

# Puketāpapa Local Board Workshop Agenda

Date of Workshop: **Thursday, 26 January 2023**

Time: **11.40am for a 12.10pm start.**

Venue: **Puketāpapa Local Board, (Boardroom) 560 Mt Albert Road, Three Kings or via Microsoft Teams**

Attendees: **Ella Kumar (Chairperson), Fiona Lai (Deputy Chairperson), Roseanne Hay, Mark Pervan, Bobby Shen, Jon Turner**

Apologies:

Staff attending: **Nina Siers, (Local Board Manager), Mary Hay (Senior Local Board Advisor), Vanessa Phillips (Local Board Advisor) and Selina Powell (Democracy Advisor).**

Reminder: **Mobile phones on silent.**

Time	Workshop Item	Presenter	Purpose	Proposed Outcome(s)
11.40am – 12.10pm (30 mins)	<b>Mix and mingle for a 12.10pm start</b>			
12.10pm - 12.15pm (5 mins)	<b>1.0 Karakia and declarations of interest</b>	<b>Ella Kumar</b> Chairperson	<p>He hōnore, he korōria, ki te Atua He maungārongo, ki te whenua</p> <p>He whakāro pai, Ki ngā tangata, katoa</p> <p>Hangaia, e te Atua, he ngākau hou Ki roto, ki tēnā, ki tēnā, o mātou</p> <p>Whakatōngia, tōu wairua tapu Hei āwhina, hei tohutohu, i a mātou</p> <p>Hei ako hoki, I ngā mahi, ki roto, i tēnei whanau</p>	<p><i>Honour and glory to God,</i></p> <p><i>Peace of Earth, Goodwill to all people</i></p> <p><i>Lord develop a new heart, Inside all of us</i></p> <p><i>Instil in us your sacred spirit, Help us, Guide us</i></p> <p><i>In all the things we need to learn within this whanāu</i></p>

Time	Workshop Item	Presenter	Purpose	Proposed Outcome(s)
12.15pm – 12.45pm (30 mins)	<b>2.0 Item: Communities Against Alcohol Harm (CAAH)</b> <i>Governance: Information sharing</i>	<b>Kat Teirney</b> Strategic Broker <b>Grant Hewison</b> External stakeholder	To provide an overview of the services CAAH can provide to the local board to assist their aspirations to minimise the impact of alcohol related harm in the Puketāpapa Local Board area.	That the local board is updated.
12.45pm - 1.00pm (15 mins)	<b>3.0 Item: Annual Budget Engagement</b> <i>Governance Role: Input into regional decision making.</i>	<b>Cathy McIntosh</b> Comms Advisor <b>Vanessa Phillips</b> Local Board Advisor	To seek local board views on potential engagement opportunities for the upcoming Annual Budget consultation.	That the local board is updated and provides feedback.
1.00 -1.30pm	<b>4.0 Item Confidential</b>			
1.30pm – 3.30pm (120 minutes)	<b>5.0 Item: Local Board Plan</b> <i>Governance role: setting direction, priorities and budget.</i>	<b>Mary Hay</b> Senior Local Board Advisor <b>Kat Teirney</b> Strategic Broker	To start the discussion on the local board plan.	That the local board is updated and provides feedback.
3.30pm – 4.00pm (30 minutes)	<b>6.0 Item: Local board feedback:</b> <b>(a) Sale and Supply of Alcohol (community participation) Amendment Bill</b> <b>(b) Draft Future for Local Government</b> <i>Governance role: Input into regional decision making.</i>	<b>Vanessa Phillips</b> Local Board Advisor	To seek local board views on feedback prior to it being included in the Auckland Council submission. (a) Sale and Supply of Alcohol (community participation) Amendment Bill: 01 February 2023 being done by Urgent Decision Deputy Chair Fiona Lai leading. (b) Draft Future for Local Government. Local Board feedback will be formalised at the business meeting on Thursday, 16 Feb 2023	That the local board provides feedback.
	<b>7.0 Closing Karakia</b>	<b>Ella Kumar</b> Chairperson	Unuhia, unuhia	<i>Draw on, draw on</i>

			<p>Unuhia mai te urutapu nui          Kia wātea, kia māmā,          te ngākau te tinana, te hinengaro          i te ara takatū          Koia rā e Rongo          e whakairia ake ki runga          Kia tina! Haumi e!          Hui e! Tāiki e!</p>	<p><i>Draw on the supreme          sacredness</i></p> <p><i>To clear and to set free          the heart, the body and          the inner essence</i></p> <p><i>In preparation for our          pathways</i></p> <p><i>Let peace and humility          be raised above all</i></p> <p><i>Manifest this! Realise this!</i></p> <p><i>Bind together! Affirm!</i></p>
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Next workshop: Thursday, 02 February 2023 at 9.30am

Next business meeting: Thursday, 09 February 2023 at 10am



# Empowering Community Participation in Alcohol Licensing

**Dr Grant Hewison**

Barrister

Secretary, Communities  
Against Alcohol Harm Inc

# Overview

- Background – alcohol and 5+ solution
- Communities Against Alcohol Harm Inc
- Sale and Supply of Alcohol Act 2012
- The role of Local Boards in alcohol licensing
- Targeted Approach to Alcohol Licensing
- Sale and Supply of Alcohol Act (Community Participation) Bill 2022





# Alcohol

- 2010 Law Commission – alcohol: no ordinary commodity
- Alcohol-related harm
- Array of criminal offences
- Diseases
- Accidental injury
- Harm to third parties
- Public nuisance





# 5+ Solution

Community participation can shape local availability of alcohol, sale and supply, advertising and promotion







# Communities Against Alcohol Harm Inc

- Charity
- Community Empowerment
- General information about alcohol licensing
- Information Workshops
- Support in making objections
- Hearings support





# Sale and Supply of Alcohol Act 2012: Objecting to an alcohol licence

- Notification
- Objections
- Criteria (ss 105, 131)
  - Suitability
  - Days and Hours
  - Amenity and Good Order
- Standing
- Agencies
- Hearing/Decision
- Conditions
- Appeals



# The role of Local Boards

- Puketāpapa Local Board Plan 2020: Healthy Puketāpapa framework and action plan identifies ways to decrease the use of harmful substances (such as alcohol). “We are working with our partners and communities to achieve this.”
- Key Initiative: Encourage compliance with the existing alcohol bylaws, including signage, and advocate for increased restrictions where appropriate
- Delegated role in alcohol licensing





# Targeted Approach to Alcohol Licensing

- Oppose every NEW bottle store off-licence application (especially as the population/intensification of Puketāpapa occurs)
- Consider every variation of alcohol licences for bottle stores and taverns/bars
- Consider every renewal for a bottle store and seek stronger conditions (reduction in trading hours, reduction in external advertising, No Single Sales condition, requirement for a host responsibility policy)
- Only proceed to hearings where necessary







# **Sale and Supply of Alcohol (Community Participation) Amendment Bill 2022**

- The Bill aims to improve communities' ability to influence alcohol regulation in their area
- Removes Local Alcohol Policy appeals
- Removes standing requirement for objectors
- Removes cross-examination in Committee hearings
- Submissions open until 12 February 2023

# Questions





## PUKETĀPAPA LOCAL BOARD (2022)

### EMPOWERING COMMUNITIES TO HAVE GREATER INPUT INTO ALCOHOL-LICENSING TO MINIMISE THE SOCIAL HARM CAUSED BY ALCOHOL

The Puketāpapa Local Board have aspirations to minimise the impact of alcohol related harm in the Puketāpapa local board area. The Board has a health action plan to decrease the use of harmful substances (such as alcohol) and encourages compliance with the existing alcohol bylaws, including signage, and advocates for increased restrictions where appropriate. The Board wishes to support community advocacy to shape neighbourhoods our people want e.g. to limit the number of bottle stores in the area.<sup>1</sup>

A key goal to minimise the impact of alcohol related harm is that no new bottle stores or taverns be established in the Puketāpapa Local Board area and there be no variations to existing licences (eg to increase hours of operation). Another aspiration is to decrease the number of bottle stores and 'pokie-taverns', improve conditions on licences as well as minimise alcohol-related signage over time.

#### Proposed services

There is an opportunity for the Puketāpapa Local Board to support *Communities Against Alcohol Harm Inc* to deliver services to better achieve these aspirations. These services could involve the following:

1. Provide technical advice and support as well as build the capacity of a number of community organisations, members of the public, local board members and other stakeholders as well as other community organisations (eg Māori Warden groups, schools, health organisations and youth groups) relating to applications for new and renewal of alcohol licences within the Local Board area through:
  - a. Building capacity for them to identify any applications in public notices;
  - b. communicating information using established and/or new channels and networks to members of the public, local board members and community stakeholders (for example, community organisations, Māori Warden groups and schools) (such as via Facebook but also email, and in-person channels)
  - c. building capacity of these community leaders and organisations to make and organise objections or negotiate settlements through provision of templates and advice, which will also include workshopping with objectors to prepare them for their attendance at a Hearing
  - d. building the capacity of these community leaders and organisations to collect and organise evidence suitable for their attendance at a Hearing, including making observations of licensed premises
2. Administer the 'Community Action Against Alcohol Harm' Facebook page and other social media channels for the purposes of facilitating communication of relevant alcohol licence applications, signage compliance issues and assisting the community members and groups promote and highlight alcohol-related harm progress and achievements
3. Provide community capacity building workshops and regular monthly meetings of community organisations, members of the public, local board members and other stakeholders on these issues
4. Provide technical advice and build the capacity of community-led initiatives around seeking removal of existing non-compliant alcohol advertising signage from premises such as bottle stores
5. Provide general policy advice on alcohol licensing, alcohol signage and general alcohol harm minimisation matters, as required.

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<sup>1</sup> See the Puketāpapa Local Board Plan 2020, which states: "Outcome 1: Inclusive communities that are healthy, connected and thriving; Places that we live, learn, work and play support us to have healthier, more active lifestyles: Encourage compliance with the existing alcohol bylaws, including signage, and advocate for increased restrictions where appropriate; Outcome 2: Our people speak up and help shape our future: support community advocacy to shape neighbourhoods our people want e.g. to limit the number of bottle stores in the area". See also the Healthy Puketāpapa A Health and Wellbeing Action Plan 2019-2021.



A written quarterly report would be supplied to the Local Board.

We would welcome a discussion concerning any funding contribution to *Communities Against Alcohol Harm Inc* and note that several other local boards in the Auckland Region make annual funding contributions of \$30,000. We can tailor our services to meet the funding available and because most of our activities can be done on-line, we are able to efficiently deliver our services through that medium.

	Renewal of Alcohol Licence	New Alcohol Licence
Bottle Store	<ol style="list-style-type: none"> <li>1. Trading hours – Mondays to Sundays 10am to 10pm</li> <li>2. No single sales of beer, cider, or RTDs priced at, or less than \$6.00 per unit are to be displayed or sold.</li> <li>3. There is to be no external or external facing advertising of alcohol products</li> <li>4. The social responsibility policy that was submitted with the application must be complied with.</li> </ol>	
Resturants (cafes, taverns?)	<ol style="list-style-type: none"> <li>1. Trading hours – Mondays to Sundays 10am to 11pm?</li> <li>2.</li> </ol>	
Hotels	<ol style="list-style-type: none"> <li>1. Trading hours – Mondays to Sundays 10am to 11pm ?</li> <li>2.</li> </ol>	

# Annual Budget 2023: stakeholder engagement

- Direct Stakeholder Engagement
  - Via our stakeholder list of community groups, organisations, community leaders, network representatives, business and resident associations etc, who can share our messages, and provide feedback that is indicative of their wider network.
  - We will contact this list directly seeking input on the AB regional and local questions
  - We will invite these stakeholders to our drop-in session
  - We will ask these stakeholders if they have an opportunity where an elected member could present to their network to inform/seek feedback – support will be
- Event presence
  - HYS event. Drop-in session. EM led, supported conversations.
  - Movies in Park
  - Other: do you attend community meetings/events where you could speak for a minute on the AB and encourage engagement?
- Feedback sources
  - At HYS drop-in event, at elected member attended community events, online via council website and social media and by filling hard copy feedback forms



# 2023 Local Board Plan

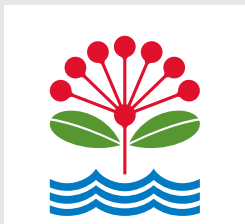
Themes/objectives

January 2023



# Timeline

- **Local board plans** must be adopted by 31 October 2023.



# High-level Structure

Māori Outcomes

Climate Action

**Our People**

**Our Environment**

**Our Community**

**Our Places**

**Our Economy**

Supporting **people**  
in our diverse  
communities

Protecting our  
**natural environment**

Supporting  
**community**  
participation with  
our services and  
facilities

Supporting our  
**growth, development, transport and accessibility**

Supporting our  
**economic development**



# Plan structure outline

## Māori Outcomes

Overview



Highlight key objectives / initiatives that are integrated through the plan

## Climate Action

Overview



Highlight key objectives / initiatives that are integrated through the plan

## Key Strategic Area

(Our people / Our environment / Our community / Our places / Our economy)



**Vision/Mission statement**



What we will deliver  
**(Objectives)**



How we will deliver in the next 3 years  
**(Key initiatives)**



What we plan to influence outside our decision making  
**(Advocacy)**





# Refining the LBP framework

- This framework will be the basis for stakeholder engagement
- At the last workshop - you took the current LBP and allocated the objectives to each theme
  - These need to be amended to fit the new framework
  - We now have a clearer picture of the financial situation for the triennium



# Workshop questions – in small groups

- Lets look at the themes another way:
  - At a very high level, what are your aspirations for each theme? *e.g Our people to be healthy, connected, xxx*



# As a big group

- Consider
  - How much of this is within the board's decision-making or advocacy scope?
  - What aspects of this make Puketapapa unique?
- What are the **challenges and opportunities** relating to each theme?



# Looking at the main issues that impact Puketāpapa

- Consider
  - the lenses
  - The geography of the area. Are there parts of the rohe that might need particular focus





# Next steps

- We will bring **draft objectives** to the next workshop
  - With advice/data to support this
- Community engagement
  - **Early engagement** (December 2022 – March 2023)
    - Sense-checking the framework with key stakeholders
  - Special consultative procedure on draft local board plans (June – July 2023)
  - Closing the loop (Oct – Nov 2023)



# Submission to Justice Select committee

## Sale and Supply of Alcohol (Community Participation) Amendment Bill

Auckland Council, 10 February 2023



**Auckland  
Council**

Te Kaunihera o Tāmaki Makaurau



## Mihimihi

<p>Ka mihi ake ai ki ngā maunga here kōrero, ki ngā pari whakarongo tai, ki ngā awa tuku kiri o ōna manawhenua, ōna mana ā-iwi taketake mai, tauivi atu. Tāmaki – makau a te rau, murau a te tini, wenerau a te mano. Kāhore tō rite i te ao.</p>	<p><i>I greet the mountains, repository of all that has been said of this place, there I greet the cliffs that have heard the ebb and flow of the tides of time, and the rivers that cleansed the forebears of all who came those born of this land and the newcomers among us all. Auckland – beloved of hundreds, famed among the multitude, envy of thousands. You are unique in the world.</i></p>
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**Auckland Council Submission on the Sale and Supply of Alcohol (Community Participation) Amendment Bill**

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**Submission to the Justice select committee:**

**1 Introduction**

- 1.1 Auckland Council thanks the Justice Select Committee for the opportunity to provide feedback on the proposed Sale and Supply of Alcohol (Community Participation) Amendment Bill (the Bill).
- 1.2 This submission has been approved by the chair of the Regulatory and Safety Committee.

**2 Executive summary**

- 2.1 Auckland Council adopted its Local Alcohol Policy in May 2015. The Local Alcohol Policy has not come into effect as it has been subject to a variety of appeals. These ongoing appeals mean it is unlikely that the Local Alcohol Policy will come into effect for some time yet.
- 2.2 This means that Aucklanders who wish to influence alcohol regulation in their area have been unable to do so through the Local Alcohol Policy and has undermined the efforts of the Auckland residents and businesses who participated in the development of the Local Alcohol Policy.
- 2.3 Given this, Auckland Council strongly support the intents of the proposed Sale and Supply of Alcohol (Community Participation) Amendment Bill and believe that passing it is an important step towards ensuring communities have the ability to influence alcohol regulation in their area. However, we believe the Bill could be improved through the following amendments:
  - ensuring the Bill provides adequate opportunities for Māori to be engaged and reflects the Crown's Te Tiriti obligations
  - clearly stating that provisions in a Local Alcohol Policy are justified if they have a real and appreciable possibility of reducing alcohol-related harm
  - enabling Local Alcohol Policies to come into effect in part
  - requiring people appealing the granting or renewal of a licence to have a demonstrated tie to the relevant community
  - making a range of minor and technical changes to sections 205 to 205C



- providing appropriate transitional provisions for Provisional Local Alcohol Policies that are currently under appeal before the Alcohol and Regulatory Licensing Authority (ARLA) (as Auckland's is).

## Background and context

### 3 Tāmaki Makaurau’s Local Alcohol Policy Experience

- 3.1 Auckland Council adopted its Proposed Local Alcohol Policy in May 2015. The Proposed Local Alcohol Policy reflects widespread calls from Auckland’s communities to put in place more effective mechanisms to minimise alcohol-related harm.
- 3.2 However, the Proposed Local Alcohol Policy has been subject to multiple appeals. The most recent appeal was to the Supreme Court, which has not yet issued a decision. However, there are a number of outstanding matters that are not within the scope of the Supreme Court case and cannot be resolved until the Supreme Court decision is issued. This means Auckland will not have an operative Local Alcohol Policy for some time yet.
- 3.3 To date these appeals have cost ratepayers over \$1million in legal fees, in addition to staff time and other costs. More importantly, these appeals have frustrated Aucklanders’ desire for more effective regulation and denied the many people who participated in the process the chance to have any impact.

### Response to the specific changes proposed

#### *Māori involvement and Te Tiriti obligations*

- 3.4 The current Act does not address involvement of Māori in the Local Alcohol Policy and licencing process, or whether the process is consistent with the Crown’s obligations under Te Tiriti. This gap is not addressed in the proposed Bill.
- 3.5 There are a variety of options for addressing these gaps, and any response to this issue should be developed in consultation with mana whenua, however one simple step would be to mirror the provisions of s39(2)(b) of the Resource Management Act 1991, which requires that:  
  
*In determining an appropriate procedure for the purposes of subsection (1), the authority shall... recognise tikanga Maori where appropriate, and receive evidence written or spoken in Maori and Te Ture mō Te Reo Māori 2016/the Māori Language Act 2016 shall apply accordingly.*
- 3.6 Incorporating a similar provision in the Bill would not be adequate to fully address this issue but is an example of a simple step that could be taken to improve it.

#### *Removing appeal rights for Proposed Local Alcohol Policies*

- 3.7 We strongly support the Bill and its objective of improving communities’ ability to influence alcohol regulation in their area. In this section we have some suggestions to improve the likelihood that the Bill will achieve this outcome.
- 3.8 As noted earlier, Auckland Council developed a Proposed Local Alcohol Policy in 2015 but this is not operative as a result of appeals. We strongly support the objective of improving communities’ ability to influence alcohol regulation in their area. This must be not only through participating in the development of alcohol regulation, but for it to be possible for that participation to have an effect by being reflected in an operative policy.
- 3.9 Many individuals and organisations in Auckland, including those currently appealing, participated in the Local Alcohol Policy development process, but because the Proposed

Local Alcohol Policy is not operative their participation has had no effect on alcohol regulation in Auckland. Given that this process has undermined the effect of communities' participation we support the removal of appeal rights proposed in the Bill.

- 3.10 However, under the Bill judicial review will still be available. This could still potentially result in years of delay. We have two proposals that would maintain access to judicial review but limit the risk that this undermines the Bill's objectives. Specifically, the Bill should:
- a. Specify the level of evidence required to justify elements of a Local Alcohol Policy
  - b. Enable Local Alcohol Policies that are subject to appeal to come into effect in part.
- 3.11 The most recent appeal in relation to Auckland's Local Alcohol Policy was before the Supreme Court and focussed on the issue of the level of evidence required to justify elements of a Local Alcohol Policy. At the time of this submission the Supreme Court has not issued a decision.
- 3.12 Regardless of the Supreme Court's decision we suggest that the Bill should state that the standard of evidence required is that the proposal will have a 'real and appreciable possibility' of achieving its objective. This was the standard of evidence the Court of Appeal determined was appropriate and best aligns with the objective of improving communities' ability to influence alcohol regulation in their area.
- 3.13 We also suggest that the Bill enable Local Alcohol Policies to come into effect in part. This approach is used in other areas of local government; for instance, this was used for Auckland's Unitary Plan. It will also maximise communities' influence while respecting the right to seek judicial review.
- Broadening ability to object to granting a licence*
- 3.14 Currently, s204(2)(c) requires that a person must have "an interest in the proceedings, apart from any interest in common with the public" to object to the granting of a licence or renewal. This has posed a barrier to participation in hearings and the Bill proposes eliminating this requirement.
- 3.15 We support the general intent of this change as it will allow groups such as Māori Wardens and Communities Against Alcohol Harm to object to a premise without having to justify their standing.
- 3.16 However, there is a risk that this change may excessively broaden the range of people and groups who can participate, slowing the process and placing a strain on resources. We suggest the Committee consider requiring participants to have a demonstrated tie to the relevant community. This would significantly broaden the range of people in the community who can participate in the process, while balancing the need to ensure an efficient hearing process.

### *Control of hearings*

- 3.17 The new sections 205 to 205C provide additional mechanisms for licensing committees or licensing authorities to control hearings. While we support these new provisions, we suggest some minor changes:
- All sections: suggest replacing all references to “briefs” with “submissions” for consistency with more commonly used terminology.
  - s205A: we support this clause but consider that there should be obligations in new s205A to both file and serve evidence to ensure a fair and informed process and comply with the requirements of natural justice.
  - s205B: The majority of the powers provided in new s205B can already be exercised under s203(9), and/or s201. There needs to be clarity as to who is obliged to pay if the new power in s205B(3)(c) is exercised. In order to meet the requirements of natural justice, parties need to be given the opportunity to comment on any information provided to them under s205B(6).
  - s205C: There is currently no objection process built into the Act. New section 205C introduces a right of objection without saying who the objection is to be made to or what factors the person dealing with the objection must take into account when considering the objection. There are also no process provisions. We suggest the Bill be amended to provide more detail on the objection process.

### *Transitional provisions for Provisional Local Alcohol Policies that are currently under appeal*

- 3.18 The Bill creates a new Schedule 1AA that provides transitional provisions for existing Local Alcohol Policies. However, the transitional provisions do not address the status of Provisional Local Alcohol Policies that are currently under appeal before the Alcohol and Regulatory Licensing Authority (ARLA) (as Auckland’s is).
- 3.19 We request that the Bill be amended to provide clear direction on the application of the Amendment Act to Provisional Local Alcohol Policies that are currently under appeal, including the status of provisions that have been resubmitted to ARLA under s84 of the Act.
- 3.20 This could be achieved by adding a provision to the Bill that provides that in any case where a provisional policy has been resubmitted to the authority, under s84(1)(b) or 85(2)(b), and no hearing on the matter has concluded, then Part 2 of proposed new Schedule 1AA applies to the resubmitted version of the provisional policy.

## **4 Summary**

- 4.1 In summary, we support the intent of the Bill and believe that passing it is an important step towards ensuring communities have the ability to influence alcohol regulation in their area. However, we believe the Bill could be improved through the following amendments:
- ensuring the Bill provides adequate opportunities for Māori to be engaged and reflects the Crown’s Te Tiriti obligations
  - clearly stating that provisions in a Proposed Local Alcohol Policy are justified if they have a real and appreciable possibility of reducing alcohol-related harm



- enabling Local Alcohol Policies to come into effect in part
- requiring people appealing the granting or renewal of a licence to have a demonstrated tie to the relevant community
- making a range of minor and technical changes to sections 205 to 205C
- providing appropriate transitional provisions for Provisional Local Alcohol Policies that are currently under appeal before the Alcohol and Regulatory Licensing Authority (as Auckland's is).