
Regulatory and Hearings Committee

(Solid Waste Bylaw Review
and Prostitution Bylaw Review Hearings)

OPEN MINUTES

Minutes of a meeting of the Regulatory and Hearings Committee held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 29 August 2019 at 9.30am.

PRESENT

Chairperson: Cr Angela O’Leary
Deputy Chairperson: Cr Leo Tooman
Membership: Mayor A King
Cr M Bunting
Cr J R Casson
Cr S Henry
Cr D Macpherson
Cr R Pascoe
Cr R Hamilton
Maangai James Whetu

In Attendance: Jen Baird - General Manager City Growth
Eeva-Liisa Wright - General Manager, Infrastructure
Sandra Murray - Policy Consultant
Trent Fowles – Compliance Manager
Maire Porter – City Waters Manager

Governance Staff: Amy Viggers and Claire Guthrie, Committee Advisors

1. Apologies

Resolved: (Cr O’Leary/Cr Tooman)

That the apologies for absence from Deputy Mayor Gallagher and Cr Taylor are accepted.

2. Confirmation of Agenda

Resolved: (Cr O’Leary/ Cr Casson)

That the agenda is confirmed.

3. Declarations of Interest

Maangai Whetu advised that one of the submitters speaking to item 5 (*Prostitution Bylaw Review - Submissions and Hearings Report*) was known to him and advised that there was no Conflict of Interest. He would take part in the discussion and vote on the item.

4. Solid Waste Bylaw - Submissions and Hearings Report

The Compliance Manager took the report as read.

Committee Members asked that the following be included in the deliberations report:

- assisted services, including the cost of the service.
- communication and engagement plan with multi-unit and body corporate properties concerning the bylaw.

Resolved: (Cr O’Leary/Cr Tooman)

That the Regulatory and Hearings Committee:

- a) receives the report;
- b) hears and considers the submissions for the Solid Waste Bylaw 2019; and
- c) notes that a Deliberations Report for the Solid Waste Bylaw 2019 will be considered at the 17 September 2019 Council meeting.

Cr Macpherson joined the meeting (9.36am) during the discussion of the above. He was present when the matter was voted on.

The following members of the public spoke to their submissions on the Prostitution Bylaw Review:

Dame Catherine Healy (New Zealand Prostitutes’ Collective (NZPC))

Dame Catherine spoke to the NZPC’s submission on the Prostitution Bylaw and noted they did not support such a Bylaw. She outlined concerns with the proposed bylaw including the illegality in relation to solicitation, potential increased harm and restrictions placed on sex workers and the increased opportunity for prejudiced behaviour to occur. She responded to questions from Committee Members concerning the decline in street based sex workers, reasons that a person may become a street based sex worker and the Prostitution Reform Act of 2003.

Bob McCoskie (Family First NZ)

Mr McCoskie spoke to their submission and noted that they were in support of the Bylaw and opposed any changes to it. He felt that the Bylaw was consistent with the Bill of Rights and the Prostitution Reform Act of 2003.

Robyn Jackson (The Voice Waikato Network)

Ms Jackson spoke to their submission and noted their request for the Bylaw to retain the ban on public soliciting and on brothels of any size outside the permitted zones. She responded to questions from Committee Members concerning her definition of a residential area and activities that should be in a residential area.

Pat Gregory

Ms Gregory spoke to her submission and noted that she was of the opinion that the Bylaw was not broken so it did not need to be changed. She advised that she had lived in an area where a brothel was opened next door to them and it was detrimental to the area.

Roger Stafford

Mr Stafford spoke to his submission and noted that he was in support of the Bylaw being less restrictive as this would enhance Hamilton. He felt that development contributions should be sought from brothels and that they should be allowed to operate in suburbs. He responded to questions from Committee Members concerning development contributions and the removal of designated areas.

Mayor King left the meeting (10.13am) during the above presentation.

Paula Salisbury (Mothers for Safe Suburbs)

Ms Salisbury spoke to their submission and their opinion that the Bylaw provided safety for families and children. She outlined concerns from members of Mothers for Safe Suburbs including the effect on house prices and safety if brothels were able to be in residential areas.

Mayor King re-joined the meeting (10.23am) during the above presentation.

Mark Dorsey

Mr Dorsey spoke to his submission and noted that the Bylaw meant that he would not be solicited by sex workers when out at night which he appreciated.

Lisa Lewis

Ms Lewis spoke to her submission and noted that she felt that the Prostitution Bylaw was discriminatory. She advised that the restrictions area was creating segregation and the lack of suitable housing in those areas pushed sex workers to using hotels.

Jannah Henry

Ms Henry spoke to her submission and noted sex work is a lawful profession that was not being allowed by the Bylaw. She felt that the bylaw was harmful to sex workers.

5. Prostitution Bylaw Review - Submissions and Hearings Report

The General Manager City Growth took the report as read.

Committee Members asked that the following be included in the deliberations report:

- how the Bylaw aligns with the District Plan
- number of locations closed by the compliance team
- areas where street sex workers were allowed when the current Bylaw was approved
- summary of the history of the Bylaw from 2004 including the number of submitters that were for or against the proposals
- overview of the Judicial Review when the Bylaw was first approved
- number of prosecutions nationally for prostitution or breaches of the Bill of Rights in relation to prostitution
- fines for other activities that occur outside the allocated area for the activity to occur, such as retailers selling on the street outside their shop
- Council processes to ensure compliance with the Bylaw – what can be done and what is HCC process
- how the designated areas of activity were approved.

Resolved: (Cr O’Leary/Cr Tooman)

That the Regulatory and Hearings Committee:

- a) receives the report;
- b) hears and considers the submissions for the Prostitution Bylaw 2009 review; and
- c) notes that a Deliberations Report for the Prostitution Bylaw 2009 review will be considered at the 17 September 2019 Council meeting.

The meeting was declared closed at 10.53am.