



AGENDA

Strategy, Finance and Risk Committee Meeting

Monday, 14 March 2022

I hereby give notice that a Strategy, Finance and Risk Committee Meeting will be held on:

Date: Monday, 14 March 2022

Time: 10.30am (Draft Local Alcohol Policy Hearing of Submissions)

**Location: Bay of Plenty Regional Council Chambers
Regional House
1 Elizabeth Street
Tauranga**

Please note that this meeting will be livestreamed and the recording will be publicly available on Tauranga City Council's website: www.tauranga.govt.nz.

**Marty Grenfell
Chief Executive**

Terms of reference – Strategy, Finance & Risk Committee

Membership

Chairperson	Commission Chair Anne Tolley
Deputy chairperson	Dr Wayne Beilby – Tangata Whenua representative
Members	Commissioner Shadrach Rolleston Commissioner Stephen Selwood Commissioner Bill Wasley Matire Duncan, Te Rangapū Mana Whenua o Tauranga Moana Chairperson Te Pio Kawe – Tangata Whenua representative Rohario Murray – Tangata Whenua representative Bruce Robertson – External appointee with finance and risk experience
Quorum	Five (5) members must be physically present, and at least three (3) commissioners and two (2) externally appointed members must be present.
Meeting frequency	Six weekly

Role

The role of the Strategy, Finance and Risk Committee (the Committee) is:

- to assist and advise the Council in discharging its responsibility and ownership of health and safety, risk management, internal control, financial management practices, frameworks and processes to ensure these are robust and appropriate to safeguard the Council's staff and its financial and non-financial assets;
- to consider strategic issues facing the city and develop a pathway for the future;
- to monitor progress on achievement of desired strategic outcomes;
- to review and determine the policy and bylaw framework that will assist in achieving the strategic priorities and outcomes for the Tauranga City Council.

Membership

The Committee will consist of:

- four commissioners with the Commission Chair appointed as the Chairperson of the Committee
- the Chairperson of Te Rangapū Mana Whenua o Tauranga Moana
- three tangata whenua representatives (recommended by Te Rangapū Mana Whenua o Tauranga Moana and appointed by Council)
- an independent external person with finance and risk experience appointed by the Council.

Voting Rights

The tangata whenua representatives and the independent external person have voting rights as do the Commissioners.

The Chairperson of Te Rangapu Mana Whenua o Tauranga Moana is an advisory position, without voting rights, designed to ensure mana whenua discussions are connected to the committee.

Committee's Scope and Responsibilities

A. STRATEGIC ISSUES

The Committee will consider strategic issues, options, community impact and explore opportunities for achieving outcomes through a partnership approach.

A1 – Strategic Issues

The Committee's responsibilities with regard to Strategic Issues are:

- Adopt an annual work programme of significant strategic issues and projects to be addressed. The work programme will be reviewed on a six-monthly basis.
- In respect of each issue/project on the work programme, and any additional matters as determined by the Committee:
 - Consider existing and future strategic context
 - Consider opportunities and possible options
 - Determine preferred direction and pathway forward and recommend to Council for inclusion into strategies, statutory documents (including City Plan) and plans.
- Consider and approve changes to service delivery arrangements arising from the service delivery reviews required under Local Government Act 2002 that are referred to the Committee by the Chief Executive.
- To take appropriate account of the principles of the Treaty of Waitangi.

A2 – Policy and Bylaws

The Committee's responsibilities with regard to Policy and Bylaws are:

- Develop, review and approve bylaws to be publicly consulted on, hear and deliberate on any submissions and recommend to Council the adoption of the final bylaw. (The Committee will recommend the adoption of a bylaw to the Council as the Council cannot delegate to a Committee the adoption of a bylaw.)
- Develop, review and approve policies including the ability to publicly consult, hear and deliberate on and adopt policies.

A3 – Monitoring of Strategic Outcomes and Long Term Plan and Annual Plan

The Committee's responsibilities with regard to monitoring of strategic outcomes and Long Term Plan and Annual Plan are:

- Reviewing and reporting on outcomes and action progress against the approved strategic direction. Determine any required review/refresh of strategic direction or action pathway.
- Reviewing and assessing progress in each of the six (6) key investment proposal areas within the 2021-2031 Long Term Plan.
- Reviewing the achievement of financial and non-financial performance measures against the approved Long Term Plan and Annual Plans.

B. FINANCE AND RISK

The Committee will review the effectiveness of the following to ensure these are robust and appropriate to safeguard the Council's financial and non-financial assets:

- Health and safety.
- Risk management.
- Significant projects and programmes of work focussing on the appropriate management of risk.
- Internal and external audit and assurance.
- Fraud, integrity and investigations.
- Monitoring of compliance with laws and regulations.
- Oversight of preparation of the Annual Report and other external financial reports required by statute.
- Oversee the relationship with the Council's Investment Advisors and Fund Managers.
- Oversee the relationship between the Council and its external auditor.
- Review the quarterly financial and non-financial reports to the Council.

B1 - Health and Safety

The Committee's responsibilities through regard to health and safety are:

- Reviewing the effectiveness of the health and safety policies and processes to ensure a healthy and safe workspace for representatives, staff, contractors, visitors and the public.
- Assisting the Commissioners to discharge their statutory roles as "Officers" in terms of the Health and Safety at Work Act 2015.

B2 - Risk Management

The Committee's responsibilities with regard to risk management are:

- Review, approve and monitor the implementation of the Risk Management Policy, Framework and Strategy including the Corporate Risk Register.
- Review and approve the Council's "risk appetite" statement.
- Review the effectiveness of risk management and internal control systems including all material financial, operational, compliance and other material controls. This includes legislative compliance, significant projects and programmes of work, and significant procurement.
- Review risk management reports identifying new and/or emerging risks and any subsequent changes to the "Tier One" register.

B3 - Internal Audit

The Committee's responsibilities with regard to the Internal Audit are:

- Review and approve the Internal Audit Charter to confirm the authority, independence and scope of the Internal Audit function. The Internal Audit Charter may be reviewed at other times and as required.
- Review and approve annually and monitor the implementation of the Internal Audit Plan.
- Review the co-ordination between the risk and internal audit functions, including the integration of the Council's risk profile with the Internal Audit programme. This includes assurance over all material financial, operational, compliance and other material controls.

This includes legislative compliance (including Health and Safety), significant projects and programmes of work and significant procurement.

- Review the reports of the Internal Audit functions dealing with findings, conclusions and recommendations.
- Review and monitor management's responsiveness to the findings and recommendations and enquire into the reasons that any recommendation is not acted upon.

B4 - External Audit

The Committee's responsibilities with regard to the External Audit are:

- Review with the external auditor, before the audit commences, the areas of audit focus and audit plan.
- Review with the external auditors, representations required by commissioners and senior management, including representations as to the fraud and integrity control environment.
- Recommend adoption of external accountability documents (LTP and annual report) to the Council.
- Review the external auditors, management letter and management responses and inquire into reasons for any recommendations not acted upon.
- Where required, the Chair may ask a senior representative of the Office of the Auditor General (OAG) to attend the Committee meetings to discuss the OAG's plans, findings and other matters of mutual interest.
- Recommend to the Office of the Auditor General the decision either to publicly tender the external audit or to continue with the existing provider for a further three-year term.

B5 - Fraud and Integrity

The Committee's responsibilities with regard to Fraud and Integrity are:

- Review and provide advice on the Fraud Prevention and Management Policy.
- Review, adopt and monitor the Protected Disclosures Policy.
- Review and monitor policy and process to manage conflicts of interest amongst commissioners, tangata whenua representatives, external representatives appointed to council committees or advisory boards, management, staff, consultants and contractors.
- Review reports from Internal Audit, external audit and management related to protected disclosures, ethics, bribery and fraud related incidents.
- Review and monitor policy and processes to manage responsibilities under the Local Government Official Information and Meetings Act 1987 and the Privacy Act 2020 and any actions from the Office of the Ombudsman's report.

B6 - Statutory Reporting

The Committee's responsibilities with regard to Statutory Reporting relate to reviewing and monitoring the integrity of the Annual Report and recommending to the Council for adoption the statutory financial statements and any other formal announcements relating to the Council's financial performance, focusing particularly on:

- Compliance with, and the appropriate application of, relevant accounting policies, practices and accounting standards.
- Compliance with applicable legal requirements relevant to statutory reporting.
- The consistency of application of accounting policies, across reporting periods.
- Changes to accounting policies and practices that may affect the way that accounts are presented.

- Any decisions involving significant judgement, estimation or uncertainty.
- The extent to which financial statements are affected by any unusual transactions and the manner in which they are disclosed.
- The disclosure of contingent liabilities and contingent assets.
- The basis for the adoption of the going concern assumption.
- Significant adjustments resulting from the audit.

Power to Act

- To make all decisions necessary to fulfil the role, scope and responsibilities of the Committee subject to the limitations imposed.
- To establish sub-committees, working parties and forums as required.
- This Committee has **not** been delegated any responsibilities, duties or powers that the Local Government Act 2002, or any other Act, expressly provides the Council may not delegate. For the avoidance of doubt, this Committee has **not** been delegated the power to:
 - o make a rate;
 - o make a bylaw;
 - o borrow money, or purchase or dispose of assets, other than in accordance with the Long Term Plan (LTP);
 - o adopt the LTP or Annual Plan;
 - o adopt the Annual Report;
 - o adopt any policies required to be adopted and consulted on in association with the LTP or developed for the purpose of the local governance statement;
 - o adopt a remuneration and employment policy;
 - o appoint a chief executive.

Power to Recommend

To Council and/or any standing committee as it deems appropriate.

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- 1 OPENING KARAKIA**
- 2 APOLOGIES**
- 3 PUBLIC FORUM**
- 4 ACCEPTANCE OF LATE ITEMS**
- 5 CONFIDENTIAL BUSINESS TO BE TRANSFERRED INTO THE OPEN**
- 6 CHANGE TO ORDER OF BUSINESS**
- 7 DECLARATION OF CONFLICTS OF INTEREST**

8 BUSINESS

8.1 Local Alcohol Policy Review: Hearings

File Number: A13237428

Author: Jane Barnett, Policy Analyst

Rebecca Gallagher, Policy Analyst

Authoriser: Barbara Dempsey, General Manager: Regulatory & Compliance

PURPOSE OF THE REPORT

1. To receive feedback on the draft Local Alcohol Policy (the draft policy).
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RECOMMENDATIONS

That the Strategy, Finance and Risk Committee:

- (a) Receives the written submissions on the draft Local Alcohol Policy (Attachment A).
 - (b) Receives the verbal submissions from those submitters that wish to speak to their submission.
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EXECUTIVE SUMMARY

2. On 1 November 2021, the Committee approved a draft Local Alcohol policy for community consultation.
3. Submissions were sought from 17 November 2021 to 20 December 2021.
4. 158 submissions were received and are attached in **Attachment A**. 18 of the submitters wished to speak to the Committee at the hearings today.

BACKGROUND

5. Tauranga and Western Bay of Plenty District's Joint Local Alcohol Policy (LAP) was adopted on 22 July 2015.
6. The LAP is made under the Sale and Supply of Alcohol Act 2012 (the Act), with a review required every six years. The Committee considered the matters set out in the Act (section 78(2)) and consulted with Police, the Medical Officer of Health and the Licensing inspector to prepare a draft policy.
7. The draft policy proposed the following changes
 - **Reducing on-licence hours in the Tauranga City Centre** - proposed closing time of 2:00am instead of 3:00am.
 - **A change to the one-way door provisions in the Tauranga City Centre** - this is as a result of proposing a reduction in the opening hours in the Tauranga City Centre. This would mean that the one-way door restriction would start at 1am in the Tauranga City Centre. This is also likely to result in fewer patrons from other areas of the region travelling to the Tauranga City Centre following a closing time of 1am in other locations e.g. The Mount.
 - **Adding a club licence section** – a new section has been added for club licences to provide clarity for the community and applicants (provisions remain the same)
 - **Tauranga City focused** – The policy has been updated to include only matters relating to the geographical area that Tauranga City Council has responsibility for instead of having a joint policy with Western Bay of Plenty District Council.

8. On 1 November 2021, the Committee approved the draft Local Alcohol Policy and Statement of Proposal for community consultation, in accordance with the Special Consultative Procedure. Consultation was carried out from 17 November 2021 to 20 December 2021.
9. 158 submissions were received and are attached in **Attachment A**. 18 of the submitters wished to speak to the Committee at the hearings today. Table one below provides a list of submitters speaking to the Committee. An updated schedule will be provided at the hearings.

Table One

Submission number	Submitter name or organisation
039	Pip Mills
142	Mel Bennett and Michael Mills - on behalf of Ngāi Te Rangi
067	Isaac Jakobs
098	John Bielby
143	Laura Wood -on behalf of Kainga Tupu Taskforce
144	Kate Mason
145	Paul Radich
109	Matt Gordon
146	Melissa Renwick
148	Shannon Jenkins
124	Jonathan Cocks
149	Ashleigh Gee
009	Kate Short
150	Brian Berry - Mainstreet Tauranga Incorporated (Downtown Tauranga)
140	Susan Hodgkinson
151	Dr Nicki Jackson – Alcohol Healthwatch
152	Cathy Bruce - Te Hiringa Hauora - Health Promotion Agency
157	Western Bay of Plenty Police

10. The consultation was advertised widely on the website and through social media. A copy of the comments we received through our social media can be found in **Attachment B**.
11. Targeted consultation was carried out with the hospitality sector, mana whenua, Hauora organisations, main street organisations, ratepayer associations and other community support organisations.
12. The community was specifically asked:
- Do you support reducing on-licence hours in the Tauranga City Centre from 3:00am to 2:00am?
 - Do you support a change to the one-way door provisions in the Tauranga City Centre as a result of the proposed reduction in the opening hours in the Tauranga City Centre? This would mean that the one-way door restriction would start at 1am in the Tauranga City Centre.
 - Do you support the addition of a separate club licence section to the draft Local Alcohol Policy for club licences to provide clarity for the community and applicants?

13. Staff met with Police and some CBD bar owners as part of the consultation process. Staff invited further submissions, acknowledging that the consultation period occurred at a busy time for the hospitality industry.
14. Staff also met with Ngāi Te Rangi during the consultation period to listen to their concerns and feedback.

STRATEGIC / STATUTORY CONTEXT

15. Currently Council is refreshing its strategic framework and developing a City Vision. This work will ensure Council has a current and cohesive strategic framework that provides a clear line of sight from Council activities and policies, to strategy documents and from there to the City's Vision and adopted Community Outcomes.
16. The LAP is one tool in working towards Council's community outcome of 'An inclusive city'. This includes people feeling safe in their homes, neighbourhoods and public places.
17. As noted above, a LAP is required to be reviewed every six years. LAP's are restricted in what they can contain (section 77 of the Act).
18. Councils must not produce a draft policy without having consulted the Police, inspectors and Medical Officers of Health (section 78(4) of the Act) and having regard to the matters set out in section 78(2) of the Act.

FINANCIAL CONSIDERATIONS

19. There are no financial considerations in receiving and listening to the submissions.

LEGAL IMPLICATIONS / RISKS

20. The legal implications and risks are dependent on the changes if any made to the draft policy but at this stage the Committee is only receiving and listening to submissions.

SIGNIFICANCE

21. The Local Government Act 2002 requires an assessment of the significance of matters, issues, proposals and decisions in this report against Council's Significance and Engagement Policy. Council acknowledges that in some instances a matter, issue, proposal or decision may have a high degree of importance to individuals, groups, or agencies affected by the report.
22. In making this assessment, consideration has been given to the likely impact, and likely consequences for:
 - (a) the current and future social, economic, environmental, or cultural well-being of the district or region
 - (b) any persons who are likely to be particularly affected by, or interested in, the matter.
 - (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.
23. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the issue is of high significance. However, the decision to receive and hear the submissions is of low significance.

ENGAGEMENT

24. Taking into consideration the above assessment, that the decision is of low significance, officers are of the opinion that no further engagement is required prior to the Committee receiving the submissions.

NEXT STEPS

25. The Committee will deliberate on the issues raised by submitters on 16 May 2022.

ATTACHMENTS

- 1. Submissions on the draft Local Alcohol Policy - A13268895 [↓](#)**
- 2. LAP consultation facebook posts - A13270232 (Separate Attachments 2)**

9 DISCUSSION OF LATE ITEMS

10 CLOSING KARAKIA