

**9. Minutes: Extra-ordinary Whangarei District Council
Wednesday 28 July and Wednesday
18 August 2010**

Minutes of an Extra-ordinary meeting of the Whangarei District Council held in the Council Chamber Forum North on Wednesday 28 July 2010 at 1.00 pm and Wednesday 18 August 2010 at 9.00 am

Present:

His Worship the Mayor (Chairperson)

Crs C B Christie, V P D Cocurullo, S J Deeming, A D Goodhew, P R Halse, S L Mai, G M Martin, S L Morgan, K J Sutherland and W L Syers

Apologies:

Crs S M Glen and M R Williams

Moved: His Worship the Mayor

Seconded: Cr Cocurullo

"That the apologies be sustained."

CARRIED

Absent:

Cr B L Mclachlan

In Attendance:

Chief Executive Officer (M P Simpson), Democracy and Legal Services Manager (J Singh), Regulatory Services Manager (G Couchman) Bylaws Co-ordinator (M Henehan), Executive Assistant (F Watson), Councillor Support (J Benyon) and Senior Meeting Co-ordinator (C Brindle)

1. Proposed Liquor Licensing Policy – Review of Submissions

Moved: Cocurullo

Seconded: Cr Christie

"That the meeting be adjourned and be reconvened in the Council Chambers at 9.00 am on Wednesday 18 August 2010."

CARRIED

THE MEETING WAS ADJOURNED AT 1.02 PM TO BE RECONVENED IN THE COUNCIL CHAMBER AT 9.00 AM ON WEDNESDAY 18 AUGUST 2010

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THE MEETING RECONVENED IN THE COUNCIL CHAMBER ON WEDNESDAY 18 AUGUST 2010 AT 9.00 AM

Present:

His Worship the Mayor (Chairperson)

Crs C B Christie, V P D Cocurullo, S J Deeming, S M Glen, P R Halse, S L Mai, G M Martin, S L Morgan, K J Sutherland, W L Syers (9.55 am) and M R Williams

Apologies:

Cr A D Goodhew and B L Mclachlan (absent)
Cr Syers (late arrival)

Moved: His Worship the Mayor

Seconded: Cr Glen

"That the apologies be sustained."

CARRIED

In Attendance:

Chief Operating Officer (J Thompson), Group Manager Environment (P Dell), Democracy and Legal Services Manager (J Singh), Regulatory Services Manager (G Couchman) Executive Assistant (F Watson), Councillor Support (J Benyon) and Senior Meeting Co-ordinator (C Brindle)

Cr Cocurullo opened the meeting with a prayer.

1. Proposed Liquor Licensing Policy – Review of Submissions

This item was taken in parts.

Moved: Cr Deeming

Seconded: Cr Cocurullo

"That the following changes and amendments to recommendations 1 to 13, are made to the proposed policy.

"1. Replace the last sentence in clause 10.5 with the following wording:

"Whangarei District Council will work collaboratively with the Northland District Health Board, New Zealand Fire Service and the New Zealand Police as enforcement agencies under an agreed memorandum of understanding to achieve the object of the Sale of Liquor Act 1989."

Unanimously CARRIED

Recommendation 3 was taken after Recommendation 1.

Recommendation 2

Moved: Cr Williams

Seconded: Cr Deeming

"2. Amend clause 12 (Licensing Hours) as follows:

2a. Replace the first paragraph in clause 12 Licensing Hours with the following:

"New Premises

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This Policy shall apply to all new premises or conveyances for which a license is sought after the date of adoption of this Policy (insert date). New premises include premises or conveyances for which a liquor licence is not in force and include existing buildings and buildings not constructed at the time the application was made.

Existing Licensed Premises (Policy to apply as from 31 December 2012)

This policy seeks to bring about a uniform reduction in operating hours for existing licensed premises across the district at the conclusion of a sunset period on the 31 December 2012. The sunset period will allow existing businesses to plan for and adapt to new trading hours. In that interim period up until the 31 December 2012, the specific policy statements of clauses 12.1 (On licenses), 13.1 (Off Licenses), 14.1 (Club Licences) and 15.6 (Special licences) of the policy adopted on the 6 March 2002 shall continue to apply in relation to operating hours. The Agency wishes to work with the hospitality industry to bring about a transition to the new policy hours and encourages applicants for new On, Off and Club licences relating to existing licensed premises during the interim sunset period to voluntarily work within the new hours with the exception that later hours for the Whangarei CBD area will not be subject to a one way door system.

On the motion being put His Worship the Mayor called for a division:

For the motion:

Crs Williams, Cocurullo, Deeming, Glen, Christie, Martin, Sutherland, Morgan, Mai, Halse and His Worship the Mayor (11)

Absent:

Crs Goodhew, Mclachlan and Syers (3)."

**The motion was CARRIED
Unanimous**

Recommendation 2b

Moved: Cr Halse

Seconded: Cr Williams

"2b. Replace the first sentence in the third paragraph of the general commentary with the following sentence:

"Land use consent is granted after careful consideration of the environmental effects generated on the licensed premises site (noise, vibration, light spill etc) on any surrounding neighbours and council must be confident that any effects are less than minor and in compliance with the rules in the District Plan."

On the motion being put His Worship the Mayor called for a division:

For the motion:

Crs Williams, Cocurullo, Deeming, Glen, Christie, Martin, Sutherland, Morgan, Mai, Halse and His Worship the Mayor (11)

Absent:

Crs Goodhew, Mclachlan and Syers (3)."

**The motion was CARRIED
Unanimous**

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Recommendation 2c

Moved: Cr Mai

Seconded: Cr Morgan

"2c. Correct the time of 10am in the last sentence of the third paragraph of the general commentary to read 10pm.

On the motion being put His Worship the Mayor called for a division:

For the motion:

Crs Williams, Cocurullo, Deeming, Glen, Christie, Martin, Sutherland, Morgan, Mai, Halse and His Worship the Mayor (11)

Absent:

Crs Goodhew, Mclachlan and Syers (3)."

**The motion was CARRIED
Unanimous**

Recommendation 2d

Moved: Cr Williams

Seconded: Cr Mai

"2d. Replace the second sentence of the last paragraph of the general commentary with the following sentence:

" This strategy is used to ensure that the effects on adjacent residents generated both on site (eg entertainment noise) controlled by District Plan rules and off site, which is not otherwise controlled by District Plan rules (i.e. effects generated in adjacent streets or public place as people come to or leave the licensed premises) is minimised."

On the motion being put His Worship the Mayor called for a division:

For the motion:

Crs Williams, Cocurullo, Deeming, Glen, Christie, Martin, Sutherland, Morgan, Mai, Halse and His Worship the Mayor (11)

Absent:

Crs Goodhew, Mclachlan and Syers (3)."

**The motion was CARRIED
Unanimous**

Recommendation 2e

Moved: Cr Williams

Seconded: Cr Morgan

"2e. Under general commentary add the following sentence:

"Adjacent to residential areas means adjacent to, or in close proximity of residential areas."

On the motion being put His Worship the Mayor called for a division:

For the motion:

Crs Williams, Deeming, Glen, Christie, Martin, Morgan, Mai, Halse and His Worship the Mayor (9)

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*Against the motion:
Cr Cocurullo*

*Abstained:
Cr Sutherland*

*Absent:
Crs Goodhew, Mclachlan and Syers (3)."*

The motion was CARRIED

Recommendation 3 was taken after Recommendation 1. Recommendation 4 was taken after Recommendation 2.

Recommendation 3

**Moved: Cr Deeming
Seconded: Cr Halse**

"3. That the hours for On Licensed premises in clause 12.1.1 and 12.1.2 be adopted as follows:

"12.1.1 For On Licensed Premises Situated Adjacent to Residential Areas

Sunday – Thursday 8am – 11pm

Friday – Saturday 8am – 1am the following day

12.1.2 For On Licensed Premises Isolated from Residential Areas

Monday to Sunday 8am – 1am the following day; and that

That the Policy include a provision to allow extension of hours for residential based On Licenses/Clubs by the District Licensing Authority up until a maximum of 1am having regard to the following criteria:

- Noise Management Plan
- Comprehensive Host Responsibility Plan
- Events Management Plan
- Manager Training Pool."

Amendment

**Moved: Cr Williams
Seconded: Cr Cocurullo**

"3. That the hours for On Licensed premises in clause 12.1.1 and 12.1.2 be adopted as follows:

"12.1.1 For On Licensed Premises Situated Adjacent to Residential Areas

Sunday – Thursday 8am – 11pm

Friday – Saturday 8am – 1am the following day

12.1.2 For On Licensed Premises Isolated from Residential Areas

Monday to Sunday 8am – 1am the following day; and that

That the Policy include a provision to allow extension of hours for residential based On Licenses/Clubs by the District Licensing Authority until a maximum of 1am having regard to the following criteria:

- Noise Management Plan

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- Comprehensive Host Responsibility Plan
- Events Management Plan
- Manager Training Pool
 - Transport Plan."

On the amendment being put His Worship the Mayor called for a division:

For the amendment:

Crs Williams, Cocurullo, Christie, Morgan and Mai (5)

Against the amendment:

Crs Deeming, Glen, Martin, Sutherland, Halse and His Worship the Mayor (6)

Absent:

Crs Goodhew, Mclachlan and Syers (3)

The amendment was LOST

On the motion being put His Worship the Mayor called a division:

For the motion:

Crs Deeming, Glen, Christie, Martin, Halse and His Worship the Mayor (6)

Against the motion:

Crs Williams, Cocurullo, Sutherland, Morgan, and Mai (5)

Absent:

Crs Goodhew, Mclachlan and Syers (3).

The motion was CARRIED

Recommendation 2(a)-(e) was taken after Recommendation 3. Recommendation 4 was taken after Recommendation 2.

Recommendation 4

Moved: Cr Sutherland

Seconded: Cr Williams

"4. That option 2 of clause 12.1.3 for the Whangarei CBD area be adopted as follows:

"12.1.3 For On Licensed Premises Situated within the Whangarei CBD, (Shown on the Map in Appendix 1 of this Policy)

Monday – Sunday 8am – 3am the following day – with a one way door system in place between 1am and 3am. Provided that where a licensee wishes to operate hours between 8am – 1am then the one way door system will not apply."

Amendment

Moved: Cr Halse

Seconded: Cr Martin

"4. That option 2 of clause 12.1.3 for the Whangarei CBD area be adopted as follows:

"12.1.3 For On Licensed Premises Situated within the Whangarei CBD, (Shown on the Map in Appendix 1 of this Policy)

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Monday – Sunday 8am – 3am the following day – with a one way door system in place between 1am and 2am. Provided that where a licensee wishes to operate hours between 8am – 1am then the one way door system will not apply.

On the amendment being put His Worship the Mayor called for a division:

For the amendment:

Crs Deeming, Glen, Christie, Martin, Mai and Halse (6)

Against the amendment:

Crs Williams, Cocurullo, Sutherland, Morgan and His Worship the Mayor (5)

Absent:

Crs Goodhew, Mclachlan and Syers (3)."

The amendment was CARRIED

Procedural Motion

Moved: His Worship the Mayor

Seconded: Cr Deeming

"That this item be adjourned and be considered following Recommendation 12."

CARRIED

Moved: His Worship the Mayor

Seconded: Cr Williams

"That the motion and amendment for Recommendation 4 as previously adopted at this meeting be now rescinded."

**CARRIED
Unanimous**

Moved: Cr Williams

Seconded: Cr Deeming

"4. That option 2 of clause 12.1.3 for the Whangarei CBD area be adopted as follows:

"12.1.3 For On Licensed Premises Situated within the Whangarei CBD, (Shown on the Map in Appendix 1 of this Policy)

Monday – Sunday 8am – 3am the following day – with a one way door system in place from 1am. Provided that where a licensee wishes to operate hours between 8am – 1am then the one way door system will not apply.

On the motion being put His Worship the Mayor called for a division:

For the Motion:

Crs Williams, Cocurullo, Deeming, Glen, Christie, Martin, Sutherland, Morgan, Mai, Syers, Halse and His Worship the Mayor (12)

Absent:

Crs Goodhew and Mclachlan (2)."

**The motion was CARRIED
Unanimous**

Cr Syers joined the meeting at 9.55 am during discussions and voting on Recommendation 4.

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Recommendation 5

Moved: Cr Morgan
Seconded: Cr Deeming

"5. That the operating hours for Off Licensed premises, clause 12.2 (Monday to Sunday – 9am until 10pm) be adopted.

On the motion being put His Worship the Mayor called for a division:

For the motion:

Crs Williams, Cocurullo, Deeming, Glen, Martin, Sutherland, Morgan, Mai, Syers, Halse and His Worship the Mayor (11)

Against the motion:

Cr Christie

Absent:

Crs Goodhew and Mclachlan (2)."

CARRIED

Recommendation 6

Moved: Cr Christie
Seconded: Cr Morgan

"6. Amend clause 12.3.1 as follows:

" 12.3.1 For Club Licensed Premises Situated Adjacent To Residential Areas

Sunday to Thursday 8am – 11pm

Friday to Saturday 8am – 1am."

On the motion being put His Worship the Mayor called for a division:

For the motion:

Crs Williams, Cocurullo, Deeming, Glen, Christie, Sutherland, Morgan, Mai, Syers, Halse and His Worship the Mayor (11)

Against the motion:

Cr Martin

Absent:

Crs Goodhew and Mclachlan."

CARRIED

Recommendation 7

Moved: Cr Williams
Seconded: Cr Glen

"7. Add the following as clause 19.11:

"19.11 Limitation for Special Licences Granted on Prohibited Days

Under mandatory conditions placed upon licenses pursuant to Section 14(2) of the Act, hotels and taverns are prohibited from selling or supplying liquor on Good Friday, Easter Sunday, Christmas Day or before 1pm on Anzac Day with the exception that alcohol can be sold or supplied to people staying or dining on the premises. The Act permits hotels and taverns to hold a special licence for special events on these days. Special licences will be granted as the exception and not the rule in situations where the special event or occasion cannot be held on any other

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day of the year and is a private social gathering to which the general public do not have entry. An example would be a wedding reception for a wedding held on that day.

On the motion being put His Worship the Mayor called for a division:

For the motion:

Crs Williams, Cocurullo, Deeming, Glen, Christie, Sutherland, Martin, Morgan, Mai, Syers, Halse and His Worship the Mayor (12)

Absent:

Crs Goodhew and Mclachlan."

CARRIED

Recommendation 8

Moved: Cr Morgan

Seconded: Cr Williams

"8. Insert a new clause 19.12 as follows:

"19.12 Special Licences for Large Scale Public Events

An applicant for a special licence for a large public event should plan to operate the event in accordance with the ALAC document "Guidelines for the Management of Alcohol at Large Scale Public Events" and provide an alcohol management plan with the application which sets down how the event will be managed.

On the motion being put His Worship the Mayor called for a division:

For the motion:

Crs Williams, Cocurullo, Deeming, Glen, Christie, Sutherland, Martin, Morgan, Mai, Syers, Halse and His Worship the Mayor (12)."

Absent:

Crs Goodhew and Mclachlan."

CARRIED

Recommendation 9

Moved: Cr Glen

Seconded: Cr Christie

"9. In clause 20.1 under the list of DLA requirements replace the final bullet point with the following paragraph:

"The applicant should have a minimum of three months experience managing a licensed premise in New Zealand and the application must contain documented evidence of the experience.

On the motion being put His Worship the Mayor called for a division:

For the motion:

Crs Williams, Cocurullo, Deeming, Glen, Christie, Sutherland, Martin, Morgan, Mai, Syers, Halse and His Worship the Mayor (12)

Absent:

Crs Goodhew and Mclachlan."

CARRIED

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Recommendation 10

Moved: Cr Cocurullo
Seconded: Cr Williams

"10. Add to the policy a new clause 22.0 as follows:

"22.0 Policy Review

This policy shall be reviewed in January 2014 (40 months after adoption) and there after every five years. This policy may require review at an earlier date subject to requirements of any statute which replaces the Sale of Liquor Act 1989.

On the motion being put His Worship the Mayor called for a division:

For the motion:

Crs Williams, Cocurullo, Deeming, Glen, Christie, Sutherland, Martin, Morgan, Mai, Syers, Halse and His Worship the Mayor (12)

Absent:

Crs Goodhew and Mclachlan."

CARRIED

Recommendation 11

Moved: Cr Mai
Seconded: Cr Glen

"11. That the Town Basin area be included in the amended CBD area map of Appendix 1."

On the motion being put His Worship the Mayor called for a division:

For the motion:

Crs Williams, Cocurullo, Deeming, Glen, Christie, Sutherland, Martin, Morgan, Mai, Syers, Halse and His Worship the Mayor (12)

Absent:

Crs Goodhew and Mclachlan

CARRIED

Recommendation 12

Moved: Cr Glen
Seconded: Cr Mai

"12. That staff investigate matters raised by the New Zealand Police Whangarei Area Commander, Inspector Paul Dimery, relating to prohibited days.

On the motion being put His Worship the Mayor called for a division:

For the motion:

Crs Williams, Cocurullo, Deeming, Glen, Christie, Sutherland, Martin, Morgan, Mai, Syers, Halse and His Worship the Mayor (12)

Absent:

Crs Goodhew and Mclachlan."

CARRIED

Item 4 was reconsidered after Recommendation 12.

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Recommendation 13

Moved: Cr Glen
Seconded: Cr Christie

"13. That following consideration of all submissions and staff report, the policy be considered for adoption with any changes at the Council meeting on 25 August 2010.

On the motion being put His Worship the Mayor called for a division:

For the motion:

Crs Williams, Cocurullo, Deeming, Glen, Christie, Sutherland, Martin, Morgan, Mai, Syers, Halse and His Worship the Mayor (12)

Absent:

Crs Goodhew and Mclachlan."

CARRIED

The meeting closed at 10.34 am

Confirmed this 25th day of August 2010

S G A Semenoff (Chairperson)