

Council Hearing

PUBLIC BUSINESS AGENDA

A Council Hearing
will be held in the Council Chamber,
Torphin Crescent, Tokoroa
on Monday, 30 June 2022
Commencing at 2.00pm

OUR VISION

“Healthy people thriving in a safe, vibrant and sustainable community.”

Attendees

Members	Mayor (Chairperson)	J Shattock
	Deputy Mayor (Deputy Chairperson)	B Machen
Councillors		H Daine
		M Glucina
		A Jansen
		T Lee
		H Nelis
		A Ngāpō
		G Petley
		P Schulte
		S Wallace
	Staff	Chief Executive
Group Manager Assets		T Anderson
Group Manager Regulatory		S Robinson
Interim Group Manager Community and Corporate		D Lascelles
Head of Communications		K Fabrie
Strategy Advisor & Corporate Writer		C Litchfield
Team Leader Executive Support (Minutes)		B Morunga

Agenda Confirmed by:

S Law

Chief Executive

Prayer

The Mayor will lead the Council in Prayer.

*RECOMMENDATIONS contained in reports are NOT to be construed as COUNCIL DECISIONS.
Refer to Council minutes for RESOLUTIONS.*

Order of Business

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1. **Apologies**

2. **Confirmation of Agenda**

3. **Conflicts of Interest**

4. Reports

4.1 Hearing Report for Public Places Bylaw 2017 – Proposed Amendments

Document Information

Report To:	Council
Meeting Date:	Thursday, 30 June 2022
Author:	Phil Parker / Kerry Beckett / Lavinia Laaiva
Author Title:	Parks and Reserves Manager / Animal & Compliance Manager / Environmental Health Technical Officer
Report Date:	Thursday, 23 June 2022

Purpose of Report

This report requires a decision from Council.

To hear and review submissions, deliberate, and determine any bylaw amendments following the hearing.

Recommendation

That Report No 2022-587302, Hearing report for Public Places Bylaw 2017 – Proposed amendments, be received.

That Council approves the proposed amendments to the Public Places Bylaw 2017 as outlined in the Proposed Public Places Bylaw 2017 document (Attachment 1).

Background

The issue discussed in this report is aligned with the Council vision, community outcomes, Council policies and the Council Strategy.

As a result of issues brought to Council's attention involving various activities occurring within Council sportsgrounds in the district that related to alcohol, littering and antisocial behaviour; amendments to the Public Places Bylaw were discussed at a Council meeting on 19 August 2021.

Upon Council instructions to do so, pre-consultation with sportsground users within the district followed and results were presented at another Council meeting on 2 December 2021 where it was resolved to publicly consult on extending the current alcohol prohibited areas to include all reserves used for sporting purposes within the district, as well as some other minor amendments.

The proposed amendments to the Bylaw were subsequently put out for public consultation during March and April in which key stakeholders from the pre-consultation were emailed to advise this had opened.

Issues

Enforcement of Bylaw

In making a decision to extend the alcohol prohibited areas, it is important to understand that Compliance staff only have education as a tool in dealing with this issue. If a member of the public refuses to comply with the requirements within the Bylaw, a call to Police is a Compliance Officer's only backup. The Police have said that a total alcohol ban is supported and can be enforced; that they have the authority to move people on dependant on the severity of the issue at hand.

However, while they will always endeavour to respond to a call for assistance from Council, they would also be reliant on their staff resources - if there was an urgent call at the time, their presence to assist would be scaled down in priority. Because intoxicated people are often belligerent and abusive, the Council Compliance Officer will be told to back away from potentially dangerous situations like this, and to assess the situation from a distance until a Constable is on site.

Compliance staffing

The Animal and Compliance Team would endeavour to have a presence to enforce the proposed amendments to the Bylaw, specifically the extension of the alcohol prohibited areas; however, there are numerous tasks to perform over any given weekend with only one Compliance Officer on duty. It should therefore be noted that priority (KPI) complaints would take precedence over enforcement of the Bylaw, however a proactive effort would be taken to prioritise a Compliance Officer being present at some stage during games/events where the possibility of alcohol being consumed is high.

There may also be occasions when staff from Parks and Reserves, or Community Development teams may assist in the monitoring of events as staff capacity allows and/or is deemed necessary.

Littering Issues

Council's Litter contractor advises that they are still finding the Litter drums full of bottles and cans and bottles and cans scattered over the fields from the Saturday games.

It must be noted that sporting activity has only recently started again since moving into the "Orange" setting under the COVID-19 restrictions, and a return to the alcohol based behavioural and littering issues may be expected to continue or worsen as the playing season proceeds.

Discussion

Nine submissions were made which are supplied in Attachment 2, along with staff responses to the submission points raised by each submitter.

Three submitters were in support of the proposed amendments, whilst six were not. Those that were not in support of the proposed amendments relating to the extended alcohol areas, made several submission points which are included in the overview below:

- Three submitters believe that the sporting codes that occupy the public parks should have their own policies in place to monitor alcohol consumption within the park occupied
- One submitter believes that there should be consideration for socialising within public/recreational areas
- One submitter raised a number of submission points that are not aligned to the changes being made within the proposed amendments
- One submitter raised queries about the circumstances leading to the proposed amendments and provided alternative suggestions, as well as the intention as to how the Bylaw would be enforced. This submitter also requested Council consider the potential negative economic impacts of the Bylaw.

In terms of the potential economic impacts raised, the submitter gave mention to different events that take place at the Tokoroa War Memorial Sportsground such as the motor home conventions, dog shows, mountain bike events and polocrosse. There was suggestion that prohibiting alcohol as part of the events could be a deterrent. Staff have responded to this within Attachment 2 (SubID 8) stating 'Alcohol consumption is not the prime reason for these groups or organisations attending these events or competitions. Council considers there is no reason why those attending those events wishing to drink alcohol cannot patronise a bar or restaurant in the town centres which are located nearby'. These types of events have not in the past created nuisance and additional compliance monitoring would not routinely be scheduled.

It is also worth noting that Section 6.29.4.4 of the Public Places Bylaw 2017 negates inclusion of an alcohol prohibited area where a special licence under the Sale and Supply of Alcohol Act 2012 has been issued.

That is to say, that in the case where an event being held proposes to sell alcohol within one of the prohibited alcohol areas, the prohibition would be negated if a Special Licence was issued for such event.

It must also be noted that there will be some instances when a special licence under the Sale and Supply of Alcohol Act 2012 cannot be issued. In the example of a private event not selling alcohol (i.e. 21st, weddings), the Act does not permit a special licence to be issued as no alcohol will be sold. In this case, alcohol at such an event would be prohibited according to the proposed Bylaw changes as the applicant cannot obtain a Special Licence under the Act.

Conclusion

There were no significant points raised within the submissions received that would necessitate any further changes to the proposed Public Places Bylaw 2017 document. Police have also signalled their support of the proposed changes. If Council decide to approve the proposed amendments, the prohibition of alcohol would assist in reducing alcohol consumption and subsequent anti-social behaviour in the areas specified.

If the proposed amendments are approved, sports clubs would be advised of the changes to the alcohol prohibited areas and it would be expected that they, along with their members and supporters, would help support Council control this issue. The affected licensed premises within these areas would need be contacted individually by staff to advise of changes so they can ensure consumption of alcohol purchased from the premises is limited to the licensed areas. Communication of the changes to the general public would occur through social media and the In Touch newsletter. Signboards measuring 480mm x 600mm would be installed at all pedestrian and vehicular entrances of the additional prohibited alcohol areas. Staff have enquired into costs for the new signage required and confirm there is allowance within existing budgets to cover this.

Attachments

Attachment 1 – Proposed Public Places Bylaw 2017 – DocSet 402920

Attachment 2 – Submissions & staff response – DocSet 587268

Attachment 3 – Hearing schedule – DocSet 587269

5. Members Information Requests

Council Outcomes
Growth - Activities and strategies that facilitate sustainable economic growth and lift community pride.
Resilience - A resilient district with good infrastructure, services, a sound financial position, rates affordability and a healthy environment that has the ability to anticipate, resist, respond to and recover from significant change or events.
Relationships - Strong relationships with Iwi and Māori, Pacific Peoples and community and business groups that can achieve growth and a resilient community.