

# **Rotorua Prostitution Bylaw Review - Deliberations**

Strategy, Policy & Finance Committee

12 November 2020



# Legislation driving a prostitution bylaw

Prostitution in New Zealand was decriminalised through the passing of the Prostitution Reform Act **2003**.

The Act allows Councils to adopt bylaws establishing appropriate **locations for brothels** within their district and **rules for advertising commercial sexual premises**.

Objectives of Council's Prostitution Bylaw 2009

*“ to control the **location of brothels** and other **commercial sex premises** in the District and the **placement and establishment of signage** relating thereto”*

Council's bylaw making power sits alongside Council's general power under the Local Government Act 2002 (LGA) to make bylaws in order to:

- protect the public from nuisance;
- protect, promote, and maintain public health and safety; and
- minimise the potential for offensive behaviour in public places.

**Rotorua District Council  
Prostitution Bylaw 2009  
Review**

**Special Consultative Procedure  
23 November 2018 to  
25 January 2019**  
  
No changes proposed

**Hearing 14 February 2019**  
  
3 submissions received

**March 2019 SP&F Committee**  
  
Officers made some changes to,  
and recommended, Council  
approve a proposed 2019  
Prostitution Bylaw

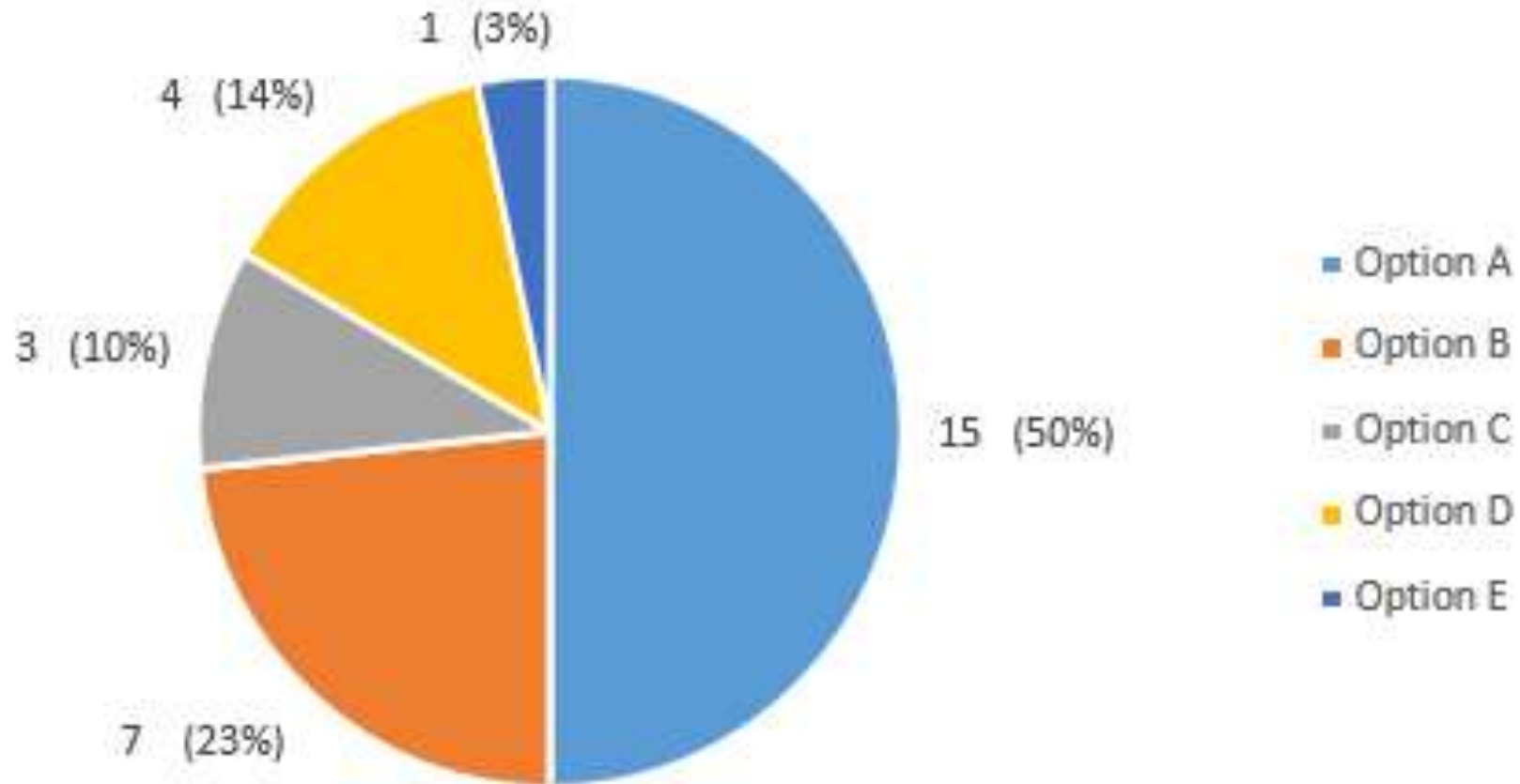
**March 2019 SP&F Committee**  
  
Referred the Bylaw back to  
Council officers with question  
  
“Is a Prostitution Bylaw  
necessary?”

**Officer Recommendation**  
  
A Prostitution Bylaw

**Special Consultative Procedure  
20<sup>th</sup> July to 18<sup>th</sup> August 2020**  
  
**Option A** - Retaining the Existing  
RLC Prostitution Bylaw 2009 with  
no changes  
**Option B and C** - Adopting a new  
RLC Prostitution Bylaw  
**Option D** - Allowing the current  
Bylaw to lapse, or revoke the  
current Bylaw  
**Option E** - Revoking the 2009 Bylaw  
or allowing it to lapse AND inserting  
required provisions into the District  
Plan

30 submissions received

**Of the 30 submissions received, preference for each option was as follows:**



# The question to address?

**Is there a need for additional protections, through a Bylaw, above those applied to all business activities within the District Plan and /or police powers**

- Prostitution is a legal activity.
- The purpose of having a Prostitution Bylaw is not to pass judgement about whether the provision of sexual services should take place, but to provide regulation of **negative effects** around this activities (if there are any)

## What is a SOOB?

- Small-owner-operated brothel
- Like many small businesses, may have little if any effects on surrounding neighbourhood
- Client visitors may be quiet, discreet, few in number and infrequent
- As for any house, visitors would also include everyday visitors, tradespeople, deliveries, etc not related at all to the business
- Perceived potential problems such as foot traffic, parking and noise are similar for many home-based businesses
- District Plan enables small businesses in the suburbs of up to two workers
- One worker must live there (resident)

## Is there a need for additional protections, through a Bylaw, above those applied to all business activities?

Attributes	Possible Negative Effect	Tools Available
Location of brothels CBD	Brothels in the CBD	District Plan
Location of brothels out of CBD	Brothels outside of the CBD being restricted to small owner operated brothel (SOOB)	District Plan
	Brothels (SOOB) being located within 100 metres of sensitive sites or next door to another one another	Nil
Signage	Generally offensive or sexually explicit wording or images	Advertising Standards Authority Code of Practice District Plan
	Neon lighting	District Plan
Nuisance	Noise, Parking	Noise Rules within the District Plan Summary Offences Act 1981 (immediate if criminal criteria are reached) Land Transport Act
	Amenity – look and feel of residential property	Nil
Touting and Soliciting	Offensive behaviour in public places/ disruption to public order	Summary Offences Act 1981 (immediate if criminal criteria are reached) General Bylaw 2017 (immediate response) Increased lighting (deterrent) CCTV (deterrent)

# Staff recommendations

**Is there a need for additional protections, through a Bylaw, above those applied to all business activities?**

**NO**

**2a. That the Committee recommends to Council that the possible negative effects of prostitution are adequately able to be managed via the District Plan provisions and other regulatory mechanisms**

**2b. That the Committee recommends to Council that the current Bylaw be revoked following the November Council meeting**

**OR**

**YES**

**3. That the Committee recommend to Council that a bylaw is the most appropriate way of addressing a possible negative effects of prostitution and that the proposed Rotorua District Council Sex Workers Bylaw 2020 be adopted with the inclusion of sensitive sites outside CBD and advertising as attached.**