



Kawhia Community Board

AGENDA

24 May 2013

Members of the Kawhia Community Board

Mr HW Ormsby (Chair)
Mrs JR Bennett
Ms A Gane
Mr CE Jeffries
Mrs DM Pilkington
Mr L Sherman (Deputy Chair)

Meeting Secretary: Mr CA Tutty (Governance Supervisor)

KAWHIA COMMUNITY BOARD

24 May 2013

Notice is hereby given that an ordinary meeting of the Kawhia Community Board will be held in the Community Meeting Room, Jervois St, Kawhia on Friday 24 May 2013 commencing at 1.00pm.

17 May 2013

DC Clibbery
CHIEF EXECUTIVE

AGENDA

ORDER OF BUSINESS:

ITEM	PRECIS	PAGE
PRESENT		1
IN ATTENDANCE		1
APOLOGIES		1
ITEMS TO BE CONSIDERED IN GENERAL BUSINESS		1
CONFIRMATION OF MINUTES – 22 MARCH 2013		1
Item 89	AMENDMENT TO LIQUOR BYLAW	1
Item 90	MANAGEMENT ACCOUNTS TO 31 MARCH 2013	5
Item 91	KCB MATTERS REFERRED FROM 22 MARCH 201	6
GENERAL		7

PRESENT

IN ATTENDANCE

APOLOGIES

ITEMS TO BE CONSIDERED IN GENERAL BUSINESS

CONFIRMATION OF MINUTES – 22 MARCH 2013

REPORTS

Item 89 AMENDMENT TO LIQUOR BYLAW

To: **Chairman and Members
Kawhia Community Board**

From: **Chief Executive**

Date: **24 May 2013**

Relevant Community Outcomes

- The Otorohanga District is a safe place to live
 - Ensure services and facilities meet the needs of the Community
-

Executive Summary

A process to amend Council's Liquor Control Bylaw 2007 to provide a year-round ban on bringing, possession and consumption of liquor in public places in Kawhia/Aotea is presented.

Staff Recommendation

It is recommended:

1. That the report be received.
2. If desired; 'that it be recommended to Otorohanga District Council that Council's Liquor Control Bylaw 2007 be amended to give effect to the existing ban on bringing, possession and consumption of liquor in public places in Kawhia/Aotea at all times throughout the year'.

Discussion

Background

The assault of a Police Officer in Kawhia earlier this year has led to the community giving consideration to means by which a repeat of such an event could be prevented.

Amongst the means that have been considered is an extension of the existing seasonal liquor ban in Kawhia/Aotea, though amendments to the existing Liquor Control Bylaw.

It is understood that the community group that was convened to consider these matters has indicated its support for a year-round ban on the bringing, possession and consumption of liquor in public places the community. This report is intended to outline a potential proposal for such a change, should the Board wish to pursue it.

Existing Liquor Control Bylaw

Otorohanga District Council adopted a Liquor Control Bylaw in 2007, a key element of which was a limited seasonal liquor ban in Kawhia/Aotea.

As required by the Local Government Act 2002 (the Act) the bylaw was reviewed and approved without change in 2012 for a further period of ten years. Council has the authority to change, amend or repeal a bylaw at any time between the regular reviews required by the Act

Except for very minor amendments Council is required to undertake the Special Consultative Procedure set out in s83 of the Act to amend the Liquor Control Bylaw 2007. When considering a change to a bylaw Council must have regard to the general bylaw making provisions of the Act.

The Local Government Act empowers Council to make bylaws for its district for one or more of the following purposes {s145):

- Protect the public from nuisance
- Protect, promote and maintain public health and safety
- Minimise the potential for offensive behaviour in public places.

It also enables territorial authorities to make bylaws for the purpose of prohibiting or otherwise regulating or controlling, either generally or for one or more specified period {s147):

- the consumption of liquor in a public place
- the bringing of liquor into a public place
- the possession of liquor in a public place
- in conjunction with a prohibition relating of liquor, the presence or use of a vehicle in a public place

The Local Government Act 2002 also requires Council to consider whether the Liquor Control Bylaw 2007 is the most appropriate way of addressing issues associated with reducing alcohol related disorder offences and anti-social behaviour in public places and whether the proposed bylaw is the most appropriate form of bylaw and that it does not give rise to any implications under the NZ Bill of Rights Act.

Amendment Process and Statement of Proposal

The current ODC Liquor Control Bylaw imposes controls of the type described in the previous section during the period between 23 December and 6 January in the Kawhia and Aotea communities.

Should Council wish to amend the existing bylaw to give the liquor ban year-round effect this would be considered to me more than a minor change, and it would therefore have to follow the Special Consultative Procedure contained in the Local Government Act for community consultation and comment on its proposed decision to amend the bylaw.

As part of the Special Consultative Procedure the Council must produce a Statement of Proposal, and make it available to the community, which identifies the changes and provides the reasons for the changes to the bylaw. This document is the Statement of Proposal. In addition, a summary of the information contained in the Statement of Proposal must be prepared and distributed to the community.

The statement of proposal would be expected to be similar to this document.

Proposed Change

It is proposed to impose a permanent liquor ban within the Kawhia and Aotea Community boundary. The ban would apply to public places in the those same parts of Otorohanga District as are currently specified in the schedules to the bylaw Liquor Control Bylaw 2007.

The Liquor Control Bylaw 2007 would be amended by making changes to the Second Schedule which states the dates and times when the Liquor Ban will be in force.

By imposing a permanent ban it will necessary to create an authority to grant waivers to the bylaw to cover events and occasions that the ban would otherwise make unlawful.

It has previously been suggested to the Board that changes to the Second Schedule might take either of the following forms:

Option 1:

This Bylaw shall be in force 24 hours per day, seven days per week in all public places within the Kawhia & Aotea Liquor Ban Area

Option 2:

This Bylaw shall be in force in any given year for such period being defined as from 4.00 pm on 23 December to 8.00am on the Tuesday after Easter Monday of the following year in all public places within the Kawhia & Aotea Liquor Ban Area.

At all other times of the year the Bylaw shall be in force for the hours of 6.00 pm to 6.00 am in all public places within the Kawhia & Aotea Liquor Ban Area.

It is understood that following the consultation with the community the Board's preference is for option 1.

Report under Section 155 of the Local Government Act 2002

In proposing an amendment to the bylaw, s155 of the Local Government Act 2002 requires the Council to:

'determine whether a bylaw is the most appropriate way of addressing the "perceived problem', and:

'if so, determine whether the proposed bylaw is the most appropriate form of bylaw, and whether it gives rise to any implications under the New Zealand Bill of Rights Act 1990'

Bylaws cannot be inconsistent with the New Zealand Bill of Rights Act.

In terms of the proposed Liquor Control Bylaw 2007, it is envisaged that the "perceived problems" in the Kawhia and Aotea communities would relate to the consumption of alcohol in public areas and the resulting harm, damage, disorder and crime in the respective communities. Anecdotal evidence indicates a large amount of anti-social behaviour is alcohol related. If alcohol is permanently prohibited from public places there will be improved community safety. By placing a permanent alcohol restriction onto public places the Police will have the power to remove offenders from "problem areas".

Whilst a case could be made for an amendment of the bylaw as described, it should also be acknowledged that there could be grounds for valid opposition to the amendment on the basis that the degree of restriction is excessive for the extent of the problems that exist.

The proposed amendment to the bylaw is considered to be consistent with the NZ Bill of Rights Act. While it is acknowledged that it may affect a person's freedom of movement (s18), and possibly freedom from discrimination, the limits within the bylaw are considered to be fair and reasonable.

Other Examples of Year- Round Liquor Bans and Enforcement Issues

Information on these aspects has been previously presented to the Board.

The implementation of a permanent (year round) liquor ban could pose different issues to those which exist for the current bylaw, and Council staff have stated a belief that effectively managing those issues might be challenging.

It is however understood that the Police would be unlikely to oppose such an amendment to the bylaw if it was the desire of the community.

Costs

Introduction of a year round liquor ban would have an associated cost in respect of the associated administrative process including advertising, and the installation of appropriate permanent signage in the community.

It is however expected that the overall additional costs involved would be very modest, perhaps initially an extra \$3,000 for implementation, and \$1,000 per annum for sign maintenance thereafter.

Dave Clibbery
CHIEF EXECUTIVE

Item 90 MANAGEMENT ACCOUNTS TO 31 MARCH 2013

**To: Chairperson & Members
 Kawhia Community Board**

From: District Accountant

Date: 24 May 2013

Relevant Community Outcomes

- Ensure services and facilities meet the needs of the Community
 - Promote the local economy and opportunities for sustainable economic development
-

Executive Summary

The Draft Management Accounts for the period ended 31 March 2013 will follow under separate cover.

Staff Recommendation

It is recommended that:

The Draft Management Accounts for the year ended 31 March 2013 be received.

Brendan O'Callaghan
DISTRICT ACCOUNTANT

Item 91 KCB MATTERS REFERRED FROM 22 MARCH 2013

**To: Chairperson and Members
 Kawhia Community Board**

From: Governance Supervisor

Date: 24 May 2013

Executive Summary

1. BOARD

25 May 2012

- i. To obtain a high level of understanding of the areas in and around the Community, which Members would like to see improved, e.g. the Omimiti and the Morrison Reserves, Plane tree below Rosamond Tce.

22 March 2013

- ii. To review the awarding process for the service contracts in Kawhia.

2. MR SHERMAN

23 November 2012

- i. To have a discussion with representatives of the Kawhia Sports Club regarding providing an area suitable for the carving of stone.

3. MRS PILKINGTON

22 March 2013

- i. Through the Otorohanga District Development Board to arrange for discussion to be held with Mr Alan Rutherford regarding a feasibility study on the proposal that the Karewa slipway be made more robust to accommodate large boats.

4. ENGINEERING MANAGER

12 February 2013

- i. To arrange for payment to be made to the Kawhia Native Tree Nursery to recover the costs of providing electricity to the water pump that augments the Kawhia Community supply over the peak summer period.

22 March 2013

- ii. To advise the Board of the terms and expiry dates of other service contracts in Kawhia, ie. cleaning of toilets, gardening.
- iii. To prepare a draft set of rules for the service contracts in Kawhia which everyone will understand.

5. GOVERNANCE SUPERVISOR

22 March 2013

- i. To forward a letter of thanks to Mr Bill Devoy following the erection of the Puti Bridge Reserve signage.

CA Tutty
GOVERNANCE SUPERVISOR

GENERAL