Date: Thursday 4 October 2018
Time: 1:30pm
Meeting Room: Room 1, Level 26
Venue: 135 Albert Street
Auckland

Komiti Whanake Hapori me ōna Kaupapa Āhuru / Community Development and Safety Committee

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.
When Sinking Lids Don’t Sink

Auckland Council adopted a Sinking Lid policy for Class 4 (pokie) venues in 2013, and
reconfirmed the policy in 2018.

A sinking lid simply means that Council will not issue any new consents for Class 4 venues.
The council cannot withdraw or amend a consent once it has been granted, and many consents
were not granted by the council - they were “grandfathered” into existence when the Gambling
Act 2003 was passed.

A sinking lid only sinks when a local authority consent expires. A consent only expires when:

- a venue loses or surrenders its Class 4 Venue license (for any reason), and;
- no new Class 4 Venue license application has been submitted to the Department of
  Internal Affairs (DIA) within 6 months.

If a new application is submitted during that 6 months (even on the last day of the period), the
council consent does not expire until DIA has made a decision against issuing the new license.
There is no statutory timeframe for making that decision.

There is not much the Council can do, under the Gambling Act, to make a sinking lid sink faster.

Let’s take a situation where a Class 4 venue is is being used “mainly for operating gaming
machines” contrary to section 67(1)(k) of the Gambling Act:

- Any person can complain to the Secretary of Internal Affairs that a venue is in breach of
  the Act [under section 81].
- The Secretary is then obliged to investigate the complaint, and notify the complainant if
  any action has been or will be taken.
- If the complainant believes appropriate action has not been taken, or won’t be taken,
  they may then complain to the Gambling Commission.
- If the Commission considers that the Secretary did not handle the complaint
  appropriately it may report to the Minister, and notify both the complainant and the
  Secretary of its view.
- However the Gambling Commission cannot overturn or replace the Secretary’s decision,
  and neither can the Minister.

The Sale and Supply of Alcohol Act (SSoA) provides another avenue for making a similar
challenge. It is somewhat more convoluted, but the outcome is more certain:

- Class 4 venues typically hold “tavern” alcohol licences, which the Act defines as
  “premises used or intended to be used in the course of business principally for providing
  alcohol and other refreshments to the public”.
- These licences can be challenged by any person when they come up for periodic
  renewal (unlike gambling venue licences).
- If it can be shown that the venue’s principal business activity is gambling, the alcohol
  licence will not be renewed by the District Licensing Committee (DLC).
- The licensee may then appeal to the Alcohol Regulatory and Licensing Authority (ARLA),
  which reviews the DLC’s decision based on the information put before the DLC, and
  ARLA’s decision is final.
- If the venue loses its alcohol licence then the primary activity of the venue is no longer
  “offered and available” and if it does not cease gambling then it will be in breach of its
Class 4 Venue licence [section 70(1)(i)].

- If a venue has not conducted class 4 gambling at a venue for a period of more than four weeks it must surrender its Class 4 venue licence to the Secretary of Internal Affairs [sections 79(1)(a) and 71(1)(g)].
- However the Secretary may agree to the venue remaining inactive for a further specified period, without surrendering its licence [section 71(1)(g)]. That decision is entirely at the Secretary’s discretion.

There are a number of Class 4 Venues in Auckland that council’s alcohol licensing inspectors have identified as operating primarily as gambling venues, contrary to the Sale and Supply of Alcohol Act 2012. They have challenged, or intend to challenge, the alcohol licences of these venues to ensure compliance with both Acts of parliament: under neither Act should the principal activity of the venue be gambling.

Although a challenge under the Sale and Supply of Alcohol Act should provide a clearer and more certain outcome, in theory, that has not happened in practice, in the case of Grace’s Place in Mangere East.

**The Grace’s Place situation**

What follows is based on documentation supplied by the Department of Internal Affairs following an Official Information Act request.

On 2 June 2017, the Auckland District Licensing Committee declined to renew the tavern on-licence for Grace’s Place, on the grounds that the principal business of the premises was gambling. It said Grace’s Place must cease trading on 2 August 2017. The licensee then lodged an appeal with ARLA.

Due to a misunderstanding, Grace’s Place was told that it could continue trading until its appeal had been heard by ARLA. A teleconference hearing was held on 16 October to address the matter, after which ARLA decided to allow Grace’s Place to continue trading until 19 October 2017.

On 19 October Grace’s Place closed, and gambling ceased. Under the Gambling Act, the Lion Foundation was required to surrender its Class 4 venue licence within four weeks.

But on 17th of October the Lion Foundation applied to the Secretary of Internal Affairs for an extension of the surrender period under section 71(1)(g) of the Gambling Act, until ARLA had heard the licensee’s appeal.

The ARLA appeal was heard on 29 November 2017. ARLA upheld the DLC decision, but allowed Grace’s Place to resume trading for two months, to run down its stocks of alcohol.

On 29 January 2018 Grace’s Place finally lost its licence and gambling ceased again.

The venue operator applied for a new alcohol on-licence under a new trading name (although they were still the same company, with the same directors). On that basis the Lion Foundation did not surrender Grace’s Place venue licence, but applied to DIA for a further extension of the licence surrender period until the new alcohol licence application could be heard.
Thirteen weeks after receiving that application, the DIA declined it, proposing to cancel the licence. The Lion Foundation still did not surrender the venue licence, instead requesting that DIA review its decision and seeking a further extension until 6 October 2018.

On 20 August 2018 (seven weeks later) DIA responded again, declining the further extension and finally cancelling the licence.

DIA also notified the applicant (as it is required to by the Gambling Act), that the licence remained in force for 15 working days, or any greater period allowed by the Gambling Commission for lodging an appeal, or until the outcome of an appeal lodged with the Gambling Commission is decided.

Because the venue licence was cancelled on 20 August, any Class 4 Operator can still apply for a new venue licence for that venue within 6 months from that date.

The sinking lid has not sunk in this case - and it won’t until 20 February 2019.

Consequences
The final decision by DIA to cancel the license is interesting for a number of reasons.

First, it explains the general circumstances under which the Department will consider an extension of an inactive gambling period, and says these are not specified in the Gambling Act, but in the Department’s internal policy. They are:

- Damage by fire, storm, earthquake, flood accidental building collapse;
- Malicious damage, vandalism, theft;
- Other unforeseen circumstances outside the control of the society or venue operator;
- Rebuilding by clubs that are merging and have received Ministerial approval under section 95; or
- Building of a new premises by a club that has received Ministerial approval under section 96.

Second, the letter goes on to say that “extensions are not normally granted for reasons related to the loss of a liquor licence”. The letter also quotes parts of the Auckland District Licensing Committee’s first decision to not renew the alcohol licence, before concluding that “…loss of the licence was a result of actions or inactions of the venue operator and therefore the consequence that the gambling activity had to cease, due to no longer having a primary activity, was not outside of the venue operator’s control.”

Third, neither the letter nor any of the other correspondence between the Lion Foundation and the Department, over the entire period from June 2017 to August 2018, acknowledges that Auckland Council has a sinking lid policy for Class 4 venues.

Finally, and most importantly: if the Department of Internal Affairs could make a decision on 20 August 2018, not to extend the licence surrender period, for reasons clearly stated its own internal operating policies, why couldn’t it have made that decision in February 2018, or even in November 2017?
Conclusion
If the council is serious about having an effective sinking lid, and does not want to see this situation repeated in future, could consider expressing its concerns about how DIA has handled this situation to (variously or severally) the Secretary of internal Affairs, the Minister of Internal Affairs, the Office of the Auditor-General and the Ombudsman.

And if DIA were to receive an application for a new Class 4 venue license at Grace’s Place, and if it were to grant a new license, then the trail of documentation we have obtained could be the basis for a judicial review of the Secretary’s decision to grant a license.

### Time line: Grace’s Place

<table>
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<th>Date</th>
<th>Event</th>
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<tr>
<td>2 June 2017</td>
<td>Auckland District Licensing Committee (DLC) declines renewal of an on-licence for Grace’s Place, says trading must cease on 2 August 2017.</td>
</tr>
<tr>
<td>9 March 2017</td>
<td>Applicant files an appeal to Alcohol Regulatory and Licensing Authority (ARLA) against DLC decision of 2 June.</td>
</tr>
<tr>
<td>27 June 2017</td>
<td>Applicant is (incorrectly) advised by a DLC staff member that trading could continue until the ARLA appeal is heard.</td>
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<tr>
<td>2 August 2017</td>
<td>DLC license expiry date.</td>
</tr>
<tr>
<td>11 October 2017</td>
<td>Applicant advised that 27 June 2017 advice was wrong, trading should have ceased 2 August 2017.</td>
</tr>
<tr>
<td>13 October 2017</td>
<td>Applicant files amended notice of appeal regarding trading cessation date.</td>
</tr>
<tr>
<td>16 October 2017</td>
<td>ARLA hears appeal on trading cessation date (teleconference).</td>
</tr>
<tr>
<td>18 October 2017</td>
<td>ARLA Decision on trading cessation: must stop trading on 19 October.</td>
</tr>
<tr>
<td><strong>19 October 2017</strong></td>
<td><strong>Gambling ceases at Grace’s Place.</strong></td>
</tr>
<tr>
<td>7 November 2017</td>
<td>Lion Foundation applies to Department of Internal Affairs (DIA) for an extension of non-gaming.</td>
</tr>
<tr>
<td>16 November 2017</td>
<td>ARLA hears appeal against DLC decision of 2 June 2017.</td>
</tr>
<tr>
<td>29 November 2017</td>
<td>ARLA decision on 9 March appeal: DLC decision upheld, license expires on 29 January 2018. But Grace’s Place may re-open for 2 months.</td>
</tr>
<tr>
<td><strong>30 November 2018</strong></td>
<td><strong>Grace’s Place re-opens for 2 months, until alcohol license finally expires.</strong></td>
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<tr>
<td>18 January 2018</td>
<td>Same venue operator (person and company) applies for a new alcohol license (for Grace’s Place venue) trading as Hi Sports Bar.</td>
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<tr>
<td><strong>29 January 2018</strong></td>
<td><strong>Grace’s Place alcohol license finally expires, gambling ceases.</strong></td>
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<tr>
<td>16 February 2018</td>
<td>Lion Foundation applies for an extension of non-gaming until 6 April 2018.</td>
</tr>
<tr>
<td>26 March 2018</td>
<td>Lion Foundation requests a further extension of non-gaming until 6 July 2018.</td>
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<tr>
<td>7 June 2018</td>
<td>DIA proposes to decline a further extension (re: 26 March 2018 request).</td>
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<tr>
<td>2 July 2018</td>
<td>Lion Foundation requests that the Department review its proposal of 7 June and requests a further extension of non-gaming to 6 October 2018 “to provide the Department time to consider this submission”.</td>
</tr>
<tr>
<td>20 August 2018</td>
<td>DIA proposes to decline a further extension (re: 3 July 2018 request) and cancels the license.</td>
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MYRIVR JOURNEY
POLICE STATEMENT

"After carefully reviewing the technology, Police recommended that MYRVR find a more appropriate and better aligned partner...."

Eric Tibott
National Prevention Manager
Attachment A

Item 5.2

Corefusion Rebrand to MYRVR
2017 Fact Sheet

The Problem

Suicide

Each of these dots represents a life lost to suicide in 2017. Each dot is a family ripped apart. There are 606 dots.

3x

The suicide rate for men is triple that for women.

NZ has the worst youth suicide rate in OECD

15 hours

Is how often a New Zealander takes his or her own life. The rate is increasing.

Violence within families

12 women
4 men

killed by their intimate partners annually

Between 2009 and 2015, there were 92 intimate partner deaths in 98% of deaths with a recorded history of abuse, women were the primary victim, abused by a man.

 Refuge

31

Womens refuges provide “housing to women, young people and children experiencing abuse”

2

Locations for men to cool down and mitigate the risk of being a perpetrator of family violence or committing suicide

Our jails

8,091 men
527 women

5,461 applications were made for protection orders in 2016

Domestic violence

5072 made by women
550 made by men

4,940 respondents were men
560 respondents were women

Sexual abuse

1 in 4 girls and 1 in 3 boys are sexually abused before the age of 15 — the highest in all countries examined

How often police arrive at a domestic violence incident. That means they might attend two incidents in the time it takes to read this.

5 minutes
MYRIVR is the largest in app directory of health and social services in NZ

#1 Trending Free App

#5 Free Business App

#7 Free Business App

Winners National PBT Innovation award 2016

Finalist NZI sustainability awards 2016

MYRIVR makes access to social service providers easy for all Kiwis.

MYRIVR has reached some very important milestones reflecting the need for the app in the lives of many Kiwis, Australians and Pacific people.

Visit us online: www.trustmyrivr.co.nz
"E fofo e le alamea le alamea."

Solutions for issues affecting a community can be found within that same community.
Housing First Auckland outcomes
May 2017 — July 2018

*No data for December 2017
Auckland Central Library and our rough sleeping community
Attachment A

Item 10

Themes

- Things to do
- Feeling safe and welcome
- Membership & borrowing
- Connecting via social media
“The library looks after us. We should look after them. If it wasn’t for the library, people would be getting into trouble.”

-Waihaki
Aline Lin Annaiese Wheeler: what an awesome idea for the libraries! I guess I can't stay mad at them for raising their fines ahaha 😞😞

Like · Reply · 1 · August 10 at 5:00pm

Annaiese Wheeler: This is awesome!! Haha, quite right - money well spent 😃

Like · Reply · August 10 at 5:32pm

Denise Tucker: Yes yes yes! Exactly what libraries are for...being inclusive and encouraging of a person's expansion and connection with the community. Now that's why I happily pay my late fines!

Like · Reply · 1 · August 10 at 8:26pm

Kris Frew: You know this softens the blow of the rates bill, very cool initiative

Like · Reply · 2 · August 10 at 8:50pm

Pups Nahi: awesome

Like · Reply · 1 · August 10 at 8:52pm

Nicola Charteris: Wonderful

Like · Reply · 1 · August 10 at 8:55pm

Shelly Drader: This is magnificent

Like · Reply · 1 · August 10 at 9:08pm
Librarian baulks at housing homeless during the day

26 Sep, 2017 10:13am

Libraries are being encouraged to house the homeless during the day but not all librarians are sold on the idea. Photo / File

NZ Herald

Librarians are being told to turn community libraries into makeshift homes for homeless during opening hours, but the prospect horrifies some staff.

The notion of opening up libraries to those living on the street has been raised at this week’s Library and Information Association of New Zealand conference in Christchurch. A speaker at the industry gathering encouraged librarians to open their doors to house homeless people during the day.
Ma te kōrero, ka mōhio. 
Ma te mōhio, ka mārama. 
Ma te mārama, ka mātau. 
Ma te mātau ka ora ai tātou.

Through discussion, comes awareness. 
Through awareness, comes understanding. 
Through understanding, comes wisdom. 
Through wisdom comes wellbeing for all.