

Meeting	Proposed Alcohol Control Bylaw 2018 Hearing
Date	Tuesday 16 October 2018
Time	10.00am
Venue	Northern Wairoa War Memorial Hall – 37 Hokianga Road, Dargaville

Agenda

Hearing Panel:

Chair: Mayor Jason Smith

Members: Councillor Anna Curnow
Councillor Victoria del la Varis-Woodcock
Councillor Karen Joyce-Paki

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* Attachment 1 was circulated under a separate cover 'All submissions to Proposed Alcohol Control Bylaw 2018'

**Proposed Alcohol Control Bylaw 2018 Hearing
Tuesday 16 October 2018 in Dargaville**

1 Opening

1.1 Karakia

1.2 Present

1.3 Apologies

2 Submissions

All submissions have been circulated under a separate cover '*All submissions to Proposed Alcohol Control Bylaw 2018*'.

The following submitters wished to be heard:

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| 2.1 Henare Hamilton | 'All submissions to Proposed Alcohol Control Bylaw 2018' | Page 163 |
| 2.2 Tinopai School (Sonya Kaihe) | | Page 189 |
| 2.3 Dargaville Community Cinema Charitable Trust (Sharon Jones) | | Page 89 |
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Tentative schedule:

10.10am Henare Hamilton

10.20am Tinopai School (Sonya Kaihe)

10.30am Dargaville Community Cinema Charitable Trust (Sharon Jones)

10.40am Dargaville Little Theatre (Eryn Wilson-Collins)

10.50am Morning Tea

11.00am Te Rūnanga o Ngāti Whātua

File number: 3211.02 **Approved for agenda** ☒

Report to: Alcohol Control Bylaw Hearing Panel

Meeting date: 16 October 2018

Subject: Alcohol Control Bylaw Statement of Proposal and Alcohol Control Areas – Submission Hearings

Date of report: 05 October 2018

From: Paula Hansen, Policy Planner

Report purpose ☐ **Decision** ☒ **Information**

Assessment of significance ☒ **Significant** ☐ **Non-significant**

Summary

This report supports the presentation of submissions received to the Statement of Proposal on the Kaipara District Alcohol Control Bylaw and alcohol control areas which has been consulted on from 28 August 2018 to 28 September 2018. The hearings are scheduled to be held Tuesday 16 October 2018. The purpose of the hearings is for submitters to present their case verbally, expand on their submissions and answer any questions from the Hearing Panel. The Hearing Panel does not deliberate at hearings nor make decisions on submissions during the hearing.

There were 24 submissions received to this Statement of Proposal, 12 of which wish to be heard in support of their submissions, including the late submitter. One late submission was received on Monday 01 October 2018.

Responsibility was delegated to Councillor Curnow, Councillor Joyce-Paki and Councillor de la Varis-Woodcock at the August 2018 Council meeting.

Recommendation

That the Alcohol Control Bylaw hearing Panel (delegated to Councillors Curnow, Joyce-Paki and de la Varis-Woodcock in August 2018):

- 1 *Receives the Policy Planner's report 'Alcohol Control Bylaw Statement of Proposal and Alcohol Control Areas – Submission Hearings' dated 05 October 2018; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Receives the submissions made to the draft Kaipara District Council Alcohol Control Bylaw statement of proposal and alcohol control areas, circulated with the above-mentioned report as Attachment 1; and*
- 4 *Accepts and receives the one late submission on the proposal from the Ministry of Education (received Monday 01 October 2018); and*

- 5 *Receives the verbal submissions (made to the Hearing Panel on 16 October 2018) on the Kaipara District Council Alcohol Control Bylaw Statement of Proposal and alcohol control areas.*

Reason for the recommendation

It is important that the community is given the opportunity to have their submissions on the draft Statement of Proposal to be heard and that the Hearing Panel is given the opportunity to reflect on the submissions presented prior to deliberating on changes to the proposal. It is also considered appropriate for Council to accept and consider the late submission in their deliberations.

Reason for the report

To support the presentations of submissions received to the draft Kaipara District Alcohol Control Bylaw Statement of Proposal and associated proposed alcohol control areas for the hearings.

Background

Council is required to comply with the Local Government Act 2002 (LGA02) in respect to the community consultation process for the adoption of the new Alcohol Control Bylaw Statement of Proposal and associated proposed alcohol control areas. This process includes inviting submissions from the public and giving submitters a reasonable opportunity to be heard.

The purpose of the hearings is for submitters to present their case verbally, expand on their submissions and answer any questions from the Hearing Panel. The Hearing Panel does not deliberate at hearings nor make decisions on submissions. This occurs during Deliberations.

Issues

There are three parts to the consultation for Council to consider, they are:

- 1 The Bylaw itself, in which case Council needs to be satisfied that a bylaw is the most appropriate way to deal with the issues; that it is the most appropriate form of bylaw and that it can be justified as a reasonable limitation on the peoples rights and freedoms.
- 2 The proposed alcohol areas and the proposed controls that are in existing townships; councils need to be satisfied that a high level of crime and disorder will likely return should the alcohol controls be removed.
- 3 The proposed new alcohol control area in Tinopai, Council needs to be satisfied that there is evidence that the area has experienced a high level of crime and disorder that can be shown to have been caused or made worse by the consumption of alcohol. If there is evidence then Council needs to be satisfied that the controls are appropriate and proportionate in light of that evidence and that it can be justified as a reasonable limitation on people's rights and freedoms.

The Alcohol Control Bylaw Statement of Proposal and proposed alcohol control areas were adopted by Council for public consultation at its meeting on 23 August 2018. The submission period was from Tuesday 28 August 2018 to Friday 28 September 2018.

A total of 24 submissions were received during the submission period with 12 submitters wishing to be heard in support of their submission. One late submission was received on Monday 01 October 2018.

The late submission is from the Ministry of Education, given that a number of schools are included in the proposal it is appropriate that the Ministry of Education's thoughts are also considered.

Overview and Application of Bylaw and alcohol control areas

The bylaw sets the framework for which alcohol control may be put in place. Should a person or organisation wish to serve or sell alcohol they have to apply for a Special Licence and they have the ability to do so, regardless of an alcohol control being in place or not. In the event a Special Licence is not required an exemption to Council can be applied for. This captures events that do not require a licence but alcohol will be around and is located in an alcohol control area.

The following activities can be prohibited or controlled in any specified public place identified through the bylaw:

- a) The consumption of alcohol;
- b) The bringing of alcohol into a place;
- c) The possession of alcohol;
- d) The presence or use of a vehicle in conjunction with any prohibition relating to alcohol in a) to c).

With regards to the alcohol control areas consulted on these activities are prohibited, with controls specified being the days and times. These only apply to public places and do not apply to private residences.

Public place:

- (a) means a place that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from it; but
- (b) does not include licensed premises.

Hearing Schedule of submitters to be heard

There were 12 submitters who indicated that they wished to be heard, including the late submitter. The hearing is to take place on Tuesday 16 October 2018 in the Northern Wairoa War Memorial Hall in Dargaville commencing at 10.00am.

Deliberation date

Following the hearing, deliberation will be held to make recommendations to Council on the final Alcohol Control Bylaw and Alcohol Control Areas as a result of submissions.

Factors to consider

Community views

Hearings represent an important opportunity for members of the community to have their views heard by both the Hearing Panel and interested members of the public.

Policy implications

The hearings themselves have no direct bearing on policy as no decisions are made at the hearings. However, the decisions that the Hearing Panel makes at the Deliberations meeting will have policy implications on the Alcohol Control Bylaw and associated alcohol control areas.

Financial implications

There are no direct financial implications as a result of the hearings process. There will be future financial implications for signage in order for any alcohol control areas to be enforced. This will be taken from existing budgets.

Legal/delegation implications

Council is required under LGA02 to give all submitters the opportunity to be heard in relation to their submission. There is also a requirement for the Hearing Panel to receive all views presented with an open mind and then give the submissions received due consideration during the Deliberations process.

Options

There are no options available to Council at this point in time as there is a statutory requirement for Council to hold hearings. Therefore Council needs to complete the process of hearing verbal submissions to the proposed Alcohol Control Bylaw Statement of Proposal and associated alcohol control areas.

Next step

That the verbal submissions be heard. Deliberations are to be had after the hearing has taken place and are scheduled for Friday 26 October 2018.

Attachments

- Attachment 1: Copy of all 24 submissions (circulated under a separate cover 'All submissions to Proposed Alcohol Control Bylaw 2018')
- Attachment 2: Summary of submissions

Summary of Submissions – Alcohol Control Bylaw and Alcohol Control Areas

Summary on Proposed Alcohol Control Bylaw feedback

Submitters made the following comments on the Bylaw:

- There are lax controls;
- The bylaw is too loose;
- Bylaw is working;
- Bylaw not considered to be working as no actions are being taken. Scratch out the bylaw and bring back the old laws of no selling in super markets and not on Sundays?

Summary of Proposed Alcohol Control Areas Feedback

Proposed area	Summarised feedback
Mangawhai	<ul style="list-style-type: none"> - This area is supported by RoadSafe Northland, the NDHB and Te Runanga o Ngati Whatua. - Support inclusion of the state schools proposed throughout the Alcohol Control Areas, as they can apply for exemptions under the bylaw should they want to undertake an event where alcohol may be present. - Has seen crime or disorder throughout all days of the week and can occur at any time of the day up to a daily basis. - Seek to exclude alcohol controls from applying to motor caravans.
Ruawai	<ul style="list-style-type: none"> - This area is supported by RoadSafe Northland, the NDHB and Te Runanga o Ngati Whatua. - One submission from the Ruawai community was received that stated that they do not know of any public alcohol issues. - Has seen crime or disorder throughout all days of the week and can occur at any time of the day up to a daily basis. - Seek to exclude alcohol controls from applying to motor caravans.
Dargaville	<ul style="list-style-type: none"> - This area is supported by RoadSafe Northland, the NDHB and Te Runanga o Ngati Whatua. - Support inclusion of the state schools proposed throughout the Alcohol Control Areas, as they can apply for exemptions under the bylaw should they want to undertake an event where alcohol may be present. - Current regulations do not recognise the special nature of the Dargaville Cinema or community theatre and impose conditions which make the serving of a glass of wine or beer prohibitive. - Alcohol can be seen as a drawcard for audiences and sale of alcohol is profitable. - Restriction runs counter to a long history of serving alcohol in cinemas and theatres.

	<ul style="list-style-type: none"> - Request that Council makes provision in its Policy for the Cinema and theatre situation and changes its regulations accordingly. - Request for Council to consider reviewing the Liquor Licencing Policy to recognise and allow for the special character and needs of community facilities such as the Cinema. - Current regulations do not recognise the special nature of cinema and imposed conditions which make the serving of a glass of wine or beer prohibitive. This places the cinema in an unusual and disadvantageous position in relation to other New Zealand cinemas where alcohol is a key part of the cinema experience for some adults. - This is important as not only an additional drawcard for these audiences, but because the sale of these items is highly profitable. - The current restriction runs counter to a long history of serving alcohol in cinemas with minimal problems. The nature of the cinema experience works against alcohol abuse. - Other community facilities of a similar nature may also be similarly affected. - Ability to bring alcohol onsite for staff celebrations and the practicability of this; and how the alcohol ban would apply to the school houses located on site (High School Lane). - Believes that the bylaw is effective and extending the control areas seems to make sense. - Have not really witnessed issues. - Would like Dargaville intermediate to be excluded as they believe the Police already have the powers to arrest a person if they are drunk and disorderly committing acts of vandalism, indecent exposure, etcetera. Including the grounds would make it illegal for people to have a beer while playing twilight cricket etcetera. They are resourced for the community and as such will not let the possible actions of a minority impinge on the rights of the majority. - Dargaville retain current alcohol control areas and controls – in place 24hrs a day all year round. Areas to remain the same with addition of schools for Dargaville. - Suggest extending the use of cameras and having more Police on patrol. - Including the grounds would make it illegal for people to have a beer while playing twilight cricket etcetera. They are resourced for the community and as such will not let the possible actions of a minority impinge on the rights of the majority. - Have seen or experienced drunkenness, fighting, bottles on the lawn and rubbish (beer boxes). It is most likely to be experienced or
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	<p>witnessed any day of the week and in all seasons except for winter. It is particularly worse over long weekends and school holidays.</p> <ul style="list-style-type: none"> - Occurs on a weekly basis and has associated it with payday. - Likely to witness or experience crime and disorder during the weekend on a weekly basis. - Has seen dangerous driving, no ears, argumentative and fighting behaviours. Tends to occur during the weekend on a regular basis usually between the times of 7pm -7am. - Have seen young people fighting, broken bottles, swearing and bad behaviours have been witnessed or experienced. Has been happening all year round in the weekends on a regular basis usually between 10pm and 7am. - Ban alcohol in Finlayson Park Avenue. - Has seen crime or disorder throughout all days of the week and can occur at any time of the day up to a daily basis. - Seek to exclude alcohol controls from applying to motor caravans.
Te Kopuru	<ul style="list-style-type: none"> - This area is supported by RoadSafe Northland, the NDHB and Te Runanga o Ngati Whatua. - Support inclusion of the school proposed throughout the Alcohol Control Areas, as they can apply for exemptions under the bylaw should they want to undertake an event where alcohol may be present. - The school is often a place where young people come on the weekend, bringing bottles of alcohol, and smoking. - Often find empty bottles, cigarette butts on the premises on Monday mornings. Once we found smashed glass from wine bottles on the asphalt where children play. This area had to be cordoned off for several days as the caretaker painstakingly cleared the area of shards of glass. - Issues likely to occur during the weekends between 7pm and 10pm on a monthly basis. - Has seen crime or disorder throughout all days of the week and can occur at any time of the day up to a daily basis. - Seek to exclude alcohol controls from applying to motor caravans.
West Coast Beach Communities Pouto Glinks Gully Baylys Beach Omamari Aranga	<ul style="list-style-type: none"> - This area is supported by RoadSafe Northland, the NDHB and Te Runanga o Ngati Whatua. - These areas and controls are supported by RoadSafe Northland, the NDHB and Te Runanga o Ngati Whatua. - Has seen crime or disorder throughout all days of the week and can occur at any time of the day up to a daily basis. - Seek to exclude alcohol controls from applying to motor caravans.

Kaihu	<ul style="list-style-type: none"> - This area is supported by RoadSafe Northland, the NDHB and Te Runanga o Ngati Whatua. - This area is supported by RoadSafe Northland, the NDHB and Te Runanga o Ngati Whatua. - Has seen crime or disorder throughout all days of the week and can occur at any time of the day up to a daily basis. - Seek to exclude alcohol controls from applying to motor caravans.
Tinopai	<ul style="list-style-type: none"> - This area is supported by RoadSafe Northland, the NDHB and Te Runanga o Ngati Whatua. - Support inclusion of the school proposed throughout the Alcohol Control Areas, as they can apply for exemptions under the bylaw should they want to undertake an event where alcohol may be present. - Have witnessed property damage, fighting, broken glass, aggressive, intimidating and offensive behaviour as well as lighting of fires, ripping up of reserve turf due to out of control drinking in public places. Occurs around playground adjacent to Community Hall and local wharf area. - Happens any day of the week and on a weekly occurrence. Issues tend to occur between 10pm and 7am. - Crime and disorder happens very rarely, if it does it is around Christmas time and is likely to be seen between 10pm and 7am. - There has been next to no crime in town however, there has been the odd occasion where people have been drinking alcohol and disorderly at the end of Te Komiti Road near wharf. The rubbish left behind is an issue however, there has been no crime to my knowledge. - Likely to happen during the weekend during summer and spring and between the hours of 10pm and 7am. - Nothing else is needed. The incidents are so few and far between that I can only recall one incident recently. It was about a month ago when people were doing burnouts and lit a fire at the wharf. Also, the proposed band area at camp ground and hall is not practical as the hall gets used for many controlled functions and the pool club is attached to hall where the club plays once a week and has tournaments where alcohol is consumed with no disorder at all. Furthermore, all the campers that come to enjoy our beautiful little town enjoy a couple drinks in the camp ground while they relax and there has been no disorder there at all as well. - Disappointed and surprised about process undertaken. - The school does not endorse any excessive or disruptive consumption of alcohol and however does not want the school included. There are concerns on what this would mean for the yearly school fundraiser - fishing competition.

	<ul style="list-style-type: none"> - Only one small incident is known to the school, otherwise there have been no issues experienced or witnessed. - Has seen crime or disorder throughout all days of the week and can occur at any time of the day up to a daily basis. - Rented school house is located on school grounds. Would like clarification on how the proposed alcohol control area would affect family gatherings where alcohol will be consumed at my home. - Have only been fearful once of any incidents involving crime, though possibly not connected to alcohol but to the scourge of P. This involved out of towners and involved baseball bats. Otherwise the whanau of Tinopai do not pose any threat other than wheelies. Although there are probably events not aware of. - Seek to exclude alcohol controls from applying to motor caravans. - Tinopai – introduce a new alcohol control area for Tinopai with a proposed control of 24 hours a day every day of the year for consultation.
Other comments	<ul style="list-style-type: none"> - Need more signage, noise control should be improved need to address underlying issues associated with alcohol in the communities, alcohol is considered to be too accessible in the community. - Reduce vehicle access to public grassed areas, such as reserves. - Consider consultation in a way that is not online as this is not accessible to many. - Suggest more police patrols. - Alcohol can provide social benefits to communities, it is a legalised drug with the potential to cause serious harm. - Recommend that the alcohol control areas should be clearly signposted and advertised throughout the District. - Uniform signage across northland would assist both northlanders and visitors to easily identify alcohol control areas. - Suggest extending the use of cameras and having more Police on patrol.(Dargaville) - Police presence – even if this just involves an occasional drive past the school and the domain.(Te Kopuru) - Believe current bylaws are effective and should continue. The Kaipara District is ranked second worst district nationally for alcohol and drugged driving in the communities at Risk Register 2017, with a personal risk of 5 and collective risk of 12. (Register is attached to submission) - Alcohol impaired driving occurs frequently and is an issue throughout the District. The control areas serve as a tool to combat the serious safety risk.

Closure

Kaipara District Council
Dargaville