

Extra-ordinary Whangarei District Council

Notice of Meeting

A extra-ordinary meeting of the Whangarei District Council will be held in the Council Chamber, Forum North, Whangarei on:

**Wednesday
29 July 2015
12.30pm**

Committee

Her Worship the Mayor (Chairperson)
Cr S J Bell
Cr S J Bretherton
Cr C B Christie
Cr P A Cutforth
Cr S J Deeming
Cr S M Glen
Cr P R Halse
Cr C M Hermon
Cr G C Innes
Cr G M Martin
Cr B L McLachlan
Cr S L Morgan
Cr J D T Williamson

1. Draft Local Alcohol Policy – Report on Public Submissions received

Reporting officer Paul Dell (Group Manager - District Living)

Date of meeting 29 July 2015

Vision, mission and values

This item is in accord with Council's vision, mission and values statement as it contributes to building a safer district, an important part of developing a thriving district that is the envy of New Zealand and recognised worldwide.

Introduction

On 27 May 2015 Council adopted a Statement of Proposal in respect to a draft Local Alcohol Policy (LAP) for release to the wider community and stakeholders for submissions under the Special Consultative Process (SCP) of section 83 of the Local Government Act 2002.

The proposal, including the draft LAP, was publically notified in a full page article in the Whangarei Leader on 2 June 2015. In addition, individual letters requesting submissions were sent to all 191 licensees based within the Whangarei district and a number of other interested or affected parties, who previously had attended Council's focus group meetings. These were NZ Police, the Northland District Health Board's Medical Officer of Health, Retail NZ, Progressive Enterprises Limited, Foodstuffs North Island Limited, Liquorland Limited, Clubs NZ, Hospitality NZ, Manaia Health PHO Limited, Northland Rural Mission, Salvation Army, Ngatihine Trust and the Health Promotion Agency (HPA).

The process also received wide and extensive coverage in the printed, radio and local television media, in addition to being made available on Council's website, at all libraries and at the Customer Services desks at Forum North and Ruakaka.

Submissions were invited over a five (5) week period and started on Monday 8 June 2015 and ended on Friday 10 July 2015.

Submissions Received

Individual submissions have been received from 283 members of the general public; licensees; the liquor industry; organisations; special interest groups; the Northland District Health Board; the Medical Officer of Health and Police.

Of these, 101 submitters have indicated that they wish to speak to their submission before Council. Copies of all submissions, including those to be heard before Council have been circulated.

All submitters, but one (1) provided contact details so that letters of receipt of the submissions could be confirmed. However, the single submitter who did not provide contact details indicated that he did not wish to speak before Council.

The submission from Alcohol Action Tai Tokerau (Tim Howard) contained a petition with 654 signatures, mainly from the Hikurangi community, but also from the wider Whangarei District and Northland. Although the petition is focused on preventing the establishment of a new bottle store at Hikurangi, the signatories submitted that the Whangarei District Council's Local Alcohol Policy should include a 'ban on all new bottle stores' and as a result it is deemed appropriate that this petition be included in this process, as it further highlights public support for the draft LAP in relation to the proposed restriction on new additional bottle store type off licensed premises.

Below follows a detailed breakdown of the various categories of all submissions received:

Late Submissions

At the time of printing the submission sets, Council has received three (3) late submissions. There is no legal reason why these late submissions can not be accepted. These will be collated up until the first day of the hearings and at that time will be presented to Councillors for consideration, as outlined in "Recommendation 1". Late submissions have been indexed in volume two.

Submissions by Category Type	Total number of Submissions	Wishing to be heard	NOT wished to be heard
Individual Submitters	220	55	166
Industry & Licensees	22	15	7
Organisations	18	12	6
Northland District Health Board / MOH	12	10	2
Other Health Providers	7	6	1
Police	1	1	0
Late Submissions	3	2	1
All categories	283	101	182

Significance

Having considered the Significance and Engagement Policy, hearing submissions for the draft LAP is considered a step in a process that could result in potentially significant decisions. These decisions will not become evident until Council deliberates on the matters raised throughout the Hearings process.

Engagement

Council must use the SCP when adopting a LAP. Last year the LGA altered requirements for section 83 of the SCP, no longer making formal hearings mandatory, but retaining a requirement to ensure any person has an opportunity to present their views verbally to appropriately delegated representatives of Council.

Having considered the provisions and intent of section 83 we propose formal hearings where any submitter may choose to speak to their submission. We believe this approach is familiar to, and expected by, our community and stakeholders as such is the appropriate form of engagement.

Recommendation

1. That any submissions identified as being received after the close of the submission period (prior to the closure of this meeting) be accepted for consideration by Council.
2. That the Council receive the submissions relating to the Consultation for the draft Local Alcohol Policy and hear from those submitters wishing to be heard.

Attachments (under separate cover) (available on request – contact Senior Meeting Co ordinator)

Copies of submissions in Consultation for the draft LAP

RESOLUTION TO EXCLUDE THE PUBLIC

That the public be excluded from the following parts of proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

1.	The making available of information would be likely to unreasonably prejudice the commercial position of persons who are the subject of the information. {Section 7(2)(c)}
2.	To enable the council (the committee) to carry on without prejudice or disadvantage commercial negotiations. {(Section 7(2)(i))}.
3.	To protect the privacy of natural persons. {Section 7(2)(a)}.
4.	Publicity prior to successful prosecution of the individuals named would be contrary to the laws of natural justice and may constitute contempt of court. {Section 48(1)(b)}.
5.	To protect information which is the subject to an obligation of confidence, the publication of such information would be likely to prejudice the supply of information from the same source and it is in the public interest that such information should continue to be supplied. {Section7(2)(c)(i)}.
6.	In order to maintain legal professional privilege. {Section 2(g)}.
7.	To enable the council to carry on without prejudice or disadvantage, negotiations {Section 7(2)(i)}.

Resolution to allow members of the public to remain

If the council/committee wishes members of the public to remain during discussion of confidential items the following additional recommendation will need to be passed:

Move/Second

"That _____ be permitted to remain at this meeting, after the public has been excluded, because of his/her/their knowledge of Item _____.

This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because _____.

Note:

Every resolution to exclude the public shall be put at a time when the meeting is open to the public.