Date: Tuesday 27 March 2018  
Time: 4:00pm  
Meeting Room: Onehunga Community Centre, 83 Church Street, Onehunga

Maungakiekie-Tāmaki Local Board
OPEN MINUTE ITEM ATTACHMENTS

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Note: The attachments contained within this document are for consideration and should not be construed as Council policy unless and until adopted. Should Councillors require further information relating to any reports, please contact the relevant manager, Chairperson or Deputy Chairperson.
The Peace Foundation Resources

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<td>4</td>
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Please send this slip along with payment (cheque) to:
The Peace Foundation, PO Box 8055, Symonds St Auckland 1150
Or send this order form via fax, payment can be deposited in
account # 06-0158-0010006-00. Please use your name as reference
P: (09) 373 2379 F: (09) 379 2668 E: peace@peacefoundation.org.nz

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**Peace Cities Programmes**

We successfully championed the Auckland City for Peace Declaration within the Auckland City Council on 15 December 2011. This provides a foundation for policy making based on peace, justice, human rights and the protection of the environment. It reaffirms New Zealand's Nuclear Free Zone legislation and Len Brown has joined 5000 Mayors for Peace committed to the abolition of nuclear weapons. Our Foundation seeks to work with council, local boards and community groups to enable events and projects that promote the Peace City ideals.

**International Peace and Disarmament**

We played a significant role in promoting the New Zealand Nuclear Weapon Free Zone policy in the 1980s. We support the New Zealand NGO representation at the United Nations Disarmament Conferences through Alyn Ware. We seek collaboration with the Christchurch Disarmament and Security Centre and other organisations producing peace related research, educational materials and campaigns.
The Peace Foundation Programmes and Services

Cool Schools Peer Mediation Programme
Peaceful Conflict Resolution and Peer Mediation Programmes (for Primary and Secondary Schools). These programmes were established over 20 years ago and have been introduced to hundreds of schools throughout New Zealand. The programmes aim to create safer, happier more peaceful school environments and communities by:
- Raising awareness of how self and others act in conflict situations;
- Teaching life long conflict management skills;
- Developing leaders who give service and promote respect for differences and diversity; and
- Empowering individuals to believe they can make a positive difference in their world.

Kiata te Rangimarie
The Kaupapa Māori conflict resolution programme (in its pilot stage) has been developed for schools with a high population Māori of students and kura kaupapa Māori. Matarungu Māori (Māori knowledge and values) and te ao Māori (Māori perspective/worldview) will underpin the development while aligning the programme with Te Aho Matua.

Parent Programme
'Peaceful Family Communication' is an experiential programme for parents, grandparents, teachers and caregivers based on the internationally recognised work of Dr Richard Bolstad. It provides participants with a set of skills that can be used immediately in their family and work environments:
- Skills in building rapport in communicating assertively in conflict resolution; and
- Dealing resourcefully with unwanted behaviour. Participants learn to participate fully in family interaction, influence others and build peaceful and quality relationships.

Youth Programme
Engages young people in schools and youth groups to develop peaceful conflict resolution skills using cooperative games, exploring race relations and social problems and studying the history and culture of war and peace. The PF has facilitated the Youth Ambassador's Network, the ENACT website www.enact.org.nz with Facebook discussion online, plus BANG (Ban All Nukes Generation) to support the Five Point Plan for Nuclear Disarmament of Ban Ki-moon UN Secretary-General.

Peace and Disarmament Education in the Community
Provides exhibitions, public talks, debates and publications promoting peace and nuclear disarmament and the causes and prevention of wars.
- Annual Schools Peace Week - around 6th August Hiroshima Day and 9 August Nagasaki Day and the International Day of the World's Indigenous People;
- United Nations International Day of Peace 21st September, Peace Heritage Walks;
- Conducting education and dialogue with MPs, policy makers and the public on the UN Principles for Responsible Investment and to encourage them to stop in making nuclear weapons, land mines and cluster munitions (prohibited under New Zealand law).

Peace Education Library and Resources
We maintain a Study Centre of multi-media publications and materials for individuals and organisations to borrow or purchase that provide practical tools for building a 'Culture of Peace' in our society and world.
What can you expect as a member?

Members can sign up annually, as individuals, students or as affiliates.

We welcome participation from anyone who would like to contribute towards our aims, whatever your specific interests and skills may be. We are also very interested in joining forces with organisations looking for synergies and collaboration.

INA New Zealand branches run events for members throughout the year, such as conferences, dinners, film nights and peakier events. These are a great way to connect with UN officials, diplomats, politicians and academics, and provide opportunities to be updated about news from the UN and its activities around New Zealand. Meetings are also used to organise upcoming community events. The level of participation is entirely up to you.

Member benefits include:

- Monthly newsletter full of the latest UN and UNA New Zealand news and events.
- UNA New Zealand biannual magazine.
- Discounted entry into UNA New Zealand events across the country.
- The opportunity to participate in the UNA New Zealand National Conference and National Council Meetings.
- The right to nominate for office and to vote at your local UNA New Zealand Branch AGM.

UNA New Zealand
Level 13, Davis Langdon House
49 Boulcott Street Wellington 6011
PO Box 24994, Wellington 6142
+64 4 496 9638
office@unanz.org.nz
unanz.org.nz
Charities Commission ID CC38978
Why the United Nations?

The UN is central to our future

Global cooperation is the key to our security, prosperity and development, nationally and internationally. Most of our critical challenges are global and rely on nations’ businesses and people working together for effective solutions. Issues include conflict and nuclear weapons, climate change and environmental degradation, poverty and development, oil depletion and energy supplies and many more.

The United Nations brings together not only national governments, but also a wide range of people’s organisations (Non-Government Organisations) and increasingly multinational corporations as well.

While the UN is still far from its ultimate goal, it has demonstrated its capacity to drive profound changes in attitudes to violence, human rights and global development. We need to enrich our understanding of its work, affirm our support for it, and to strengthen the UN so it can serve us more effectively.

Bringing people together

The United Nations Association of New Zealand (UNA New Zealand) is a national community organisation, and a registered charity. It is made up of a number of regional branches, an independent youth association (UN Youth New Zealand) and affiliates across New Zealand.

UNA New Zealand was founded shortly after the United Nations itself in 1945, and is formally associated with the UN Department of Public Information. We are a member of the World Federation of United Nations Associations (WFUNA) which provides links with United Nations Associations in other countries throughout the world.

UNA New Zealand members come from all areas and walks of life. What brings them together is a shared interest in the work of the United Nations and in trying to make the world a better place.

Making a difference

UNA New Zealand is committed to the ideals embodied in the UN Charter and the crucial role of the UN at the centre of multilateral cooperation to promote world peace and justice, and to eradicate poverty and hunger. We recognise that the UN has far to go to achieve its objectives, and are committed to its improvement.

We work in a variety of ways to highlight the importance of the UN, and to engender the skills within our young people to cope with this extraordinarily challenging international environment. We educate New Zealanders about the activities of the UN and its agencies, New Zealand’s involvement, and how to get involved.

In addition to running regular awareness-raising events, workshops, seminars and panel discussions, UNA New Zealand plays a key role in encouraging the New Zealand Government to support the work of the UN. We also celebrate special UN related days, endeavouring to keep UN issues before the public.
Cr Josephine Bartley: Ward Councillor Report
February

This is a voluntary report initiated monthly by the Councillor to keep the Maungakiekie-Tāmaki Local Board, its staff and the residents of Maungakiekie-Tāmaki updated on activities and duties she has participated in.

1. Committee Meetings

Environment and Community Committee meeting
(Tuesday 20 February) decision making
Decisions made to manage and prevent Kauri dieback, including proposals to close tracks in the Hunua Ranges and Waitakere Ranges; review of CABx services lies on the table; review and update of Low Carbon Auckland

Governing Body Committee meeting to adopt consultation document - LTP 2018-2028
(Wednesday 21 February) decision making
Councillor Sayers was the sole vote against the adoption of the consultation material

Governing Body Committee meeting
(Thursday 22 February) decision making
Notice of Motion by Cr Cathy Casey to ban the sale of fireworks to the general public, process to review the Elected Members’ Code of Conduct

Finance and Performance Committee meeting
(Tuesday 27 February) decision making
The Committee agreed the Auckland Council submission to the Auckland Regional Amenities Funding Board Draft Funding Plan 2018/2019, approved the disposal of land in Hobsonville, approved the optimisation of property in Avondale, considered the Value for Money (s17A) Review, made a decision to approve funding for ATEED to relocate and fit-out new premises, agreed to consult on an Accommodation Provider Targeted Rate Remission and postponement.

Finance and Performance Workshop: Panuku Developments Auckland
(Thursday 1 March) non-decision making
Workshop to discuss progressing urban development

Planning Committee Briefing
(Thursday 1 March) non-decision making
Briefing on Auckland Housing Programme (Housing New Zealand/HLC)

Planning Committee meeting
(Tuesday 6 March) decision making
The Committee endorsed Unlock Panmure, and the change of use of 40 Anzac Street (carpark) in Takapuna.

Environment and Community Committee workshop: re: Fit for the Future
(Wednesday 7 March) non-decision making

Finance and Performance/Planning Committee joint workshop
(Thursday 8 March) non-decision making
Mana Whenua Kaitiaka Forum

Governing Body Workshop - Charter Programme
(Monday 12 March) non-decision making
To discuss Our Charter and the group standard for money and assets/ sensitive expenditure

Finance and Performance Committee quarterly meeting (Q2 2017/18)
(Monday 12 March) decision making
Additional F&P Committee meeting to consider Group, Parent and CCO quarterly financial performance
Environment and Community Committee meeting  
(Tuesday 13 March) decision making  
The committee agreed to submit a request to the Minister of Conservation to uplift the reserve status of land on Bairds Road in Otara and Harbour View Road in Te Atatu.

Environment and Community Committee workshop  
(Tuesday 13 March) non-decision making  
This workshop included an update on Kauri Dieback, Myrtle Rust, Safeswim and Fire Foam (Ministry for the Environment, NZ Defence Force and Auckland Council staff).

Finance and Performance/Planning Committee joint workshop  
(Wednesday 14 March) non-decision making  
Transport regional stakeholder session with Spark Connect and Greater Auckland

Governing Body Workshop – Code of Conduct  
(Thursday 15 March) non-decision making  
The purpose of the meeting:
- for the Governing Body to provide guidance on the review of the Elected Members Code of conduct, specifically;
- areas of the code of conduct that need to be changed;
- new provisions, and
- the format of the new code

Finance and Performance/Planning Committee joint workshop – Mana Whenua entities  
(Thursday 15 March) non-decision making

Finance and Performance Committee meeting  
(Tuesday 20 March) decision making  
Items included the integration of New Zealand Maritime Museum into Regional Facilities Auckland, local board input (Manurewa LB) on progressing urban development, the approval of funding of the Transform and Unlock programme reinvestment of proceeds of property sales (“regional portfolio approach”, and reports on Te Toa Taktini and IMSB’s assessment of expenditure incurred by council on projects to deliver Māori outcomes.

Finance and Performance/Planning Committee joint workshop  
(Wednesday 21 March) non-decision making

Governing Body Meeting  
(Thursday 22 March) decision making  
Items included staff policies, Cr Bartley’s appointment to the Tūpuna Maunga o Tāmaki Makaurau Authority, and amendments to the Governing Body Terms of Reference including Cr Bartley’s appointment to the Appointments, Performance Review and Value for Money Committee, the Community Development and Safety Committee, the Regulatory Committee and Civil Defence Emergency Management Group Committee. Cr Bartley voted against Governing Body’s endorsement of Auckland Transport’s initial response to the Governance Framework Review resolutions.

Joint Governing Body/IMSB meeting  
(Monday 26 March) non-decision making

Finance and Performance Committee workshop (Have Your Say event)  
(Tuesday 27 March) non decision making  
LTP/AP consultation

2. Other meetings/events of interest:

LTP Briefing  
(Wednesday 28 February)  
Meeting with council’s finance advisors to discuss the Long Term Plan strategy and the role of Governing Body

Meeting to discuss car parks in Onehunga Mall cul-de-sac  
(Wednesday 28 February)  
Meeting with Auckland Transport and Member Driver with constituent

Business Network for Lunn Avenue  
(Wednesday 28 February)
Meeting hosted by both Ōrākei and Maungakiekie-Tāmaki Local Boards to discuss a potential business network for Lunn Ave businesses.

**Catch up – Mayor Goff**  
(Thursday 1 March)

**Lantern Festival**  
(Thursday 1 March)

**Blessing of artwork, Brick Wave – Taumanu Reserve**  
(Saturday 3 March)

**Onehunga Bay Festival**  
(Saturday 3 March)

**Panama Road School community walk**  
(Monday 5 March)

**Pre-briefing Auckland Plan**  
(Monday 5 March)  
Meeting with Jennifer Davies in advance of Have Your Say consultation events on the Auckland Plan

**West Pasifika Fono**  
(Monday 5 March)  
Have Your Say event for Pacific communities in West Auckland

**New Zealand Credit Union's School Scholarship Presentation**  
(Monday 5 March)

**Welcome meeting with Executive Leadership**  
(Wednesday 7 March)

**Waikato Have Your Say**  
(Thursday 8 March)  
LTP/AP consultation

**Debt and Financial Strategy briefing**  
(Friday 9 March)  
Meeting with Neil Huang, Financial Advisor to discuss Auckland Council’s financial position

**Panuku Catch up**  
(Friday 9 March)  
Meeting with David Rankin, CEO Panuku and Allan Yong, Director Development Panuku

**Manurewa Have Your Say event**  
(Saturday 10 March)  
LTP/AP consultation

**Toriho Reserve Community BBQ**  
(Saturday 10 March)

**Glen Innes Congregational Church visit**  
(Sunday 11 March)

**AMETI Stakeholder forum**  
(Monday 12 March)

**Regional Fuel Tax & America's Cup briefing**  
(Wednesday 14 March)  
Meeting called by Mayor Goff

**Rivertalks**  
(Wednesday 14 March)

**Meeting with Phil Twyford**
(Thursday 15 March)

Drop in Have Your Say event Maungakiekie-Tāmaki Local Board area – Onehunga
(Thursday 15 March)
LTP/AP consultation

Polyfest 2018
(Friday 16 March)

City Mission Development Hobson Street
(Monday 19 March)
Attended an onsite meeting with Mandy Mee from Auckland City Mission along with Member Farrelly, to discuss the redevelopment of the site into a purpose-built social services and housing facility for the homeless.

Communications Update
(Monday 19 March)
Meeting with local communications advisor

Marae Funding Programme
(Wednesday 21 March)
Meeting with Graham Pryor, head of Te Waka Angamua to discuss funding for Ruapotaka Marae

Environment and Community Committee Drop in session
(Wednesday 21 March)
Sale and supply of Alcohol Renewal of Licences Amendment Bill

Representation Review briefing
(Wednesday 21 March)
Discussion with Warwick Robertson re potential for new ward boundaries

Development in the South – meeting with Deputy Mayor Cashmore
(Wednesday 21 March)
Presentation from Charles Ma on the progress to date on the housing development in the southern region of Auckland

Onehunga Fencible & Historical Society General Meeting
(Wednesday 21 March)

Drop in Have Your Say event - Maungakiekie-Tāmaki Local Board area
(Thursday 22 March)
LTP/AP consultation

Home Fires
(Friday 23 March)
Exhibition in this year’s Auckland Arts Festival in Glen Innes to reflect on the impact of mass housing redevelopment.

Pasifika 2018
(Saturday 24 March – Sunday 25 March)

Panmure Basin Fun day
(Sunday 25 March)

Onehunga Sports Football Club
(Sunday 25 March)
First home game of 2018 season

Mutukaraoa (Hamlins Hill) Management Trust meeting
(Monday 26 March)
Meeting attended via phone in

Pasifika Fono (South) Roundtable Have Your Say event
(Monday 26 March)
LTP/AP consultation
3. **Constituent Queries:**
Ireland Road, illegal dumping, Liveable Streets (Koraha Street), Beachcroft Street and Onehunga Bay, Castledine Crescent, Meadow Street, Riki Road and flooding, Sunset View Road, sports park bookings, community hall bookings, Panmure Basin and Pied Shag colony, Torino Reserve, safety issues relating to AMETI

5. **Coming up in the next two weeks:**
Meeting with student leaders from St Joseph’s, Disability Advisory Panel meeting, Community Development and Safety committee, Regulatory committee, workshops on Regional Sport Grants programme, Ports of Auckland Masterplan, Dog Management bylaw review, and a constituent/community clinic in Sylvia Park.

Josephine Bartley  
Auckland Councillor  
Maungakiekie-Tāmaki ward
Report Chris Makoare (Deputy Chair)

27/03/03

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
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<tbody>
<tr>
<td>25/03</td>
<td>Panmure Funday</td>
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<tr>
<td>23/03</td>
<td>Te Oro Business meeting</td>
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<td>Meeting with Ruapotaka Marae re Feasibility Study new marae</td>
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<tr>
<td>21/03</td>
<td>Meeting with Chris Sutton (PBA)</td>
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<td>Meeting with Theresa Holmes and Library staff concerns raised around Youth</td>
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<td></td>
<td>What is happening – request update/report?</td>
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<td></td>
<td>Also concerns raised about engagement by Business Associations with Youth – upskill</td>
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<tr>
<td>20/03</td>
<td>Workshop Local Board</td>
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<td>19/03</td>
<td>Te Oro run through</td>
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<td>Run through financials with Chair re Community Facility</td>
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<td>16/03</td>
<td>Attend Rivertalks 5.30 pm</td>
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<td>15/03</td>
<td>Meeting with Phil Twyford re housing</td>
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<td>15/03</td>
<td>HYS Onehunga</td>
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<td>14/03</td>
<td>GI Business Association – Town Centre Upgrade</td>
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<td>14/03</td>
<td>GI Town Centre Steering Group meeting</td>
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<td>13/03</td>
<td>M/T Workshop</td>
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<td>12/03</td>
<td>Meeting with Michael Alofa</td>
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<td>09/03</td>
<td>Meeting with David Zeusman re Ready 2 Rent</td>
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<td>06/03</td>
<td>Local Board Workshop</td>
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<td>06/03</td>
<td>Presentation to the Governing Body re Unlock Panmure</td>
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<td>05/03</td>
<td>Attended East Area Community Volunteers meeting at GI Hall</td>
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<td>04/03</td>
<td>Attended Lantern Festival</td>
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<td>28/02</td>
<td>Tamaki College Rec Centre Board meeting</td>
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<td>Video Shoot HYS</td>
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### Attachment A

#### Table one: comparison of section 133 – key differences highlighted

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<tr>
<td><strong>Section 133 as it appears in the Act</strong></td>
<td><strong>133 Renewal of licences where relevant local alcohol policy exists</strong></td>
</tr>
<tr>
<td>(1) In considering whether to <strong>renew</strong> a licence, the licensing authority or licensing committee concerned <strong>must not take into account</strong> any inconsistency between a relevant local alcohol policy and—</td>
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<tr>
<td>(a) the renewal of the licence; or</td>
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<tr>
<td>(b) the consequences of its renewal.</td>
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<tr>
<td>(2) The licensing authority or licensing committee concerned may impose particular conditions on any licence it renews if—</td>
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<tr>
<td>(a) there is any relevant local alcohol policy; and</td>
<td></td>
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<tr>
<td>(b) it considers that the renewal of the licence, or the consequences of the renewal of the licence, without those conditions imposed on it would be inconsistent with the policy.</td>
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| **Section 133 as it appears in the Bill** | **133 Renewal of licences where relevant local alcohol policy exists** |
| (1) A licensing authority or licensing committee **may refuse to renew a licence** if, in its opinion, the renewal of the licence or the consequences of its renewal would be inconsistent with policies, on any or all of the matters set out in paragraphs (a) to (d) of section 77(1), that are contained in any relevant local alcohol policy. |
| (2) A licensing authority or licensing committee may impose particular conditions on any licence it renews if, in its opinion, the renewal of the licence, or the consequences of its renewal without those conditions would be inconsistent with policies, on any or all of the matters set out in paragraphs (e) to (g) of section 77(1), that are contained in any relevant local alcohol policy. |

| **Section 133 as it would appear if incorporating the provisions of the SOP** | **133 Renewal of licences where relevant local alcohol policy exists** |
| (1) A licensing authority or licensing committee may refuse to renew an **off-licence** if, in its opinion, the renewal of the off-licence or the consequences of its renewal would be inconsistent with policies, on any or all of the matters set out in paragraphs (a) to (d) of section 77(1), that are contained in any relevant local alcohol policy. |
| (2) A licensing authority or licensing committee may impose particular conditions on any off-licence it renews if, in its opinion, the renewal of the off-licence, or the consequences of its renewal without those conditions would be inconsistent with policies, on any or all of the matters set out in paragraphs (e) to (g) of section 77(1), that are contained in any relevant local alcohol policy. |
| (3) **In considering whether to renew a licence other than an off-licence**, the licensing authority or licensing committee concerned **must not take into account** any inconsistency between a relevant local alcohol policy and— |
| (a) the renewal of the licence; or |
| (b) the consequences of its renewal. |
| (4) The licensing authority or licensing committee concerned may impose particular conditions on any licence it renews, **other than an off-licence**, if— |
| (a) there is any relevant local alcohol policy; and |
| (b) it considers that the renewal of the licence, or the consequences of the renewal of the licence, without those conditions imposed on it would be inconsistent with the policy. |
Submission to Governance Administration Select Committee

In the matter of the Sale and Supply of Alcohol (Renewal of Licences) Amendment Bill (No 2)

Auckland Council, April 2018
<table>
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**Item 24.1**

### Mihimihi*

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<th>Maungakiekie-Tāmaki Local Board</th>
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<tr>
<td>27 March 2018</td>
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**Attachment B**

### Mihimihi*

<table>
<thead>
<tr>
<th>Ka mihi ake ai ki ngā maunga here kōrero,</th>
<th>I greet the mountains, repository of all that has been said of this place,</th>
</tr>
</thead>
<tbody>
<tr>
<td>ki ngā pari whakarongo tai,</td>
<td>there I greet the cliffs that have heard the ebb and flow of the tides of time,</td>
</tr>
<tr>
<td>ki ngā awa tuku kiri o ōna manawhenua,</td>
<td>and the rivers that cleansed the forebears of all who came those born of this land</td>
</tr>
<tr>
<td>ōna mana ā-iwi taketake mai, tauiwī atu.</td>
<td>and the newcomers among us all.</td>
</tr>
<tr>
<td>Tāmaki – makau a te rau, murau a te tini, wenerau a te mano.</td>
<td>Auckland – beloved of hundreds, famed among the multitude, envy of thousands.</td>
</tr>
<tr>
<td>Kāhore tō rite i te ao.</td>
<td>You are unique in the world.</td>
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*Note Mihimihi may be amended as part of finalising the submission*
Attachment B

Item 24.1

Ko te tāpaetanga o te Kaunihera o Tāmaki Makaurau
Auckland Council Submission  ***** April 2018

Title:  Auckland Council Submission on the Sale and Supply of Alcohol (Renewal of Licences) Amendment Bill (No 2)

Submission to the Governance Administration Committee

1  Introduction

1.1  This submission relates to both the Sale and Supply of Alcohol (Renewal of Licences) Amendment Bill (No 2) (“the bill”) and the Supplementary Order Paper dated 21 February 2018 tabled by MP Louisa Walls (“the paper”).

2  Executive Summary

2.1  Alcohol related harm is a concern in Auckland and Auckland Council has developed a local alcohol policy in response.

2.2  The council recognises concerns have been raised by communities with location and density of off-licences.

2.3  The council supports the principle behind the bill and the paper but wants to ensure minimisation of unintended consequences. The current wording of the bill and the paper raise concerns about complexity and potentially introduces unintended consequences which need to be addressed.

2.4  The council questions the bill’s practical application. The bill would have no immediate practical effect within Auckland because:

   2.4.1  The council does not have a local alcohol policy in force.

   2.4.2  Auckland Council’s Provisional Local Alcohol Policy currently excludes renewals from density provisions.

2.5  The council has concerns about the local alcohol policy process, including:

   2.5.1  The court process is lengthy and delayed through costly legal challenges. This has the effect of undermining community voices and expectations.

   2.5.2  Elements relating to delivery times for remote sellers are unable to be included in a local alcohol policy.

2.6  More central government guidance is needed to strengthen the voice of the community in the development of a local alcohol policy.
3 Alcohol-related harm is a concern in Auckland

3.1 Research conducted by the council when considering whether to develop a local alcohol policy identified issues of alcohol-related harm in Auckland. This research fed into the development of Auckland Council’s Provisional Local Alcohol Policy.

4 Council recognises concerns have been raised with location and density of off-licences

4.1 Communities in Auckland have made it clear to the council that they have serious concerns about the number and location of off-licences in some parts of Auckland. The council also recognises the difficulties that communities have raised when objecting to renewal applications, especially in relation to the location and density of off-licences.

4.2 The Auckland Council Provisional Local Alcohol Policy addresses location and density elements which apply to off-licences differently to on- or club-licences. This was as a result of research into alcohol-related harm in the context of Auckland. Other communities may have different contributors to harm and in those communities this may require a focus on the location, or density of, on- or club-licences to reduce alcohol-related harm in their area.

5 Council supports the principle behind the bill but wants to ensure the minimisation of unintended consequences

5.1 The council supports the principle of the community having a voice in alcohol licensing decisions, including renewal applications, new licence applications and input into the development of local alcohol policies.

5.2 However, the bill needs to be balanced to minimise potential negative impacts on established businesses, employment and economic growth. Potential negative impacts may include:

5.2.1 Established businesses, which are located in an area where location or density provisions apply, may face an uncertain future. This may be due to the businesses current location, or as a result of a facility defined as a sensitive site subsequently opening nearby.

5.2.2 Loss of ‘good operators’. Where density provisions are intended to reduce numbers, consideration is needed to determine which established businesses
may have their licence renewed and which would be refused. This is difficult for
decision makers to assess in terms of applications for renewal of individual
licences.

5.3 The paper does seek to address this balance in part by only applying the changes to off-
licences, however this adds complexity to the legislation.

5.4 If a concern is about ‘bad operators’, the Act in section 131 has mandatory criteria that a
licensing decision maker must have regard to on renewal applications. Two of these are:

5.4.1 Whether the amenity and good order of the location would be likely to be
increased by more than a minor extent by the effects of a refusal to renew a
licence

5.4.2 The applicant’s prior conduct (i.e. how it has sold, supplied, displayed, advertised
or promoted alcohol).

5.5 While these are not location or density elements, if the concern is bad operators in
particular areas, they would be caught by section 131.

6 Council questions the bill’s practical application

6.1 The bill and paper allows the licensing authority or a licensing committee to exercise its
discretion to refuse to renew an off-licence if it would be inconsistent with location and
density policies in a local alcohol policy. To have any practical application, there needs to
be a local alcohol policy which:

6.1.1 Includes elements relating to location and density

6.1.2 Allows those elements relating to location and density to apply for off-licence
renewals

6.1.3 Has survived all legal challenges and is in force.

6.2 The bill would have no effect for Auckland Council’s Provisional Local Alcohol Policy
because:

6.2.1 The elements in the provisional policy relating to location and density only apply to
new licence applications

6.2.2 It is still subject to legal challenges and is not in force.
7 Council has concerns about the local alcohol policy process

7.1 This bill presents an opportunity to address issues with the local alcohol policy process. Having a local alcohol policy in force is vital to this bill having practical application.

7.2 There has been significant cost and delay in developing and progressing Auckland Council’s Provisional Local Alcohol Policy. The social and public health issues that the policy intended to address continue to occur at similar levels.

7.3 Nationwide, there are difficulties in developing and bringing a local alcohol policy into force. A December 2017 publication from Alcohol Healthwatch\(^1\) summarises progress of local alcohol policy development to date. The publication highlights that as at 1 August 2017, of the 40 draft local alcohol policies which have been developed and notified, 21 were in force. Large urban centres such as Wellington City, Christchurch City, Dunedin City and Hamilton City have all developed a draft local alcohol policy which have been subject to various legal challenges and are not in force.

7.4 From council experience the level of evidence and legal challenges faced when a local alcohol policy departs from the default provisions of the Sale and Supply of Alcohol Act 2012 requires a substantial level of resources to defend.

7.5 A further unintended consequence of the bill is that changes to the legislative framework at this point may provide another opportunity for further legal challenges. This may have the unintended consequence of actually further delaying the implementation of local alcohol policies.

Elements relating to delivery times for remote sellers unable to be included in a local alcohol policy

7.6 The primary focus of the bill and paper is to enable a reduction in opportunities to access alcohol from off-licences in local communities. This reduction in availability could be superseded by alcohol being available through immediate delivery of remote sales.

7.7 Section 59 of the Act provides that alcohol sold by remote sale is not to be delivered to a buyer any time after 11pm and before 6am.

7.8 The Alcohol Regulatory and Licensing Authority has determined that section 59 of the Act cannot be subject to, or be overridden by, a local alcohol policy.\(^2\)

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\(^2\) Refer Foodstuffs South Island & Ors v Dunedin City Council (2016) NZARLA PH 212-226; Redwood Corporation Limited v Auckland Council (2017) NZARLA PH 247-254.
7.9 Where a local alcohol policy is in force which changes the maximum trading hours to a time before 11pm, this provision undermines any change to maximum trading hours, as alcohol could still be obtained up to 11pm through remote sales and a fast-turnaround delivery service. This is an issue which a local alcohol policy should be able to address if it is not addressed by central government.

Court process

7.10 Legal challenges against local alcohol policies are common. In the council’s case, these are ongoing and continue to delay implementation.

7.11 Table 1 below sets out the timeline for development of Auckland Council’s Provisional Local Alcohol Policy.

Table 1 – timeline for Auckland Council’s Provisional Local Alcohol Policy

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 2012</td>
<td>As a result of a paper presented on alcohol-related harm in Auckland, confirmation obtained to develop a local alcohol policy on the basis the Alcohol Reform Bill passed.</td>
</tr>
<tr>
<td>June – November 2014</td>
<td>Special consultative procedure with 2688 submissions received.</td>
</tr>
<tr>
<td>December 2014 – May 2015</td>
<td>Development and approval of the Provisional Local Alcohol Policy. Public notification of Provisional Local Alcohol Policy in May 2015</td>
</tr>
<tr>
<td>June 2015</td>
<td>Appeals lodged in the Alcohol Regulatory and Licensing Authority (“Authority”) by eight parties.</td>
</tr>
<tr>
<td>February – March 2017</td>
<td>Appeals heard in Authority (approximately four weeks of hearing time required).</td>
</tr>
<tr>
<td>July 2017</td>
<td>Decision from Authority released.</td>
</tr>
<tr>
<td>September 2017</td>
<td>Decision from Authority considered by councillors and Provisional Local Alcohol Policy amended to address the decision from the Authority.</td>
</tr>
<tr>
<td>October 2017</td>
<td>Provisional Local Alcohol Policy resubmitted to the Authority.</td>
</tr>
<tr>
<td>November 2017</td>
<td>Appeals lodged in the Authority by three parties.</td>
</tr>
<tr>
<td>November 2017</td>
<td>Judicial review proceedings filed against Authority’s decision of July 2017.</td>
</tr>
</tbody>
</table>

7.12 Other amendments which could be made to the Act to improve communities’ input and the effectiveness of the development and implementation of local alcohol polices are:

7.12.1 Enabling territorial authorities to negotiate amendments to their policy to address issues raised in appeals without having to concede that an element is unreasonable (as is currently required in the Authority).

7.12.2 Allowing elements of a local alcohol policy which have not been appealed against to be brought into force immediately. The effect of an appeal against a local alcohol policy delays the application of all of the policy until all appeals are finally dealt with.
7.12.3 Confirming the matters a territorial authority must have regard to when a territorial authority is directed by the Authority to reconsider an element.

7.12.4 Reducing the number of opportunities for appeals to be made or at least making it clear that only specific parts of a local alcohol policy which have been amended by a territorial authority following direction from the Authority can be appealed.

8 More central government guidance needed

8.1 The local alcohol policy process which is intended to give communities more input into alcohol licensing matters has been met with legal challenges and six years later, none of the large urban centres in New Zealand have one in force. More central government guidance is needed to address what is a complex, lengthy and expensive process for councils to undertake.

8.2 Auckland Council applauds the Government for their willingness to amend components of the Sale and Supply of Alcohol Act 2012 in order to strengthen the voice of the community in the development of a local alcohol policy. However, the council considers that the bill and paper in their current form falls short of delivering on this and that there are other changes that could be made to the Act which would have a far greater impact on this intent.