

This meeting, [previously scheduled on 18 August 2021], was cancelled due to Covid-19 Alert Level 4 restrictions at the time, and rescheduled accordingly.

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
REGULATORY HEARINGS COMMITTEE MEETING NO. RH21-1
HELD IN THE COUNCIL CHAMBERS, BARKES CORNER, TAURANGA
AND VIA ZOOM (AUDIO / VISUAL LINK) UNDER COVID-19 ALERT LEVEL 2
LIVE-STREAMED ON THURSDAY, 23 SEPTEMBER 2021 AT 1.00PM**

1 PRESENT

Physically

Deputy Mayor J Scrimgeour (Chairperson), Cr G Dally, Cr M Dean, Cr J Denyer, Cr M Grainger, Cr A Henry and Cr M Murray-Benge

Via Zoom

Cr M Gray

2 IN ATTENDANCE

Physically

J Holyoake (Chief Executive Officer), R Davie (Group Manager Policy Planning and Regulatory Services), A Curtis (Compliance and Monitoring Manager), C Watt (Environmental Consents Manager), J Osborne (Governance Support Administrator), and B Clarke (Senior Governance Advisor)

3 APOLOGIES

Nil

4 DECLARATIONS OF INTEREST

Nil.

5 PUBLIC EXCLUDED ITEMS

Nil.

6 HEARINGS

Nil.

7 REPORTS

7.1 ANNUAL REPORT ON DOG CONTROL POLICY AND PRACTICES 2020-2021

The Compliance and Monitoring Manager introduced the report, highlighting key points as follows:

- The Dog Control Act 1996 (the Act) required Council to publicly report on its Dog Control Policy and practices annually. The report detailed activities and fulfilled the statutory requirement for the dog registration year 1 July 2020 to 30 June 2021.

- Following delay due to the recent Covid-19 lockdown protocols, it was helpful the committee was meeting today, as the report was due to the Department of Internal Affairs (DIA) by the 30 September 2021.
- Council was currently consulting on a dog exercise park at Te Puke, the first of its kind for Council. Interesting feedback had been received.
- The dog population in the District continued to grow. This was a positive for Council, in terms of Dog Registration Fees, that helped to fund the activity.
- There had been a drop in the number of dog complaints received, and dog attacks reported over the past year. This was attributed to Covid-19 lockdowns, and underreporting from the public, as the number of incidents did not match Accident Compensation Corporation (ACC) figures.

Staff responded to questions as follows:

- Staff would investigate any complaints of roaming dogs, once areas of concern had been identified.
- In terms of the number of registered dogs increasing by only 27 last year, along with Covid-19 lockdowns, social factors may have contributed. Going out into the community to identify unregistered dogs was a current focus of the team, but there had been limited capacity to do so the previous year.

The following amendment was put and carried at the Council Meeting on 4 November 2021 (Resolution C21-13.9):

- Otanewainuku Forest, controlled by the Department of Conservation (DOC), was not featured in prohibited dog areas, because Council's bylaw only applied to public places owned by Council, such as streets and Council reserves. DOC may choose to approach Council if there was a desire for supporting information relating to the current bylaw.
- Where dog owners had committed offenses under the Act, and had been subject to infringement notices, the provisions allowed Council the option of disqualifying the dog owner or, where there were mitigating circumstances, making them 'probationary' dog owners.

An Elected Member noted that members of the community had expressed appreciation for the work of staff who promoted dog walks and dog entertainment days. The staff were well respected for this work, and were to be congratulated.

RESOLUTION RH21-1.1

Moved: Cr A Henry

Seconded: Cr M Murray-Benge

1. That the Compliance and Monitoring Manager's report dated 18 August 2021, titled 'Annual Report on Dog Control Policy and Practices 2020-2021' be received.
2. That pursuant to Section 10A of the Dog Control Act 1996, the Western Bay of Plenty District Council annual report on Dog Control Policy and Practices for 2020-2021 be adopted and publicly notified.

CARRIED

7.2 ANNUAL REPORT ON WESTERN BAY OF PLENTY DISTRICT LICENSING COMMITTEE 2020-2021

The Compliance and Monitoring Manager introduced the report, highlighting key points as follows:

- This annual report was a direct statutory requirement of the Alcohol Regulatory Licensing Authority (ARLA), which came under the Ministry of Justice. It was provided to ARLA in Wellington, as required under the Sale and Supply of Alcohol Act 2012 (the Act).
- It provided a summary of Council's District Licensing Committee activities for the year 1 July 2020 to 30 June 2021.
- There had been no formal meetings or hearings of the District Licensing Committee in the past year, however, there were a number scheduled for the coming year.
- Council had received a number of applications over the past year, despite Covid-19 lockdown provisions and restrictions on event numbers. As a result, there had been an impact on District Licensing operations, although not financially.

Staff responded to questions as follows:

- The introduction of public advertising of licence applications via Council's website was intended to replace the need for newspaper advertisements, however, Council could not require people to use the website option. They could still publicly notify in the newspaper, if that was their preferred option.
- The District Licensing Committee had two reporting agencies, the NZ Police and the Medical Officer of Health (MOH). The biggest delay had been with the MOH, as their staff had been involved in contact tracing for Covid-19 purposes, and associated activities in terms of managing the pandemic. That was why the provisions for extensions of time had been provided.
- Council had begun the scoping process for the review of its Local Alcohol Policy (LAP). One of the key directions given by Councillors to staff, was that this Council would no longer pursue a joint LAP with Tauranga City Council. Council's Compliance and Monitoring Manager and Liquor Licensing Inspector, would be working closely with the NZ Police and subject matter experts, throughout the review of the LAP. All information provided to Elected Members would have input from the Compliance and Monitoring Team.
- In terms of the report before the Committee today, there was no statutory requirement for Council to report on the LAP, other than to note that a review was required every six years, and this review was currently underway.
- Council had an obligation, through its Liquor Licensing Committee, to implement all requirements under the Act. There was an overriding objective in the Act to reduce alcohol related harm in the community. There were limited mechanisms that Council could apply, through a licensing regime, to be able stop certain practices that may be considered harmful. Those could only be attached to specific conditions that could be reasonably applied to licenses. There was a 'natural justice' provision, so if Council proposed a condition on a License that restricted the way alcohol could be displayed or sold, that had to be agreed with the Licensee. Where it could, Council tried to use these mechanisms to bring about change, but it was an unwieldy tool.
- The Liquor Licensing Inspector's role was to make sure the objectives under the Act were achieved. The relationships the Inspector had with Licensees was one of the key aspects in managing issues that arose. There was a proposal from the Inspector to consider creating an 'Off-license Alcohol Accord', which was an agreement with a Licensee, in particular areas across the District, to set protocols or conditions Council might like to impose. This would be voluntary.
- In terms of public objections and the desire to restrict the number of alcohol outlets, it was a nationwide issue, and something that both the MOH, and other health promotion agencies had expressed concern about. Significant changes to this particular legislation had been made, to bring about more community involvement in licensing decisions, e.g. through Liquor Licensing Committees. The reality was that there were still low levels of engagement from the community in terms of alcohol licensing in their District. There was a national programme attempting to get

communities more involved, with specific agencies working with 'at risk' communities, to help them put through objections to licenses. One issue was around establishing the evidence to show there was harm that would arise from that premise in that locality and gathering that evidence. There were communities that did not put in objections because they viewed the barriers as 'to high'.

- The report utilised a template required to be completed by ARLA. Ideally Council would include the fact that every premise had an annual fee they paid, and the only time that did not align was then the ownership of the business changed.
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RESOLUTION RH21-1.2

Moved: Cr M Dean

Seconded: Cr J Denyer

That the Compliance and Monitoring Manager's report dated 18 August 2021, titled 'Annual Report on Western Bay of Plenty District Licensing Committee 2020-2021' be received and the information noted.

CARRIED

The meeting was declared closed at 1.24pm.

The minutes of this meeting were confirmed at the Council meeting held on 4 November 2021.