



**I give notice that
an Ad Hoc Committee - Alcohol Bylaw Meeting will be held on:**

Date:	Monday, 19 November 2018
Time:	9.30am
Location:	Council Chamber 107 Heuheu Street Taupō

AGENDA

MEMBERSHIP

Chairperson TBC

Deputy Chairperson

Members

- Cr John Boddy
- Cr Maggie Stewart
- Cr John Williamson
- Mayor David Trewavas

Quorum 2

Gareth Green
Chief Executive Officer

Order Of Business

1	Apologies	
2	Conflicts of Interest	
3	Confirmation of Minutes	
	Nil	
4	Reports	
4.1	Election of Chairperson.....	3
4.2	Draft Alcohol Control Bylaw - Consideration of Submissions	4
5	Confidential Business	
	Nil	

4.1 ELECTION OF CHAIRPERSON

Author: Tina Jakes, Democracy & Community Engagement Manager

Authorised by: Gareth Green, Chief Executive Officer

PURPOSE

To elect a Chairperson for the Alcohol Bylaw Committee.

RECOMMENDATION(S)

That _____ be elected Chairperson for the Alcohol Bylaw Committee.

ATTACHMENTS

Nil

4.2 DRAFT ALCOHOL CONTROL BYLAW - CONSIDERATION OF SUBMISSIONS

Author: Hilary Samuel, Senior Policy Advisor

Authorised by: Alan Menhennet, Head of Finance and Strategy

PURPOSE

For the Ad Hoc committee to consider the written and verbal submissions on the draft Alcohol Control Bylaw and make a recommendation to Council regarding its adoption.

EXECUTIVE SUMMARY

Changes to the Local Government Act 2002 (the Act) mean that the current 2013 Liquor Control Bylaw will expire in December 2018 and therefore needs to be replaced.

A new Bylaw has been developed according to the new legislation with some changes from the 2013 version. The changes proposed include:

- Amendments to the terminology to bring the bylaw into line with the Local Government (Alcohol Reform) Amendment Act 2012.
- Changes to some alcohol prohibition areas
- An additional clause to allow Council to resolve to put temporary alcohol prohibitions in place for one off, large scale events.
- Exclusion of lawfully parked certified self-contained vehicles (with the exception of Hipapatua Reserve).
- The addition of Otumuheke Stream (Spa Park bathing area) was also proposed as a focus for community feedback as a permanent prohibition area.

Twelve submissions were received. The majority of the submissions supported the Draft Alcohol Bylaw as proposed.

RECOMMENDATION(S)

1. That the Ad Hoc Committee - Alcohol Bylaw receives the submissions (Attachment 2, Objective reference A2348774) including submission 12 which was received outside the submission period.
2. That the Ad Hoc Committee - Alcohol Bylaw recommends that Council adopts the Draft Alcohol Control Bylaw with amendments prior to 18 December 2018.

BACKGROUND

The proposal has been before Council at a prior meeting (25 September 2018, item 5.4), and the following resolutions were made:

1. That Council directs officers to notify the proposed Alcohol Control Bylaw 2018 [A2292288] and associated Statement of Proposal [A2292086] as set out by section 156 of the Local Government Act 2002.
2. That a Special [Ad Hoc] Committee of Council be constituted, as per the attached terms of reference, to hear and consider submissions on the proposed Alcohol Control Bylaw 2018 (hearing date proposed for 19 November 2018).
3. That Cr Boddy, Cr Stewart and Cr Williamson plus the Mayor ex-officio are appointed to the Special [Ad Hoc] Committee of Council.

Consultation was carried out over a one month period. Twelve submissions were received. The majority of the submissions were supportive of the draft Alcohol Control Bylaw.

DISCUSSION

Twelve submissions were received on the draft Alcohol Control Bylaw. The summary of these submissions and the officer's recommendations are attached.

Based on this information it is considered that there are 2 options.

OPTIONS

Analysis of Options

Option 1. Recommend to Council that the Alcohol Control Bylaw be adopted (with or without amendments)

Advantages	Disadvantages
<ul style="list-style-type: none"> The new Alcohol Control Bylaw will be in place prior to the expiry of the current Liquor Control Bylaw. The changes proposed are in line with the new legislation relating to Alcohol Control Bylaws. Submissions were generally supportive of the proposed draft Alcohol Control Bylaw. 	

Option 2. Do not recommend to Council that the Alcohol Control Bylaw be adopted.

Advantages	Disadvantages
	<ul style="list-style-type: none"> The current Liquor Control bylaw will expire and without a new Bylaw in place there will be limited tools for police to control alcohol related crime and disorder. The recommendation will not be consistent with the submissions which were generally supportive of the draft Alcohol Control Bylaw.

Analysis Conclusion:

That the Ad Hoc Committee recommend to Council that the draft Alcohol Control Bylaw be adopted prior to the expiry of the current Bylaw on 18 December 2018.

CONSIDERATIONS

Alignment with Council's Vision

Council's vision is 'to be the most prosperous and liveable district in the North Island by 2022'. This is accompanied by a core set of values to underpin decision-making, the following of which are relevant to this particular proposal: World Class; Authentic; Charming.

Financial Considerations

There are no financial considerations.

Legal Considerations

Local Government Act 2002

The matter comes within scope of the Council's lawful powers, including satisfying the purpose statement of [Section 10](#) of the Local Government Act 2002. The matter will enable the Council to meet the current and future needs of communities for good quality performance of Council's regulatory functions. (i.e. efficient, effective and appropriate to present and anticipated future circumstances).

The proposal has been evaluated with regards to a range of legislation. The key legislation applicable to the proposal has been reviewed and the relevant matters for consideration are the matters under Part 8 of the Local Government Act which relate to the Councils powers to make Bylaws.

Policy Implications

There are no known policy implications.

Māori Engagement

Council is bound by various Acts to consult and/or engage with Māori, including a duty to act reasonably and in good faith as a Te Tiriti ō Waitangi partner. Equally, Council has a responsibility to develop and proactively foster positive relationships with Māori as key stakeholders in our district, and to give effect to the principles of Te Tiriti ō Waitangi including (but not limited to) the protection of Māori rights and their rangatiratanga over tāonga. While we recognise Māori in general, we also need to work side by side with the three ahi kaa / resident iwi of our district.

Although good faith does not necessarily require consultation, it is a mechanism for Council to demonstrate its existence and commitment to working together as district partners. Appropriately, the report author acknowledges that they have considered the above obligations including the need to seek advice, guidance, feedback and/or involvement of Māori on the proposed recommendation/s, objective/s, project/s or service/s outlined within this report.

Officers worked closely with the Patuiwi Reserve Trust to ensure there was a high level of knowledge of the process. The Tūwharetoa Maori Trust Board was also informed in writing and in person of the process and the relevant issues discussed.

Risks

There is a low level of risk that the Council decision could be challenged. Given the general high level of support through submissions this is considered a low risk.

SIGNIFICANCE OF THE DECISION OR PROPOSAL

Officers have undertaken a rounded assessment of the matters in clause 11 of the Significance and Engagement Policy (2016), and are of the opinion that the proposal under consideration is significant. However the consultation undertaken as required by the Local Government Act 2002 has been appropriate for the level of significance of this proposal.

ENGAGEMENT

Appropriate engagement has been undertaken as required by the Local Government Act 2002.

COMMUNICATION/MEDIA

Direct communication has been carried out with affected parties and wider communication has been carried out with the community.

CONCLUSION

Submissions have been received on the Draft Alcohol Control Bylaw. Generally there was a high level of support for the Draft Alcohol Control Bylaw and it is recommended that the Ad Hoc Committee recommend that Council adopt the bylaw.

ATTACHMENTS

1. Summary of Submissions and Officers Recommendations
2. Full submissions on the Alcohol Control Bylaw
3. Draft Alcohol Control Bylaw 2018
4. Facebook feedback on the draft Alcohol Control Bylaw