



PLANNING AND REGULATORY COMMITTEE
Proposed Alcohol Control Bylaw Hearing and Deliberation
Minutes from 22 September 2021

Present:	Rebecca Fox (Chair), Mayor Alex Beijen, Councillors Leigh Hay, Pam Colenso, and Garrick Emms.
In Attendance:	Karen Yates (Policy and Governance Manager), Rick Mead (Environmental Services Manager), Hazel Turner (Licensing Inspector), Russell O’Leary (Planning and Environment Manager) and Suzanne Clark (Committee Advisor).
Conduct of Business:	Due to COVID-19 restrictions this meeting was held via video conference and live streamed to Council’s YouTube channel. All members participating via video conference count for the purpose of the meeting quorum in accordance with clause 25B of Schedule 7 to the Local Government Act 2002. The meeting was held in public under the above provisions from 9:30am to 11:50am except where expressly noted.

Open Section

1. Apologies

PLANNING AND REGULATORY COMMITTEE RESOLVED (P&R2021/25) to receive apologies from Cr Brenda West and Cr Alistair Plimmer.

(Moved Cr Emms/Seconded Mayor Beijen)

Carried

Cr Vickery tendered his apologies after the resolution was made.

2. Conflicts of Interest

Cr West and Cr Plimmer had previously declared a conflict of interest and would not be participating at the hearing.

Cr Emms and Cr Colenso both held an alcohol manager’s certificate, however Council officers determined that this did not represent a conflict of interest with regards to the matters being considered at the proposed Alcohol Control Bylaw hearing and deliberation meeting.

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3 **Speaking Schedule**

The Committee heard submissions from submitters as follows. Members took the opportunity to ask questions of clarification from applicants.

Aidan Ellims elaborated on his submission (No. 21).

In response to questions from members, Mr Ellims confirmed that he was advocating for Council not to create a bylaw as NZ Police already had mechanisms in place that enabled them to deal with crime and disorder. Mr Ellims agreed that Featherston should not have a permanent alcohol control ban in place.

Jenny Boyne elaborated on her and Alistair's submission (No. 13).

In response to questions from members, Ms Boyne believed alcohol bans only deterred good people and did not believe that Council had a role in alcohol regulation. Although Ms Boyne was not aware that NZ Police and Toast Martinborough organisers supported the proposed alcohol ban measures, she would support the event ban proposal if those organisations did the same, but did not think the measures were necessary.

The meeting adjourned at 9:54am.

The meeting reconvened at 9:59am.

3 **Deliberations**

Ms Yates noted the Law Commissions review of Council's alcohol control bylaws and the resulting stricter criteria that must be applied before an alcohol ban can be implemented.

In response to a question about whether a bylaw was required, Ms Yates noted that Council did have a requirement to consider public health and safety and bylaws were extensively used by councils for this purpose.

If an alcohol ban area was in effect, Council officers could ask people to move on, but only NZ Police had confinement powers.

Ms Yates advised that Toast Martinborough supported the bylaw with the embedded ban provision as it enabled them to obtain an alcohol ban more easily. An alcohol ban allowed Toast Martinborough organisers to promote a safe environment and meet minimum event requirements. The event alcohol ban would not be activated until officers had given formal notice to the public. If the Toast Martinborough event changed, then needed bylaw changes could be reflected in the by-law review in five years' time.

The bylaw provided for temporary alcohol bans for other events.

Problem definition

Members noted that submitters felt that there was not a problem with crime or disorder, but without a bylaw there would not be a mechanism in place to deal with future problems.

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Bylaw Controls

Members discussed the proposed alcohol ban to accompany Toast Martinborough, noting that the control gave certainty to Toast Martinborough organisers. Should there be changes to the Toast Martinborough event these changes would be assessed and minor changes to the bylaw could potentially be undertaken without public consultation. Incorporating the provision for an alcohol ban in the bylaw provided certainty to Toast Martinborough organisers.

Members agreed that there was no evidence available that suggested South Wairarapa had a high level of crime or disorder caused or made worse by alcohol consumption. By adopting the bylaw there would be a mechanism in place to address an issue should evidence of a problem emerge.

Members agreed with the proposal to include a mechanism in the bylaw to enable Council to make alcohol bans by resolution where criteria is met.

The meeting adjourned at 11:12am.

The meeting reconvened at 11:17am.

Members' noted the ability to review the adopted bylaw earlier than required by legislation should it be necessary.

Other actions to address public safety and reduce alcohol-related crime and disorder in the community

Members discussed vineyard cycling and tourism and expressed a desire to broaden the scope to safety issues for cyclists across all of South Wairarapa.

Council permissions

Members discussed whether there would likely be any instance where Council would grant permission to consume alcohol in a location where an alcohol ban was in place. Members agreed to include a mechanism in the bylaw to allow flexibility should a situation arise that required special consideration.

PLANNING AND REGULATORY COMMITTEE RESOLVED (P&R2021/26):

1. Receives the Proposed Alcohol Control Bylaw Report.
(Moved Cr Hay/Seconded Cr Colenso) Carried
2. To consider submissions on the Statement of Proposal for the Proposed Alcohol Control Bylaw.
(Moved Cr Hay/Seconded Cr Emms) Carried
3. To recommend to Council that the proposed Alcohol Control Bylaw be adopted subject to any amendments recommended by the Committee.
(Moved Cr Emms/Seconded Mayor Beijen) Carried
4. To agree that the purpose of the proposed bylaw be amended as stated in paragraph 3.1 of the 'Proposed Alcohol Control Bylaw Report'.
(Moved Mayor Beijen/Seconded Cr Colenso) Carried

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5. To agree that the proposed bylaw make provision for an alcohol ban to accompany the Toast Martinborough event.
(Moved Mayor Beijen/Seconded Cr Emms) Carried
6. To retain the alcohol ban to accompany Toast Martinborough within Schedule 1 of the proposed bylaw.
(Moved Cr Hay/Seconded Mayor Beijen) Carried
7. To agree that no permanent alcohol bans for specific areas and facilities be included in the bylaw, as proposed.
(Moved Mayor Beijen/Seconded Cr Colenso) Carried
8. To agree that the proposed mechanisms be included in the bylaw to enable Councils' elected members to make alcohol bans by resolution where criteria is met, including temporary bans associated with events or permanent bans associated with specific areas or facilities.
(Moved Mayor Beijen/Seconded Cr Colenso) Carried
9. To agree that the consultation requirements for making alcohol bans under clauses 5 and 6 of the proposed bylaw be adopted.
(Moved Cr Emms/Seconded Cr Hay) Carried
10. To support officers' recommendations for investigation into measures to address issues of cyclists' safety and care for tourists in the wider South Wairarapa district.
(Moved Cr Colenso/Seconded Cr Hay) Carried
11. To include a provision in the bylaw to enable Council to give permission to consume, bring into or possess alcohol in an alcohol ban area as stated in paragraph 3.7 of the Proposed Alcohol Control Bylaw Report.
(Moved Cr Fox/Seconded Mayor Beijen) Carried

Confirmed as a true and correct record

.....(Chair)

.....(Date)

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