



MINUTES

**Strategy, Finance and Risk Committee
Meeting**

Monday, 14 March 2022

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**MINUTES OF TAURANGA CITY COUNCIL
STRATEGY, FINANCE AND RISK COMMITTEE MEETING
HELD AT THE BAY OF PLENTY REGIONAL COUNCIL CHAMBERS, REGIONAL HOUSE,
1 ELIZABETH STREET, TAURANGA
ON MONDAY, 14 MARCH 2022 AT 10.30AM**

PRESENT: Commission Chair Anne Tolley, Dr Wayne Beilby, Commissioner Shadrach Rolleston, Commissioner Stephen Selwood, Commissioner Bill Wasley, Ms Matire Duncan, Ms Rohario Murray

IN ATTENDANCE: Tony Aitken (Acting General Manager: People & Engagement), Barbara Dempsey (General Manager: Regulatory & Compliance), Jane Barnett (Policy Analyst), Rebecca Gallagher (Policy Analyst), Coral Hair (Manager: Democracy Services), Robyn Garrett (Team Leader: Committee Support), Sarah Drummond (Committee Advisor)

1 OPENING KARAKIA

Commissioner Rolleston opened the meeting with a karakia.

2 APOLOGIES

Apology

COMMITTEE RESOLUTION SFR2/22/1

Moved: Commissioner Stephen Selwood
Seconded: Commissioner Shadrach Rolleston

That the apology for lateness received from Mr Bruce Robertson was accepted.

That the apology for absence received from Mr Te Pio Kawe was accepted.

CARRIED

3 PUBLIC FORUM

Nil

4 ACCEPTANCE OF LATE ITEMS

Nil

5 CONFIDENTIAL BUSINESS TO BE TRANSFERRED INTO THE OPEN

Nil

6 CHANGE TO ORDER OF BUSINESS

Nil

7 DECLARATION OF CONFLICTS OF INTEREST

Nil

8 BUSINESS

8.1 Local Alcohol Policy Review: Hearings

Staff Jane Barnett, Policy Analyst
Rebecca Gallagher, Policy Analyst

COMMITTEE RESOLUTION SFR2/22/2

Moved: Commissioner Bill Wasley

Seconded: Dr Wayne Beilby

That the Strategy, Finance and Risk Committee:

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

CARRIED

The following members of the public appeared before the Committee and spoke to their submissions.

1. Susan Hodkinson

- Mount Maunganui was a large area and had been considered a party town. Ms Hodkinson was concerned about closing times, noise, and rubbish, especially glass, that was apparent in residential streets close to the Mount Maunganui entertainment precincts.
- Ms Hodkinson requested that there be more, and more regular, rubbish collections particularly of glass waste, and suggested the installation of more recycling bins for glass and other materials, and increased and clearer signage that provided more education on recycling and rubbish disposal. Ms Hodkinson drew the Committee's attention to the signage in the Republic of Ireland and in Scotland as being effective in advising visitors that they were in a residential area, the hours of liquor licencing and operation of any on street liquor bans, and of rubbish disposal options.
- Ms Hodkinson felt that laws should be clear and accessible to everyone with New Zealanders and tourists alike made aware of their responsibility to be kaitiaki of the land.

In response to questions

- In the draft LAP there was a proposed closing time change to 1:00am. Ms Hodkinson felt there was presently ample time for people to enjoy the area's hospitality; also that the issue of preloading created excessive noise disruption and rubbish dumping. Ms Hodkinson would not support any extension to current licencing hours.

2. Mr Isaac Jakobs

- Mr Jakobs submitted as a young person who supported a vibrant central city night life in both Tauranga and Mount Maunganui.
- As a patron of these areas Mr Jakobs noted that, with the Covid 19 pandemic and subsequent lockdowns, many businesses were struggling to stay afloat and open. Earlier closing times might force further business closures and impact on the vibrancy of the CBD which was already struggling.

In response to questions

- Mr Jakobs queried the effectiveness and policing of any current open carry and one-way door policies, and considered there was a risk that they were not being used as effective tools and would become a default position to control earlier closing times if they were implemented. In Mr

Jakobs' experience, the one-way door policy could create issues for sober drivers trying to stay connected with groups and had the potential to cause safety issues.

- Chair Tolley thanked Mr Jakobs for attending the hearing as it was beneficial to have a 'users' perspective and was helpful to get commentary from residents using the facilities of the CBD.

3. Dr David Bassett and Ms Dawn Meertens for the District Health Board (DHB)

- Dr Bassett and Ms Meertens thanked the Committee for the opportunity to present in person, and advised that while the DHB fully supported the proposed changes, felt that the changes were not far reaching enough if council was serious about reducing alcohol related harm.
- Responses and research in the recent Local Population (2020) Health Survey showed that there was a general view and appetite to reduce alcohol harm and impose restrictions on the supply of alcohol, enabling greater safety particularly in the evenings.
- Alcohol was a common causative factor in serious injury cases.
- A reduction in off licences would help contribute to reducing these issues and would be a good next step to reduce alcohol related harm.
- The Committee thanked the DHB staff for all the work they did, especially through Covid 19, and continued to do in trying circumstances.

In response to questions

- During the Covid 19 lock downs there did not appear to have been a reduction of violence/harm issues. For many people during the pandemic alcohol consumption had risen; if licenced premises had been open violence rates could have risen.
- Alcohol harm was a live and current issue, regardless of restrictions on hours and placement of licenced premises. Concern that making reductions in one area risked shifting the problem to a new area and hurting business in that area. Current literature indicated that view was incorrect and that there was a correlation between reductions in hours and spread of licenced premises and a direct reduction in the number of violence events in existing areas of concern.
- In New Zealand a reduction in maximum trading hours showed an 11% reduction in alcohol related harm, especially for young people aged 15-29 years.
- When the DHB licencing team was considering applications, it looked at the zones/areas of vulnerability, the number of premises already open, and numbers of off licences e.g. bottle stores or supermarkets.
- The current LAP policy had been in place since 2015 with longer opening hours to 4:00am, there had not been any specific studies done of the Tauranga area.
- The Committee expressed concern that the available statistics did not examine whether if there was a drop across the community of on-street violence there was an increase in home-based violence if more drinking was taking place at home.

4. Brian Berry - Mainstreet Tauranga Incorporated (Downtown Tauranga)

- The current issue was not a new problem, binge drinking had been an issue for a long time. The wider issue that Mainstreet wished to be focused on was making a more liveable city.
- Suggested that currently the system was reactive and there were concerns that police were using the policy as a tool rather than a proactive policing approach.
- Mainstreet would like to see the resumption of monthly meeting between business owners and police and other agencies which would help solve current issues, look at how past problems were successfully handled and how new problems could be addressed moving forward.
- Some of the key issues in the CBD were outside of hospitality control e.g. pre-loading and should be a policing matter. With a one-way door policy, once patrons had left and were on the street, they were outside of the control measures of hospitality premises.
- Early closing hours in Mount Maunganui created a flood of potentially intoxicated patrons into Tauranga.
- A more viable option could be for hospitality premises to manage the release of patrons gradually rather than as one surge, which would allow the police to be proactive rather than reactive.

- There had been communication tensions between police and hospitality premises in the past over some of these issues.
- The Christmas and New Year Light installations showed that change in use and 'temperament' in the CBD could be achieved.

In response to questions

- The Mainstreet organisations suggested that the timing of group and agency meetings needed to be regular, quarterly was too infrequent.
- The committee expressed disappointment at the breakdown in communications experienced. Suggested that there could be a distinct benefit of using Māori Wardens to help with an overseeing role and anticipating/advising of potential problems.
- Noted a trend for people with restricted incomes to drink outside of the bars.
- Staff advised the Committee that there was agreement that past communications had been poor, and there was an all group and agency meeting scheduled for 28 March 2022.

5. Kate Mason – Cancer Society

- The Cancer Society's primary focus was on reducing cancer and reducing the harm cancer caused.
- It was not commonly known that there was risk from drinking for at least seven different cancers. Advised that Māori were more susceptible to those cancers which could cause loss of 2.7 years of life expectancy.
- The Society supported the proposed changes as the proposed policy aimed for a reduction in harm.
- The Society would like to also see a reduction in the opening hours, a cap on numbers of off licence premises, and a sensitive sites protection cap on numbers e.g. in areas of high Māori residents or high social deprivation.
- Suggested a reduction of opening hours to 10am to 8pm to protect children and vulnerable adults.
- Noted that other LAPs in New Zealand had offered an increase in legal protection for sensitive sites (schools, health centres, marae etc).

In response to questions

- Rotorua District Council was an example of a LAP that provided further legal protection.
- Noted that any off-licence restrictions for sensitive areas would apply to new sites only, not existing.

6. Katie Short

- Ms Short was currently employed as a Duty Manager for a Mount Manganui hospitality establishment and had been for eight years, and was resident in the Mount.
- During this time she had noticed a reduction in violence with the implementation of new security and processes such as bag searches and people being 'filtered' and vetted more competently.
- Ms Short had not experienced violence in a bar but had noted a greater risk between the Mount and the CBD as there was a higher level of security at the Mount. Noted that Tauranga off licences were open until 10:00pm and had no limits on purchases.
- New Zealand had some of the strictest licencing laws in the world with regard to limits on size of drink and numbers of drinks served, which meant a safer environment than other countries without these limits.
- Early closing hours and one-way door policies eliminated the safer service of alcohol in on-licence premises compared to less safe drinking at house parties. Ms Short felt that reduced hours increased these risks.
- Ms Short had not experienced issues with communication with the police, instead issues were more the result of not enough police on the ground, a lack of due diligence with drink drivers and dealing with preloading.

- The sale of single cans and bottles in off licence premises was incentivising drink driving especially as most people were not aware of actual standard drink sizes.

In response to questions

- Considered that the one-way door policy was not effective and had not worked as intended. Some patrons would leave home or work earlier to get into the CBD earlier; the policy did not stop people drinking or preloading.
- Most bars/hospitality establishments had business cards for taxi companies and staff were able to call for taxi or an uber. In Ms Short's experience there were plenty of easy options to find a safe way home and security guards on the doors would also work with patrons to find solutions.
- There was pressure and rules for on-licence premises to observe not only what happened in their premises but to a limited extent on leaving, but people could walk into any liquor store with no filtering or checking and purchase alcohol. 10pm was too late for sale from an off-licence.
- Council had a role in changing behaviour of drinkers including providing safe spaces within entertainment areas.

7. Michael Mills - Te Rūnanga o Ngāi Te Rangi Iwi Trust

- At present there was a general level of dissatisfaction with current policies and a feeling that there was a lack of effective off-licence controls in place.
- The current proposed LAP failed to deliver on changes to off-licences especially in relation to location density and vulnerable populations; it also failed to include a recent ARLA decision in regard to the Greater Auckland LAP.
- Considered that the proposed changes to the current LAP would not achieve its own principles or the current district licensing rules. Iwi had made suggestions for the draft policy but felt none had been taken on board.
- Recommended the following actions:
 - i. Re-evaluate the proposed policy to include vulnerable communities and sites and develop a LAP which included off licence provisions.
 - ii. Change in hours for all off licences with a 9:00pm closing time.
 - iii. Address home delivery of alcohol; only off licences should retain the ability to provide remote sales and home delivery.
 - iv. Adopt a rebuttal presumption that all new licence applications would be refused unless applicants could prove good reason and no impact across both Tauranga and the Mount, with the burden of this presumption falling on the agencies.
 - v. Create a specific seat on DLC for iwi and Māori; and a cultural impact statement be completed for all licensing reports.

In response to questions

- Under the previous Strand Night Management Plan 2013, a safe city co-ordinator was employed to look at issues and problems that were raised, and would facilitate bringing all parties together and broker solutions to be endorsed as recommendations from the whole group.
- Ngāi Te Rangi had a unit working in the LAP space and were happy to be a conduit to bring voices to the table and to place a Māori lens across policy and DLC reports.
- The introduction of the 2015 LAP had not effected change, safer spaces or a reduction in harm.

8. Melissa Renwick and Jonathan Alve, Hospitality Association

- There were currently three thousand hospitality institutions represented by the Association of which 186 were in the Bay of Plenty.
- The safest place to consume alcohol was on licenced premises, these were the only places that sold alcohol and also had obligations and requirements to meet. Operators were highly trained and regulated.
- The Association suggested pausing the current process for the following reasons:

- i. The need to avoid bad policy that was not going to achieve outcomes.
- ii. Current tools should be used well before changes were made.
- iii. The LAP should include a focus on communication between the agencies and using tools like liquor bans, alcohol free zones.
- iv. Evidence had been presented that most alcohol was consumed from off-licence premises.
- v. The proposed LAP in its current form would not change these current issues. Further restriction in a small area would not fix the issues across the whole city.

In response to questions

- The Association agreed with retaining the 2015 LAP, but preference should be given to policy being set at central government level.
- The Hospitality Association had approximately 500 members with off licences; however, only approximately 55 of those did not have both on and off licences.

9. Ms Ashleigh Gee – Miss Gees

- Ms Gee was the owner and operator of Ms Gees bar located in the Tauranga CBD. This was her first time owning a hospitality business and the change proposed to the LAP had caused her to look at current systems in place and the lack of communication with hospitality businesses and agencies.
- Ms Gee felt that Council should scrap the current LAP and start again. She currently did not know who her licensing inspector was or had any communication with them, and had only had one visit in 2020.
- There had been more negative effects of the one-way door policy and no positive change. Ms Gee highlighted issues with where bar staff should draw the line with enforcement of the one-way door policy.
- Currently 80% of alcohol sales were made in off licence premises. Queried how many bottle store applications were in the system with regards to how many currently existed.
- Sensitive location zones should already be in action, especially given that since the Covid lockdowns there had been a large increase in parties/socialising at home.
- The Tauranga Hospitality Association was working to create a forum to hold monthly meetings and increase and improve communication between agencies and licence holders. Ideally this would also include open training forums.
- Ms Gee would like to see the one-way door policy removed and a trial of a 'last drinks served' policy implemented. This would give business better tools to work with. Businesses were suffering in the post-Covid climate with closures expected.

In response to questions

- Ms Gee suggested a policy allowing managers to operate a last drinks system, to avoid the current customer tip out. The 2am lock out was not adding any value or stopping creation of issues of harm.
- The one-way door policy was ineffective in stopping people drinking. People arrived intoxicated.
- As most patrons were dropped off on the street, taxi/uber stands with lighting that could be seen and easily accessed from venues would be very helpful.
- Putting together an interagency and licensee group could build strong industry ties, especially for licensees in their first year of management, that could go a long way to rebuilding trust and rejuvenating the CBD. If there were ongoing issues with a venue, they could work with the group to get things under control again.
- Ms Gees currently operated on late nights with six security guards, which between guards and staff, equated to 1 'sober' to 20 patrons. This was above their current licence requirements.

At 12.45pm the meeting adjourned.

At 1.15pm the meeting reconvened.

10. Dr Nicki Jackson – Alcohol Healthwatch

- Partner organisations had reported that a LAP could make a difference in harm reduction and prevention. Parliament devolved the powers to reduce the consumption of alcohol and reduce the harm. Through an LAP, influence could also be exerted on price and advertising and protect vulnerable communities.
- Changing the environment in Tauranga and restricting trading hours would reduce harm, especially in risky age groups
- Regulating trading hours was the most effective and cost-effective way to reduce harm; patrons might arrive earlier but would consume less alcohol.
- Studies had found that by using a LAP and other tools there could be noticeable reductions in drinking time and aggression post-closing.
- Off licences were a major existing issue for greater Tauranga and were not covered by the proposed LAP; noted support for early closing hours and a cap on numbers of off licences in high-risk areas. New ARLA case law would prohibit single sales of alcohol.

In response to questions

- Research showed that an hour shift in closing time might influence behaviour; there had been no discernible change from implementation of an LAP. It would be expected that a strong LAP would make a difference.
- Research indicated that a combination of one-way door policies, pricing id scans, no hard spirits sold after 2:00am used in conjunction with changes to off licences reduced harm.

11. Jessica Mackenzie – Sunday Group

- The Tauranga CBD could become a bustling place. Restriction of on licence hours was not the way to achieve a harm reduction, it would cause a major decline in revenue and possible business closure. It would force patrons to look to the Mount for entertainment.
- The previously humming night life had been lost through a combination of Covid lock downs, loss of foot traffic, and construction. Should look forward to the interest and investment that was coming and plan to have a city that encouraged large city amenities.
- Development was coming, Tauranga was a growing city. Restricting trading hours was not the way to work with hospitality to achieve a bustling city.

In response to questions

- There would be considerable commercial impact on the Sunday Group businesses from the proposed hours restrictions. Approximately 55% of trade was in the early hours, concerned then the knock-on effect would effectively be a 9:00pm closure due to loss of foot traffic.
- Supported scrapping the one-way door policy.

12. Matt Gordon and Shannon Jenkins – Pegasus Hospitality Ltd

- Mr Gordon and Mr Jenkins had been in business together for seven or eight years; during that time they had dealt with a lot of different police and other agency staff.
- Noted that the one-way door policy had not created significant change from 2015 but had simply moved problems to another part of the CBD.
- Mr Gordon and Mr Jenkins felt the problem 'needed to go outside the bar doors' and be worked through with a multi-agency approach to look at New Zealand's wider drinking culture. Currently policy was being created in a vacuum and showed no real change just minor tinkering around the edges.

In response to questions

- Observed that due to post-Covid business conditions in Sydney, lock out policies had been lifted as the economic cost was proving too large.

- NZ studies that informed the 2015 LAP noted that an all-agency approach in Whanganui created positive change.
- No one specific change would fix the issue, there must be a wider package approach. Current legislation was not black and white, an ability to manage and mitigate risk was required. Mr Gordon and Mr Jenkins encouraged the Committee to give the LAP its broadest interpretation and supported suggestions of a good behaviour system sitting alongside a multi-agency approach to mitigate bad management practices.

13. Cathy Bruce - Te Hiringa Hauora - Health Promotion Agency

- Outlined how the Agency provide advice to central government.
- Club trading hours had not been given the weight they perhaps should have. Alcohol should not be the primary business of a club. Reduction of hours to 12:00pm closure should be considered for a number of these businesses.
- There were at least six suburbs that should be considered as sensitive locations for the granting of off licences.
- Supported not allowing new off licences near sensitive sites and noted that discretionary conditions could be used, a DLC could add any reasonable condition to a licence.

In response to questions

- Currently available data showing that an LAP made a difference to harm reduction before and after implementation was only scarce. The LAP needed to come together as a package; however, change was a long game.

14. Sergeant Dan Roser and Inspector Zane Smith – Western Bay of Plenty – New Zealand Police

- Council's process must be an evaluative one. The LAP had limits and could not cover anything outside of Section 77 of the District Licensing Act. The DLC was the appropriate forum for licence-specific issues; the LAP sat above and was a broad view policy document.
- Statistics had in some cases been interpreted incorrectly, the police statistics looked at certain blocks in the CBD.
- Looked at over a time period, there was an 18% to 24% increase of acts causing harm, with peaks of intensity on Saturday and Sunday mornings.
- There was a large disparity between Tauranga and the Mount; there was a vibrant night life in the Mount even though the hospitality economy started earlier. Problems in the Tauranga CBD with closing times were not comparable to the Mount.
- There was a 29% drop in all crime during Covid lockdown in the small CBD area sampled.
- There was currently no provision for a LAP to consider economic impacts. Moving closing hours to the same as the Mount might provide a vibrant Tauranga CBD, new business could do well in those conditions.
- Statistics from prior to the Covid lockdown showed the majority of people were not drink driving. Police had previously run booze bus operations that caught many drivers; that culture had changed with more sober drivers or use of uber or taxis.
- Current statistics did not show an increase in on-street issues in the Tauranga CBD from arrivals from the Mount. The in-bar situation was well-managed but some issues were noticeable on-street at closure. There was a low police presence.
- Policing was a demand-based system, could only respond to calls when they were received.
- CBD issues should also be considered in terms of the pre-loading that was occurring.

In response to questions

- Council was working to increase the Waikato University presence in the CBD providing accommodation and a student entertainment environment. The LAP would enable students to come to town earlier and offered four hours safe entertainment. This would be preferable to behaviour like Dunedin couch burning.

- Police were using liquor ban areas proactively and working with alternative resolutions. There was always a moving feast of tolerance and tolerance changes, working to find the right balance. This approach is used heavily for large events.
- The Committee thanked the police for their hard work during Covid lockdowns and management of MIQ requirements.

The Committee noted the following points after hearing from submitters:

- The Committee had received good submissions from a wide range of submitters, both presented at the hearing and through written submissions.
- Concerns that a strong approach to off licences should be part of a larger package especially in relation to suburban areas.
- The recent appeal decision might provide further options for Council to consider.
- The Committee would benefit from information on how other LAPs dealt with off licences.
- The evidence provided regarding harm levels before and after implementation was not showing a compelling case for change. While this might be for a variety of reasons, there could be benefits in looking at the hours of opening of off licences to achieve a positive impact.
- The inclusion of monitoring arrangements as part of the LAP should be considered.
- The LAP would only work with collaboration across all agencies, iwi, and licensees. Better data was needed in relation to the Mount spill over effect.
- Provision of more support for the LAP, particularly with collaboration, could be considered e.g. a co-ordinator role.
- The Committee thanked all submitters who had taken the time to submit and appear in person and provided or offered to provide further information. The Committee commended submitters for the broad range of views that had been presented, including hospitality sector owners/workers, hospitality users, community representatives, Mainstreet and Central Business District associations, the health sector and police.
- A clear point had been made that the issue of off licence premises still needed further consultation as part of the LAP process and policy. The need for better collaboration and communication between agencies was also clear.

9 DISCUSSION OF LATE ITEMS

Nil

10 CLOSING KARAKIA

Commissioner Rolleston gave the closing karakia.

The meeting closed at 3.19pm.

The minutes of this meeting were confirmed as a true and correct record at the Strategy, Finance and Risk Committee meeting held on 20 June 2022.

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CHAIRPERSON