
Hearings Committee

OPEN MINUTES

Minutes of a meeting of the Hearings Committee held in the Council Chambers, 126-148 Oxford Street, Levin, on Wednesday 31 May 2017 at 1.00 pm.

PRESENT

Chairperson Cr J F G Mason
Members Cr P Tukapua
Cr B P Wanden

IN ATTENDANCE

Mr M E Lepper (Customer & Regulatory Services Manager)
Ms V Miller (Customer Experience Lead)
Ms M Leyland (Compliance Lead)
Mrs A Pakau (Consents Lead)
Mrs K J Corkill (Meeting Secretary)

ALSO IN ATTENDANCE

Policy on Dangerous and Insanitary Buildings 2017

Ms C Craig (Heritage New Zealand Pouhere Taonga)

Proposed Resource Consent Fees 2017/18

Ms S Graham (Truebridges)

Draft Local Alcohol Policy

Ms C Bruce (Health Promotion Agency)
Ms G Baretta (Health Promotion Agency)
Mrs C Smith
Mrs G McCutcheon (Communities Against Alcohol Harm)
Dr G Hewison (Communities Against Alcohol Harm)
Dr N Jackson (Alcohol Healthwatch)
Mr P Ward
Mr P Radich (Progressive Enterprises)

Mr A Little

1 Apologies

Apologies were recorded for the following submitters who had indicated their wish to speak, but withdrew prior to the meeting:

Policy on Dangerous and Insanitary Buildings 2017

Anne Hunt

Draft Local Alcohol Policy

Dominic Smith, Maru Kowhana Smith, Annamarie Smith, Kim Anderson Smith.

MOVED by Cr Tukapua, seconded Cr Wanden:

THAT the apologies be accepted.

CARRIED

Opening the hearing, Cr Mason introduced the Hearings Panel and Council Officers in attendance and advised, for the record, that the meeting was being recorded.

2 Declaration of Interest

There were no declarations of interest.

3 Reports

3.1 Policy on Dangerous and Insanitary Buildings 2017 - Hearing of Submissions

Purpose

To provide the platform for the Hearings Committee (Committee) to hear and consider submissions received on the Policy on Dangerous and Insanitary Buildings 2017 (Policy) and make subsequent recommendation to Council in respect of the policy.

MOVED by Cr Tukapua, seconded Cr Wanden:

THAT Report 17/171 Policy on Dangerous and Insanitary Buildings 2017 - Hearing of Submissions be received.

THAT this decision is recognised as not significant in terms of S76 of the Local Government Act.

CARRIED

Requesting that the report be taken as read, Mrs Miller, Customer Experience Lead, joined the table to respond to any Members' questions.

Introducing herself, and tendering an apology for Mr Kiddle who had intended to be in attendance, Claire Craig, speaking on behalf of Heritage NZ Pouhere Taonga (HNZPT), reiterated HNZPT's opposition to 4.1 under Heritage Buildings which provided that "*No special dispensation will be given to heritage buildings under this policy*". Whilst appreciating the Act was not easy, Ms Craig stressed the need to work collaboratively to get the right outcome. She encouraged Council to include in the policy the need for collaboration to assist the owners of heritage buildings to avoid such buildings lapsing into a dangerous and insanitary condition.

Responding to a request for clarification as to what HNZPT would regard as a heritage building, Ms Craig said that was somewhat tricky. It was not necessarily age, but could also include something that had an historic resonance for someone. From HNZPT's perspective, in relation to the current situation, it definitely included things scheduled in the District Plan and on the NZ Heritage list. The District Plan was

updated on a ten yearly cycle and hopefully everything would be captured in that cycle of identification.

Noting item 9. in HNZPT's submission and that as part of its Annual Plan process, Council had adopted an amount of \$50,000 per year to assist heritage building owners, Cr Tukapua queried if that went some way to addressing matters raised in terms of assistance for affected parties.

Ms Craig said they were delighted and while they would like much more, they did appreciate the difficulties Council had in resourcing the wide variety of responsibilities it had with there being such a range of issues in the region which covered a high seismicity area of the country. However, it was also helpful to offer a carrot as well as a stick.

Noting that the submission from HNZPT had promoted a change in wording and additional clauses with regard to 4. Heritage Buildings, Cr Mason acknowledged the important partnership between the two organisations and the commitment to work together going forward.

Responding to a query from Cr Wanden with regard to earthquake prone buildings, Mr Lepper advised that these would come under new Government legislation that came into effect on 1 July 2017.

3.2 Proposed Resource Consent Fees 2017/18

Purpose

The purpose of this report is to provide the platform to allow the committee to hear and consider submissions received on the Proposed Resource Consent Fees 2017/18, and provide a subsequent recommendation to Council.

MOVED by Cr Wanden, seconded Cr Tukapua:

THAT Report 17/202 Proposed Resource Consent Fees 2017/18 be received.

THAT this decision is recognised as not significant in terms of S76 of the Local Government Act.

CARRIED

Mrs Pakau, Consents Lead, joined the table to speak to the report and answer any questions from Members.

Mrs Graham, Truebridge Associates Ltd, reiterated the objections raised in her submission with regard to the replacement of the Fast Track Consent with a processing time of 5 working days with the proposed 10 Day Land Use Consent and attendant fee increase, the increase in the s125 Application Fee and the addition of 20% to the cost of s42A planning reports.

Mr Wanden queried how many fast track consents Council had done over the last year at \$480.00.

Whilst not being able to give a specific number, Mrs Pakau said quite a few fast track consents had been done. Clearly defined criteria were now proposed for the 10 Day consent, which was a premium service. If someone was prepared to pay for a premium service it would be undertaken, versus the fast track consent which had not been very realistic.

Also queried by Mrs Graham was 3. Proposal to set fees, (f) Deposit fees/charges are non-refundable.

Mr Lepper clarified that this was in respect of a consent that was withdrawn, suggesting the addition of the following words to (f) "...if the consent is withdrawn, minus the amount of time spent up until that point."

Mrs Pakau clarified that the s125 application fee was made up of the time taken to lodge, process, and research the consent, and all administration costs. History had shown that Council had not been recovering those costs which was why the increase was proposed.

The meeting adjourned from 1.45-2.10 pm.

As submitters were awaited for the hearing of submissions on the Draft Local Alcohol Policy, it was agreed that 3.4 – Report 17/226 – Fees and Charges 2017/18 : Food Act Premises would be the next item addressed.

3.4 Fees and Charges 2017/18 : Food Act Premises

Purpose

To provide a platform for the Hearings Committee (Committee) to make a recommendation to Council in respect of the proposed schedule of fees and charges in respect of Food Premises that are subject to the Food Act 2014 for the 2017/18 year commencing 1 July 2017.

MOVED by Cr Tukapua, seconded Cr Wanden:

THAT Report 17/226 on Fees and Charges 2017/18 : Food Act Premises be received.

THAT this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

CARRIED

Ms Leyland, Compliance Lead joined the table to answer questions from members, and advised that this report related to the proposed fees for food businesses that were operating under the Food Act 2014 only. The fees were relatively the same as last year with a few minor tweaks given that last year was the first year operating under the new scheme. In terms of consultation, with had been undertaken directly with all of the food business currently registered with Council under the new Food Act and Food Hygiene Regulations. No submissions had been received.

3.3 Draft Local Alcohol Policy - Hearing of Submissions

Purpose

To provide the platform for the Hearings Committee to hear and consider submissions received on the Draft Local Alcohol Policy (LAP) and then make a subsequent recommendation to Council in respect of the Policy.

MOVED by Cr Wanden, seconded Cr Tukapua:

THAT Report 17/220 Draft Local Alcohol Policy - Hearing of Submissions be received.

THAT this decision is recognised as not significant in terms of S76 of the Local Government Act.

CARRIED

Ms Leyland, Compliance Lead, joined the table to speak to the report and answer any questions from members.

Prior to hearing from submitters, the Chair noted that this would be the first time that

Council had a Local Alcohol Policy and she acknowledged the huge amount of work done by Mr Lepper and Council Officers to get it to the point where submissions would now be heard.

Ms Leyland noted that all the information was contained in the report and Officers had nothing further to add, but would be happy to answer any questions.

Submission 40 – Health Promotion Agency – Cathy Bruce and Giselle Baretta were welcomed to the table. Ms Baretta introduced herself and Ms Bruce and gave a background to the work done by the Health Promotion Agency.

Ms Bruce highlighted the main points in the Agency's submission expressing HPA's support for the work undertaken by HDC so far as well as expanding on the few minor changes suggested which could result in a stronger LAP which would better meet the objectives of the Act. She stressed Council's crucial role in helping to reduce alcohol harm in the community and she encouraged keeping the objectives of the Act in mind when making the LAP.

Noting comments made by Ms Bruce with regard to New Zealand's drinking culture, Cr Wanden queried if she thought the culture was more harmful in 2017 than five years ago and could she see it changing in the next few years.

Ms Bruce responded that it would be very naïve to think that any area was immune from alcohol-related harm. There were issues of acute harm involving violence and long term health conditions which resulted from heavy use of alcohol. There was some data showing that statistics around young people were improving, but there was a lot of harm out there.

With the LAP just being words on paper, Cr Wanden queried what measures Council could take to try and change that culture.

Ms Baretta said the LAP was a good first step which gave a mandate for some change. Data from the MOH with regard to this community could also be a good indicator of how things were tracking locally and could help tailor things within the Policy.

Responding to comments by Ms Bruce on the number of streams that the Agency worked in to reduce alcohol harm, Cr Wanden suggested that this was something that could be of interest to Council's Community Wellbeing Committee.

Timeframes and the anticipated growth were raised with Ms Bruce saying that the process should not be rushed as it was a big process to go through and it was important to think six years ahead and how the community could change within six years.

With regard to special licences and limiting the number of events, Ms Bruce said special events become an extension of a licence and it was important the intent of the Act was considered when deciding applications for a special licence. Some premises held something every month when they became less of a special event.

With regard to future growth and how to address that, Ms Bruce said different Councils had tried different things. Some Council had picked out high harm areas, bottle stores, or limited where a premises could position itself. That was a call for each Council to make.

Submission 1 – Corrine Smith – Ms Smith introduced herself saying over the past 18 months she had been the voice in her community against alcohol harm. She expressed her deep concern about the negative effect of alcohol on her community.

When working as an enrolled nurse she had seen the effect of domestic violence fuelled by the use of alcohol; had seen black eyes; broken limbs and other harm caused by the misuse of alcohol. She saw the LAP as a way for Council to protect communities. Overall she said she agreed with what was proposed but thought it could go a little bit further.

Submission 8 – Glen McCutcheon (Communities Against Alcohol Harm) – Ms McCutcheon said she had come down from Auckland to support Corrine Smith. She highlighted concerns in Auckland in relation to supermarket licences as Auckland did not have a LAP. She said she was 100% behind HDC putting in place a LAP. Whilst this was a positive start, Ms McCutcheon said she would like Council to listen to what the community was saying which was really important as sometimes people in the community felt they were not listened to. She reiterated her support for the suggested trading hours in her submission of 10.00 am to 9.00 pm as the later premises closed in the evening the more alcohol harm there was. She also urged a freeze on more outlets. CAAH was also opposed to, and had been successful in Auckland in removing, alcohol brand advertising.

Also from Communities Against Alcohol Harm, Dr Hewison was given the opportunity to speak. He spoke about people like Corinne Smith who was an advocate for the Shannon Community because she and others like her had seen and experienced alcohol harm in their lives. Five years ago Auckland Council had commenced the LAP process but still had not got there. One of the things having a LAP did give a community was a framework to work from and in Auckland there currently was no framework. One of the key levers that a LAP could give was around opening and closing times. Dr Hewison suggested if Members felt that closing times in particular could be moved back that was something that could be focussed on as the shift of even one hour could make a difference. Another area for focus could be the number of liquor outlets, supermarkets, taverns, etc, and a freeze could be placed on these, particularly in vulnerable communities like Shannon where it was known there was alcohol harm. He also urged consultation with local iwi.

Responding to a query from Cr Wanden with regard to evidence regarding closing times and off licence premises and what was proposed in the LAP, Ms Leyland said that partner agencies such as MDHB and the NZ Police were directly consulted with and they had not suggested any changes. There was no sales-related data available and that related to the fact that there was no requirement for that data to be held.

Cr Mason thanked Ms McCutcheon and Dr Hewison for making the trip from Auckland to speak to their submission. She assured them the panel, as members of this community, were listening to what submitters had to say.

Submission 5 – Peter Ward – Mr Ward said he was fully in agreement with and supported the submission by Alcohol Health Watch. He said when he first read the proposed LAP he asked the question “Would this protect the Shannon community against a new office licence?”. The answer was not in the LAP, it was in Government legislation. Parties, such as the Police, who had to work within the legislation were under-resourced and it was a nationwide issue. He strongly urged Councils to do more research and there was a need to push back on the Act which had some serious flaws.

Mr Ward said that alcohol was New Zealand’s single biggest social problem with the Act was structured and formulated to be only picking around the edges of the problem.

Cr Tukapua queried if Mr Ward would support, as suggested, Council lobbying Central Government through Local Government NZ to strengthen the legislation so vulnerable communities would be better protected.

Mr Ward said other groups would also support that as this was a social policy issue and it had been put in the hands of the judiciary to policy social policy.

Submission 7 – Dr Nicki Jackson (Executive Director, Alcohol Healthwatch) – Dr Jackson introduced herself advising that Alcohol Healthwatch was an independent charitable trust working to reduce inequities in alcohol-related harm. The Trust was funded by the Ministry of Health to provide evidence-based information and advice on policy and planning matters.

Dr Jackson provided an overview of AH's submission with regard to the context of LAPs in New Zealand, noting that about a quarter of tla's had not yet developed a draft LAP, while over a third had adopted one. All LAP's adopted had been appealed except one.

Also provided was Police Call Out data on violent offences (including family violence) and anti-social behaviour.

LAPs were intended to minimise harm ("reduce to the smallest amount, extent or degree"), and a LAP was not about maintaining the status quo not enhancing economic interest. It was about achieving the object of the Act and that was minimising alcohol related harm as far as reasonably possibly. There was a need to protect vulnerable populations in the district such as young Māori and Pacifika men and young women. After providing some New Zealand data with regard to the impact of alcohol density and alcohol availability in terms of opening and closing hours, Dr Nicholson suggested that Council use the Act to the extent that it could such as specifying in the Provisional LAP the number of on and off licences in some areas.

Responding to a query in relation to supermarkets, Dr Nicholson said they had been able to sell wine from 1989 and beer from 1999. In terms of a culture change, wine consumption had gone up.

Submission 44 – Paul Radich, Progressive Enterprises – Mr Radich commenced by saying that Progressive Enterprises understood the issue of alcohol for communities. They were supportive of the work that had been done and the recommendations that had been arrived at. He thought it was reasonable and it was fair. He said what was proposed was a starting point and they would work with Council and the Police to establish actual data in terms of harms facing this community to establish base-line harm data. The Police had looked at the draft LAP and had agreed that it was reasonable and fair. PE's submission was relatively short and he did not have anything further to add. Whilst not thrilled to bits with the LAP, they did understand the reason for it and considered it fair.

Mr Radich provided some data in relation to alcohol sales and time of day, saying that people purchased alcohol from supermarkets because it was convenient and the vast majority of alcohol sold was during the day. He also commented on the practicality of shortening the hours alcohol could be sold in terms of overall opening hours as it made it difficult for people who were genuinely shopping to purchase a bottle of wine. He also provided information with regard to alcohol advertising, saying there were restrictions on how much discount could be advertised, which was not more than 25%. There was also no legal restrictions on marketing, but they imposed restrictions themselves as they were a responsible retailer.

Responding to a query with regard to the call out data provided by the previous submitter with regard to offences and querying if Progressive Enterprises kept specific data about intoxicated people, Mr Radich said the information provided was a calculation and there was a myriad of research in that space which said different things. They had more problems now with cigarettes than with alcohol. They were also putting their 4,000 staff through refresher training on how to deal with intoxicated

persons.

The meeting broke from 3.40 pm to 4.05 pm awaiting the final submitter who was due to speak at 4.00 pm.

With the Foodstuffs North Island Limited representative not attending, Ms Leyland responded to Members questions in relation to:

- the number of licenced premises as noted in Attachment B, clarifying that there were 71;
- club licences – with new licences being for a year and a renewal being for three years;
- special licences could also be applied for which allowed clubs to operate outside normal operating hours;
- if there was a change to the hours that was consulted on, with those people who had submitted in the first instance then having an opportunity to submit on that change and it could go to appeal.

Cr Mason thanked those submitters still in attendance and the Committee retired to deliberate (4.10 pm).

MOTION TO EXCLUDE THE PUBLIC

MOVED by Cr Wanden, seconded Cr Tukapua:

"THAT the Hearing Committee pursuant to Section 48, Local Government Official Information and Meetings Act 1987, resolves that the public be excluded from the following parts of the proceedings of this meeting;

- 17/171 Policy on Dangerous and Insanitary Buildings 2017**
- 17/202 Proposed Resource Consent Fees 2017/18**
- 17/220 Draft Local Alcohol Policy – Hearing of Submissions**
- 17/226 Fees and Charges 2017/17 : Food Act Premises**

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 and Section 7 of that Act or Section 6 or Section 7 or Section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public on the following grounds;

Subject to sections 6, 8 and 17 of the Local Government Official Information Act 1987, the withholding of the information is necessary:

- 48(1)(d) That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in any proceedings to which this paragraph applies.*

AND FURTHER

THAT the decisions reached during the public excluded section of the meeting be made public."

CARRIED

6.20 pm

The meeting adjourned to await drafting changes to the LAP.

Upon receipt of the LAP with drafting changes the meeting was declared closed on 30 June 2017.

CONFIRMED AS A TRUE AND CORRECT RECORD
AT A MEETING OF THE HEARINGS COMMITTEE
HELD ON

DATE:.....

CHAIRPERSON:.....