wash-hand basin is situated shall be such that it cannot become directly contaminated by splashings or other contaminants from the use of any sink provided in accordance with subclause (f);
- (f) A sink supplied with a constant piped supply of hot water at a temperature of not less than 63 degrees Celsius and cold water shall be provided in a readily accessible position for the sole purpose of cleaning instruments, equipment and articles used in the skin piercing;
- (g) A cleaner's sink equipped with a constant supply of hot and cold water shall be provided on the premises for the sole purpose of being used in connection with cleaning of the floors, walls and similar fixed parts of the premises. The cleaner's sink shall not be used except for such purpose.  
The requirement for a sink or cleaner's sink as specified in subclauses (g) or (f) may be waived if an authorised officer thinks it is unnecessary because of the nature of the skin piercing being carried out;
- (h) All parts of the premises shall be adequately ventilated to the satisfaction of an authorised officer;

- (i) All parts of the premises shall be provided with a lighting system capable of providing adequate illumination to facilitate cleaning and inspection. Lighting of not less than 300 lux shall be provided at all working surfaces adjacent to every place where customers are attended to and where instruments and tools are cleaned and sterilised;
- (j) Adequate dust proof cupboards shall be provided for the storage of all clean towels, linen or other materials that may be required to carry out the skin piercing;
- (k) Suitable separate dust proof storage spaces shall be provided for the storage of sterile dressings, sterilised instruments, and all sterile articles, including jewellery, used in connection with skin piercing;
- (l) Adequate covered waste receptacles shall be provided for the storage of all waste materials. Every such waste receptacle shall have imprinted or affixed to the exterior the words "BIO HAZARD" in letters not less than 25 millimetres in height;
- (m) All mattresses, squabs and cushions used on any chair, bed, table or the like, used in conjunction with the carrying out of skin piercing shall be provided with permanent impervious covers that are easily cleaned. All permanent covers shall be maintained in good repair and cleaned and disinfected as frequently as is necessary to maintain them in a clean and hygienic condition. Clean auxiliary covers, towels or the like shall be provided to protect such chairs, beds, and tables where necessary, and changed if they come into contact with the skin or become soiled;
- (n) A separate biohazard area shall be provided for all sterilisation processes.

12 **CONDUCT**

12.1 Any person who undertakes skin piercing shall whilst on the premises:

- (a) At all times keep his or her clothing, hands, and fingernails clean and cover with an impermeable dressing any infected, damaged or inflamed skin;
- (b) Thoroughly cleanse his or her hands by washing with soap or antibacterial cleansing agent including brushing his/her hands and nails when necessary using a single use sterile brush and then drying them with a single service towel or other approved hand-drying equipment:
  - (i) Immediately before putting on the protective gloves required by subclause (e) and commencing any process which involves piercing of the skin;
  - (ii) Immediately after removing the protective gloves required by subclause (e) on the completion of any process which involved piercing of the skin;

- (iii) Immediately after using a sanitary convenience, using any handkerchief or nasal tissue, smoking, eating or drinking;
      - (iv) Immediately after handling or touching with bare hands soiled towels, linen or similar materials, biological matter or waste materials used or produced in connection with a process of skin penetration;
    - (c) Prior to commencing any skin penetration process cleanse the client's skin by swabbing with either:
      - (i) 70 per cent weight/weight ethyl alcohol; or
      - (ii) 80 per cent volume/volume ethyl alcohol; or
      - (iii) 60 per cent volume/volume isopropyl alcohol; or
      - (iv) Alcoholic (isopropyl and ethyl) formulations of 0.5 to 4 per cent weight/volume chlorohexadine; or
      - (v) Aqueous or alcoholic povidone-iodine (1 per cent weight/volume available iodine); or
      - (vi) Other cleansing agents approved by an authorised officer;followed by waiting for a period of at least two minutes before commencing any penetration of the skin;
    - (d) Dispose of all blood contaminated materials (e.g. sharps) and dye residue into a puncture resistant container or otherwise in a manner approved by an authorised officer;
    - (e) Before commencing any skin piercing cover his/her hands with new unused, sterile protective disposable gloves;
    - (f) Discard the protective disposable gloves required by subclause (e):
      - (i) After carrying out any skin piercing on any person, and before carrying out any skin piercing on any other person;
      - (ii) After touching any object including surfaces and equipment which may have become contaminated with blood or serum of any person other than the person on whom the skin piercing is being undertaken or touching any object which has not been subject to a process of cleansing and sterilisation carried out in accordance with the provisions of Clause 9.
- 12.2 An operator shall not use a towel, sheet, cloth or any other protective garment or cover, on, or immediately under or over, a customer unless:
- (a) It has not been previously used; or
  - (b) Where it has been previously used, it has been laundered to render it clean and hygienic since last having been used.

- 12.3 All towels, sheeting, clothes or other protective garments, disposable gloves or covers shall be placed into an appropriate lidded container after use.
- 12.4 No surgical marker pen or similar device used to mark any mucous membrane of any person shall be used to mark any mucous membrane of any other person.

13 **TATTOOING**

- 13.1 On completion of any tattoo or part of a tattoo the person undertaking the tattoo shall provide to each customer suitable approved verbal and written instructions for the subsequent care of the tattoo to lessen the chance of infection.
- 13.2 The sterilisation of equipment used in tattooing shall include but not be limited to the sterilisation of needles, needle bars, tubes and tube tips.
- 13.3 Stencils used to transfer a pattern to the skin shall either be disposed of after use or shall otherwise be effectively washed and then disinfected with either 70% ethyl or isopropyl alcohol, or chlorohexadine gluconate (Hibitane) in 70% alcohol or providone-iodine (Betadine) in 70% alcohol before reuse. Any stencil that is to be reused shall be of a material that is able to be effectively cleaned and disinfected.
- 13.4 No person who carries out tattooing on premises licensed or required to be licensed pursuant to this Bylaw or exempt from licensing by virtue of Clause 7.4 shall, in carrying out tattooing on a customer on any premises, use any dye, pigment or solution, unless the dye, pigment or solution has been decanted into a clean sterilised container holding sufficient of the liquid for carrying out that tattoo on that customer only and while the process is being carried out on that customer is extracted or withdrawn only from that container.
- 13.5 Every person who carries out tattooing on premises licensed or required to be licensed pursuant to this Bylaw or exempt from licensing by virtue of Clause 7.4 shall ensure that on completion of the tattoo, any dye, pigment or solution residue is discarded and disposed of to waste, and the container is either sterilised or discarded. Any dye, pigment or solution residue remaining on the completion of a tattoo shall not be used in connection with the tattooing of any other person.
- 13.6 All dyes, pigments, or solutions used for tattooing shall be prepared, stored and dispensed in such a manner as to prevent any likelihood of any infection to any customer or other person.

14 **ELECTROLYSIS/EPILATION/BEAUTY THERAPY**

- 14.1 Wax that has been applied to a customer's body for hair removal shall not be reused.
- 14.2 A needle that has been used in an epilation/electrolysis process shall not be reused.

14.3 No person shall:

- (i) Remove hair from moles;
- (ii) Perform electrolysis on any person who uses a hearing aid, or who has metal plates or pacemakers inserted in their body without the permission of a medical practitioner registered under the Medical Practitioners Act 1995.

15 **OFFENCES**

Every person commits an offence against this Bylaw who:

- (a) Undertakes any skin piercing without being licensed in terms of clause 7 of this Bylaw;
- (b) Breaches any condition under which a licence is issued under this Bylaw;
- (c) Does, or causes to be done, or permits or suffers to be done, or is concerned in doing, anything whatsoever contrary to or otherwise than as provided by this Bylaw;
- (d) Omits, or neglects to do, or permits or suffers to remain undone, anything which according to the true intent and meaning of this Bylaw ought to be done at the time and in the manner therein provided;
- (e) Does not cease any action which that person is required to cease under this Bylaw;
- (f) Knowingly permits or allows any condition of things to exist or continue to exist contrary to this Bylaw;
- (g) Fails, refuses or neglects to comply with any notice duly given to that person under this Bylaw;
- (h) Obstructs or hinders any authorised officer of the Council or other person appointed, employed or authorised by the Council in the execution or performance or attempted execution or performance of any duty to be discharged by such person under or in the exercise of any power conferred by this Bylaw;
- (i) Fails to comply with any notice, or direction, or conditions contained in any licence granted by the Council.

16 **PENALTIES**

- 16.1 Any person guilty of an offence against this Bylaw shall be subject to the penalties set out in Section 66 of the Health Act 1956 and is liable to a fine not exceeding \$500 and, in the case of a continuing offence, to a further fine not exceeding \$50 for every day on which the offence has continued.
- 16.2 Council may, after the conviction of any person for a continuing offence against this Bylaw, apply to any Court of competent jurisdiction for an injunction to restrain the further continuance of the offence by the person so convicted.
- 16.3 The continued existence of any work or thing in a state contrary to this Bylaw shall be deemed to be a continuing offence within the meaning of this clause.

**AFFIXING OF THE SEAL**

That the Common Seal of The Waitakere City Council be affixed to such documents as may be necessary to give effect to the Special Order and be attested as soon as practicable by any two of the following:

- Mayor, or Deputy Mayor or Councillor;
- Chief Executive, or the Acting Chief Executive in his absence;
- Director: Corporate and Civic Services.

**2. FEES AND CHARGES - BYLAW NO. 32, 2002 HEALTH PROTECTION - SKIN PIERCING**

That pursuant to the Health Act 1956, a fee of \$260.00 inclusive of GST be charged in respect of any license required pursuant to Bylaw No. 32, 2002 Health Protection - Skin Piercing should the same come into force.



**PART B - REPORT OF THE MAYOR**

The report of the Mayor is circulated under separate cover with this agenda.



**PART C - TE TAUMATA RUNANGA AND COMMUNITY BOARDS**

**6 TE TAUMATA RUNANGA**

**I NOHO TE TAUMATA RUNANGA KOMITI MANE TE KAU MA WARU O WHIRINGI-A-RANGI 2002**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON MONDAY, 18 NOVEMBER 2002**

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**MATTERS CONSIDERED**

*1 - 3  
Part C*

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 1 to 3 in the supplement labelled Part C.

**NGA TAKE E WHIRIWHIRIA**

E whakatau ana Te Taumata Runanga i nga take i whakamanangia i te ture he whakaahua o nga tuhi kua tona ki nga mema o te Kaunihera.

**Your Committee Recommends:**

That the report of the Ordinary Meeting of Te Taumata Runanga held on Monday, 18 November 2002 be received.

Te Warena Taua  
**CHAIRPERSON**



7 **NEW LYNN COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING  
HELD ON MONDAY, 4 NOVEMBER 2002**

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1. **COMMUNITY BOARD PARK DEVELOPMENT PROJECTS 2002/2003**

**The Board Recommends:**

1. That \$15,000 be approved to be spent in Ambrico Playground for relocation of slides to a new piece of reserve, including undersurfacing.

Note: the delegated authority to the Community Board under the Community Board Park Development Budget limits the Board's decision making to amounts of a maximum of \$10,000.

2. That fencing for Ambrico Playground be funded from a safety budget.

2. **OTHER MATTERS CONSIDERED**

The Board dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 4 to 14 in the supplement labelled Part C.

**The Board Recommends:**

That the report of the Ordinary Meeting of the New Lynn Community Board held on Monday, 4 November 2002 be received.

EG Francke  
**CHAIRPERSON**

4 - 14  
Part C



8 **WAITAKERE COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING  
HELD ON TUESDAY, 5 NOVEMBER 2002**

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1. **KIDSAFE WEEK 2002 PRESENTATION**

**The Board Recommends:**

That the process to establish a 40 kph speed limit in the vicinity of all schools in Waitakere City be commenced immediately.

2. **COMMUNITY WELLBEING FUND**

**The Board Recommends:**

That the process for considering and assessing applications to the Community Wellbeing Fund be reviewed and that options be brought back to the Community Board for their consideration.

3. **OTHER MATTERS CONSIDERED**

The Board dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 15 to 22 in the supplement labelled Part C

**The Board Recommends:**

That the report of the Ordinary Meeting of the Waitakere Community Board held on Tuesday, 5 November 2002 be received.

15 - 22  
Part C

CA Shepherd, JP  
**CHAIRPERSON**



9 **MASSEY COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON WEDNESDAY, 6 NOVEMBER 2002**

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**MATTERS CONSIDERED**

23 - 31  
Part C

The Board dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 23 to 31 in the supplement labelled Part C.

**The Board Recommends:**

That the report of the Ordinary Meeting of the Massey Community Board held on Wednesday, 6 November 2002 be received.

RF Jessopp  
**CHAIRPERSON**



10 **HENDERSON COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON THURSDAY, 7 NOVEMBER 2002**

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**MATTERS CONSIDERED**

32 - 39  
Part C

The Board dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 32 to 39 in the supplement labelled Part C.

**The Board Recommends:**

That the report of the Ordinary Meeting of the Henderson Community Board held on Thursday, 7 November 2002 be received.

HM Jones  
**CHAIRPERSON**



## **PART D - REPORT OF THE CHIEF EXECUTIVE**

### **11 2003 MEETING SCHEDULE**

#### **PURPOSE OF THE REPORT**

The purpose of this report is to present to the Council the proposed 2003 Meeting Schedule for consideration and adoption, to advise the Council of the proposed timetable for the preparation of the 2003/2004 Annual Plan, and to confirm Community Board and Te Taumata Runanga representation in the Annual Plan process.

#### **2003 MEETING SCHEDULE**

The most significant change in the 2003 Meeting Schedule is the proposal to swap the meeting days of the City Development Committee to the Thursday of the Standing Committee meeting week and the Finance and Operational Performance Committee to the Monday of this week. The volume of material that requires the consideration of the City Development Committee is significantly greater than the Finance and Operational Performance Committee, this change will allow more time for the preparation period of the City Development agenda and therefore improvement in the quality of reporting to this Committee. The Chairs of these two Committees have agreed to this change.

A Special Council meeting has also been scheduled on the Wednesday of the week prior to the monthly Council meeting. There have been numerous Special Council meetings held during 2002, and to alleviate the difficulty of trying to find a suitable time that all Councillors are able to attend, one day a month has been set aside to accommodate these requests, and give Councillors the opportunity of diarising the dates. If not required, the meeting will be cancelled.

*A1 - A13*

For convenience of Councillors, conferences and meetings that require Councillor or Community Board Member participation have also been shown in the schedule, but do not form part of the recommendation to the Council. They are, the 2003 Local Government Conference, the 2003 Community Board Conference, the LGNZ Zone One meetings, Te Roopu Rangatahi, Youth Council, Pacific Island Advisory Board and Keep NZ Beautiful. The 2003 Meeting Schedule is attached at pages A1 to A13.

#### **2003/2004 ANNUAL PLAN**

Each year the Council produces a work programme (the Annual Plan) for the city over the coming financial year. The Annual Plan sets out the services and activities the Council will deliver, what it will cost and how the services will be paid for.

Traditionally Community Boards and Te Taumata Runanga representatives are appointed to attend all meetings of the Annual Plan Special Committee to consider the process and approve the Annual Plan, the representatives have been accorded speaking rights at these meetings. Provision is made here for this to occur again.

The intended dates for the Council to consider the 2003/2004 draft Annual Plan are included in the 2003 Meeting Schedule.

#### **CONCLUSION**

The 2003 Meeting Schedule including the 2003/2004 draft Annual Plan meeting dates is presented to the Council for consideration. Also presented for consideration is the provision for the Chairpersons or their designated alternate of the Community Boards and Te Taumata Runanga being required to attend all meetings of the Annual Plan Special Committee as in previous years.

## **RECOMMENDATIONS**

*A1 - A13*

1. That the information be received.
2. That the 2003 Meeting Schedule for the Council, its Standing Committees (including Te Taumata Runanga), Special Committees, Subcommittees and Community Boards as attached at pages A1 to A13 to the agenda be adopted
3. That the Chairpersons of the Community Boards and Te Taumata Runanga or their designated alternates be required to attend as paid representatives all meetings of the Annual Plan Special Committee held to consider, progress and approve the 2003/2004 Annual Plan and further that they be accorded speaking rights at those meetings.

Report prepared by Sharon Simiona, Committee Secretary.



## **12 ATTENDANCE AT ECONOMIC DEVELOPMENT SYMPOSIUM**

### **PURPOSE OF THE REPORT**

The purpose of this report is to seek Council approval for Cr Stone to attend an Economic Development Symposium on 4 December, in Wellington.

### **BACKGROUND**

*A14 - A23*

The Economic Development Symposium has been organised by Local Government New Zealand in conjunction with the Economic Development Association of New Zealand. The details of the Symposium are attached pages A14 to A23.

### **STRATEGIC CONTEXT**

The creation of a strong economy and more local jobs is one of Council's main strategic priorities.

### **ISSUES**

The Symposium will cover a range of issues including rating, central/local government partnership, planning mechanisms, and managing public risk. Speakers include Sukhi Turner, Mayor of Dunedin, the Hon. Jim Anderton, and the Managing Director of Westfield, John Widdup.

It will be of benefit to Council in implementing its economic development strategy, with particular reference to the role of our Economic Development Agency and Council's relationship with Central Government. It also provides an opportunity to share the different perspectives of key stakeholders and explore alternative ways of engaging all sectors in a cooperative approach to economic development.

Councillor Stone is recommended to attend in her capacity as Chair of the City Development Committee, which has responsibility for Economic Development Strategy.

### **Travel Policy**

This request complies with the requirements of Council's Policy for Overseas Travel and Conference attendance by Elected Members. It is in line with our policy direction, funds are available, attendance is beneficial to the extent of the cost, and the most appropriate representative is being sent.

## RESOURCES

Costs for attendance at the Symposium are covered within the budget allocated for economic development.

## RECOMMENDATIONS

1. That the information be received.
2. That Council approve Cr Stone's attendance at the Economic Development Symposium in Wellington on 4 December 2002.

Report prepared by: Tony Mayow, Partnerships and Advocacy Manager.



## 13 ALTERNATE APPOINTMENTS TO TERRITORIAL LOCAL AUTHORITIES ELECTORAL COLLEGE AUCKLAND WAR MEMORIAL MUSEUM AND THE MUSEUM OF TRANSPORT AND TECHNOLOGY

### PURPOSE OF THE REPORT

The purpose of this report is to enable Council to make an alternate appointment on the Territorial Local Authorities Electoral College Auckland War Memorial Museum and the Museum of Transport and Technology.

### BACKGROUND

At the Inaugural Council Meeting held on 31 October 2002, Councillors Neeson and Russell were appointed to the Territorial Local Authorities Electoral College Auckland War Memorial Museum and the Museum of Transport and Technology via the following resolution

*"That Councillor Vanessa Neeson and Councillor Gary Russell be appointed to represent Waitakere City Council at Ordinary and Special meetings of the Territorial Local Authorities Electoral College for the Auckland War Memorial Museum and M.O.T.A.T and to vote in the Council's best interest at Annual General meetings, subject to matters requiring a Special Resolution being brought back to an appropriate committee of the Council for consideration and determination."*

2429/2001

It is recommended that a Council representative be appointed as an alternate member to the Territorial Local Authorities Electoral College Auckland War Memorial Museum and the Museum of Transport and Technology as a Council delegate being present to exercise voting rights in the absence of either Cr Neeson or Cr Russell.

### CONCLUSION

It is recommended to Council that it consider the appointment of an alternate member to the Territorial Local Authorities Electoral College Auckland War Memorial Museum and the Museum of Transport and Technology.

### **RECOMMENDATIONS**

1. That the information be received.
2. That Council appoint an alternate member to the Territorial Local Authorities Electoral College Auckland War Memorial Museum and the Museum of Transport and Technology at 100% Payment (Band 4).

Report prepared by: Darryl Griffin, Manager: Democracy and Support Services.



### **14 MEETING WITH MINISTER OF AGRICULTURE AND FORESTRY ON PAINTED APPLE MOTH**

#### **PURPOSE OF THE REPORT**

The purpose of this report is to seek approval of Council for the Deputy Mayor Carolynne Stone's travel to a meeting in Wellington with the Hon Jim Sutton.

Mayor Bob Harvey, Cr Carolynne Stone and Kerry Bodmin, Council's Landscape Development Planner, were invited by the Hon. Jim Sutton and the Director General of MAF Mr Murray Sherwin to a meeting at Parliament Buildings in Wellington on Monday, 25 November 2002 to discuss the Aerial Spraying Eradication Programme and the Painted Apple Moth.

#### **TRAVEL POLICY**

This request complies with the requirements of Council's Policy for Overseas Travel and Conference attendance by Elected Members. It is in line with our policy direction, funds are available, attendance is beneficial to the extent of the cost, and the most appropriate representative is being sent.

Approval is now sought for Cr Stone's travel to this meeting.

### **RECOMMENDATIONS**

1. That the information be received.
2. That Council approve in retrospect Cr Stone's travel to Wellington to attend a meeting with the Hon Jim Sutton and Mr Murray Sherwin, Director General of MAF.

Report prepared by: Darryl Griffin, Manager Democracy and Support Services.



## 15 DECEMBER 2002 MEETING OF THE COUNCIL

The Purpose of this report is to seek the Council's approval to commence the scheduled monthly meeting of the Council on Wednesday, 18 December 2002 at 4.30 pm instead of the usual time of 5.30 pm. A Public Forum session if required will commence at 4.00 pm.

### RECOMMENDATIONS

1. That the information be received.
2. That the December 2002 meeting of the Council scheduled to be held on Wednesday, 18 December 2002, at the Civic Centre, 6 Waipareiria Avenue, Lincoln, Waitakere City commence at 4.30 pm.

Report prepared by: Sharon Simiona, Committee Secretary.



## 16 GROUP GOVERNANCE - APPOINTMENT AND REVIEW OF GOVERNING BODIES

### PURPOSE OF THE REPORT

The purpose of this report is to recommend a process for the appointment and review of individuals to the governing bodies of Council Controlled Organisations.<sup>1</sup>

At a special Council meeting on governance on 11 October 2002, Council requested a report on a process for the appointment of individuals to the governing bodies of Council Controlled Organisation's and that no appointments be made until Council approves this process.

### BACKGROUND

Council has interests in a variety of public good enterprises that operate in the manner of a commercial business. The ownership and governance structures vary and include LATES and Trusts such as:

- Council established Trusts (where Council is a major provider of funds) such as Enterprise Waitakere;
- Other Trusts (where Council has a shared interest) such as Auckland Museum and MOTAT;
- Wholly owned Local Authority Trading Enterprises, such as Waitakere Properties Limited and Waitakere City Holdings Limited;
- Sub regional Local Authority Trading Enterprises such as Techscape Limited;
- Regional Local Authority Trading Enterprises such as Watercare Services Limited and Auckland Regional Transport Network Limited.

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<sup>1</sup> The local Government Bill consolidates a number of different types of organisation into a single class known as a Council Controlled Organisation (CCO). Under the Bill, the definition of a CCO is significantly wider than that which applies under the Local Government Act 1974. The term organisation is not restricted to companies where Council holds equity securities but can include partnerships, trusts, arrangements for the sharing of profit, and joint ventures.

Membership on the governing boards of many of these entities has occurred over time through a variety of processes. As vacancies arise on the governing boards Council is required to either nominate or appoint suitable replacements. In some instances vacancies have been filled on an interim basis and some Boards are operating with only the minimum number of members set out in the respective entity's constitution.

On 15 December 1999 Council approved a policy for the appointment and evaluation of company directors within Council's group of companies (4750/99). In late 2000 Council established a database of individuals interested in serving on Council's subsidiary companies. This database has never been used. In 2001, the Minister Local Government released the Local Government Bill (Bill) and which includes a number of new governance requirements.

The Bill makes several significant changes regarding the appointment of directors. The Bill abolishes the restriction on the number of elected or Council officer members and replaces it with a requirement for a local authority to adopt a policy that sets out an objective and transparent process for identifying and considering the skills required of governors of a Council Controlled Organisation and for appointing directors to a Council Controlled Organisation.

The Controller and Auditor-General reported in 2001 on local authority governance of subsidiary entities. This report identifies recommended practices for local authorities in respect of their governance of entities under a local authority's control.

In conjunction with Local Government New Zealand, SOLGM and the Department of Internal Affairs a number of working parties have been established to assist local authorities in understanding the requirements of the Local Government Bill when enacted, and the development of good practice. One such working party has been developing guidance on issues relating to governance.

## **STRATEGIC CONTEXT**

Council's mechanisms for the delivery of core Council services and achievement of sustainable social, economic, environmental and cultural outcomes include either ownership or control of a number of entities where Council is required to maintain appropriate governance structures.

## **ISSUES**

### **Urgency**

The governing bodies of a number of Council's LATES are operating with the minimum number of members set out in the respective entity's constitution and in some cases appointments have been made on an interim basis. The two most pressing situations relate to Enterprise Waitakere and Techscape Limited.

The Chair of Enterprise Waitakere has expressed concern that the number and composition of that entity's board is insufficient to best meet the needs of Council and that a further three members are needed with the appropriate skills and awareness of this Council's strategic objectives particularly in respect of economic development within the City.

Waitakere City Council and North Shore City Council jointly own Techscape through their respective holding companies. In late 2001, North Shore City Council commissioned Sheffield Consulting Group to undertake a governance review of that Council's holding company (NSM Contracting Limited) and Techscape Limited, although due to the sudden death of one of the holding company directors Sheffield only completed their review of the holding company. North Shore City Council are keen to complete the review of Techscape Limited jointly with Waitakere City Council. In October 2002 the Strategy and Finance Committee of North Shore City Council recommended the formation of a joint committee comprising two councillors from each of North Shore City Council and Waitakere City Council to work with the appropriate officers of each Council, the current Chairman of Techscape Limited and Sheffield Consulting Group Limited in order to:

- Consider the governance implications on Techscape Limited of Sheffield's earlier report, and
- Proceed with the appointment of new directors in order to have a board of six directors in accordance with that company's constitution.

The nominated councillors from North Shore City Council are the Mayor and Councillor Holman.

Council needs to respond to North Shore City Council and it is suggested this be done through the Director appointment and review process recommended in this report.

### **Existing Policy on Appointments**

The policy adopted in 1999 for the appointment and evaluation of Directors was prepared by Waitakere City Holdings Limited and was based on the objectives set in that company's Statement of Corporate Content (SCI) at the time. The policy was written in respect of wholly owned companies of Council only and accordingly does not apply to Techscape Limited and Enterprise Waitakere. The Secretary of Waitakere City Holdings Limited advises that since adoption no reference has been made to this policy whenever Council has made an appointment to Council's LATES and there has been no formal evaluation and report to Council on the performance of the respective boards of directors.

In its review of the respective subsidiary SCI's, Council set out the following general principles on how Council's LATES could contribute to Council's strategic direction:

- All Council controlled entities are to have a clearly defined purpose and be held accountable to Council and the community;
- That roles and responsibilities within the governance structure are clear;
- A "no surprises" policy, reinforced with formal communication;
- That Council operates effective governance of Council controlled entities.

In particular, Council wanted a process in place that:

- Provided Council with the opportunity to provide timely input into the strategic direction and objectives of Council's entities,
- Allowed for more frequent performance reporting (quarterly) by the respective entities,
- Allowed the opportunity for representatives of the entity governing board and management to meet with Council and discuss performance and major issues,
- Allowed for Council officer comment on the entity performance and any governance issues, and
- Provided Council with greater control over the process for the appointment and evaluation of entity governing bodies.

Given the increased governance requirements of Council as proposed in the Bill and Council's desire to be better informed and consulted on the activities of entities under its control it is appropriate to review the appropriateness of the current policy.

The current policy provides a lot of guidance on the general requirements of directors and their legislative responsibilities, however, there is very little comment on the process for director appointment and evaluation. Both the policy and the current SCI of Waitakere City Holdings Limited requires Council to appoint and evaluate the performance of the holding company board, but the appointment and evaluation of the subsidiary company boards currently rests with the holding company. However, in order to address the concerns expressed by elected members during the various workshops on governance and their review of the entity SCI's, this report considers the process of appointment and evaluation of all entities under Council's control should be conducted by a committee of Council. Any recommendations of the committee would be made to the full Council for approval. This committee would be supported by the officers advisory group that was set up by the Chief Executive in August 2002, at Council's request, to review the entity SCI's and any related governance issues, and with input from the Chair of Council's holding company. If required, this committee would also have the opportunity to seek independent external advice.

The committee and advisory group would be responsible for the following:

- Identification of core and specialist competencies and skills, and mix thereof, required within the governing body;
- Levels of remuneration;
- Term of office;
- The recruitment process;
- Annual evaluation of individual director and Board performance.

The above process is very similar to that used by the shareholding local authorities in respect of Watercare, Infrastructure Auckland and Auckland Regional Transport Network Limited, and Auckland City Council in respect of those organisations under its control.

The planned quarterly reporting of performance by each Council controlled entity and the officers advisory group would still be to the appropriate main Committee of Council. These main Committees of Council would also provide the reviewing committee with input when it evaluates the performance of the entity governing body.

### **Composition of the Review Committee**

Council retains ownership and control of its entities as a mechanism to assist Council in the delivery of specific services and achievement of strategic outcomes and not solely for financial purposes. Accordingly, the committee membership should adequately represent Council's three main Committees as well as being capable of providing sufficient assistance to Council in its governance role. A membership of 5 is considered a suitable size to enable the committee to adequately perform its role given the number of entities that meet the definition of Council control.

Council already has as part of its governance structure a Performance Review Committee to assist the Council in its governance role. In particular, this committee monitors the performance of the organisation in delivering Council's services and carrying out Council's policies, as well as reviewing the performance of the Chief Executive, considering any contractual matters and fixing his remuneration. This committee comprises the Chairs of Council's three main Committees in addition to the Mayor and one elected member of Council and has the necessary range of Council knowledge and skills to appoint and evaluate the subsidiary entity boards.

- A24 - A25* If the Performance Review Committee was given this task appropriate changes will need to be made to that committee's delegations. A draft of an amended delegation to the Committee is attached at pages A24 to A25.
- A26 - A30* The Finance and Operational Performance Committee also has a role under the current committee delegations and acts as 'owner' of the commercial entities in the Council Group. This Committee could also undertake the role of reviewing the governance appointments on behalf of Council. A draft amended delegation for the Finance and Operational Performance Committee is attached at pages A26 to A30.
- A31* A further alternative would be to establish a subcommittee reporting to the Finance and Operational Performance Committee, this would have greater costs to Council in that additional meetings would need to be added to the meeting schedule and an additional chair's salary would be paid, however the smaller number of members may facilitate the more detailed level of work necessary and it also provides a vehicle whereby additional outside expertise could be appointed to the subcommittee to assist Council. A draft delegation for such a subcommittee is attached at page A31.

### **Councillor Appointments**

Generally speaking, the value to Council of placing its own representatives on to the boards of its entities is to gain greater control of the direction of those entities, particularly where there is a lack of confidence in the non Councillor directors. In particular, the Councillor director might:

- Seek to be the Council voice;
- Provide a local community perspective;
- Ensure that the objectives of the board are aligned with those of Council.

The above benefits would however reduce through an appointment process that ensures that the board contained members with the appropriate understanding of and commitment to Council's wishes. Further, a comprehensive and unambiguous SCI should provide Council with sufficient control over the entities governing body, together with a comprehensive reporting framework and the opportunity for the governing body and senior management to discuss performance and issues with Council on a regular basis.

There are also disadvantages to appointing Councillors to the governing bodies of entities, particularly if core competencies and specialist skills are not identified prior to making the appointment. There may also be difficulties in performance reviews. Reviewing the performance of a Councillor Director may be more complicated and there may even be a temptation not to review that director's performance. The Audit Office has also talked about the potential conflicts of interest and whether or not a Councillor Director can appropriately serve the interests of both the entity and Council.

The practice of appointing Councillors to entity boards has a number of positive and negative implications. The main benefit of ensuring that the Council and community view is effectively taken into account is offset by the conflict of roles, which may arise, and the other negative implications commented on above.

The Bill contains two sections that clearly state the role of the director in ensuring that the entity meets its objectives and other requirements contained in its SCI (or equivalent performance agreement) and that all decisions relating to the operation of the entity need to be made in accordance with such agreements and its constitution. It therefore follows that this is the most efficient mechanism for Council to use in terms of influencing Council's objectives and expectations of the entity. The working party providing guidance on the Bill's governance requirements also makes a similar recommendation.

## **Officer Appointments**

A key role of the Chief Executive is to act as Council's chief adviser, which includes advising Council on its relationship with the entities under Council control. In order to discharge this function effectively, it would be preferable that the Chief Executive took no part in the internal governance of any subsidiary entity. Similarly, where Council officers have an advisory role to Council on the performance of a particular entity they should not, as a rule, sit on the governing body of that entity.

However, there may be situations where it is necessary for either the Chief Executive or a Council officer to sit on an entity's board whether it is in an advisory or temporary capacity. A good example was Council's approval for the interim appointment of the Director: Strategy and Development to the Boards of Waitakere Properties and Enterprise Waitakere. In order for these entities to transact business interim appointments were necessary and the appointed officer possesses all the necessary skills to fulfil the position. Similarly with the appointment of the North Shore City Council Chief Executive to the board of Techscape there was merit in having this Council's Chief Executive sit on that board in an advisory capacity.

To ensure that the Chief Executive and officers are in a position to provide informed or independent advice to Council there should be a framework for reviewing Council's strategic interests and the involvement of the Chief Executive and any officer in the internal governance of Council's entities. This review is something that the Performance Review Committee could undertake as part of its current review of the Chief Executive's performance and the additional role proposed above in respect of reviewing the appointment and performance of those boards under Council's control.

## **CONCLUSION**

This Council has expressed a need to be better informed, and on a timelier basis of major issues within entities under Council's control. It is appropriate that Council has in place a good process for the appointment and review of governing bodies to enable Council to discharge its own governance responsibilities effectively.

There is a need to update Council's process for the appointment and evaluation of boards under Council's control in order to align current processes with good governance practices and allow Council the opportunity to provide timely and effective input into the respective entity's strategic direction and performance. There is also a need to further review existing policy relating to Board Directors pending enactment of the Bill and finalisation of guidance on good practice being developed by the governance working party.

A number of the governing boards under Council's control are operating with the minimum number of members and there is some urgency to remedy the situation in respect of Enterprise Waitakere and Techscape Limited.

The Performance Review Committee delegations will need to be amended if Council approves the recommendation that this Committee performs the role of appointment and evaluation of the entity boards under Council control.

**RECOMMENDATIONS**

1. That the information be received.
2. That the process of appointing and evaluating the performance of governing bodies for entities under Council's control be performed by a committee of Council.
3. That this committee be the existing Performance Review Committee with appropriate amendments made to the Field of Activity of the Committee to reflect its expanded role.
4. That the revised delegations of the Performance Review Committee as set out at pages A24 to A25 be adopted.
5. That if Council wishes to jointly review Techscape with North Shore City Council, the members of the Performance Review Committee be Council's representation.
6. That if necessary the Chief Executive provides a further report on the adequacy of existing governance policy and procedures once the Local Government Bill is enacted and the respective working party guidance completed.

A24 - A25

Report prepared by: Robert Rudd Director: Quality Assurance.

HV O'Rourke  
**CHIEF EXECUTIVE**



**PART E - STANDING COMMITTEE REPORTS**

**17 CITY DEVELOPMENT COMMITTEE**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON MONDAY, 11 NOVEMBER 2002**

**1. RAIL PROJECT GOVERNANCE**

**Your Committee Recommends:**

1. That Cr Stone's attendance at the Local Government New Zealand Transport Forum in Wellington on Thursday, 5 December 2002 be approved.
2. That Cr Presland's attendance at the Local Government New Zealand Transport Forum in Wellington on Thursday, 5 December 2002 be approved.

**2. YOUTH FACILITY CONCEPT**

**Your Committee Recommends:**

That Cr Brady be appointed as the representative for the Indoor Youth Facility Project Group on a voluntary basis.

**3. OTHER MATTERS CONSIDERED**

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 1 to 13 in the supplement labelled Part E.

**Your Committee Recommends:**

That the report of the Ordinary Meeting of the City Development Committee held on Monday, 11 November 2002 be received.

CA Stone  
**CHAIRPERSON**

*1 - 13  
Part E*



18 **ENVIRONMENTAL MANAGEMENT COMMITTEE**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON TUESDAY, 12 NOVEMBER 2002**

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**MATTERS CONSIDERED**

*14 - 20  
Part E*

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 14 to 20 in the supplement labelled Part E.

**Your Committee Recommends:**

That the report of the Ordinary Meeting of the Environmental Management Committee held on Tuesday, 12 November 2002 be received.

PA Hulse

**CHAIRPERSON**



19 **FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON THURSDAY, 14 NOVEMBER 2002**

1. **ACQUISITION OF LAND FOR ROAD ON THE CORNER OF ARCHIBALD AND ST LEONARDS ROADS, KELSTON**

**Your Committee Recommends:**

That the 25m<sup>2</sup> triangular area of land on the corner of Archibald Road and St Leonards Road be acquired from Kelston Boys High School under the Public Works Act 1981.

2. **STOPPING AND SALE OF PART WALKER ROAD, HENDERSON**

**Your Committee Recommends:**

1. That the identified part of Walker Road be stopped in accordance with the 10<sup>th</sup> Schedule to the Local Government Act 1974.
2. That after the land ceases to be road, it be sold to the owner of the adjoining sections at 12, 14 and 16 Walker Road under Section 345 of the Local Government Act, because pursuant to Section 40 (4) of the Public Works Act 1981, the situation of the land is such that Council could not expect to sell it to any person who did now own adjacent land.

3. **OTHER MATTERS CONSIDERED**

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 21 to 35 in the supplement labelled Part E.

**Your Committee Recommends:**

That the report of the Ordinary Meeting of the Finance and Operational Performance Committee held on Thursday, 14 November 2002 be received.

JM Clews, QSO, JP  
**CHAIRPERSON**

21 - 35  
Part E



**PART F - PRESENTATIONS**

These presentations will take place at 7.30 pm.

**20 BABU CHATTERJI**

Mayor Bob Harvey has invited Sitar player Babu Chatterji to perform one item for the Council. Mr Chatterji has chosen a piece called Dhun.



**21 NAOMI MCCLEARY**

Mayor Bob Harvey will present to Naomi McCleary the book "Len Castle Ceramics" in recognition of her organisation of the highly successful "Trash to Fashion" event.



**22 KELSTON H.I.P.P.Y. PROGRAMME**

A32 - A33

Darren Smith, Principal of St Leonards Primary will outline to the Council the aims and objectives of the Kelston H.I.P.P.Y. Programme and introduce the four students that have recently graduated - Annetta Lam, Priyanka Nana, Shantelle Mauauri and Chanelle Mauauri. H.I.P.P.Y. Co-ordinator Falanika Salevao and the Liaison Project Officer Peta Siulepa, will also be in attendance. The Kelston H.I.P.P.Y. Information sheet is attached at pages A32 to A33.



**23 POMARIA PRIMARY SCHOOL**

Students from Pomaria Primary school prepared and produced a 30 second TV ad titled "Anti-Bullying" for the annual "Fair Go Ad Awards", which they subsequently won. For their effort they were awarded the Anti-Bully Trophy and \$1,000.00.

Five - six students from Pomaria Primary School including the 10 year old Director / Producer, Arielle Wakelin will be present at the meeting to show to the Council their winning "Anti-Bullying Ad".



## 24 WAITAKERE URBAN SEARCH AND RESCUE

This presentation culminates six months of dedicating training by the Council's Civil Defence Emergency Management volunteer Immediate Response Light Rescue Team members.

Not only does the award recognise personal achievement, but it also means that Waitakere and the Auckland Region have a recognised team of Urban Search and Rescue (USAR) available to assist the normal emergency services in a building collapse and urban rescue environment. The teams achievement was conducted as a joint training programme with the North Shore Light Rescue Team and a total of 23 volunteers have qualified for this prestigious award.

In order to gain this award, team members were required to achieve a number of NZQA qualifications. These included Co-ordinated Incident Management Systems skills, USAR Awareness and Civil Defence Light Rescue theory and practical examinations plus an advanced first aid qualification. Team members have dedicated one evening a week plus a number of weekends throughout the year to gain this qualification.

Not satisfied with their USAR qualification, the team have also trained as a welfare centre response group. The team's senior leader Norm Shaw has recently revalidated his National Light Rescue Instructors qualification and five other team members are currently undertaking a two-weekend Light Rescue Instructors Course being held at the Whenuapai Air Base.

Those being awarded their certificate are:

Norm Shaw  
Michael Sprague  
Corey Neal  
Robyn Butler – Larsen  
Oliver Hutton  
Bruce Carr  
Sandra Bluck  
Leigh George (Bill) Morley



**PART G - PROCEDURAL MATTERS**

**25 QUESTIONS**

Pursuant to Standing Order 39.2, any member of the local authority may at any ordinary meeting of the local authority at the appointed time, put a question to the Mayor as Chairperson of the local authority, or through the Mayor to the Chairperson of any standing or special committee, or to any officer of the local authority concerning any matter relevant to the role or functions of the local authority concerning any matter that does not appear on the order paper, nor arises from any committee report or recommendation submitted to that meeting.



**26 NOTICES OF MOTION**

Notices of motion shall be in writing by the mover, stating the meeting at which it is proposed that the notice of motion be considered, and shall be delivered to the Chief Executive at least five clear days before such meeting.



**27 CLOSING PRAYER**

