I hereby give notice that an ordinary meeting of the Hibiscus and Bays Local Board will be held on:

**Date:** Thursday, 21 November 2019  
**Time:** 2:00pm  
**Meeting Room:** Council Chambers, 50 Centreway Rd, Orewa  
**Venue:** 50 Centreway Road  
Orewa

---

**Hibiscus and Bays Local Board**

**OPEN AGENDA**

---

**MEMBERSHIP**

- **Chairperson:** Gary Brown  
- **Deputy Chairperson:** Victoria Short  
- **Members:** Andy Dunn, Janet Fitzgerald, JP, Gary Holmes, Julia Parfitt, JP, Alexis Poppelbaum, Leanne Willis

(Quorum 4 members)

---

Gemma Kaldesic  
Democracy Advisor for Hibiscus and Bays  
Local Board

**15 November 2019**

Contact Telephone: 02 152 7397  
Email: gemma.kaldesic@aucklandcouncil.govt.nz  
Website: www.aucklandcouncil.govt.nz

---

**Note:** The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted. Should Members require further information relating to any reports, please contact the relevant manager, Chairperson or Deputy Chairperson.
<table>
<thead>
<tr>
<th>ITEM</th>
<th>TABLE OF CONTENTS</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Welcome</td>
<td>5</td>
</tr>
<tr>
<td>2</td>
<td>Apologies</td>
<td>5</td>
</tr>
<tr>
<td>3</td>
<td>Declaration of Interest</td>
<td>5</td>
</tr>
<tr>
<td>4</td>
<td>Confirmation of Minutes</td>
<td>5</td>
</tr>
<tr>
<td>5</td>
<td>Leave of Absence</td>
<td>5</td>
</tr>
<tr>
<td>6</td>
<td>Acknowledgements</td>
<td>5</td>
</tr>
<tr>
<td>7</td>
<td>Petitions</td>
<td>5</td>
</tr>
<tr>
<td>8</td>
<td>Deputations</td>
<td>5</td>
</tr>
<tr>
<td>9</td>
<td>Public Forum</td>
<td>5</td>
</tr>
<tr>
<td>10</td>
<td>Extraordinary Business</td>
<td>5</td>
</tr>
<tr>
<td>11</td>
<td>Declaration by Local Board Member Gary Holmes</td>
<td>7</td>
</tr>
<tr>
<td>12</td>
<td>Local board governance work management for the 2019-2022 triennium</td>
<td>9</td>
</tr>
<tr>
<td>13</td>
<td>Local board appointments and delegations for the 2019-2022 electoral term</td>
<td>15</td>
</tr>
<tr>
<td>14</td>
<td>Appointment of LB members to external community organisations</td>
<td>23</td>
</tr>
<tr>
<td>15</td>
<td>Process for appointment of Local Government New Zealand National Council representative</td>
<td>29</td>
</tr>
<tr>
<td>16</td>
<td>Adoption of a business meeting schedule</td>
<td>35</td>
</tr>
<tr>
<td>17</td>
<td>Urgent decision-making process</td>
<td>39</td>
</tr>
<tr>
<td>18</td>
<td>Decisions made under delegation during the 2019 election period</td>
<td>43</td>
</tr>
<tr>
<td>19</td>
<td>Consideration of Extraordinary Items</td>
<td></td>
</tr>
</tbody>
</table>
1 **Welcome**

2 **Apologies**

At the close of the agenda no apologies had been received.

3 **Declaration of Interest**

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

4 **Confirmation of Minutes**

That the Hibiscus and Bays Local Board:

a) confirm the ordinary minutes of its meeting held on Wednesday, 30 October 2019, including the confidential section, as a true and correct record.

5 **Leave of Absence**

At the close of the agenda no requests for leave of absence had been received.

6 **Acknowledgements**

At the close of the agenda no requests for acknowledgements had been received.

7 **Petitions**

At the close of the agenda no requests to present petitions had been received.

8 **Deputations**

Standing Order 7.7 provides for deputations. Those applying for deputations are required to give seven working days notice of subject matter and applications are approved by the Chairperson of the Hibiscus and Bays Local Board. This means that details relating to deputations can be included in the published agenda. Total speaking time per deputation is ten minutes or as resolved by the meeting.

At the close of the agenda no requests for deputations had been received.

9 **Public Forum**

A period of time (approximately 30 minutes) is set aside for members of the public to address the meeting on matters within its delegated authority. A maximum of 3 minutes per item is allowed, following which there may be questions from members.

At the close of the agenda no requests for public forum had been received.

10 **Extraordinary Business**

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“An item that is not on the agenda for a meeting may be dealt with at that meeting if-
(a) The local authority by resolution so decides; and

(b) The presiding member explains at the meeting, at a time when it is open to the public,-
    (i) The reason why the item is not on the agenda; and
    (ii) The reason why the discussion of the item cannot be delayed until a subsequent meeting."

Section 46A(7A) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

"Where an item is not on the agenda for a meeting,-

(a) That item may be discussed at that meeting if-
    (i) That item is a minor matter relating to the general business of the local authority; and
    (ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but

(b) no resolution, decision or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion."
Te take mō te pūrongo
Purpose of the report

1. Local board member elect, Gary Holmes, will make an oral declaration and sign a written declaration in accordance with Schedule 7, Clause 14 of the Local Government Act 2002, which will be attested by Lesley Jenkins, Relationship Manager.

2. Lesley Jenkins, Relationship Manager, by way of Memorandum from the Chief Executive, is authorised to administer the members’ declarations at this meeting in accordance with the provisions of the Local Government Act 2002 (Schedule 7, clause 14(2)).

3. Member elect, Gary Holmes was absent by apology at the Inauguration meeting on 30 October 2019 and therefore making his declaration at the business meeting dated 21 November 2019.

Ngā tāpirihanga
Attachments
There are no attachments for this report.

Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Gemma Kaldesic - Democracy Advisor for Hibiscus and Bays Local Board</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authoriser</td>
<td>Lesley Jenkins - Relationship Manager</td>
</tr>
</tbody>
</table>
Local board governance work management for the 2019-2022 triennium

File No.: CP2019/19068

Te take mō te pūrongo
Purpose of the report
1. To outline the options for efficiently and effectively managing the governance work of the local board for 2019-2022 triennium.

Whakarāpopototanga matua
Executive summary
2. At the end of each triennium the Local Board Services department delivers a review of local board work practices, including the organisational support they require and how well they support the boards in their governance role. The 2016-2019 triennium review gathered feedback from local board members and staff from Local Board Services and other council departments and Council-Controlled Organisations.

3. In response to the review, this report outlines a recommended approach for local boards to manage their governance workload as follows:
   - maintain a key focus on annual work programmes and their implementation through quarterly reporting and regular workshops with the whole local board, with decisions made at business meetings
   - appoint nominated local board members who will be consulted on landowner consents and events, and who will provide feedback on liquor licences and resource consents
   - appoint nominated local board members to external organisations.

4. These practices support the local board to undertake their governance role in an efficient and effective way, reflect the priority work of the local board and help the organisation focus its resources. Some of these practices require a decision of the local board, such as specific appointments of local board members, and separate reports cover these recommendations and associated advice.

5. Local boards are also able to identify topic area leads who would act as a champion with the local board on specific topic areas. Leads would focus on work programme activities/projects within their topic areas and understanding relevant community needs and preferences enabling other members to focus their time on other parts of the local board’s workload.

6. The review feedback suggests the following advantages for having a full local board involved in direction-setting discussions on issues, rather than identifying topic area leads:
   - staff are confident that the direction is the view of the whole board rather than one member
   - knowledge and information is retained by the full local board rather than one member
   - discussions with staff are less likely to enter into management or operational level detail
   - it avoids inefficient duplication, when conversations are held between staff and a lead, and then repeated with the full local board.

7. The feedback from the review highlighted that if a local board does appoint topic area leads, the risks should be mitigated by providing a clear scope for that role and ensuring it does not lead to inefficiency or adversely affect staff receiving clear direction from the full local board.
Ngā tūtohunga
Recommendation/s
That the Hibiscus and Bays Local Board:

a) endorse the following approach to effectively and efficiently manage the governance work of the local board for the 2019-2022 triennium:
   i) maintain a key focus on annual work programmes and their implementation through quarterly reporting and regular workshops with the whole local board, with decisions made at business meetings

Horopaki
Context

8. The governance role of an elected member is to:
   • set direction and policy
   • set priorities
   • make significant decisions
   • test advice
   • monitor performance and risk
   • connect with and represent the community
   • be accountable to the public.

9. At the end of each triennium the Local Board Services (LBS) department undertakes a review of the work practices of, and organisational support provided for, local boards and how this supports them in their governance role. Previous reviews have noted the progress the organisation has made in supporting the governance role of local boards over the past nine years. Improved support and delivery from the organisation have enabled local board members' time to be used in a more effective and efficient manner as the governance model has matured.

10. During the 2016-2019 triennium review, feedback was gathered from local board members and staff from LBS and other council departments and Council-Controlled Organisations (CCOs) who work with local boards.

11. Key themes from local board members related to having topic area leads. Both positives and negatives were identified.

12. Key themes from staff were that clear direction is given from the full local board and local board members operate at the governance level. Staff identified both positive and negatives aspects of having topic area leads.

13. The findings from the review have informed the content of this report.

Tātaritanga me ngā tohutohu
Analysis and advice

Work practices supporting the governance role of local boards (recommended approach)

14. There are established work practices in place which support the governance role of local boards as follows:
   • Local boards adopt an annual work programme each June for implementation by the council organisation in the next financial year (July-June). Local boards maintain a key
focus on these annual work programmes and their implementation through quarterly reporting and regular workshops with the whole local board, with decisions made at business meetings.

- Local boards appoint a nominated local board member who will be consulted on landowner consents and events by staff carrying out their delegations. Local boards can also appoint a nominated local board member to provide feedback and attend hearings on liquor licences and notified resource consents to ensure that local board views are taken into account in these timebound processes. These appointments are made via a separate report.
- Local boards appoint nominated local board members to external organisations (via separate report) to exercise their role in the external organisation as per the relevant constitution on behalf of the local board.

15. Together these practices constitute the recommended approach for managing the governance work of the local board for the 2019-2022 triennium, reflect the priority work of the local board and are the focus of the organisation’s staff and resources.

16. This approach allows all members to have an overview and collective understanding of work programme matters, and for the whole local board to be able to provide direction to staff and track performance and delivery throughout the financial year. It also enables collective discussions that utilise individual member’s skills and knowledge and ensures elected member and staff time are used effectively and efficiently.

17. Transparency to the public is ensured by local board decisions occurring through the formal business meeting process with associated standing orders.

Optional addition: Topic area leads (not recommended)

18. An optional addition to the recommended approach is that the local board identifies topic area leads. Leads would:

- act as a champion for the topic area in full local board conversations
- focus on work programme activities / projects within their topic area
- maintain relationships with key stakeholders
- understand relevant community needs and preferences.

19. Leads may also:

- be appointed as the nominated local board member to provide feedback on behalf of the board on relevant matters (e.g. landowner consents) and appointed to related external organisations
- undertake learning and development opportunities and attend conferences (using their individual development budget provided as part of the Kura Kāwana development programme) relevant to the topic area
- highlight relevant issues and emerging priorities during local board plan and work programme development
- act as a key contact for community groups and members of the public on the topic area.

20. Topic area leads would enable individual local board members to use existing or build new knowledge and expertise in the topic area and enable other members to focus their time on other parts of the governance workload.

21. Should the local board identify topic area leads, there are the following risks to consider:

- a member may provide direction or views which do not reflect those of the full local board
- staff may seek direction from a topic area lead instead of the full local board, or seek direction from a topic area lead prior to the full local board, resulting in duplication of work
- key knowledge and information on a topic may be retained with the topic area lead and not shared with the whole local board.
- a topic area lead may enter into discussions at the management or operational level if meeting regularly with staff without a clear governance purpose for the discussion.

22. These risks can be addressed by:
   - using the workshop process as the mechanism for all local board members to receive updates and provide governance direction on approved work programme projects
   - clarifying the limited resources available to any topic area lead.

23. Staff resourcing is focussed on work programme development and delivery, along with advice to support workshops and business meetings. Topic area leads can be supported by staff to undertake the following responsibilities:
   - when issues arise at a full board workshop, the lead can be directed to meet with staff on that issue and explore solutions; staff would report back to the full board for direction, and the lead can assist with explanation and support during that discussion
   - develop local board feedback on regional policies, plans and strategies relevant to the topic area, for full local board approval
   - respond to constituent enquiries relevant to the topic area
   - report back to the local board at workshops, and publicly via board member reports at business meetings, on the activities undertaken as the topic area lead.

24. If a local board does want to appoint topic area leads, it may wish to consider identifying alternates. The role of the alternate would be to support the topic area lead in their responsibilities and undertake any roles the lead has been formally appointed by the whole board when the lead is unavailable. Having an alternate means that the information, knowledge, skills and workload can be shared by more than one member, but it could also lead to confusion between the two roles where the alternate acts as a co-lead.

25. If a local board’s preference is to appoint topic area leads, this will require a local board decision via a resolution to this report.

**Tauākī whakaaweawe āhuarangi**

**Climate impact statement**

26. This report is procedural in nature so does not have direct climate impacts. However, a key focus for the council in the current term will be how it responds to the climate emergency and this may be a consideration for how local boards manage their governance work.

**Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera**

**Council group impacts and views**

27. Feedback was gathered from staff from LBS other departments and CCOs who work with local boards, about practices to manage the local board governance work through the 2016-2019 triennium review.

28. The practices used by a local board to manage their governance work can impact on the efficiency of staff engagement with members. Some variation in practices is required to reflect local differences, but overall large differences in work practices is challenging and consistency is beneficial.

29. In light of this, LBS has provided consistent advice and recommendations on work practices to all local boards to consider when making decisions on how they will manage their governance work for the 2019-2022 triennium.

**Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe**

**Local impacts and local board views**

30. Feedback was gathered from local board members about practices to manage local board governance work through the 2016-2019 triennium review. This included: a workshop
attended by 13 local board members from 10 local boards; and a survey to all members, with responses provided by 29 members, from 13 local boards.

31. The practices used by a local board to manage their governance work can impact efficiency and effectiveness of engagement with communities and the opportunities that members have to provide local leadership beyond the formal decision-making process.

32. The topic of managing the governance work of the local board was discussed at a workshop on 22 October 2019, as part of the Hibiscus and Bays Local Board induction programme for the 2019-2022 triennium. At that workshop, members indicated they would like to introduce Community Forums, one per month, which requests for deputations could be referred to and where staff could bring non-confidential items to present to the local board.

Tauākī whakaaweawe Māori
Māori impact statement
33. This decision is procedural in nature so does not have immediate impacts on Māori.

Ngā ritenga ā-pūtea
Financial implications
34. This decision is procedural in nature so does not have any financial implications.

Ngā raru tūpono me ngā whakamaurutanga
Risks and mitigations
35. The risks and mitigations of having topic area leads are outlined in the ‘Analysis and Advice’ section of this report.

36. Risks relating to any specific decision required for the work practices that form the recommended approach are outlined in the respective separate reports relating to those decisions.

Ngā koringa ā-muri
Next steps
37. Staff from the LBS will work with staff from other departments and CCOs to ensure the practices of the local board are implemented.

Ngā tāpirihanga
Attachments
There are no attachments for this report.

Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Emma Reed - Local Board Advisor Albert-Eden</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorisers</td>
<td>Kerri Foote - Operations and Improvements Manager</td>
</tr>
<tr>
<td></td>
<td>Oliver Roberts - Central Teams Manager</td>
</tr>
<tr>
<td></td>
<td>Louise Mason - General Manager Local Board Services</td>
</tr>
<tr>
<td></td>
<td>Lesley Jenkins - Relationship Manager</td>
</tr>
</tbody>
</table>
Local board appointments and delegations for the 2019-2022 electoral term

File No.: CP2019/19070

Te take mō te pūrongo
Purpose of the report

1. To recommend that the Hibiscus and Bays Local Board appoints a local board member to:
   - be the nominated local board member for landowner consents (including affected party approvals)
   - be the nominated local board member for film applications
   - be the nominated local board member for events
   - provide formal reports on liquor licence applications and attendance at hearings
   - provide formal views on whether a resource consent should proceed as a non-notified, limited notified or fully notified application
   - provide formal views (feedback) on notified resource consents and attend the council hearings.

Whakarāpopototanga matua
Executive summary

2. In order to enable effective and efficient decision-making, the council delegates some responsibilities to staff or individual elected members. This report seeks to appoint nominated local board members who will be consulted on landowner consents and events, and who will provide feedback on liquor licences and resource consents.

3. If local boards choose not to appoint a nominated local board member for landowner consents staff will consult with the local board chairperson, as outlined in the Local Board Delegation Protocols.

4. District Licensing Committees consider and grant or renew applications for liquor licences and manager’s certificates. These applications are publicly notified, and local boards can provide views on an application to the District Licensing Committee. A delegation to a nominated local board member is recommended to allow local boards to provide formal views as part of the liquor licensing process.

5. Local boards can provide feedback on whether resource consent applications should be publicly notified. Local boards can also provide written feedback once the applications are notified and can subsequently speak to their feedback to support local board views at the council hearing. A delegation to a nominated local board member is recommended.

Ngā tūtohunga
Recommendation/s

That the Hibiscus and Bays Local Board:

a) appoint XXXX and XXXX, as an alternate, as the nominated local board member for landowner consents (excluding landowner consents for filming) and authorise them to:
   i) be the point of consultation for staff on all applications for landowner consent and, at their discretion, refer any application for landowner consent to the local board for a local board decision, and
   ii) to be the point of consultation for staff on proposed asset renewal works and,
Item 13

at their discretion, refer any proposed asset renewal works to the local board for a local board decision

iii) receive staff notifications of areas that may involve reputational, financial, performance or political risk.

b) appoint XXXXXXX and XXXXXXX, as an alternate, as the nominated local board member for landowner consents for filming and authorises them to:

i) to be the point of consultation with staff on all applications for landowner consent for filming and, at their discretion, refer any applications for landowner consent for filming to the local board for a local board decision

ii) receive notifications from staff of areas that may involve reputational, financial, performance or political risk.

c) appoint XXXXXXX and XXXXXXX, as an alternate, as the nominated local board member for events and authorises them to receive staff notifications of areas that may involve reputational, financial, performance or political risk

d) delegate to XXXXXXX and XXXXX, as an alternate, the authority to prepare and provide local board views and speak to those local board views at any hearings on applications for liquor licences

e) delegate to XXXXXXX and XXXXX, as an alternate, the authority to provide the local board views on whether a resource consent should proceed as a non-notified, limited notified or fully notified application

f) delegate to XXXXXXX and XXXXX, as an alternate, the authority to prepare and provide local board views and speak those local board views at any hearings on notified resource consents.

Horopaki Context

Background

6. Decision-making within Auckland Council is shared between the Governing Body and local boards. Local boards have made a general delegation to the chief executive of all of their responsibilities, duties and powers subject to the exclusions, restrictions and clarifications set out in the Chief Executive’s Delegations Register. The chief executive has in turn delegated those responsibilities, duties and powers to staff. The exercise of those responsibilities, duties and powers is subject to a set of delegation protocols. These protocols provide a set of expectations and directions to staff and require a number of actions that are relevant to all local activities. These delegations help Auckland Council to operate efficiently and effectively.

7. In some cases, delegations are given to individual local board members, usually due to short timeframes constrained by operational requirements, customer expectations and deadlines set by statute. Having a delegation in place to one local board member helps to ensure that council can continue to undertake its normal business practices without undue delays.

8. Local boards have allocated responsibility for decision-making with respect to local parks and have delegated landowner consent decisions to staff subject to a number of delegation protocols. The delegation protocols require that the nominated local board member is consulted on every landowner consent. Landowner consents encompass a broad range of activities, including affected party approvals, filming and events. Local boards are also able to provide their formal views in a report at liquor licence hearings.

9. Under the Local Government (Auckland Council) Act 2009 the Governing Body must consider any views and preferences expressed by a local board, where a Governing Body
decision affects or may affect the responsibilities or operation of the local board or the well-being of communities within its local board area. Local boards’ ability to provide local views can be affected because of statutory timeframes or external agency deadlines. Delegating authority for providing local board views to individual members provides local boards the opportunity to give local views within prescribed timeframes.

Tātaritanga me ngā tohutohu
Analysis and advice

Landowner consents
10. Under Auckland Council’s Combined Chief Executive Delegations Register, council staff are delegated authority to approve landowner consents on behalf of local boards. This delegation is subject to the Local Board Delegations Protocols. These protocols require that before exercising their delegations, staff must consult with a nominated local board member for landowner consents. If required, by the nominated local board member, the staff member must refer the landowner consent to a local board business meeting for a decision.

11. It is therefore recommended that the local board appoint a nominated local board member for landowner consents to enable staff to exercise their delegation.

Landowner consents for filming
12. Screen Auckland (Auckland Tourism, Events and Economic Development) process requests for filming in the Auckland Region, and seek landowner consent from local boards. Over 600 permits are granted each year, with the largest number of permits being granted in Waitakere Ranges and Rodney Local Board areas.

13. Screen Auckland must process the applications within three to five working days, and therefore require feedback from local boards within two working days. These timeframes are short because filming activities often have a fast turnaround for productions from concept to delivery. To keep filming in Auckland, in a competitive international market, film crews often have to work within short timeframes.

14. Due to the extremely short timeframes for film applications, where local boards have a large number of filming applications, it may be beneficial for this subset of landowner consents to be referred to a different nominated local board member, to manage workloads.

Events
15. Under the Local Board Delegations Protocols staff must consult with and obtain the views of the nominated local board member on:

- applications to hold events on council-owned land in the local board area that require regulatory approval and involve one or more of the following matters:
  - complete or substantial closure of the public open space
  - more than 500 people
  - road closure
  - liquor
  - ticketed event.

- Any regulatory decision to set fees and charges for holding local events on council-owned local parks and reserve (and refer the matter to the local board to obtain local board views and input where required by the delegated local board member).

- Staff are also required to notify the nominated local board member of:
  - areas relating to the event that may involve reputational, financial, performance or political risk
  - decisions to approve events on council owned land in the local board area.
16. The appointment of a nominated local board member for events is therefore recommended to enable staff to exercise their delegation.

17. Under the Local Board Delegations Protocols landowner consent is also required for all event proposals on local parks. To avoid double-handling of applications, it is recommended that the local board member nominated for events is the same as that local board member nominated for landowner consents.

**Formal submissions at liquor licence hearings**

18. District Licensing Committees consider, and grant or renew applications for liquor licences and manager’s certificates. When a business applies for an on-licence, off-licence, or club licence, new or renewed, they are publicly notified. On 25 September 2014, the Governing Body (GB/2014/103) agreed to a process where local boards can provide views on an application in a report to the District Licensing Committee. If the District Licensing Committee considers that the local board’s report has raised issues that it needs to hear more about, it can call a hearing and invite the local board to appear and talk to its report and respond to questions as a witness.

19. Once the public notice has been posted online, the local board has 15 working days to provide their report to council.

20. This report recommends a delegation to a nominated local board member to allow local boards to provide formal views as part of the liquor licensing process.

**Notified resource consents**

21. Local boards can provide feedback, within the statutory timeframes, on whether resource consent applications should be publicly notified. This was resolved by the Governing Body on 28 July 2011 (GB/2011/156). Resource consent planners email the planning lead copies of applications that meet the triggers set by the local boards (last reviewed in 2017). The planning leads have three working days to provide comment on the matter of whether the application should be publicly notified or limited notified to particular persons who may be adversely affected by the proposal. Where comments are provided, these are included verbatim as part of the reporting planner’s notification report to the decision-maker.

22. Local boards can also provide written feedback once resource consent applications have been notified. Written feedback needs to be provided prior to the submission closing date (usually 20 working days after public notification). Local boards can subsequently speak to their feedback to support their views at any hearing.

23. This report recommends a planning lead for each local board to provide the local board’s formal views on whether or not resource consents should be notified or limited notified and to provide written feedback on notified applications and speak on the local board’s behalf at the council hearing.

**Options considered**

24. Options available for local boards to input into landowner consents, events, planning processes and liquor licences have been summarised in Tables 1 and 2.

25. It is recommended that local boards select both a nominated local board member and an alternate. The alternate is available to act when the nominated local board member is unable to act (eg leave of absence, illness) and has agreed (via written communication) that the alternate take the role of nominated local board member for a specified time period.

26. We recommend that local boards appoint one nominated local board member (and alternate). Appointing more than one nominated local board member increases administration for staff and can create unnecessary confusion where local board members provide differing views to staff.
Nominated local board members under the Local Board Delegations Protocol

27. The preferred option is that a nominated local board member is appointed for landowner consents and events (option two in Table 1). This option is preferred because it aligns with council’s existing delegations and local board delegation protocols and allows for council to undertake core business in a timely manner. There is reputational risk to council if it is unable to administer landowner consents in a timely manner.

Table 1: Options for local boards to address requirement for nominated local board members under the Local Board Delegations Protocol for landowner consents and events

<table>
<thead>
<tr>
<th>Options</th>
<th>Pros</th>
<th>Cons</th>
</tr>
</thead>
</table>
| 1. There is no nominated local board member and staff must consult with the local board chairperson as a primary point of contact | • The local board chairperson will become the subject matter expert for the local board on landowner approvals and events  
• Local boards can provide their views in a timely way that better meets organisational deadlines | • The local board chairperson’s work-load will be increased  
• Decisions are not made by the full local board  
• Decisions are not made at a public meeting |
| 2. Nominated local board member appointed for landowner consents and events (preferred option) | • The nominated local board member will become subject matter expert for local board on the topic they are nominated for  
• Local boards can provide their views in a timely way that better meets organisational deadlines | • Decisions are not made by the full local board  
• Decisions made under delegation are not made at a public meeting |

Notified applications (resource consents and liquor licences)

28. Local boards normally provide their formal views at business meetings (option two in Table 2). Because local board reporting timeframes do not usually align with process and statutory timeframes outlined above, in most instances reporting at a business meeting will not be a viable option. Providing a delegation to one local board member and one alternate (option three in Table 2) is considered the most efficient way of providing formal views for the matters discussed in this report.

Table 2: Options for local boards to provide their formal views on notification of resource consents and liquor licences

<table>
<thead>
<tr>
<th>Options</th>
<th>Pros</th>
<th>Cons</th>
</tr>
</thead>
</table>
| 1. No formal local board views are provided                             | • All local board members contribute to the local board view  
• Provides transparent decision making | • Local board views will not be considered by the hearing commissioners |
| 2. Formal local board views are provided at a business meeting          | • Nominated local board member will become subject matter expert for local board on topic they are nominated for  
• Local boards can provide their views in a timely way that meets statutory deadlines  
• Any feedback can be reported back to the local board | • Local board views are not put forward by the full local board  
• Local board views under delegation are not provided at a public meeting (local board views are however made public once submitted via the planning process) |
Tauākī whakaaweawe āhuarangi
Climate impact statement
29. These decisions are procedural in nature and any climate impacts will be negligible. The decision is unlikely to result in any identifiable changes to greenhouse gas emissions. The effects of climate change will not impact the decisions.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera
Council group impacts and views
30. This report recommends the appointment of nominated local board members to ensure that council can undertake its operational and statutory duties in a timely manner, while receiving local board input and decision-making in matters that are of local importance.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe
Local impacts and local board views
31. This report seeks to appoint nominated local board members to perform particular functions.
32. Any local board member who is appointed as a nominated board member should ensure that they represent the wider local board views and preferences on each matter before them.

Tauākī whakaaweawe Māori
Māori impact statement
33. A decision of this procedural nature is not considered to have a positive or negative impact for Māori.

Ngā ritenga ā-pūtea
Financial implications
34. A decision of this procedural nature is not considered to have financial implications on Auckland Council.

Ngā raru tūpono me ngā whakamaurutanga
Risks and mitigations
35. If local boards choose not to appoint a nominated board member for landowner consents (including film applications) and events, staff will need to seek feedback from the chairperson. This could potentially lead to a busy workload for the local board chairperson, in addition to their existing duties.
36. If local boards choose not to delegate to provide views on notified applications, there is a risk that they will not be able to provide formal views prior to submission closing dates and miss the opportunity to have their feedback presented and heard at a hearing.
37. If local boards choose not to delegate to provide their views on liquor licences, there is a risk that they will not be able to provide formal views prior to closings dates for submissions not coinciding with political meetings.

Ngā koringa ā-muri
Next steps
38. Nominated local board members providing feedback on landowner consents and events will engage with staff acting in accordance with the Local Board Delegation Protocols.
40. Nominated local board members (and alternates) who are delegated to provide reports and speak at District Licensing Committee Hearings should sign-up to receive alcohol notices. This will ensure that they hear about new applications as soon as they are open for comment.

Ngā tāpirihanga
Attachments
There are no attachments for this report.

Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Carol Stewart - Senior Policy Advisor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorisers</td>
<td>Louise Mason – General Manager Local Board Services</td>
</tr>
<tr>
<td></td>
<td>Lesley Jenkins - Relationship Manager</td>
</tr>
</tbody>
</table>
Appointment of LB members to external community organisations

File No.: CP2019/19071

Te take mō te pūrongo
Purpose of the report
1. To appoint local board members to external community organisations relevant to the Hibiscus and Bays Local Board area.

Whakarāpopototanga matua
Executive summary
2. Elected members participate as representatives of the local board on a number of external community and national organisations.
3. The beginning of the new electoral term generates the need for new appointments. This report provides details of the external organisations relevant to the local board and requests that the local board nominates a lead and alternate member to represent the local board on those external organisations for the 2019-2022 triennium.
4. In addition, there are a small number of appointments, which due to legislation or the terms in a deed are the responsibility of the Governing Body. In instances where the relationship between the council and the organisation is local, the Governing Body has delegated its responsibility to nominate an elected member from the Hibiscus and Bays Local Board.

Ngā tūtohunga
Recommendation/s
That the Hibiscus and Bays Local Board:

a) appoint the following board members to the external community groups and organisations listed below for the 2019-2022 triennium:

<table>
<thead>
<tr>
<th>External organisation</th>
<th>Lead</th>
<th>Alternate</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Sir Peter Blake Marine Education and Recreation Centre Board</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Victor Eaves Reserve Management Trust</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Destination Orewa Beach BID</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Torbay BID</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Browns Bay BID</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mairangi Bay BID</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Horopaki

Context

5. A number of external organisations provide for the formal participation of Auckland Council elected members in their affairs. Elected member appointees will have a variety of duties and liabilities depending on the individual organisation.

6. At the commencement of each triennium, the Governing Body and local boards recommend appointments to external organisations.

7. As local board representatives, the nominated members represent the local board, not in a personal capacity. Local board members will provide updates at local board meetings to keep the local board regularly informed of discussions and decisions made of the organisation’s activities unless good reasons exist for confidentiality. Local board members will be required to formally report to the business meeting that follows each trust/society/board meeting to maintain public transparency.

8. The reasons for elected member participation in external organisations can be described in a number of ways:
   - a trust deed, that requires Auckland Council to make an appointment to an organisation
   - an organisation of interest to the local board is inviting elected member representation at its meetings
   - associations entered into by the council which provide for elected member representation
   - organisation governance, or project or programme oversight, such as regional or local parks management groups
   - a statutory or regulatory provision (for example a regulation providing for a community liaison committee) or
   - a resource consent requiring the formation of a committee or hearing panel

9. In making decisions about these appointments, it is suggested that local boards are mindful of;
   - the elected members availability
   - any conflict of interests, including whether the local board provides funding to the entity
   - relevance to the local board
   - historical relationship with the organisation and Auckland Council

10. Members are delegated in their capacity as elected local board members. Should they no longer be a local board member, their nominations would be automatically repealed.

11. Local board members may be part of any organisation in their private capacity and personal interests and are encouraged to disclose memberships to external organisations in the conflict of interest register.
Tātaritanga me ngā tohutohu
Analysis and advice
12. The organisations relevant to the local board are detailed below.

Sir Peter Blake Marine Education and Recreation Centre Board (MERC)
13. A condition of the trust deed for the Sir Peter Blake Marine Education and Recreation Centre Board is the appointment of representatives from the previous Auckland Regional and North Shore City councils.
14. MERC’s original trust deed was confirmed in October 1979 and is acknowledged for its long-standing commitment to marine sports, marine education and outdoor activities.
15. It appears that there has not been a recent appointment to the MERC board since the resignation or Councillor Denise Krum from council, who was the last council appointment in 2016.
16. This is the first time that a member of the local board has been sought and the Governing Body has delegated that decision to the Hibiscus and Bays Local Board to appoint a local board member for the triennium.

Victor Eaves Reserve Management Trust
17. A condition of the Assignment of Lease to the Sharks Sports Club Incorporated is that the council and the tenant will jointly maintain a management committee to oversee the management and control of the lease area and facilities. The committee will comprise one council officer, one member of the Hibiscus and Bays Local Board, one member of the Hibiscus Cricket Club and two members of the Sharks Sports Club Incorporated. The function of the committee is to oversee and control all issues arising from the use of the site and the facilities on it including, but not limited to, supporting the ongoing operations of the facility and activities.
18. The previous local board representative was Mike Williamson.
19. The committee meets twice per annum at which the council officer in attendance will lead and minute the meeting.
20. The local board is requested to appoint one member (and an alternate) to the Victor Eaves Reserve Management Trust.

Destination Orewa Beach, Torbay, Browns Bay, and Mairangi Bay Business Improvement Districts
21. There are 46 Business Improvement District Partnership Programmes operating within the Auckland region. There are four local business improvement districts (BID) in the Hibiscus and Bays Local Board area.
22. The local board has a day-to-day relationship with the business associations as a joint partner in the BID Partnership Programme. The local board will work with the business associations to align the direction for the BID programme and local priorities expressed in the local board plan. The local board will receive regular reporting on the BID Partnership Programme and review progress against objectives.
23. The business association may invite the appointed local board member onto the BID governance board or executive committee. The discretion on whether this local board member has voting rights will lie with the business association under the rules of their constitution.
24. It is recommended that the local board appoints a local board member and an alternate on each business association to represent the local board in all matters relating to the individual business association

**Vaughan Homestead (Torbay Historical Society)**

25. Historically, the Hibiscus and Bays Local Board has appointed a local board member to the Vaughan Homestead (Torbay Historical Society). There is little information available to confirm why an appointment from the local board is required. It appears that the appointment is a legacy arrangement and upon investigation, the council appoints a staff member (currently the Northern Principal Ranger, Regional Parks) to the current committee.

26. As the Vaughan Homestead is located within the Long Bay Regional Park and the local board is not a decision-maker in that area, the continued appointment of a local board member is questioned unless the requirement for the appointment of an elected member can be confirmed.

**Tauākī whakaaweawe āhuarangi**

**Climate impact statement**

27. This decision is procedural in nature and any climate impacts will be negligible. The decision is unlikely to result in any identifiable changes to greenhouse gas emissions. The effects of climate change will not impact the decision.

**Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera**

**Council group impacts and views**

28. The Auckland Council has strong relationships with its co-governing partners within the co-governance and co-management entities. The entities themselves are independent to the council and connect with other parts of the council group as required.

**Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe**

**Local impacts and local board views**

29. One of the functions of local boards is to connect with community organisations within their areas. Local board members often attend meetings of community organisations to facilitate those connections.

30. Where a document, such as a trust deed, provides for the Auckland Council to make an appointment to an organisation, the appointment is the responsibility of the Governing Body unless it is delegated.

**Tauākī whakaaweawe Māori**

**Māori impact statement**

31. A decision of this procedural nature is not considered to have specific implications for Māori, and the arrangements proposed in this report do not affect the Māori community differently to the rest of the community.

**Ngā ritenga ā-pūtea**

**Financial implications**

32. This decision is procedural in nature so does not have any financial implications.
Ngā raru tūpono me ngā whakamaurutanga
Risks and mitigations
33 No particular risks have been identified.

Ngā koringa ā-muri
Next steps
34 These appointments need to be made immediately due to upcoming meetings of the respective entities.

Ngā tāpirihanga
Attachments
There are no attachments for this report.

Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Carol Stewart - Senior Policy Advisor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorisers</td>
<td>Louise Mason – General Manager Local Board Services</td>
</tr>
<tr>
<td></td>
<td>Lesley Jenkins - Relationship Manager</td>
</tr>
</tbody>
</table>
Process for appointment of Local Government New Zealand National Council representative

File No.: CP2019/19073

Te take mō te pūrongo
Purpose of the report
1. To approve the process for making the local board representative appointment to the Local Government New Zealand National Council and inform elected members of changes to the Local Government New Zealand rules.

Whakarāpopototanga matua
Executive summary
2. Local Government New Zealand amended its rules at its Annual General Meeting on 7 July 2019 and these were confirmed at a meeting of the Local Government New Zealand National Council in September. There are some key changes affecting Auckland.

3. There are now three dedicated seats on the Local Government New Zealand National Council for Auckland Council representatives. These will be filled by the Mayor of Auckland (or his alternate) and representatives to be appointed by local boards and the Governing Body. The Local Government New Zealand rules require these appointments to be made within eight weeks of the triennial local government elections.

4. This report outlines a process to appoint the local boards representative. Nominations will be open to all local board members and this can be done in November. Local boards are being asked to delegate authority to select the representative by nominating one of its members, preferably the chairperson, to be part of a local board selection panel. This process will enable the representative to be appointed as quickly as possible.

5. The Local Government New Zealand rules now excludes Auckland from Local Government New Zealand Zone 1. Although not officially a member of an Local Government New Zealand zone group, the expectation is that Auckland Council schedules regular meetings with the president and chief executive (or their representatives) of Local Government New Zealand and organise itself as if it were a zone group. These meetings could be co-chaired by the councillor and local board member who are appointed to the Local Government New Zealand National Council.

6. Other arrangements such as the sector-based groups remain unchanged. Auckland Council is eligible to be a member of the Metropolitan and Regional Groups and the Governing Body will be asked to select representatives to these groups.

Ngā tūtohunga
Recommendation/s
That the Hibiscus and Bays Local Board:

a) note the amended Local Government New Zealand rules.

b) endorse Option A (selection panel made up of representatives from each local board) as the process for appointing the local board representative to the Local Government New Zealand National Council.

c) delegate to the Chairperson Gary Brown to be part of the selection panel to appoint the local board representative to the Local Government New Zealand National Council.

d) agree in principle to two annual meetings of Auckland Council and Local Government
New Zealand (or their representatives) with the arrangements to be decided by the three Auckland Council representatives to the Local Government New Zealand National Council and staff.

e) endorse the proposal that the meetings of the Auckland Council/ Local Government New Zealand meetings be co-chaired by the governing body and local board representatives appointed to the Local Government New Zealand National Council.

Horopaki
Context

Local Government New Zealand (LGNZ)

7. Local Government New Zealand (LGNZ) is an incorporated society (New Zealand Local Government Association Inc) which represents the national interests of councils around New Zealand and leads best practice in the local government sector.

8. The objectives of LGNZ include promoting and advocating matters affecting the national interests of local government. LGNZ holds regular dialogue with government, parliamentarians and government agencies and provides thought leadership and research on matters of interest to local authorities.

9. LGNZ is governed by a national council made up of members elected to represent geographic zones, representatives of various sector groups, Chair of Te Maruata (LGNZ’s national collective of Māori in local government governance roles), the President and three seats reserved for representatives of Auckland Council.

10. The establishment of dedicated Auckland seats were made as part of amendments to the LGNZ Rules agreed at its AGM in July 2019 (available online). The amended rules stipulate that the composition of the LGNZ National Council will include the Mayor of Auckland (or an alternate) and two further persons: one to represent the Governing Body and one to represent local boards. The appointments are for three years.

11. LGNZ members are organized in zones and sectors generally. These zones and sectors make appointments to the LGNZ National Council, provide advice on issues affecting their geographical or sector areas and provide information to their members.

12. Auckland Council is no longer a member of any zone group. Due to its size and governance structure, it is expected that the council will organise itself as if it were a zone.

13. The amendments did not change arrangements for sector groups. Auckland Council remains eligible to be a member of the Metro Sector Group and the Regional Sector Groups. The Governing Body usually appoints Auckland Council’s representatives to these groups and will be asked to do so again.

14. Auckland Council’s benefits from its interactions with LGNZ include keeping abreast of national issues affecting local government, advocating for and influencing local government issues on the national agenda and providing a forum where elected representatives connect and network with their peers from across the country.

Tātaritanga me ngā tohutohu
Analysis and advice

Appointment of local board representative to LGNZ National Council

15. The appointment of a local board representative will need to be decided by local boards. This is outlined in LGNZ Rule E1A “(b) one person appointed by Auckland Council local boards, from elected members of the local boards”.
16. The restricted timeframes (eight weeks from start of the term) requires an agile selection process. Staff considered several options and recommend Option A as detailed in the following table:

### Process for selection of local board representative to the LGNZ National Council

<table>
<thead>
<tr>
<th>Option</th>
<th>Process</th>
<th>Details of process</th>
</tr>
</thead>
</table>
| A      | Selection panel made up of representatives from each local board | - Each local board delegates authority to one of their members to be part of a selection panel.  
- The selection panel can be called to meet once all candidates are confirmed and they will agree the voting system to be used.  
- One vote per local board is considered a fair way to select a single representative for all 21 local boards.  
- Members can utilise an existing meeting to get the selection panel together (such as the Chair’s Forum).  
- Process can start in mid-November with a two-week nomination period. |
| B      | Reports to local boards seeking decision/preference (may require urgent decisions) | - This would involve seeking a vote/preference from each local board through a formal report and resolution.  
- The report can only be produced once nominations have closed and the candidates list is available – this will delay the report to early December.  
- Where there is a tie between candidates based on local board votes, staff will need to be delegated authority to resolve the candidate by lot or go back to local boards for a decision.  
- This process is unlikely to produce an agreed appointment in a timely fashion. |

17. Staff also considered the option of a popular vote of all local board members. This would involve setting up an online voting system, where each local board member would have one vote. However, this option may not comply with the LGNZ rules which anticipates a selection by local boards rather than by individual members.

18. The recommended Option A will enable a fair process by giving each local board a vote and an opportunity for their representatives to properly consider each nominee. This selection can take place at the planned meeting of the Chairs’ Forum on 9 December 2019 to avoid arranging an additional meeting.

**Nominations for the local board representative**

19. The LGNZ anticipates that all local board elected members are eligible to be a candidate for the LGNZ National Council. The nominations process will therefore need to allow self-nominations.

20. To facilitate this process in the timeframes required, staff will call for nominations on Friday 15 November and will allow a two-week period closing on 29 November 2019.

**Auckland Council / LGNZ meetings**

21. The role of a zone includes receiving reports from LGNZ about matters of national interest to local authorities and communicating to LGNZ the issues and concerns. The key item of
interest at Zone meetings is the national update from LGNZ. The president and chief executive of LGNZ (or their representatives) attend to present the update.

22. Auckland Council could continue to meet with the president and chief executive (or their representatives) of LGNZ on a regular basis. Although not expressly set out in the changes to the LGNZ Rules, there is an understanding that Auckland Council will continue with these meetings in order to ensure an ongoing regional dialogue and continue to identify and advise LGNZ on issues and concerns affecting the Auckland region.

23. Staff recommend these meetings are co-chaired by the councillor and local board member appointed to the LGNZ national council. A co-chair approach recognises the shared governance role of local boards. Following discussions with LGNZ, staff also recommend that the meetings be open to all elected members.

24. The proposed meeting dates for the Auckland Council/LGNZ meetings are 13 March 2020 and 11 September 2020.

**Tauākī whakaaweawe āhuarangi**

**Climate impact statement**

25. These decisions are procedural in nature and any climate impacts will be negligible. Staff will look to schedule meetings of the Auckland/LGNZ on days where there are other city-based activities and meetings for elected members in order to minimise travel requirements. Staff will also explore the use of skype and live-streaming so elected members may choose to avoid travel.

26. Regarding engagement with the LGNZ, Auckland Council has declared a climate emergency, along with other councils around the country, so there will be an opportunity for partnership and joint leadership on this issue.

**Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera**

**Council group impacts and views**

27. Secretariat support for the Auckland Council/LGNZ meetings will be provided by the Governance Division.

**Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe**

**Local impacts and local board views**

28. The changes to the LGNZ rules and the designated seat on the LGNZ National Council acknowledges the role of local boards and gives it greater recognition in LGNZ.

29. Local board chairs were briefed on anticipated changes at the May 2019 Chairs’ Forum.

30. The amended rules were confirmed at a meeting of the LGNZ National Council in September. Due to the elections and end of term timeframes, staff were unable to seek the views of local boards on the process for appointing a representative.

**Tauākī whakaaweawe Māori**

**Māori impact statement**

31. These decisions are procedural in nature and do not impact on Māori.

32. At the LGNZ level, the LGNZ has provided for representation on the National Council by the Chair of Te Maruata.

33. Te Maruata is a LGNZ National Council sub-committee which has the role of promoting increased representation of Māori as elected members of local government, and of enhancing Māori participation in local government processes. They provide support for councils in building relationships with iwi, hapū and Māori groups and provides Māori input on development of future policies or legislation relating to local government.
34. Appointments to Te Maruata are not made by councils. In the previous term Councillor Alf Filipaina was invited to be a member of the sub-committee.

**Ngā ritenga ā-pūtea**

**Financial implications**

35. Membership of LGNZ incurs a cost to ratepayers. Auckland Council’s annual subscription to LGNZ in 2019/2020 is $340,148 excluding GST.

36. The establishment of Auckland Council/LGNZ meetings will incur expense currently unbudgeted for. Staff from the Governance Division will support the first meeting using existing resources.

37. As the Auckland Council/LGNZ meetings are expected to bring together all elected members from across the region including the islands, this will impact on governance administration budgets over time.

**Ngā raru tūpono me ngā whakamaurutanga**

**Risks and mitigations**

38. The LGNZ rules require persons appointed to the LGNZ National Council to assume office within eight weeks of the triennial local government elections. This creates some difficulties in designing a process for all 21 local boards to agree their single representative. The recommended option (Option A) proposed in this report will enable the process to be completed as quickly as possible, on the first working day after the eight week period. The LGNZ secretariat has indicated this would be acceptable.

39. If all local boards do not endorse the same process (Option A), this would affect how quickly the appointment is able to be made.

**Ngā koringa ā-muri**

**Next steps**

40. The Governing Body will be making their appointment in November 2019 including appointment of Auckland Council representatives to the sector groups.

41. Appointments of Auckland Council seats to the LGNZ National Council will be communicated to the LGNZ by 6 December 2019.

42. Staff will work with the appointed representatives of Auckland Council to make arrangements for the first Auckland Council/LGNZ meetings.

**Ngā tāpirihanga**

**Attachments**

There are no attachments for this report.

**Ngā kaihaina**

**Signatories**

<table>
<thead>
<tr>
<th>Author</th>
<th>Shirley Coutts - Principal Advisor - Governance Strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorisers</td>
<td>Louise Mason – General Manager Local Board Services</td>
</tr>
<tr>
<td></td>
<td>Lesley Jenkins - Relationship Manager</td>
</tr>
</tbody>
</table>
Adoption of a business meeting schedule

File No.: CP2019/19074

Te take mō te pūrongo
Purpose of the report

1. To adopt the Hibiscus and Bays Local Board meeting schedule for the period November 2019 to December 2020.

Whakarāpopototanga matua
Executive summary

2. The Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 have requirements regarding local board meeting schedules. In particular, clause 19, Schedule 7 of the Local Government Act 2002 on general provisions for meetings requires the chief executive to give notice in writing to each local board member of the time and place of meetings. Sections 46, 46(A) and 47 in Part 7 of Local Government Official Information and Meetings Act 1987 require that meetings are publicly notified, agendas and reports are available at least two working days before a meeting, and that local board meetings are open to the public.

3. Adopting a meeting schedule helps with meeting these requirements. Adopting a business meeting schedule also allows for a planned approach to workloads and ensures that local board members have clarity about their commitments.

4. A draft meeting schedule for the period November 2019 to December 2020 has been developed and is included below for adoption by the local board.

5. Commencing the business meeting during business hours will enable meetings to be productive and ensures best use of resources.

6. One business meeting per month is sufficient for formal business to be considered. There are some instances for which the local board may need to have meetings in addition to this schedule. The specific times and dates for meetings for matters such as local board plans and local board agreements are yet to be finalised. Local board meeting schedules may need to be updated once these details are confirmed.

Ngā tūtohunga
Recommendation/s

That the Hibiscus and Bays Local Board:

a) adopt the meeting schedule outlined below for the period November 2019 to December 2020:
<table>
<thead>
<tr>
<th>DATE</th>
<th>TIME</th>
<th>VENUE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Business Meeting</strong></td>
<td>2pm</td>
<td>Council Chamber</td>
</tr>
<tr>
<td>Thursday, 21 November</td>
<td></td>
<td>Orewa Service Centre</td>
</tr>
<tr>
<td>2019</td>
<td></td>
<td>50 Centreway Road, Orewa</td>
</tr>
<tr>
<td><strong>Community Forum</strong></td>
<td>6pm</td>
<td>Local Board Office</td>
</tr>
<tr>
<td>Thursday 5 December</td>
<td></td>
<td>2 Glen Road</td>
</tr>
<tr>
<td>2019</td>
<td></td>
<td>Browns Bay</td>
</tr>
<tr>
<td><strong>Business Meeting</strong></td>
<td>2pm</td>
<td>Local Board Office</td>
</tr>
<tr>
<td>Thursday, 12 December</td>
<td></td>
<td>2 Glen Road</td>
</tr>
<tr>
<td>2019</td>
<td></td>
<td>Browns Bay</td>
</tr>
<tr>
<td><strong>Community Forum</strong></td>
<td>6pm</td>
<td>Council Chamber</td>
</tr>
<tr>
<td>February TBC</td>
<td></td>
<td>Orewa Service Centre</td>
</tr>
<tr>
<td></td>
<td></td>
<td>50 Centreway Road, Orewa</td>
</tr>
<tr>
<td><strong>Business Meeting</strong></td>
<td>2pm</td>
<td>Council Chamber</td>
</tr>
<tr>
<td>Thursday 20 February</td>
<td></td>
<td>Orewa Service Centre</td>
</tr>
<tr>
<td>2020</td>
<td></td>
<td>50 Centreway Road, Orewa</td>
</tr>
<tr>
<td><strong>Community Forum</strong></td>
<td>6pm</td>
<td>Local Board Office</td>
</tr>
<tr>
<td>Thursday 5 March</td>
<td></td>
<td>2 Glen Road</td>
</tr>
<tr>
<td>2020</td>
<td></td>
<td>Browns Bay</td>
</tr>
<tr>
<td><strong>Business Meeting</strong></td>
<td>2pm</td>
<td>Local Board Office</td>
</tr>
<tr>
<td>Thursday 19 March</td>
<td></td>
<td>2 Glen Road</td>
</tr>
<tr>
<td>2020</td>
<td></td>
<td>Browns Bay</td>
</tr>
<tr>
<td><strong>Community Forum</strong></td>
<td>6pm</td>
<td>Council Chamber</td>
</tr>
<tr>
<td>Thursday 2 April</td>
<td></td>
<td>Orewa Service Centre</td>
</tr>
<tr>
<td>2020</td>
<td></td>
<td>50 Centreway Road, Orewa</td>
</tr>
<tr>
<td><strong>Business Meeting</strong></td>
<td>2pm</td>
<td>Council Chamber</td>
</tr>
<tr>
<td>Thursday 16 April</td>
<td></td>
<td>Orewa Service Centre</td>
</tr>
<tr>
<td>2020</td>
<td></td>
<td>50 Centreway Road, Orewa</td>
</tr>
<tr>
<td><strong>Community Forum</strong></td>
<td>6pm</td>
<td>Local Board Office</td>
</tr>
<tr>
<td>Thursday 7 May</td>
<td></td>
<td>2 Glen Road</td>
</tr>
<tr>
<td>2020</td>
<td></td>
<td>Browns Bay</td>
</tr>
<tr>
<td><strong>Business Meeting</strong></td>
<td>2pm</td>
<td>Local Board Office</td>
</tr>
<tr>
<td>Thursday 21 May</td>
<td></td>
<td>2 Glen Road</td>
</tr>
<tr>
<td>2020</td>
<td></td>
<td>Browns Bay</td>
</tr>
<tr>
<td><strong>Community Forum</strong></td>
<td>6pm</td>
<td>Council Chamber</td>
</tr>
<tr>
<td>Thursday 4 June</td>
<td></td>
<td>Orewa Service Centre</td>
</tr>
<tr>
<td>2020</td>
<td></td>
<td>50 Centreway Road, Orewa</td>
</tr>
<tr>
<td><strong>Business Meeting</strong></td>
<td>2pm</td>
<td>Council Chamber</td>
</tr>
<tr>
<td>Thursday 18 June</td>
<td></td>
<td>Orewa Service Centre</td>
</tr>
<tr>
<td>2020</td>
<td></td>
<td>50 Centreway Road, Orewa</td>
</tr>
<tr>
<td>Event Type</td>
<td>Date</td>
<td>Time</td>
</tr>
<tr>
<td>---------------------</td>
<td>--------------------</td>
<td>------</td>
</tr>
<tr>
<td>Community Forum</td>
<td>Thursday 2 July 2020</td>
<td>6pm</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Business Meeting</td>
<td>Thursday 16 July 2020</td>
<td>2pm</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Forum</td>
<td>Thursday 6 August 2020</td>
<td>6pm</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Business Meeting</td>
<td>Thursday 20 August 2020</td>
<td>2pm</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Forum</td>
<td>Thursday 3 September 2020</td>
<td>6pm</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Business Meeting</td>
<td>Thursday 17 September 2020</td>
<td>2pm</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Forum</td>
<td>Thursday 1 October 2020</td>
<td>6pm</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Business Meeting</td>
<td>Thursday 15 October 2020</td>
<td>2pm</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Forum</td>
<td>Thursday 5 November 2020</td>
<td>6pm</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Business Meeting</td>
<td>Thursday 19 November 2020</td>
<td>2pm</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Forum</td>
<td>Thursday 3 December 2020</td>
<td>6pm</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Business Meeting</td>
<td>Thursday 10 December 2020</td>
<td>2pm</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

b) agree to commence business meetings at 2.00pm to be held at the Council Chambers, Orewa Service Centre and the Local Board Office, Browns Bay, alternating each month between the two local board venues. Public forum will be scheduled at the start of the business meeting, to enable participation by the public and stakeholders in the democratic process.
c) agree to commence community forum meetings at 6.00pm at the Council Chambers, Orewa Service Centre, and the Local Board Office, Browns Bay, alternating each month between the two local board venues. Community forums are being introduced to provide a dedicated forum for community groups and members of the public to present and update the local board on projects or issues.

d) note the dates and times for business meetings to make decisions on local board plans and local board agreements are yet to be scheduled.

Ngā tāpirihanga
Attachments
There are no attachments for this report.

Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Anna Bray - Policy and Planning Manager - Local Boards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorisers</td>
<td>Louise Mason – General Manager Local Board Services</td>
</tr>
<tr>
<td></td>
<td>Lesley Jenkins - Relationship Manager</td>
</tr>
</tbody>
</table>
Urgent decision-making process

File No.: CP2019/19075

Te take mō te pūrongo
Purpose of the report

1. To seek the Hibiscus and Bays Local Board’s agreement to use the urgent decision-making process when appropriate.

Whakarāpopototanga matua
Executive summary

2. The urgent decision-making process enables the local board to make decisions to manage unforeseen and urgent circumstances when it is not practical to call the full board together and meet the requirements of a quorum. By agreeing to this process, the local board delegates decision-making authority to the chair and deputy chair, or any person acting in these roles.

Ngā tūtohunga
Recommendation/s

That the Hibiscus and Bays Local Board:

a) adopt the urgent decision-making process for matters that require a decision where it is not practical to call the full board together and meet the requirements of a quorum.

b) delegate authority to the chair and deputy chair, or any person acting in these roles, to make urgent decisions on behalf of the local board.

c) agree that the relationship manager, chairperson and deputy chairperson (or any person/s acting in these roles) will authorise the urgent decision-making process by signing off an authorisation memo.

d) note that all urgent decisions will be reported to the next ordinary meeting of the local board.

Horopaki
Context

3. The urgent decision-making process enables the chairperson and deputy chairperson, or any person acting in these roles, to make decisions to manage unforeseen and urgent circumstances when it is not practical to call the full local board together and meet the requirements of a quorum. Examples include during the Christmas and New Year period or for providing input to the council’s central government submission process in tight timeframes.

4. By agreeing to this process, the local board delegates decision-making authority to the chairperson and deputy chairperson, or any person acting in these roles during that period.

5. The Local Government Act 2002 provides for local boards to delegate to committees, members of the local board or Auckland Council staff any of its responsibilities and powers, with some specific exceptions (clause 32, Schedule 7). This legislation enables the urgent decision-making process.
Tātaritanga me ngā tohutohu
Analysis and advice

6. The urgent decision-making process provides an alternative decision-making mechanism to an extraordinary meeting. An extraordinary meeting is called when an urgent decision is required on matters that cannot wait until the next scheduled business meeting of the local board.

7. Urgent decisions are different from emergency decisions, which are only made if there is a risk to public health and safety.

8. All requests for an urgent decision will be supported by a memo stating the nature of the issue, reason for urgency and the decisions or resolutions sought.

9. The local board relationship manager will use the information in this memo, along with the supporting report, to determine whether or not to authorise the urgent decision-making process.

10. A number of factors will be considered by the relationship manager before approval to use the urgent decision-making process is given, such as:
   - the timing of the next scheduled meeting
   - confirmation that the local board has the delegation to make the decision
   - consideration of the rationale for the urgency
   - the significance of the decision and whether the urgent decision-making process is appropriate.

11. Once the relationship manager authorises the use of the urgent decision-making process, the chairperson and deputy chairperson (or any person/s acting in these roles) also need to approve the use of the urgent decision-making process by signing the same memo.

12. Once the authorisation memo has been approved, the chairperson and deputy chairperson will refer to the substantive report for advice and staff recommendations to inform their decision. This report will meet Auckland Council quality advice standards and adhere to the report authorisation processes.

13. Any decision made using the urgent decision-making process will be reported as an information item to the next ordinary meeting of the local board and the signed approval memo will be attached.

Tauākī whakaaweawe āhuarangi
Climate impact statement

14. This decision is procedural in nature and any climate impacts will be negligible. The decision is unlikely to result in any identifiable changes to greenhouse gas emissions. The effects of climate change will not impact the decision.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera
Council group impacts and views

15. The urgent decision-making process proposed in this report enables the council group to progress urgent decisions efficiently, when it is not practical to call the full local board together.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe
Local impacts and local board views

16. This report outlines the local board urgent decision-making process, and seeks the local board’s agreement to adopt this process.
17. A decision of this procedural nature is not considered to have specific implications for Māori, and the arrangements proposed in this report do not affect the Māori community differently to the rest of the community.

18. There are no financial implications arising from the procedural decision sought by this report.

19. To mitigate any risk that the urgent decision-making process could be used inappropriately, the relationship manager will assess a number of factors including timing of the next scheduled meeting, the reason for urgency, and significance of the decision. If a matter is of major significance, an extraordinary meeting can be called instead.

20. If the local board adopts the use of the urgent decision-making process, the local board relationship manager and delegated members will execute the urgent decision-making process outlined in this report if the need arises.

There are no attachments for this report.

<table>
<thead>
<tr>
<th>Author</th>
<th>Anna Bray - Policy and Planning Manager - Local Boards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorisers</td>
<td>Louise Mason – General Manager Local Board Services</td>
</tr>
<tr>
<td></td>
<td>Lesley Jenkins - Relationship Manager</td>
</tr>
</tbody>
</table>
Decisions made under delegation during the 2019 election period

File No.: CP2019/19354

Te take mō te pūrongo
Purpose of the report
1. To note the decisions made under delegation during the 2019 election period.

Whakarāpopototanga matua
Executive summary
2. At its meeting on 18 September 2019, the Hibiscus and Bays resolved as follows:

Resolution number HB/2019/1

That the Hibiscus and Bays Local Board:

a) utilise the local board’s existing urgent decision-making process between the final local board business meeting and the commencement of the term of office of new local board members

b) note that from the commencement of the term of office of new local board members until the inaugural meeting of the incoming local board, urgent decision-making will be undertaken by the Chief Executive under existing delegations

c) approve that staff, as a temporary measure, can make business as usual decisions under their existing delegated authority without requiring compliance with the requirement in the current delegation protocols to consult with the nominated portfolio holder (or chairperson where there is no portfolio holder in place), from 22 October 2019, noting that staff will consult with the chairperson and deputy chairperson following the inaugural meeting until new arrangements are made at the first business meeting in the new term

d) note that existing appointments by the local board to external bodies will cease at the election and new appointments will need to be made by the local board in the new term.

3. This is an information only report which aims to provide greater visibility and outlines the decisions that were made under those delegations.

4. The following decision was authorised by Members Julia Parfitt and Janet Fitzgerald, who have delegated authority to make, on behalf of the local board, urgent decisions on matters that cannot wait until the next scheduled ordinary meeting of the local board:

<table>
<thead>
<tr>
<th>Date</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>8/10/19</td>
<td>Delegation to approve a report under urgency on a temporary alcohol ban for Crate Day 2019 on the Hibiscus Coast.</td>
</tr>
</tbody>
</table>

5. Note that, unlike an agenda report, staff will not be present to answer questions about the items referred to in this summary. Local board members should direct any questions to the authors.
Ngā tūtohunga

Recommendation/s

That the Hibiscus and Bays Local Board:

a) note the decision made under delegation by Chairperson Julia Parfitt and Deputy Chairperson Janet Fitzgerald to approve a report under urgency on a temporary alcohol ban for Crate Day 2019 on the Hibiscus Coast during the 2019 election period.

Ngā tāpirihanga

Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>20191007 Memo Crate Day</td>
<td>45</td>
</tr>
<tr>
<td>B</td>
<td>20191008 Crate Day Report</td>
<td>49</td>
</tr>
</tbody>
</table>

Ngā kaihaina

Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Gemma Kaldesic – Democracy Advisor Hibiscus and Bays Local Board</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authoriser</td>
<td>Lesley Jenkins - Relationship Manager</td>
</tr>
</tbody>
</table>
URGENT DECISION OF THE
HIBISCUS AND BAYS LOCAL BOARD

Dated: 8 October 2019

SUBJECT: To request the Hibiscus and Bays Local Board consider and approve a report under urgency on a temporary alcohol ban for Crate Day 2019 on the Hibiscus Coast.

BACKGROUND:

1. The New Zealand Police (Police) have requested a 48-hour temporary alcohol ban (alcohol ban) for Saturday 7 and Sunday 8 December 2019 on the Hibiscus Coast. The request includes beaches and adjoining parks from Waiwera Beach to Arkles Bay, including Victor Eaves Park, Western Park and Centreway Reserve.

2. The request seeks to prevent alcohol-related crime and disorder associated with Crate Day. Crate Day is unofficially celebrated around New Zealand as the first Saturday of summer in December. The event has been promoted by The Rock radio station since 2009 for people to gather outdoors, listen to music and “share a crate” of alcohol.

3. The purpose of the report is for the Hibiscus and Bays Local Board to consider:
   - adopting a 48-hour temporary alcohol ban for Crate Day 2019 on Saturday 7 and Sunday 8 December 2019 on areas of the Hibiscus Coast identified in Attachment A of the report.
   - allocating up to $5000 plus GST for public notification and installation and removal of signage in priority areas for the temporary alcohol ban.

REASON FOR URGENCY

4. A request to consider the report under urgency is sought for the following reasons:
   - Local Body elections in October 2019 mean that there are no local board meetings during this month.
   - The next meeting of the Hibiscus and Bays Local Board is scheduled
for late November. This would not leave sufficient time to ensure signage installation and 14 days public notification before Crate Day on Saturday 7 December 2019.
DECISIONS:

That the Hibiscus and Bays Local Board:

a) adopt a 48-hour temporary alcohol ban on Saturday 7 and Sunday 8 December 2019 on areas of the Hibiscus Coast identified in the overview map in Attachment A of the report.

b) allocate up to $5000 plus GST for public notification and installation and removal of signage in priority areas for the temporary alcohol ban because there is no event organiser to cover these costs.

AUTHORISED FOR RELEASE

Michelle Sanderson
Acting Relationship Manager
Rodney and Hibiscus and Bays Local Boards

Authorisation

This decision is authorised by Members Julia Parfitt and Janet Fitzgerald, who have delegated authority to make, on behalf of the local board, urgent decisions on matters that cannot wait until the next scheduled ordinary meeting of the local board. Resolution number HB/2016/195.

Julia Parfitt
Chairperson
Date: 8 October 2019

Janet Fitzgerald
Deputy Chairperson
Date: 8 October 2019

Note: This decision will be reported to the next Hibiscus and Bays Local Board meeting on 21 November 2019.
Request for temporary alcohol ban on Hibiscus Coast on 7 and 8 December 2019

File No.: CP2019/19297

Te take mō te pūrongo
Purpose of the report
1. To seek a decision on whether to adopt a temporary alcohol ban on the Hibiscus Coast on 7 and 8 December 2019.

Whakarāpopototanga matua
Executive summary
2. To enable a decision on a request for a 48-hour temporary alcohol ban on Saturday 7 and Sunday 8 December 2019 on the Hibiscus Coast, staff assessed the request against legislative criteria and identified three options:
   - **Option one: Status quo** - existing evening alcohol bans apply.
   - **Option two: Priority areas** - adopt a 48-hour temporary alcohol ban on 7 and 8 December 2019 on the beach and adjoining parks in Waiwera, Orewa, Red Beach, Stanmore Bay, Manly, Arkles Bay, and on Western Reserve and Victor Eaves Park.
   - **Option three: All areas** - adopt a 48-hour temporary alcohol ban on 7 and 8 December 2019 on areas of the Hibiscus Coast requested in Attachment A with signage in priority areas.
3. Staff recommend the local board adopt Option three: All areas. Taking this approach is most likely to prevent crime and disorder associated with Crate Day gatherings on the Hibiscus Coast.
4. There is a minor reputational risk associated with Option three: All areas. This option could be perceived as a disproportionate response to the issue due to the number of areas covered by the proposed ban. This can be mitigated by public communication that the proposed ban reduces the high risk of displacement of the event around the local area and will most effectively prevent crime and disorder in a reasonable way.
5. If the local board adopt a temporary alcohol ban staff will notify Police of the decision. The local board will be responsible for funding the public notification and installation and removal of temporary signage. Police will be responsible for enforcement.

Ngā tūtohunga
Recommendation/s
That the Hibiscus and Bays Local Board:

a) adopt a 48-hour temporary alcohol ban on Saturday 7 and Sunday 8 December 2019 on areas of the Hibiscus Coast identified in the overview map in Attachment A of the agenda report.

b) allocate up to $5,000 plus GST for public notification and installation and removal of signage in priority areas for the temporary alcohol ban, because there is no event organiser to cover these costs.
Horopaki

Context

Police request a temporary alcohol ban to prevent Crate Day problems on Hibiscus Coast

6. The New Zealand Police (Police) have requested a 48-hour temporary alcohol ban (alcohol ban) for Saturday 7 and Sunday 8 December 2019 on the Hibiscus Coast (Attachment A). The request includes beaches and adjoining parks from Waiwera Beach to Arkles Bay, including Victor Eaves Park, Western Reserve and Centreway Reserve.

7. The request seeks to prevent alcohol-related crime and disorder associated with Crate Day. Crate Day is unofficially celebrated around New Zealand as the first Saturday of summer in December. The event has been promoted by The Rock radio station since 2009 for people to gather outdoors, listen to music and “share a crate” of alcohol.

8. Current alcohol bans on the Hibiscus Coast (Attachment B) apply:

   - from 10pm-7am during daylight savings on beach, park and certain surrounding streets alongside Orewa Beach, Victor Eaves Park, Western Park, Red Beach, Stanmore Bay, Manly, and Arkles Bay
   - 24 hours, 7 days a week in Orewa Town Centre and associated beach and parks.

Alcohol bans prohibiting alcohol, are adopted by local boards and enforced by Police

9. Alcohol bans prohibit the consumption or possession of alcohol in specified public places during specified times. The Hibiscus and Bays Local Board has authority to make alcohol bans under the Auckland Council Alcohol Control Bylaw 2014 (Bylaw) (GB/2014/121).

10. A local board decision to adopt an alcohol ban must meet criteria in the Local Government Act 2002 and Bylaw (refer Table 1 and Attachment C).

11. Police enforce alcohol bans using powers of search, seizure, arrest, and $250 infringement fees\(^1\). Police also have powers to address incidents of crime or disorder under the Summary Offences Act 1981 and Crimes Act 1961, whether or not alcohol is involved.

Tātaritanga me ngā tohutohu

Analysis and advice

Staff have assessed the request against legislative criteria for making alcohol bans

Staff have assessed the information provided in the request against the legislative and bylaw criteria in Attachment C. Table 1 provides a summary of this assessment.

12. Police provided evidence of a high level of crime and disorder on Crate Day at Manly Beach in 2015 and Stanmore Bay in 2016 caused or made worse by alcohol consumed there. Examples included litter, public urination, glass injuries, vomit in public bathrooms, and arrests including for disorderly behaviour and fighting (refer to summary in Table 1).

13. A temporary ban would be appropriate, proportionate and a justified limitation on people’s rights and freedoms due to the level of crime and disorder associated with Crate Day, ease of displacement of gatherings, limited ban duration and general community and Police support. In addition, temporary alcohol bans in 2017 and 2018 for similar areas as in the request effectively prevented alcohol-related harm (refer to summary in Table 1).
### Table 1 Summary assessment of alcohol ban request against statutory and bylaw criteria

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Staff assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is there evidence of a high level of crime or disorder at the location</td>
<td>Police provided evidence of a very high level of alcohol-related crime and disorder at Manly Beach and Stanmore Bay on Crate Day in 2015 and 2016. Examples included litter, public urination, glass injuries, vomit in public bathrooms, and arrests including for disorderly behaviour and fighting.Police and residents saw the crowds drinking excessively and noted that offenders were intoxicated. Police provided photos of alcohol-related litter and broken bottles.There were at least 10 incidents of physical harm, 10-15 actual threats, and 20 incidents of nuisance.</td>
</tr>
<tr>
<td>caused or made worse by alcohol consumed there?</td>
<td></td>
</tr>
<tr>
<td>Is the request appropriate in light of the evidence?</td>
<td>Temporary alcohol bans in 2017 and 2018 for similar areas in this request effectively prevented alcohol-related incidents occurring. This is likely to be because incidents at previous Crate Day gatherings were of a type that could be more successfully prevented by an alcohol ban, the premise for Crate Day gatherings is heavy drinking, notification of the alcohol ban prevented promoters organising a large gathering on the Hibiscus Coast, and Police planned to proactively patrol and enforce the ban. Previous alternative options such as public awareness or relying on Police powers under the Summary Offences Act 1981 were ineffective. The 2017 and 2018 alcohol bans were effective despite signage only in priority areas, which meant that Police had to first give people an opportunity to leave an area lacking signage with their alcohol. The local board may consider costs to install and remove signage from all areas in the request (an estimated $10,000) to be disproportionate to the effect of the ban. In 2018, the local board provided approximately $4,330 for 16 priority areas which is proportionate to the cost of cleaning up after previous Crate Day events without temporary bans in place.</td>
</tr>
</tbody>
</table>
Is the request proportionate in light of the evidence?

A temporary alcohol ban at Stanmore Bay, Manly Beach and similar locations on the Hibiscus Coast is proportionate. Police provided evidence that Crate Day gatherings can displace to other public places easily. Gatherings moved from Manly Beach (2015) to Stanmore Bay (2016) through social media promotion and similar problems occurred at the new location. The 2018 temporary alcohol ban included Waiwera based on Police intelligence from 2017. Police consider a temporary alcohol ban at just some locations could displace gatherings to other public places.

In addition, the ban duration relates to a specific limited timeframe associated with a high level of alcohol-related crime and disorder.

Someone opposed to the request may argue that the number of areas covered by the temporary ban is excessive and that limiting the ban to the more popular areas in Orewa and the Whangaparaoa Peninsula would be more proportionate.

Is the request a justifiable and reasonable limitation on people's rights and freedoms?

There is sufficient information to conclude that this limitation of rights or freedoms is justified, given:

- the very high level of crime and disorder a temporary alcohol ban is likely to prevent as in previous years
- its limited duration
- general community and Police support
- high risk of displacement of Crate Day gatherings.

Staff have identified three options in response to the assessment

14. Staff have identified the following three options in response to the assessment. Options are compared in Table 2 below.

- Option one: Status quo – decline request, existing evening alcohol bans apply.
- Option two: Priority areas – adopt a 48 hour temporary alcohol ban on 7 and 8 December 2019 on the beach and adjoining parks in Waiwera, Orewa, Red Beach, Stanmore Bay, Manly, Arkles Bay and on Western Reserve and Victor Eaves Park.
- Option three: All areas – adopt a 48 hour temporary alcohol ban on 7 and 8 December 2019 on areas of the Hibiscus Coast requested in Attachment A with signage in priority areas.

Table 2 Comparative assessment of options to alcohol ban request

<table>
<thead>
<tr>
<th>Option one: Status quo</th>
<th>Option two: Priority areas</th>
<th>Option three: All areas (recommended)</th>
</tr>
</thead>
</table>

Decisions made under delegation during the 2019 election period
### Attachment B

#### Item 18

<table>
<thead>
<tr>
<th><strong>Pros</strong></th>
<th><strong>Cons</strong></th>
<th><strong>Risks</strong></th>
<th><strong>Mitigation</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>No further limitations on people’s rights and freedoms to consume alcohol reasonably in public places on the Hibiscus Coast. No local board cost to install and remove temporary signage.</td>
<td>High likelihood of crime and disorder associated with Crate Day in public places. Significant council and local board cost to clean up afterwards.</td>
<td>Council and local board perceived to have allowed harm to occur. Council and the local board perceived to ignore evidence-based recommendations made by Police.</td>
<td>Public communication that the local board considers an alcohol ban is no longer required.</td>
</tr>
<tr>
<td>Crime and disorder associated with Crate Day likely to be prevented.</td>
<td>Crate Day gatherings may take place on smaller public places and alcohol-related harm occurs. Council incurs cost of signage, around $5,000 plus GST.</td>
<td>Council and local board perceived to have allowed harm to occur. Council and the local board perceived to ignore evidence-based recommendations made by Police.</td>
<td>Public communication that the local board considers this option reasonable and financially justified, based on evidence presented.</td>
</tr>
<tr>
<td>Crime and disorder associated with Crate Day likely to be prevented. Notifying the alcohol ban as “all areas” is easier to communicate and more effective than Option two.</td>
<td>Disproportionate cost to install and remove signage in all areas (around $10,000) in relation to the effect of the ban, compared to only priority areas (around $5,000). It is recommended that only priority areas have signage.</td>
<td>Council and local board perceived to have responded disproportionately due to number of areas. Police can take less immediate action to prevent harm in areas with no signage.</td>
<td>Public communication that the local board considers this option best prevents crime or disorder in a way that is reasonable and financially justified.</td>
</tr>
</tbody>
</table>

**Staff recommend the request for an alcohol ban be adopted on all areas**

15. Staff recommend Option three: All areas due to:

- the very high level of crime and disorder experienced in the area from Crate Day gatherings in 2015 and 2016 prevented by an alcohol ban in 2017 and 2018
- ease of displacement of Crate Day gatherings
- the limited duration of the alcohol ban
- general community and Police support
- how the cost of signage is minimised.
Tauākī whakaaweawe āhuarangi
Climate impact statement
16. This report is procedural in nature so does not have direct climate impacts. However, a key focus for the council in the current term will be how it responds to the climate emergency and this may be a consideration for how local boards manage their governance work.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera
Council group impacts and views
17. The decision sought for this report does not trigger any significant policy and is not considered to have any immediate impact on council groups.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe
Local impacts and local board views
18. The Hibiscus and Bays Local Board adopted a similar alcohol ban in 2018 (HB/2018/168) and alcohol-related harm or disorder did not occur on coastal reserve land.

Tauākī whakaaweawe Māori
Māori impact statement
19. Managing alcohol-related harm associated with events increases opportunities for health and well-being, which is consistent with the outcomes of the Māori Plan for Tāmaki Makaurau. Iwi and Māori health advocacy organisations support the general use of alcohol bans as a tool to reduce alcohol-related harm.

Ngā ritenga ā-pûtea
Financial implications
20. Option three: All areas is estimated to cost the local board $5,000 for sign installation and removal in priority areas. In 2018, the local board installed 74 temporary signs in 16 priority beach and park areas at approximately $4,330 to install and remove.

21. If the local board decides to signpost all areas, the cost is estimated to be $10,000.

Ngā raru tūpono me ngā whakamaurutanga
Risks and mitigations
22. There is a minor reputational risk associated with Option three: All areas. It could be perceived as a disproportionate response to the issue due to the number of areas covered by the proposed ban.

23. This can be mitigated by public communication that the ban proposed manages the high risk of displacement of the event around the local area and will effectively prevent crime and disorder in a way that is reasonable.

Ngā koringa ā-muri
Next steps
24. If the local board adopts the temporary alcohol ban, staff will notify Police of the decision.

25. Temporary alcohol bans are usually associated with an event organiser, such as Auckland Tourism, Events and Economic Development. Crate Day gatherings are not associated with formal event organisers. This means that once a decision is made the local board will seek assurances that the relevant council departments will notify the public (for example in local newspapers) and install and remove temporary signage.

26. Police will be responsible for enforcement.
Ngā tāpirihanga
Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Attachment A - Police report</td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>Attachment B - Map of existing alcohol bans</td>
<td></td>
</tr>
<tr>
<td>C</td>
<td>Attachment C - Assessment Sheet</td>
<td></td>
</tr>
</tbody>
</table>

Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Gemma Kaldesic - Democracy Advisor for Hibiscus and Bays Local Board</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorisers</td>
<td>Louise Mason – General Manager Local Board Services</td>
</tr>
<tr>
<td></td>
<td>Lesley Jenkins - Relationship Manager</td>
</tr>
</tbody>
</table>
Attachment A

NZ Police

REPORT FORM

<table>
<thead>
<tr>
<th>Subject:</th>
<th>Address:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rodney Crate Day 2019</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Text:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waitemata North Police request for a 48 hours temporary Liquor Ban</td>
</tr>
</tbody>
</table>

Lesley Jenkins
Relationship Manager
Rodney - Hibiscus and Bays Local Board Services

1. Introduction

This report relates to Waitemata North Police request for a 48 hours liquor Ban to assist Police in maintaining the peace during the proposed annual gathering of youth who congregate for the purpose of consuming liquor under the banner of Crate Day.

2. Liquor Ban timings and duration

From midnight on Friday 6 December for a 48 hour period ending midnight Sunday 8 December 2019.

3. Liquor Ban request rationale

Crate Day was established by local identity John Bennett also known as ‘Johnny Danger’. Johnny Danger has a significant social media and you tube following. In 2017, he also created, promoted and distributed his own brand of alcohol. His recent passing raises police concerns for the Crate Day event to be used a source of energy to commemorate his life and passing. It is therefore believed that it is necessary to apply annually for a temporary liquor ban in the areas outlined in this report.

Since Crate day began in Rodney, the gathering has occurred in Manly. In 2016, the gathering moved to Stanmore Bay where a significant deterioration in behaviour is recorded and documented later in this report.

A liquor ban for a 48hr period in the area’s requested will enable police to better manage any gathering that occurs on Crate Day. The ability of the gathering to relocate from one area to another makes it necessary for police to request the Liquor ban for all the area’s to counteract the ability for the attendees to avoid a Liquor Ban at Stanmore Bay by simply moving to Red Beach for example.
2

To avoid displacing the gathering, the most logical and popular areas are identified for the 48 hr Liquor Ban request.

The two locations used for Crate Day so far are Manly and Stanmore Bay, each area has suffered community disruption, breaches of public order, serious violence and assaults. It should be safely assumed that a change in location will not result in an change in the way young people are affected by alcohol consumption, therefore it is necessary for a request for the Liquor Ban at area’s and timings nominated so that police can take a measured and reasonable response to any gathering who come together in circumstances that are likely to lead to anti-social behaviour through excessive alcohol consumption.

4. Liquor Ban locations Sought

Beach foreshore and adjoining public reserves from Waiwera Beach to Arkles Bay and including Victor Eaves Park, Western Reserve, Centreway Reserve as indicated by the red coloured lines in the Map below (Ref: Overview Map).

Maps of some of the areas requested that have existing evening alcohol bans are also provided below.

REF: Overview Map
This application is identical to the 2018 request to include the area of Waikura. The rationale for the inclusion is based on real-time intelligence sourced over the operation last year. The monitoring of social media by police intelligence group confirmed that the Crate Day participants became aware that Waikura was not included on the temporary ban and many communicated this with each other and travelled to the area to set themselves up. Police were able to arrive ahead of the group and discourage the congregation and prevent any anti-social behaviour. While police cannot submit any evidence of alcohol related harm attributable to last year’s event, it is reasonable to assume this was down to police prevention activity and it is on this basis that police seek the inclusion of Waikura in this years’ temporary ban. This also ties the coastal area to Wenderholm that is covered by a regional Council alcohol restriction.

Area 1: Waikura beach foreshore and adjacent public reserves
Area 2: Hatfield beach foreshore and adjacent Hatfield Bay reserve

Area 3: Orewa beach foreshore and adjacent reserves including

- Arundel Reserve
- Kinloch Reserve
- Moana Reserve
- Orewa Park
- Orewa Reserve
Item 18

Attachment B
Area 4: Red Beach
Area 5: Stanmore Bay and adjacent parks as indicated in the current liquor ban map below
Area 6: Manly and adjacent park as indicated in the current Liquor ban map below
Area 7: Arkles Bay and adjacent park as indicated in the current Liquor ban map below.
Area B: Victor Eaves Park as indicated in the current Liquor ban map below
5. **Police enforcement of the Liquor ban**

**Enforcement principles.**

The principles that will be applied by New Zealand police in the enforcement of alcohol bans are;

- Enforcement will not be directed to strict compliance but rather having regard to the reason for imposing a ban
- It is a question of time place and circumstance as to whether it is appropriate to take enforcement action
- Enforcement action will be directed to preventing alcohol related harm and antisocial behaviour caused by the consumption of alcohol in public places

Alcohol related harm and antisocial behaviour be either existing or anticipated. The statement may be informed by factors such as;

- The existence of disorder / violence / antisocial behaviour hotspot in a particular location
- Behaviour related complaints from members of the public
- Behaviour observed that provides for concern about the probability of disorder and or violence
- Evidence of intoxication in a public place and the presence of a gathering of individuals that in the assessment of the attending officer(s) is likely to result in antisocial behaviour associated with alcohol consumption

Enforcement in a particular location must be seen to be fair. This factor will be weighed up in relation to any enforcement action.

**Operational Deployment of Police Resources:**

Police personnel are allocated to Policing the proposed event and will operate under a formal police operation named: Operation Crate Day 2019

One Senior Sergeant will Command the Police activities and have control of:

- Four Sergeants
- 20 Constables
- 25 officers dedicated to Operation Crate Day 2019.

The police resources will comprise three teams dedicated to Policing the event. Two teams comprising twelve officers will coordinate policing activities to prevent
social and community harm through alcohol fuelled behaviour that falls outside the law and or common decency.

Another team of one Sergeant and five Constables are dedicated to Drink Driving enforcement operating what is commonly referred to as a ‘booze Bus’. This team can be redeployed to assist the other teams if required.

The Operational direction will focus on early intervention with and group gathering for the purpose of alcohol consumption with an emphasis on communication. Any group spoken to by police will be given time to remove themselves and the alcohol from the area subject to the liquor ban if they are found to be infringing.

If, after consultation and dialog, the group remain a warning of potential prosecution enforcement will be given. Only after all opportunities to avoid prosecution have been taken will police take affirmative action.

If the crate day participants are dispensed and coordinate to meet at another location in Rodney or the North Shore that is not covered by the liquor ban sought in this report, the Police resources will be redeployed to assist the local Police with any matters requiring police intervention in that area.

The traffic related policing component of the Operation Crate Day 2019 operates on a strict liability basis and enforcement action on drink drivers will be mandatory.

1 The Law

Definitions
This table provides definitions relevant to alcohol bans.

<table>
<thead>
<tr>
<th><strong>Alcohol</strong></th>
<th>'Alcohol' means a substance that—</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• is or contains a fermented, distilled, or spirituous liquor; and</td>
</tr>
<tr>
<td></td>
<td>• at 20°C is found on analysis to contain 1.15% or more ethanol by volume; or</td>
</tr>
<tr>
<td></td>
<td>• is a frozen liquid, or a mixture of a frozen liquid and another</td>
</tr>
<tr>
<td></td>
<td>• substance or substances and is alcohol as per bullet 1</td>
</tr>
<tr>
<td></td>
<td>• when completely thawed to 20°C; or</td>
</tr>
<tr>
<td></td>
<td>• whatever its form, is found on analysis to contain 1.15% or more ethanol by weight in a form that can be assimilated by people.</td>
</tr>
<tr>
<td></td>
<td>Section 9(1) - Sale and Supply of Alcohol Act 2012.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Public place</strong></th>
<th>'Public place' 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 does not include licensed premises.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Section 147(1) - Local Government Act 2002.</td>
</tr>
</tbody>
</table>
Breach of alcohol ban (section 147 - Local Government Act 2002)
You must prove the identity of the offenders and that they breached a bylaw for alcohol control purposes (an alcohol ban) by:
- consuming alcohol
- bringing alcohol
- possessing alcohol
in a public place (or in a vehicle in a public place) specified in the bylaw.

Penalty
An Alcohol Infringement Offence Notice (AIoN) can be issued (prec W806) requiring payment of an infringement fee of $250.

Exemptions
Alcohol in unopened containers may be:
- transported from off licensed premises next to a public place if it was lawfully bought on those premises for consumption off those premises, and it is promptly removed from the public place
- transported from outside a public place for delivery to licensed premises next to the public place
- transported from outside a public place to premises next to a public place by, or for delivery to, a resident of those premises or by their bona fide visitor
- transported from premises next to a public place to a place outside the public place if the transport is undertaken by a resident of those premises, and the alcohol is promptly removed from the public place.

Seizing alcohol (section 169(2)(b) – Local Government Act 2002)
A constable may (without warrant) seize and remove any alcohol (and its container) that is in a restricted place in breach of an alcohol ban

Arrest, search, and seizure

Before you can search (section 170 – Local Government Act 2002)
Before you can search a container or a vehicle, you must:
- inform the person in possession of the container or the vehicle that they have the opportunity of removing the container or the vehicle from the public place; and
- provide the person with a reasonable opportunity to remove the container or the vehicle from the public place.

Search (Section 169 - Local Government Act 2002)
(2) Any constable may, without warrant:
(a) for the purpose of ascertaining whether alcohol is present, search:
(i) a container (for example, a parcel, package, bag, or case) in the possession of a person who is in, or entering, a public place
(ii) a vehicle that is in, or is entering, a restricted place
(b) seize and remove alcohol and its container if the alcohol is in a restricted place in breach of an alcohol ban
(c) arrest any person whom the constable finds committing an offence
(d) arrest any person who has refused to comply with a request by a constable:
(i) to leave a restricted place; or
(ii) to surrender to a constable any alcohol that, in breach of an alcohol ban, is in the person’s possession.
15

Exception
You may, immediately and without further notice, search a container or a vehicle if a TA has:
• specified the public place (by public notice given 14 days in advance) where and when
  Police are authorised to search; and
• indicated the location of the public place by one or more clearly legible notices affixed in
  one or more conspicuous places on, or adjacent to, the place to which the notice relates,
  unless it is impracticable or unreasonable to do so.

Note: The power to search a container or vehicle only applies if you are authorised to search
by a bylaw made under section 147 of the Local Government Act 2002.

a. Best Practice

Enforcement at the scene

On discovering a person suspected of breaching an alcohol ban follow these steps at the
scene (not necessarily in order).

If offender is below the legal purchase age of 18 years then follow steps as described in
“dealing with minors”.

<table>
<thead>
<tr>
<th>Step</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Obtain full details of the offender.</td>
</tr>
<tr>
<td>2</td>
<td>Take full notes of your interview with the offender including</td>
</tr>
<tr>
<td></td>
<td>• That they knew they were in an alcohol ban area.</td>
</tr>
<tr>
<td></td>
<td>• That the alcohol they were in possession of in breach of the alcohol ban is</td>
</tr>
<tr>
<td></td>
<td>in fact alcohol.</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
</tbody>
</table>
| 3 | Note if the alcohol in possession of the offender is:

- In a labelled trade container
- If not in a labelled trade container, appears to contain alcohol and smells like alcohol

Also note if:
- The offender admits the substance is alcohol
- The offender displays any signs of being influenced or intoxicated by alcohol.

| 4 | Apply enforcement principles in considering any enforcement.

| 5 | Consider warning and moving offender on.

| 6 | If warning inappropriate as it will not meet the enforcement principles then consider issuing an Alcohol Infringement Notice.

| 7 | If necessary to prevent anti-social behaviour from continuing or to protect any person from harm, consider arresting the offender and return them to the station or taking that offender to a place of safety.

| 8 | Offender must be released from custody as soon as it is safe to do so and can be issued an infringement notice.

| 9 | In all cases, the alcohol that is the subject of the breach of alcohol ban should be forfeited by the offender and destroyed by them immediately, and notebook endorsed accordingly.

| 10 | It may be desirable in certain rare cases to take the alcohol concerned as an exhibit where a defended hearing is anticipated or for other reasons however this should be avoided if possible and reliance made on the presumption contained in the Local Government Act.

Liquor Ban provides police with a tool to effectively manage gatherings such as Crate Day without having to rely on other more rigidly enforceable statutes. An example of this is that Section 5A of the Summary Offences Act 1981, a gathering of three or more persons in certain circumstances may, after examination of the circumstances, result in an arrest.

5A Disorderly assembly

(1) A disorderly assembly is an assembly of 3 or more persons who, in any public place, assemble in such a manner, or so conduct themselves when assembled, as to cause a person in the immediate vicinity of the assembly to fear on reasonable grounds that the persons so assembled—

(a) Will use violence against persons or property; or

(b) Will commit an offence against section 3 of this Act—

in that vicinity.

(2) Every person is liable to imprisonment for a term not exceeding 3 months or a fine not exceeding [[$2,000]], who, being a participant in a disorderly assembly and having been
warned by a constable to disperse or otherwise desist from such an assembly, without reasonable excuse,—
(a) Continues to participate in the disorderly assembly; or
(b) Having desisted from that disorderly assembly, participates in another disorderly assembly in circumstances in which it is reasonable to deem the warning to have applied to the new assembly as well as the original one.
(3) This section shall not apply to any group of persons who assemble in any public place for the purpose of demonstrating support for, or opposition to, or otherwise publicising, any point of view, cause, or campaign.]

The Liquor ban will allow police to engage and negotiate sensible outcomes prior to engagement in any arrest process.

The use of other legislation such as Section 5A of the Summary Offences Act 1981, requires any gathering to settle in a particular area before observable behaviour can be sufficiently considered in order to bring an officer(s) to a point where a decision to act is necessary. A Liquor ban offers a more measured and subtle approach by police and officers will able to engage immediately with a gathering to offer advice before enforcement is necessary.

Discretion will be used for members of the public who do not fall within the assessment profile and defined as someone who is likely to engage in anti-social behaviour as a result of alcohol consumption. This will allow for families using the beaches and reserves for BBQ and picnics who want to enjoy an alcoholic beverage.

6. Police action with local off licence premises prior to Crate Day 2019

In order to prevent the promotion of Crate Day, Police Alcohol harm prevention staff will visit all OFF licences in the Rodney area approximately 2 weeks prior to Crate Day.

Part of the visit is to make sure the owners and their staff understand the harm caused by Crate Day and to promote behaviour that aligns to the legislation.

Police will be asking OFF licences to abide by the following:

- Not to stock crates for crate day specifically
- If crates are regularly sold then all crates must remain out of view or stored discretely
- No Crate Day promotional material in the windows or on floor displays

The Sale of Liquor Act will be promoted to the OFF licences, namely:

- S. 4 Object of the Act

**Object**

(1) The object of this Act is that—
18

(a) the sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and
(b) the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.
(2) For the purposes of subsection (1), the harm caused by the excessive or inappropriate consumption of alcohol includes—
(a) any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and
(b) any harm to society generally or the community, directly or indirectly caused, or directly or indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in paragraph (a).

- S. 237 Irresponsible Promotion of Alcohol

237 Irresponsible promotion of alcohol
(1) A person commits an offence if, in the course of carrying on a business, that person—
(a) does anything that encourages people, or is likely to encourage people, to consume alcohol to an excessive extent, whether on licensed premises or at any other place; or
(b) promotes or advertises discounts on alcohol in a way that leads people, or is likely to lead people, to believe that the price is 25% or more below the price at which the alcohol is ordinarily sold (otherwise than—
(i) on licensed premises; or
(ii) in the catalogue or similar price-list of the holder of an off-licence endorsed under section 40); or
(c) holds or has on licensed premises a promotion or advertisement of discounts on alcohol that—
(i) leads people, or is likely to lead people, to believe that the price is 25% or more below the price at which the alcohol is ordinarily sold; and
(ii) can be seen (or, in the case of an audible promotion or advertisement, heard) from outside the premises; or
(d) promotes or advertises alcohol that is free of charge (otherwise than—
(i) by promoting or advertising the complimentary sampling of alcohol for consumption on premises for which an off-licence is held; or
(ii) by a promotion or advertisement within licensed premises that cannot be seen (or, in the case of an audible promotion or advertisement, heard) from outside the premises); or
(e) offers (otherwise than by means of an offer made only on licensed premises, and made only in relation to the buying of alcohol on those premises) any goods or services, or the opportunity to obtain any goods or services, or the opportunity to win a prize, on the condition that alcohol is bought; or
(f) promotes or advertises alcohol in a manner aimed at, or that has, or is likely to have, special appeal to, minors.
(2) Subsection (1)(e) does not apply to a loyalty programme that provides rewards or discounts, unless the rewards or discounts apply only or primarily to alcohol.
(3) A person who commits an offence against this section is liable on conviction,—
(a) in the case of a licensee, to either or both of the following:
(i) a fine of not more than $10,000;
(ii) the suspension of the licensee’s licence for a period of not more than 7 days;
(b) in the case of any other person, to a fine of not more than $10,000.

- S. 239 Sale or Supply of alcohol to people under purchase age on or from licensed premises

239 Sale or supply of alcohol to people under purchase age on or from licensed premises
(1) A licensee or manager of any licensed premises who sells or supplies alcohol, or allows alcohol to be sold or supplied, on or from the licensed premises to any person who is under the purchase age commits an offence.
(2) A person who is not a licensee or a manager of any licensed premises who sells or
supplies alcohol on or from the licensed premises to any person who is under the purchase
age commits an offence.
(3) A person who commits an offence against subsection (1) is liable on conviction,—
(a) in the case of a licensee, to either or both of the following:
(i) a fine of not more than $10,000;
(ii) the suspension of the licensee's licence for a period of not more than 7
days;
(b) in the case of a manager, to a fine of not more than $10,000.
(4) A person who commits an offence against subsection (2) is liable on conviction to a
fine of not more than $2,000.
(5) Subsection (2) applies despite any liability that may attach to the licensee or any
manager in respect of the same offence.
(6) In any proceedings for an offence against subsection (1) or (2) in respect of selling or
supplying alcohol, or allowing alcohol to be sold or supplied, to a person (the customer),
it is a defence if the defendant proves that,—
(a) before or at the time of the sale or supply of alcohol concerned, there was
produced to the person who sold or supplied the alcohol a document purporting to
be an approved evidence of age document; and
(b) the person believed on reasonable grounds that the document—
(i) was an approved evidence of age document; and
(ii) related to the customer; and
(iii) indicated that the customer was not under the purchase age; and
(c) the person reasonably believed that the customer was not under the purchase age.
(7) In any proceedings for an offence against subsection (1) or (2) in respect of selling or
supplying alcohol, or allowing alcohol to be sold or supplied, to a person (the customer),
it is a defence if the defendant proves that, before or at the time of the sale or supply of
alcohol concerned, the person who sold or supplied the alcohol verified the customer's age
using an approved evidence of age system in the approved manner.
(8) A person does not commit an offence against subsection (1) or (2) by selling or
supplying alcohol to a person who is under the purchase age, unless it is proved that the person knew or had reasonable grounds to believe
that the alcohol was intended for a person under the purchase age.
Compare: 1989

• S. 252 Allowing intoxication on licensed premises

252 Allowing intoxication on licensed premises
(1) The licensee or a manager of any licensed premises who allows an intoxicated person to
be or remain on the licensed premises commits an offence.
(2) A person who commits an offence against subsection (1) is liable on conviction to a fine
of not more than $5,000.
(3) It is a defence to a charge under subsection (1) if the defendant satisfies the court that, as
soon as the defendant or any employee of the licensee became aware of the situation,
reasonable steps were taken in respect of the intoxicated person concerned, either—
(a) to take the person to a place of safety on the licensed premises; or
(b) to remove the person from the licensed premises.

Premises to be visited include but not limited to:

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grand Liquor</td>
<td>701 Grand Drive</td>
<td>Orewa</td>
</tr>
<tr>
<td>Super Liquor Hilltop</td>
<td>178 Hibiscus Coast Highway</td>
<td>Orewa</td>
</tr>
<tr>
<td></td>
<td>Orewa</td>
<td></td>
</tr>
<tr>
<td>Liquorland</td>
<td>316 Hibiscus Coast Highway</td>
<td>Orewa</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
7. **Summary of Crime and victimisation at Stanmore Bay Crate Day 2018**

The 2018 event was subject to a 48hrs liquor Ban. A police contingent was present throughout the day and observed a significant decrease in alcohol related calls for service as a direct result. This outcome is therefore very strong evidence to support the assertion that another temporary 48hrs liquor Ban is necessary. The only issues relating to the event was an 18th Birthday Party that was held in a venue inside the temporary liquor ban Area. This event was another example of poor alcohol fuelled behaviour and when police spoke to the group they were pelted with bottles. 17 Arrests were necessary as a result.

8. **Summary of Crime and victimisation at Stanmore Bay Crate Day 2017**

The 2017 event was subject to a 48hrs liquor Ban. A police contingent was present throughout the day and observed a significant decrease in alcohol related calls for service as a direct result. This outcome is therefore very strong evidence to support the assertion that another temporary 48hrs liquor Ban is necessary.

9. **Summary of Crime and victimisation at Stanmore Bay Crate Day 2016**

29 Arrests made for the offences below at Stanmore Bay, the scene of the crate day gathering. Other serious crime was identified but offender were not located or prosecuted given the difficulties of the policing environment on the day.

- Fighting in a public place
- Disorderly behaviour likely to incite violence
- Common Assault
- Breach of the peace
- Offensive behaviour and Offensive language

Three apprehensions were made but broke free from officers because they were covered in sunscreen. These persons disappeared into the crowd with one returning
who continued to fight with other males. This demonstrates the lengths the alcohol affected person will go to in order to cause harm to other attendees including police.

Six persons were treated by ambulance for significant lacerations to their feet after stepping on broken beer bottles.

One young woman was treated by Ambulance staff at the gathering after she became unconscious. Information provided to police and Ambulance staff by the young woman’s associate indicated that she had consumed several litres of hard liquor which induced her comatose state. Ambulance staff classified her as ‘status 1’ which indicates a risk of death without medical intervention.

One young woman was a victim of a serious assault where she was purposefully struck on the head with a bottle. She received a significant head laceration that required immediate treatment by Ambulance. Had police been able to identify and prosecute an offender for this, the serious charge of Wounding with intent to cause grievous bodily harm would have been filed. This crime carries a term of 14 years imprisonment on conviction. The offender was never identified, it is assumed that they disappeared into the gathering and the ease of which offenders can move into a hostile crowd present considerable risk to the intoxicated and vulnerable youth who make up the vast majority of the attendees. In essence the Police cannot ensure the safety of attendees given the ratio of police to attendee, the environment itself, the large number of attendees, the anti-police element within the gathering and the unpredictability of the alcohol affected youth who are prone to high risk behaviour and propensity for violence.

A number of male persons were observed urinating in full view of the public. These events were too numerous to provide accurate numbers but the observable state of the public toilet played a part in this behaviour. The photographs below adequately demonstrate the risk to the facility users and in part, shows the failings and inappropriateness of the park for a gathering of this size and activity.
The pictures below were taken during the Crate day gathering at Stanmore Bay on 3 December 2016, and demonstrate the glass hazards and cause of foot injuries.

The picture below shows the amount of glass removed from the toilet floor.
10. **Summary of Crime and victimisation at Manly Crate Day 2015**

While resources and observed behaviour was similar at the crate day gathering of 2015, a letter from an effected Manly resident to Rodney Times best sums up the feeling of the local community;

“The residents of The Esplanade, Manly, want to find out the reasons for allowing these mob P***-ups which have occurred over the last four years at Manly beach.

Those drinkers start converging on the esplanade from 10am last Saturday with their crates of beer (which The Rock FM radio promotes as Buy a Crate day).

Police arrive in numbers at 1.15pm – six to eight personal and three squad cars. The Esplanade becomes grid-locked as at least 200 people, mostly drinkers, arrive in their vehicles or on foot with crates of beer with the event advertised through social media.
24

The police spend the whole afternoon and evening having to wet nurse this very large crowd. After 9pm they start to shut it down. What sort of message does this send out to this mob? Drink as much as you can over a 9-hour period while the police will stand by and watch.

Drinkers leave their empties so they can take the crates back for a refund; they leave their pile of crap behind.

There is a mountain of rubbish, broken glass, empty bottles and wrecked gazebos. The broken glass ends up on the grass reserve.

Two rubbish trucks arrive at 10pm and four cleaners have to tidy this mess and yes it goes on all the resident’s rates.

We residents ask why the Rodney police allow this nonsense to escalate as we feel there is nothing being done to eliminate this obscene alcohol abuse.

We note there were no breath-testing to be seen and no booze bus. Most of the vehicles that arrived earlier in the day were driven away later that evening.

You would think that the police, who rightly so push no drink-driving or alcohol abuse, would have a much-finer agenda in cases like this.

Possibly the answer lays with the Auckland Council with their head in the sand approach.

Regarding liquor bans or “mob drinking” in public places like our beaches, the council also needs to take into account the long-term damage and stress these ugly incidents leave on the residents who cannot even leave their properties while this nonsense is taking place.

We residents have had enough, this has to stop.

Concerned Manly resident”

11. Police Resources Required 2016

2 x Senior Sergeants
3 x Sergeants
17 x Constables
2 x Police prisoner transport vans
6 x Police patrol vehicles

Total: 22 personnel / eight vehicles

The pictures below were taken during the Crate day gathering at Stanmore Bay on 3 December 2016. The photograph of the broken bottle at the police vehicle was taken after the bottle was thrown at the police vehicle.
12. Conclusion

Police seek a Temporary Liquor Ban for a 48 hour period on the first weekend on December 2019 (7/8 December 2019) from midnight on Friday 6 December for a 48 hour period ending midnight Sunday 8 December 2019.

Steve Piva
Prevention Manager | Waitakere North Police Area Headquarters
4-6 Riverside Road | Orakei | Auckland 0931 | DX 8X10619

Free call: +64 9 213 7898 | Mob: 021 191 4346
Start beating burglary right now, go to www.snap.org.nz
Safer Communities Together
Attachment B - Map of existing alcohol bans
**Attachment C**

**Alcohol ban criteria assessment sheet**

<table>
<thead>
<tr>
<th>Request:</th>
<th>Temporary alcohol ban for Hibiscus Coast Crate Day 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location (Area):</td>
<td>All beaches and adjoining parks on the Hibiscus Coast from Waiake Beach to Arkles Bay including Victor Eaves Park, Western Reserve and Centreway Reserve.</td>
</tr>
<tr>
<td>Duration:</td>
<td>48 hours on Saturday 7 December and Sunday 8 December 2019</td>
</tr>
<tr>
<td>Area description:</td>
<td>A number of popular public recreation areas including beach and park areas used for swimming, picnics and barbeques. These areas are used by Hibiscus Coast residents and other Aucklanders who travel there for recreation on the weekend.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Evidence</th>
</tr>
</thead>
</table>
| 1. Is there evidence of crime at the location? OR | Crime includes infringement notice, arrest or conviction records of any offences where a person can be proceeded against, for example:  
- offences against public order (disorder)  
- offences against persons or property  
- littering and trespass  
- offences resembling nuisance  
- excessive noise. |
| | • Crate Day gatherings at Manly Beach in 2015 attracted 300-400 attendees and resulted in police attendance and arrests for alcohol-related crime and disorder.  
• Crate Day gatherings at Stanmore Bay Beach in 2016 involved 22 police personnel and eight police vehicles and included 29 arrests for fighting in a public place, disorderly behaviour likely to incite violence, common assault, breach of the peace, offensive behaviour and language. Police witnessed other crimes including a serious assault to a woman struck on the head with a bottle. |

| 2. Is there evidence of disorder at the location? AND | Disorder means "the breakdown of peaceful and law-abiding public behaviour", for example:  
- witness accounts of violence, dangerous driving, offensive or threatening behaviour |
| | Disorder at Crate Day gatherings at Manly Beach in 2015 included alcohol-related litter (including broken glass). |

---

1. [Section 5 of the Crimes Act 1961](#)
2. [Summary Offences Act 1981](#), including disorderly behaviour, offensive behaviour or language, disorderly assembly, and fighting in a public place
3. [Section 5 of the Summary Offences Act 1981](#)
4. [Section 28 of the Summary Offences Act 1981](#)
5. [Section 32 of the Summary Offences Act 1981](#)
<table>
<thead>
<tr>
<th>Item 18</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>3. Is there evidence that this is caused or made worse by drinking alcohol there?</strong> AND <strong>Evidence crime or disorder is associated with alcohol may include:</strong></td>
<td><strong>Disorder at Crate Day gatherings at Stanmore Bay 2016 included six people treated by ambulance staff for significant lacerations to their feet after stepping on broken beer bottles, numerous incidents of public urination, significant alcohol-related litter and vomit left in public bathrooms, and a bottle thrown at a Police vehicle.</strong></td>
</tr>
<tr>
<td>• witness accounts that offenders were drinking at the location before or at the time of the disorder</td>
<td>• Police and residents saw the crowd drinking and noted the offenders were intoxicated</td>
</tr>
<tr>
<td>• photos of alcohol containers at the location. <strong>Discount any incidents not directly linked to alcohol.</strong></td>
<td>• Police provided photos of alcohol-related litter and broken bottles.</td>
</tr>
<tr>
<td><strong>4. Is there evidence of a high level of crime or disorder caused or made worse by drinking alcohol there?</strong></td>
<td><strong>The request is in the “very high levels of harm” area of the evidence assessment matrix. There were at least:</strong></td>
</tr>
<tr>
<td>Assess using the Crime or Disorder Categories in Appendix 1 and the Evidence Assessment Matrices in Appendix 2. Evidence falling in the orange or red areas are considered high or very high level.</td>
<td>• 10 Incidents of physical harm</td>
</tr>
<tr>
<td></td>
<td>• 10-15 actual threats</td>
</tr>
<tr>
<td></td>
<td>• 20 Incidents of nuisance.</td>
</tr>
<tr>
<td><strong>Is there evidence of a high level of crime or disorder at the location caused or made worse by alcohol consumed there?</strong></td>
<td>Police provided evidence of a very high level of crime and disorder, which is shown to have been linked to alcohol consumption at Manly Beach and Stanmore Bay on Crate Day. Examples include litter, public urination, disorderly behaviour, fighting and glass injuries.</td>
</tr>
</tbody>
</table>
### 5. Are incidents of a type that would likely be prevented by an alcohol ban?

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Appropriateness</th>
</tr>
</thead>
</table>
| This could include the types of incidents, for example:  
- sex in cars, drug use or dealing is likely to continue without alcohol  
- alcohol related litter, public urination, excessive noise and perceived threats are more likely to be prevented.  
- or the reasons why the location is used, for example:  
- incidents relating to parties at a private residence next to the location are likely to continue  
- incidents relating to groups arriving specifically to drink in that location are more likely to be prevented  
- incidents relating to homeless or rough sleepers may result in displacement to more isolated locations and further harm. |  
- Temporary alcohol bans in 2017 and 2018 for similar areas in this request were effective. Police reported that no alcohol-related crime and disorder associated with Crate Day occurred.\(^9\) Reasons likely include that:  
  - the incidents detailed by Police at previous ‘Crate Day’ gatherings are of a type that can be more successfully prevented by an alcohol ban. For example, alcohol-related litter, public urination, fighting and disorderly behaviour.  
  - because the premise for Crate Day gatherings is heavy drinking, an alcohol ban is likely to be successful in preventing the gathering.  
- This means that a similar temporary alcohol ban in 2019 is likely to also prevent incidents. |

### 6. Will enforcement of the alcohol ban likely prevent the crime or disorder?

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Appropriateness</th>
</tr>
</thead>
</table>
| This includes consideration of the nature of the offenders and any indication of likely police enforcement, for example:  
- signage and publicity can have a preventative effect for otherwise law-abiding members of the public  
- alcohol bans are less effective if police are only able to respond to incidents of crime and disorder after they occur. They already have powers to address those incidents  
- alcohol bans may be effective where police indicate they will patrol the location for a |  
- Temporary alcohol bans in 2017 and 2018 for similar areas in this request were effective. Police reported that no alcohol-related crime and disorder associated with Crate Day occurred. Reasons likely include that:  
  - notifying the alcohol ban prevented promoters from organising a large Crate Day gathering in public space on the Hibiscus Coast.  
  - Police planned to proactively patrol and enforce the ban if they saw groups gathering.  
- It is noted that the 2017 and 2018 alcohol bans were effective despite signage only in priority areas. In 2018 only 16 areas most likely to attract gatherings had |

---

\(^9\) One unrelated 2018 incident at Stanmore Bay resulting in 17 arrests concerns poor alcohol-related behaviour at an 18th birthday party held in a venue inside the temporary liquor ban area.
<table>
<thead>
<tr>
<th>Item 18</th>
<th></th>
</tr>
</thead>
</table>
| **7. Is the cost of signage justified by the likely effect?** | **Consider:**  
- what the cost of signage will be  
- how this compares with the likely effect of the alcohol ban  
- In 2018 the cost to install and remove 74 temporary alcohol ban signs in 16 areas was similar to the 2017 cost of $4,330 plus GST for 74 temporary alcohol ban signs.  
- This is proportionate to the cost of cleaning up after previous Crate Day events when there were no temporary alcohol bans in place.  
- If all areas from Waiwera to Arkles Bay had signage installed however, the cost is estimated to be $10,000 plus GST. The Local Board may consider this cost to be disproportionate to the effect of the alcohol ban.  |
| **8. Is an alcohol ban a better option than any alternative solution?** | **Consider:**  
- what has been tried prior to the request and was it effective (unlikely given a request has been made)?  
- does the request make any suggestions, how would it be implemented, and would it be more effective?  
- could a CPTED assessment by Community Facilities provide suggestions?  
If an alternative may be better than an alcohol ban, consider an option to investigate alternatives before making a decision on the request.  
If an alternative may be complimentary to an alcohol ban, consider an option to investigate  
- Alternative options were unsuccessfully tried in 2016:  
  - Police attempted to deter radio and social media promoters of the event, highlighting the problems caused  
  - Police hoped a gathering might be managed better at Stanmore Bay, close to toilets and further away from residents.  
- Other options considered in 2017 included:  
  - regulating Crate Day under the Auckland Council Trading and Events in Public Places Bylaw 2015. This option however does not provide for Police to prevent informal gatherings.  
  - Police using Summary Offences Act 1981 powers to respond to incidents. This option however does not prevent harmful incidents. |

---

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Proportion</th>
</tr>
</thead>
<tbody>
<tr>
<td>9. Is the area requested proportionate in light of the evidence?</td>
<td>Police have provided evidence that Crate Day gatherings can displace to other public spaces easily. Gatherings moved from Manly Beach (2015) to Stanmore Bay (2016) through social media promotion. The same problems occurred at the new location.</td>
</tr>
<tr>
<td>Consider:</td>
<td>The request aims to prevent problems being displaced to other locations on the Hibiscus Coast.</td>
</tr>
<tr>
<td>• whether boundaries are clearly defined</td>
<td>• In Police’s view a temporary alcohol ban at just some locations could displace gatherings to any other public places on the Hibiscus Coast. Police added Waiwera to the 2018 Crate Day alcohol ban area based on police intelligence from 2017.</td>
</tr>
<tr>
<td>• the likelihood of displacement to other locations</td>
<td>• If this request is adopted, and any displacement occurred Police say it is likely this would be to private residences. This is considered safer because gatherings are smaller and food, water, shade, toilets and places to sleep are available.</td>
</tr>
<tr>
<td>• how long a ban should be in place (for example recurring temporary alcohol bans).</td>
<td>• The Local Board may consider the number of areas in the request is excessive given:</td>
</tr>
<tr>
<td>If the area is considered disproportionate, consider an option that is proportionate.</td>
<td></td>
</tr>
</tbody>
</table>

Temporary alcohol bans in 2017 and 2018 were effective in preventing any incidents occurring. Previous alternative and complimentary options were ineffective. For instance, public awareness or relying on Police powers under the Summary Offences Act 1981. However, the Local Board may consider the estimated $10,000 cost to install and remove signage from all areas in the request disproportionate to the effect of the alcohol ban. In 2018, the Local Board provided approximately $4,330 for 16 priority areas, but this means Police had less enforcement powers.
<table>
<thead>
<tr>
<th>10. Is the duration requested proportionate in light of the evidence?</th>
<th>Consider:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• the times when drinking started (this will be earlier than when the problems occurred)</td>
</tr>
<tr>
<td></td>
<td>• the standard time-frames for an alcohol ban for regional consistency (refer clause 7(2)(i) of the Bylaw)</td>
</tr>
<tr>
<td></td>
<td>• for temporary alcohol bans for events, any set-up and pack-down periods, and whether they should be recurring or one off</td>
</tr>
<tr>
<td></td>
<td>If the duration is considered disproportionate, consider an option that is proportionate consider the Alcohol Control Bylaw 2014 standard timeframes.</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Is the request proportionate in light of the evidence? | A temporary alcohol ban at Stanmore Bay, Manly and similar locations on the Hibiscus Coast is proportionate due to the level of crime or disorder associated with Crate Day, ease of displacement of gatherings and limited duration. Someone opposed to the request may argue the number of areas is excessive and that limiting the temporary alcohol ban to the more popular areas in Orewa and the Whangaparaoa Peninsula would be more proportionate. |
## Attachment B

### Decisions made under delegation during the 2019 election period

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Justified</th>
</tr>
</thead>
</table>
| **Is there sufficient information to make a decision having regard to the significance of the decision?** | **Consider:**  
- whether council has enough information on community views – i.e. what are the views of Police, Māori, owners/occupiers of the area be affected, other users of the area (e.g. New Zealand motor caravan association)  
- whether council has sufficient information on alternatives | **Police support the request and have highlighted community support with a letter from a resident (Attachment A of the agenda report) who was impacted by the Manly Beach gathering in 2015.**  
- Iwi and Māori Health Advocacy organisations have previously expressed general support for the use of alcohol bans to reduce alcohol-related harm to the community and the environment.  
- Media coverage about the effect of the 2017 alcohol ban was positive.\(^{11}\) There was no media coverage on the effect of the 2018 alcohol ban.  
- Police note concerns for Crate Day to be used to commemorate the 2018 passing of local identity ‘Johnny Danger’.  
- The Rock radio station has promoted Crate Day since 2009 and there is no indication that 2019 will differ.  
- Police indicate that if the celebration was changed to a different date they would continue to respond.\(^{12}\) |
| **Will the benefits of the alcohol ban outweigh the loss of freedom to those who use the space?** | **Will the benefits of the alcohol ban outweigh the loss of freedom to those who use the space? For example:**  
- A request for a street or carpark is more easily justified than a reserve by the beach - intended for recreation such as gatherings and picnics where people may choose to drink alcohol.  
- A request with evidence of very high levels of crime or disorder is more easily justified.  
- An alcohol ban that is likely to be effective at reducing harm is more easily justified. | **The request prevents responsible alcohol consumption on a significant number of popular recreation areas on the Hibiscus Coast. These limitations are justified, given:**  
- the very high level of crime and disorder a temporary alcohol ban is likely to prevent as in previous years  
- its limited duration  
- general community and Police support  
- high risk of displacement of Crate Day gatherings.  
It is arguable however that the extent of the temporary alcohol ban is excessive (refer to criterion 9) and too |

---

\(^{11}\) [https://www.stuff.co.nz/auckland/local-news/100542098/liquor-ban-keeps-crate-day-quiet-on-the-hibiscus-coast](https://www.stuff.co.nz/auckland/local-news/100542098/liquor-ban-keeps-crate-day-quiet-on-the-hibiscus-coast)  
| Is the request a justifiable and reasonable limitation on people’s rights and freedoms? | A request that is supported by Police, Māori, and owners/occupiers of the area is more easily justified. | \begin{itemize}
  \item costly to implement (refer to criterion ?), and that limiting any temporary alcohol ban to the more popular areas in Orewa and the Whangaparaoa Peninsula would be more justifiable and reasonable.
\end{itemize} | The request prevents responsible alcohol consumption on a significant number of popular recreation areas on the Hibiscus Coast. There is sufficient information to conclude that the limitation of rights or freedoms are justified, given:
\begin{itemize}
  \item the very high level of crime and disorder a temporary alcohol ban is likely to prevent as in previous years
  \item its limited duration
  \item general community and Police support
  \item high risk of displacement of Crate Day gatherings.
\end{itemize} |
### Appendix 1 Crime or disorder categories

<table>
<thead>
<tr>
<th>Nuisance</th>
<th>Perceived threat</th>
</tr>
</thead>
<tbody>
<tr>
<td>May include:</td>
<td>When a person or groups of people drinking behave in a threatening and/or abusive manner towards each other. Residents may have a perceived fear of safety resulting in an unwillingness to use public spaces. May include:</td>
</tr>
<tr>
<td>- alcohol related litter</td>
<td>- verbal threats of physical violence (directed towards other people in the group who are drinking)</td>
</tr>
<tr>
<td>- broken alcohol bottles</td>
<td>- offensive and/or aggressive behaviour (directed towards other people in the group who are drinking)</td>
</tr>
<tr>
<td>- excessive noise related to the consumption of alcohol in the area</td>
<td>- intimidation (directed towards other people in the group who are drinking)</td>
</tr>
<tr>
<td>- disorder (including property damage, public urination) resulting from drinking alcohol in the area</td>
<td>- abusive language (directed towards other people in the group who are drinking)</td>
</tr>
<tr>
<td></td>
<td>- threatening actions (directed towards other people in the group who are drinking)</td>
</tr>
</tbody>
</table>

### Actual threat

When a person or groups of people drinking behave in a threatening and/or abusive manner towards members of the public outside of the drinking group. May include:

- verbal threats of physical violence (directed towards members of the public outside of the drinking group)
- offensive and/or aggressive behaviour (directed towards members of the public outside of the drinking group)
- intimidation (directed towards members of the public outside of the drinking group)
- abusive language (directed towards members of the public outside of the drinking group)
- threatening actions (directed towards members of the public outside of the drinking group)

### Physical harm

Where people experience actual physical harm. This could be a member of the drinking group (including cases of self-harm), or members of the public outside of the drinking group. May include:

- fighting, street brawls
- personal injury
- assault

**Extreme examples include:**
- Sexual violence
- Assault with a deadly weapon
- Murder, manslaughter, attempted murder
## Appendix 2 Evidence Assessment Matrixes

### Permanent Alcohol Bans Matrix

<table>
<thead>
<tr>
<th>Category</th>
<th>One-off</th>
<th>Occasionally (monthly)</th>
<th>Public holidays</th>
<th>Frequently (weekly)</th>
<th>Daily</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nuisance</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Perceived threat</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Actual threat</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Physical harm</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Temporary Alcohol Bans Matrix

<table>
<thead>
<tr>
<th>Category</th>
<th>0-5 Incidents</th>
<th>5-10 Incidents</th>
<th>10-15 Incidents</th>
<th>10-25 Incidents</th>
<th>25+ Incidents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nuisance</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Perceived threat</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Actual threat</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Physical harm</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>