

**Report and Minutes of a Meeting of the
PLANNING, FINANCE & COMMUNITY COMMITTEE
held in the Council Chambers, District Administration Building, Seymour Street, Blenheim
on THURSDAY, 7 SEPTEMBER 2017 commencing at 9.00 am**

Present

Clrs T E Hook (Chairperson), J L Andrews, J A Arbuckle, C J Brooks, B G Dawson, M J Fitzpatrick, G A Hope, D D Oddie and L M Shenfield

Also Present

Clr G I T Evans

In Attendance

Messrs M F Fletcher (Chief Financial Officer), D G Heiford (Manager, Economic, Community & Support Services) and Ms N Chauval (Committee Secretary).

Apologies**Clrs Arbuckle/Brooks**

That the apology for absence from Clrs N P Taylor, M A Peters and Mayor J C Leggett and Clr J A Arbuckle for withdrawing early from the meeting and Clr Dawson being absent for part of the meeting be received and sustained.

Carried**A.17/18.83 Declaration of Interests** -

No interests with items on the agenda were declared.

ATTENDANCE: Dr Virgil Troy of SIL Research was present for the following item.

ATTENDANCE: Clr Arbuckle withdrew from the meeting at 9.10 am.

**A.17/18.84 Results of the Resident Satisfaction Survey
2016-2017 F275-A14-03-02**

Dr Virgil Troy, SIL Research presented the Committee with the results of the Annual Resident Satisfaction survey 2017 by way of a powerpoint presentation (presentation filed in Trim Record No. 17168831). A copy of the report was included in the agenda for members' information.

Members were aware that Council undertakes an annual survey of its residents to identify their satisfaction with Council services. It was noted that most Council services have targets for resident satisfaction that are set in the Long Term Plan and reported each year in the Annual Report.

The key results of the 2017 residents satisfaction shows an improvement in the overall satisfaction score (7.6 out of 10) compared to 2016 (7.2). Of the 22 services measured, 15 achieved higher scores, six lower and one had no change. The top three performing services were Drinking Water (8.3) and Emergency Management (8.3) and Sewerage (8.2). Drinking water, followed by Urban storm water drainage showed the biggest improvement in 2017. When individual services were ranked separately public libraries had the highest rating (8.6), followed by Rural Fire Fighting (8.5) this was similar to the previous year. The services with the lowest performance scores were Biosecurity (6.0), Democratic Process (6.4). It was noted that more services improved than went down and that the ones that did go down went down by a very small drop.

It was noted that a new question had been introduced to survey regarding the Long Term Plan. With 60.2% of all residents surveyed indicating they would like to see the Council's involvement with a project or issue in the Long

Term Plan for the next 10 years. The most common issue or project specified was water supply/quality followed by housing and youth support/activities/adequate schools available.

Approximately 45% of those surveyed had been in contact with Council over the past 12 months. The overall satisfaction with their contact was 82.6%, with an average rating for contact at 8.0 on the 1-10 scale.

Clr Brooks referred to questionnaire 2 question 12 in the report which sought views on the services to support regional development. It was noted that there were three options provided with Economic Development being one of those. Clr Brooks suggested that it be further defined to specifically show Smart & Connected and Small Townships as these are becoming more and more in the forefront particularly with small communities. Following general discussion it was agreed that a community element be included in the next survey.

Councillors acknowledged the good work that is being done in the communications area and noted that this is important in maintaining an open and positive relationship with the community.

Clrs Andrews/Brooks:
That the information be received.

Carried

ATTENDANCE: Adi James, Community Advisor – Marlborough Townships was present for the following item.

A.17/18.85 Small Townships Programme Update **R510-022-00, R510-022-23**

The report to the Committee provided an update on the Small Townships Programme, including the Community Projects Fund. To highlight this report a powerpoint presentation was shown (presentation filed in Trim – Record No. 17169046).

Members were advised that the Wairau Valley Information Kiosk was officially opened on 9 August 2017 with around 30 people in attendance. Work is now starting on the loop project which is the final big project to be undertaken.

It was noted that planning is underway to develop an upgrade of Renwick Domain with a workshop held on 17 July 2017, a draft plan has been prepared with consultation underway with relevant sports groups. A final plan to be confirmed in September.

Ms James noted the new banners that were designed by the S+C group have been installed. Investigations have commenced on the new FlagTrax to mark the entrances to Renwick. The flags will be placed at the entrance and exits of the township.

It was noted that planning has been completed for the Ferry Road upgrade and consultation is being undertaken with various Spring Creek groups. Other projects to improve recreation facilities at the river and landscaping Goulard Road are being developed. A draft plan has been completed and copies can be emailed to councillors if requested. Ms James advised that it has yet to be presented to the Spring Creek community.

Progress is continuing with the Havelock Township plan and a draft plan has been completed for the Neil Street/Havelock Domain project and costings are being prepared. Members were advised that consultation with the community will get underway in September 2017.

Members were advised that the 2017 Community Projects Fund has approved ten projects and are working with four communities. The Portage Boat ramp is the first one to be completed and planning is underway in Canvastown, Rai Valley and Seddon. A meeting will be held in Seddon on 25 September to start initial discussions with the community.

Clrs Oddie/Brooks:
That the information be received.

Carried

A.17/18.86 Proposed Marlborough Environment Plan – Late Further Submissions M100-04-01

The report to the Committee sought approval to accept the late further submissions on the original submissions to the Proposed Marlborough Environment Plan.

Members were advised that a further eight submissions have been received after the submission period closed. It was noted that it is not considered that any person will be affected if the late further submissions are accepted at this point in time. They may in fact assist to inform the decision making process by providing relevant information with respect to the effect of applying the notified provisions.

Cllrs Andrews/Oddie:

That the eight further submissions received after 5.00 pm on 23 June 2017, as set out below, be accepted under Sections 37 and 37A of the RMA 1991.

Further Submitter	Date Received
R W Evans	23 June 2017 (after 5pm)
Nelson/Marlborough Branch of the NZ Institute of Surveyors	27 June 2017
B Richmond	28 June 2017
Royal Forest and Bird Protection Society of New Zealand Inc.	28 June 2017
D Dillon	29 June 2017
C Tozer	30 June 2017
Te Ātiawa Manawhenua Ki Te Tau Ihu Trust	6 July 2017
Nelson Marlborough District Health Board	18 July 2017

Carried

ATTENDANCE: Lyne Reeves, Community Development Advisor was present for the following item.

A.17/18.87 Sugar-Sweetened Beverages Policy E350-004-002-01

The report to the Committee sought a review of Council's Sugar-Sweetened Beverages Policy which was adopted in February 2015.

It was noted that following Dr Rob Beaglehole's presentation to Council on the impact on the community of sugar sweetened beverages in 2014, Council agreed to adopt a Policy that related to Council workplace and events where Council is the primary funder. The policy was attached to the agenda for members' information. Council has also adopted an advocacy and promotion role with organisers of events and functions at Council owned venues and facilities.

Members were advised that the Nelson Marlborough DHB recently met with the Mayor and asked that Council expand the scope of the policy. These changes would be to change the wording from sugar sweetened beverages to sugary drinks, extend the scope of the policy to exclude sale or provision of artificially sweetened beverages, flavoured water, smoothies and juices in line with the DHB's policy and include commercial providers operating in Council owned premises. The NMDHB policy was attached to the agenda for members' information.

Ms Reeves advised that Council had a number of options to consider. These were whether to readopt the policy as is and continue to have an advocacy and leadership role, make changes to the policy that reflect the NMDHB policy in part or in full or not to readopt the policy.

Following considerable discussion with the majority of members noting that they were comfortable where the policy was at present and that broader education on the health issues associated with excessive consumption of sugary drinks is important. It was suggested that Council had a duty to take a lead on this issue by making its position clear on the consumption of sugary drinks.

Cllrs Brooks/Andrews:

That Council readopt the Sugar-Sweetened Beverages Policy and continue to have an advocacy and leadership role.

Carried

ATTENDANCE: Mike Porter, Democratic Manager was presentation for the following item.

A.17/18.88 Liquor Ban (Alcohol Control) Bylaw Review

L225-01

The report to the Committee sought consideration on whether a review of the Liquor Ban Bylaw is required under the Local Government Act 2002.

It was noted that the Act requires Council to review its bylaws in order to determine that they are still necessary, appropriate and meet the purpose for which they were designed.

Members were advised that the current Liquor Ban bylaw gives Council the power to prohibit the consumption and possession of alcohol in public places, including the consumption and possession of alcohol in vehicles in those public places.

It was noted that the original bylaw was made based on information and concerns raised with the problem being identified as general concerns at the increasing levels of disorderly behaviour and criminal offending allegedly linked to the consumption of alcohol in public places.

Members were advised that the Bylaw has been successful but there are still breaches of the Liquor Ban happening some weekends.

It was proposed that the only changes to the bylaw required are to bring it in line with the Sale and Supply of Alcohol Act 2012 and other recent Council bylaw formatting. It was noted that the basis of this particular bylaw has been tested through the courts on a number of occasions and found to be legally competent.

Members were advised that it is also considered that the name of the Bylaw should be changed to Alcohol Control to again reflect the Sale and Supply of Alcohol Act 2012.

Mr Porter advised members that a decision was required to determine whether the Council wished to continue with a bylaw and depending on the outcome of that whether the Special Consultative Procedure would be undertaken. Following discussion it was agreed that Council wished to continue with the bylaw.

It was noted that the Police have made an indication that they wish to widen the alcohol ban area and Mr Porter advised that this will be addressed in the near future.

In response to a query on whether the alcohol ban could apply to specific areas ie parks/reserves, Mr Porter advised that the bylaw does allow us to apply it to specific areas as well as setting different hours and times of the day for these spaces. He also advised that for special events ie; Sauvignon Blanc Day the bylaw can be overridden for such events.

Clrs Shenfield/Brooks

- 1. That Council agree the attached (refer Appendix 1) Alcohol Control Bylaw 2017, in terms of section 155 of the Local Government Act 2002:**
 - (a) is the most appropriate way of addressing the perceived problem of disorderly behaviour and criminal offending linked to the consumption of alcohol in public places; and**
 - (b) is the most appropriate form of bylaw; and**
 - (c) does not give rise to any implications under the New Zealand Bill of Rights Act 1990.**

Following general discussion it was agreed that the special consultative procedure be undertaken from 22 September 2017 until 24 October 2017 and that the Statement of Proposal and Summary of Information be adopted and that a sub-committee be formed to hear and deliberate on any submissions made.

Mr Porter suggested that The Mayor, Clrs Shenfield and Taylor be considered as members of this sub-committee and noted that it is also open to other councillors. Clr Hope indicated that he would like to be considered for this sub-committee and members agreed. It was also suggested that Clr Brooks be part of the sub-committee but declined noting that Clr Hope is a rural delegate and can suitably speak on that behalf.

Clrs Andrews/Brooks:

- 1. That the report be received.**

2. That the separately attached proposed Statement of proposal (Refer Appendix 2) be adopted, subject to any changes the Committee resolves.
3. That the separately attached proposed Summary of Information (Refer Appendix 3) be adopted, subject to any changes that the Committee resolves.
4. That the period within which submissions may be made to the Council in the course of the Special Consultative Procedure be from 22 September 2017 until 24 October 2017 (inclusive).
5. That a sub-committee consisting of The Mayor, Cllr Shenfield, Hope and Taylor to be confirmed and any other interested Councillors be formed to hear and deliberate on any submissions made.

Carried



This bylaw is made under the Local Government Act 2002.

Explanatory Note

The Local Government Act 2002 gives Council the power to control the consumption and possession of alcohol in public places. The Council can use this power generally, to create ongoing alcohol bans in public places, or to ban alcohol for one-off special events or occasions in public places.

The aim of this bylaw is to control the consumption of alcohol in those public places where Council is concerned that the possession of alcohol in the public place, whether generally or over a specified period may result in disorderly behaviour and criminal offending.

1. Title

This bylaw is the Marlborough District Council Alcohol Control Bylaw 2017.

2. Commencement

This bylaw comes into force on [date].

3. Application

This bylaw applies to all public places in the Marlborough District.

4. Definitions

For the purposes of this bylaw, the following definitions will apply:

alcohol has the meaning given by section 147(1) of the Local Government Act 2002, being the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012:

*[Explanatory Note: in section 5(1), **alcohol** means a substance—*

- (a) *that—*
 - (i) *is or contains a fermented, distilled, or spirituous liquor; and*
 - (ii) *at 20°C is found on analysis to contain 1.15% or more ethanol by volume; or*
- (b) *that—*
 - (i) *is a frozen liquid, or a mixture of a frozen liquid and another substance or substances; and*
 - (ii) *is alcohol (within the meaning of paragraph (a)) when completely thawed to 20°C; or*
- (c) *that, whatever its form, is found on analysis to contain 1.15% or more ethanol by weight in a form that can be assimilated by people:]*

Council means the Marlborough District Council:

licensed premises has the meaning given by section 147(1) of the Local Government Act 2002, being the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012:

*[Explanatory Note: in section 5(1), **licensed premises** means any premises for which a licence is held]*

public place has the meaning given by section 147(1) of the Local Government Act 2002:

[Explanatory Note: in section 147(1), **public place**—

- (a) means a place that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from it; but
- (b) does not include licensed premises.

"Specified public place" means a public place specified by Council by resolution from time to time in accordance with clause 1 of this bylaw:

"Specified period" means a period specified by Council by resolution from time to time in accordance with clause 1 of this bylaw and, if there is no such period specified, means at any time:

1. RESOLUTION TO SPECIFY PUBLIC PLACES

- (1) Council may specify, by resolution, publicly notified, the public places in which the prohibitions and controls in this bylaw will apply.
- (2) Council may specify, by resolution, publicly notified, periods during which alcohol may not be possessed, consumed or brought into any specified public place or in any vehicle in any specified public place.
- (3) A resolution made under clause (1) or (2) may specify that the prohibitions and controls in this bylaw will apply to the specified public places either generally, or only in relation to specified periods or events.
 - 1.1 A resolution made under clause (1) or (2) may be made, amended or revoked at any time.
 - 1.2 Before specifying a public place under clause (1) or a period under clause (2), the Council will consider:
 - 1.2.1 Whether alcohol is likely to be present in the public place on the days or periods proposed to be specified; and
 - 1.2.2 Information about the nature of the locality and the reasons why the prohibition is being sought:
 - 1.2.3 The scale and nature of the area proposed for the ban or other control:
 - 1.2.4 Whether or not private rights will be unnecessarily or unjustly invaded:
 - 1.2.5 Whether it is necessary to consult the public to gauge community views on the issue.

2. ALCOHOL PROHIBITION

No person may, either generally, or where a specified period applies, in that specified period:

- (a) consume any alcohol in a specified public place:
- (b) bring any alcohol into any specified public place:
- (c) possess any alcohol in any specified public place.
- (d) consume or possess any alcohol in a vehicle in a specified public place.

[Explanatory Note: This bylaw does not regulate, control or prohibit, as provided for in section 147(5) of the Local Government Act 2002, **in the case of alcohol in an unopened container:**

- (a) The transport of the alcohol from licensed premises next to a public place if—
 - (i) it was lawfully bought on those premises for consumption off the premises; and
 - (ii) it is promptly removed from the public place:
- (b) The transport of the alcohol from outside a public place for delivery to licensed premises next to the public place:
- (c) The transport of the alcohol from outside a public place to premises next to a public place by, or for delivery to, a resident of the premises or by his or her bona fide visitors; or
- (d) The transport of the alcohol from premises next to a public place to a place outside the public place if—
 - (i) the transport is undertaken by a resident of those premises; and
 - (ii) the alcohol is promptly removed from the public place.]

3. POWERS OF THE POLICE

In addition to their general powers under sections 169 and 170 of the Local Government Act 2002, any member of the New Zealand Police may exercise the power under section 170(2) of that Act (to search a container or vehicle without further notice) on specified dates, or in relation to specified events which may be notified by the Council from time to time in accordance with section 170(3) of the Act.

4. OFFENCES

Every person who breaches this bylaw, commits an infringement offence under section 239A of Local Government Act 2002, and is liable to an infringement fee.

5. BYLAWS NOT TO LIMIT OR AFFECT OTHER ENACTMENTS

This bylaw does not limit or affect the requirements in or under any other enactment.

6. REVOCATION

The Marlborough District Council Liquor Ban Bylaw is revoked.

7. SAVINGS

Any resolutions, approvals, permits or other acts of authority made under Marlborough District Council Liquor Ban Bylaw, current at the time of revocation of that bylaw, remain in force on their terms until amended, replaced or revoked by Council.

Explanation of Bylaw Provisions

Definitions

The bylaw contains a number of definitions. These definitions have been included to ensure ease and clarity of understanding relating to the conditions set out in the bylaw.

Exceptions to the alcohol controlled areas

The Local Government Act 2002 provides that bylaws for the control of alcohol cannot prohibit the transportation of alcohol to or from private premises (including business premises) within the alcohol controlled areas. This is to ensure that businesses are able to continue to trade (for example alcohol outlets) enabling businesses to receive stock (for example restaurants to receive deliveries of wine), and allowing BYO patrons to take alcohol to a restaurant to consume with a meal. These exceptions also allow residents and their visitors to transport alcohol to or from their residences within the alcohol controlled areas. Clauses to this effect have been included in the bylaw for information purposes only.

Police enforcement and police powers

The LGA 2002 provides two specific provisions for enforcement of the Alcohol Control Bylaw by the police. Before exercising the power of search and seizure the police must provide the person with the opportunity of removing the container or the vehicle from the public place. These powers of search apply to all alcohol controlled areas unless otherwise specified.

Fines for breach of bylaw

A fine is the only available penalty option for breach of bylaw under section 239. The court has a general discretion to impose a fine up to the maximum amount of up to \$20,000.

Specific criteria for adding alcohol controlled areas

The proposed bylaw provides specific criteria for the implementation of alcohol controlled areas. These criteria have been included in the proposed bylaw to ensure a consistent approach to specifying public places in which the controls apply and to ensure that the continuance and introduction of any further alcohol controlled areas are reasonable - that there is demonstrable need for the alcohol controlled area. These criteria are in addition to the decision making criteria required by the Act. Currently there are 24/7 bans in place in both Blenheim and Picton CBDs. These will be reviewed.

These criteria allow for information from a wide range of sources to be included in the needs assessment for further alcohol controlled areas, allowing Council to act on information provided by the community in addition to information held by the police. This process will ensure that all relevant information, including the nature of the locality, the situation in which the alcohol controlled area is to be applied, and whether or not public and private rights are unnecessarily or unjustly invaded will be considered. Council must also follow the decision making criteria set out in section 76 of LGA 2002.

Appropriateness of consultation

The proposed bylaw contains a requirement that before specifying a public place the Council will consider whether it is necessary for it to consult with the public. The level of consultation required, if any, will depend on the community views already known to the Council and if undertaken, will be relative to the level of significance of the proposed control as indicated by analysis of Council's Significance Policy.

Procedure for adding or removing alcohol controlled areas

LGA 2002 provides Council with the power to leave any matter or thing to be regulated, controlled, or prohibited by the local authority by resolution either generally, for any specified classes of case, or in a particular case (section 155(2)). The proposed bylaw has incorporated this into the procedure for adding or removing alcohol controlled areas. These powers provide Council with greater flexibility for introducing or removing alcohol controlled areas without incurring the significant burden of the process for amending or removing a bylaw. For example it would be cumbersome, time consuming, costly and inconvenient for Council to undertake the full special consultative process to amend the bylaw to introduce a temporary event alcohol controlled area.

Ongoing liquor bans

The bylaw contains powers for ongoing alcohol controlled areas. These powers will be used to maintain the current CBD alcohol controlled areas and implement further alcohol controlled areas if deemed appropriate.



Statement of Proposal

Introduction

The Marlborough District Council has reviewed its current Liquor Ban Bylaw and has determined that the proposed Alcohol Control Bylaw 2017 will be introduced to prohibit the consumption and possession of alcohol in some public places.

Section 147 of the Local Government Act 2002 (the Act) provides for Council to make a bylaw for alcohol control purposes in relation to any public place under the control of Council.

The LGA 2002 requires that Council follows the special consultative procedure to make the proposed bylaw. This Statement of Proposal has been prepared in accordance with the requirements set out in section 86 of LGA 2002 for the adoption of the special consultative procedure.

It includes:

- the reasons for the proposal
- consideration of whether a bylaw is the most appropriate way to address the perceived problem
- whether the proposed bylaw is the most appropriate form of bylaw
- implications under the New Zealand Bill of Rights Act 1990
- a draft of the proposed bylaw.

Reason for proposal

The process to review Bylaws is set out in ss 158 and 160 of the Act. A review of a Bylaw requires that the Council make the determinations in s155 and then whether the Bylaw is to be continued without amendment, be amended or revoked, or revoked and replaced, the Special Consultative Procedure must be used. The Act sets out the procedural requirements for making, amending or revoking Bylaws (ss 155 and 156). In each case, the Special Consultative Procedure must be used as set out in ss 83 and 86 of the Act.

Problem Definition

Based on information and concerns raised by the Police; Councillors; Alcohol Licensing Agencies and members of the public, the problem has been identified as general concerns at disorderly behaviour and criminal offending linked to the consumption of alcohol in public places. Concerns include issues relating to:

- public safety
- perceptions of safety
- public nuisance
- noise
- violence
- property damage
- vandalism and litter

Desired Outcome

Based on the information provided and the nature of the problem, the desired outcome is the reduction and or mitigation of disorderly behaviour and criminal offending linked to the consumption of alcohol in public places. It is necessary to note that drinking is not the problem per se but rather the resulting problems fueled by the consumption of alcohol in public places. The disorderly behaviour and criminal offending linked to consumption of alcohol in public places is detrimental to the social, cultural, economic and environmental wellbeing of the Marlborough District.

Identification of practicable strategies

As part of its decision making process Council is required by the Act to identify and assess all reasonably practicable strategies that could provide the desired solution. Current literature recognises that use of alcohol controlled areas is one mechanism for dealing with this problem, however a multifaceted approach with the use

of additional mechanisms to support alcohol control is recommended. The following potential strategies could address the perceived problem:

- Public education
- Resource Management Plan amendments
- Fund private security patrols
- Use of (and once operating review level) of security cameras
- Advocate for more Police
- Retain an alcohol control bylaw

In order to assess the ability of the strategies to address the defined problem staff have followed the legislative requirements in relation to decision making as set out in section 77 of LGA 2002. Staff have assessed these strategies in terms of the following criteria:

- The benefits and costs of each strategy in terms of the present and future social, economic, environmental, and cultural well-being of the Marlborough District
- The extent to which community outcomes would be promoted or achieved in an integrated and efficient manner by each strategy
- The impact of each strategy on the Marlborough District's capacity to meet present and future needs in relation to its statutory responsibilities
- Any other matters relevant to the Marlborough District

The analysis of the strategies indicates that no single approach will be effective in reducing public disorder and criminal offending linked to the consumption of alcohol in public places. Council's use of alcohol controlled areas will be strengthened by use of public education and Council initiatives advocating for more police. This approach is recommended by the National Alcohol Strategy.

Most appropriate form of bylaw

In drafting the bylaw, the council must determine whether the proposed bylaw is the most appropriate form of bylaw. Council believes it has developed the most appropriate form of bylaw. In retaining the current bylaw without significant change Council has considered the following issues:

Significance

Under LGA 2002 Council must consider the significance of an issue, decision or matter in accordance with Council's significance policy. The significance of an issue helps determine the extent of compliance with the decision-making requirements.

Legal advice from around the country has indicated that the decision to retain the bylaw is likely to be considered to be reasonably significant by the community. The bylaw sets out the process that Council will use to introduce specific alcohol controlled areas.

The views and preferences of the public

Council is bound to consider the views and preferences of persons likely to be effected by, or to have an interest in the proposed bylaw. As a coercive power the Alcohol Control Bylaw prohibits the consumption of alcohol in specific public places at specific times. Potentially every resident or visitor to Marlborough will be positively or negatively affected by the implementation of alcohol controlled areas by Council.

Council's experience and evaluation to date identified that there is community support for the use of alcohol controlled areas. Consultation and communication about the proposed bylaw needs to provide opportunities for the views and preferences of all persons likely to be effected to be captured in the public consultation on the proposed bylaw.

New Zealand Bill of Rights Act 1990

In addition to the considerations undertaken above, the proposed bylaw must meet the legal standards of reasonableness, and cannot be inconsistent with the freedoms protected and affirmed in the New Zealand Bill of Rights Act 1990. The proposed bylaw may indirectly impact on the freedom of movement affirmed in section 18 of that Act. However, on balance, the limits imposed on that freedom of movement are reasonable and justifiable in the circumstances as allowed for in section 5 of the Act. On this basis it is concluded that the proposed bylaw does not breach or unnecessarily interfere with rights protected by that Act.

DRAFT

Statement of Proposal

Summary of Information

Marlborough District Council is seeking feedback on its proposed Alcohol Control Bylaw 2017. Council has determined that a bylaw is the most appropriate method to address the problem of disorderly behaviour and criminal offending linked to the consumption of alcohol in public places.

Council has reviewed its current bylaw in accordance with Local Government Act 2002 and decided that the only changes from the current bylaw required are to bring it in line with the Sale and Supply of Alcohol Act 2012 and other recent Council bylaw formatting. The bylaw gives Council the power to prohibit the consumption and possession of alcohol in public places, including the consumption and possession of alcohol in vehicles in those public places. Alcohol Controlled Areas will be imposed by Council resolution subject to the proposed area meeting the specific criteria for the implementation of alcohol controls in the bylaw.

The proposed Alcohol Control Bylaw 2017 includes exception clauses that allow for the transportation of alcohol to or from private premises adjoining those public places which are alcohol controlled areas. The bylaw includes explanations and definitions to ensure ease and clarity of understanding of the conditions set out in the bylaw.

The proposed bylaw will be enforced by the police. Before exercising the power of search and seizure in the bylaw the police must provide the person stopped with the opportunity of removing the container or the vehicle from the public place. These powers of search apply to all alcohol controlled areas unless otherwise specified. People will have the opportunity to remove any alcohol found from the public place within the alcohol controlled area. Failing to do so can result in arrest, and if convicted the maximum fine is \$20,000.

The Council can, however, provide that the police may immediately exercise their power to search without further notice on specified dates or in relation to specified events. To empower the police to exercise these powers, the proposed bylaw proposes that Council must specify in a public notice, the public place where, and the period when this power may be exercised by the police. Notice must be given at least 14 days in advance of this period. Council must indicate the location of the public place by one or more clearly legible signs in one or more conspicuous places on, or adjacent to, the place to which the notice relates, unless it is impracticable or unreasonable to do so.

A full Statement of Proposal (including the proposed bylaw) can be viewed on Council's website at www.marlborough.govt.nz or by contacting Marlborough District Council on 03 520 7400, email to mdc@marlborough.govt.nz, or by mail at PO Box 443, Blenheim 7240.

You can make a submission online at www.marlborough.govt.nz or you can collect a form from Council offices. Completed forms can be emailed to dlc@marlborough.govt.nz, submitted by hand, or posted to the Picton or Blenheim Council offices:

15 Seymour Street
Blenheim 7201

67 High Street
Picton 7220

Your submission should clearly state—

- the part of the proposed Bylaw the submission point relates to;
- whether you support or oppose the provision;
- the reasons for supporting or opposing the provision; and
- whether or not you wish to be heard in support of your submission.

Submissions must be made to Council by Tuesday 24 October 2017. If you wish to speak to your submission, the hearing date is proposed to be within a fortnight of the closing date. You will be contacted prior to the hearing date to arrange a time to speak.

A.17/18.89 Sister City Sub-Committee

D050-001-S02

The Sister City Sub-Committee minutes of 21 July 2017 were presented for ratification by the Committee.

Clr Hope advised members on the current Ningxia visit and noted that there had been a budget carry over which has assisted in funding members for this delegation. It was noted that the make-up of the delegation is important in fostering links between the two areas.

It was noted that the Mayoress forms part of this delegation and Clr Evans suggested that funding be made available for her in future. Members were supportive of this suggestion, however, Clr Hook advised that there needed to be further discussion and it should be raised at the next Sister City Sub-committee meeting where a recommendation be formed for Full Council approval and this was agreed to.

It was also suggested that a proposal be put forward that future funding be made available for the Mayoress to attend Council wide events/functions in an official capacity.

Clr Shenfield noted that there was budget that hadn't been spent and was identified as going to Sister City Reserves and queried whether this was the most suitable budget line. Mr Porter advised that the Sister City Reserves is project based which meant that it could be used to do work at Harling Park or other areas deemed appropriate by the committee.

Clrs Hope/Dawson:

That the Minutes of the Sister City Sub-Committee meeting held on 21 July 2017 be ratified.

Carried

ATTENDANCE: Clr Dawson withdrew from the meeting at 10.19 am.

A.17/18.90 Housing for Seniors Sub-Committee

D050-001-H01

The Housing for Seniors Sub-Committee minutes of 20 June 2017 were presented for ratification by the Committee.

In response to a query on whether unit inspections needed to be carried out more frequently than annually, Clr Brooks advised that Age Concern visits the units on a regular basis and any issues that come to light are identified to APL who action as appropriate.

It was noted that the next meeting for the Sub-Committee is 24 October.

Clrs Brooks/Andrews:

That the Minutes of the Housing for Seniors Sub-Committee meeting held on 20 June 2017 be ratified.

Carried

A.17/18.91 Audit & Risk Sub-Committee

D050-001-A05

The Audit & Risk Sub-Committee minutes of 29 June 2017 were presented for ratification by the Committee.

Clr Hook advised that for Item 8 of the minutes he was recorded as being the seconder for this recommendation. This is incorrect and needs to be amended as he was not present at the meeting.

Clrs Shenfield/Hope:

That the Minutes of the Audit & Risk Sub-Committee meeting held on 29 June 2017 be ratified.

Carried

A.17/18.92 Long Term Plan (LTP) Working Group

F230-L18-06

The notes of the Long Term Plan (LTP) Working Group meeting held on 15 August 2017 were presented for ratification by the Committee.

A correction was noted for Item 1 Recommendation 2 date change from 2017-2018 to 2018-2028. Recommendation to now read – **A consultation plan be developed for the 2018-2028 LTP for consideration initially by the Working Group.**

There was general discussion on the recommendations that have come out from this meeting and noted that they are what the Financial Team look to work on going forward. It was noted that further discussion can be had at this meeting to ensure that all Councillors are happy with the decisions made. Cllr Brooks noted that she does have some concerns as she has been unable to attend the meetings due to other commitments, however, will attend future meetings.

In response to a query on when new valuations would be out, Mr Fletcher advised members that he has met with the Deputy Valuer General as part of their audit which must be completed before valuations are released. Mr Fletcher advised that no significant issues had been identified. He advised that the revaluation data should be received by Council on 18 September and that he hoped to be able to present the rating impacts of valuation changes to the LTP Working Group meeting of 25 September. If everything goes to plan, Valuation Notices will be posted on 27 September.

Cllrs Shenfield/Oddie:

That the Notes of the Long Term Plan (LTP) Working Group meeting held on 15 August 2017 be ratified.

Carried

ATTENDANCE: Cllr Brooks withdrew from the meeting at 10.30am.

A.17/18.93 2016/17 Budget Carry-Overs

F225-007-01

The report to the Committee sought approval for 2016/17 budget carry-overs to be incorporated into the 2017/18 budgets.

Members were advised that a number of grants and projects scheduled for completion in the 2016/17 year were either not made or not completed for a variety of reasons. The reasons for this were detailed in the report contained in the agenda.

Since funding for these works was determined in the 2016/17 budget within the 2016/17 Annual Plan it is now necessary to amend the 2017/18 budgets to reflect these 'carry-overs'.

There is no rating impact arising from the carry-over action.

Cllrs Oddie/Fitzpatrick:

That the 2017/18 budgets be amended to incorporate the 2016/17 carry-overs.

Carried

During the above item an insufficient number of committee members were present to form a quorum. Discussion continued on the item '2016/17 Budget Carry-Overs' and the recommendation was passed once a quorum was present.

A.17/18.94 Interim Financial Report for Council – Year Ended

30 June 2017

F275-002-17

Martin Fletcher, Chief Financial Officer presented Council's financial report for the period ended 30 June 2017.

It was noted that the income and expenditure figures were left off the report in the agenda and were subsequently circulated separately to members.

The interim results for the year ended 30 June 2017 show an operating surplus of \$6.2M which is \$2.68M higher than the budgeted surplus for the year including Council's approved 2015-16 Carry Forwards and net of \$8.64M of non-operational revenue/expenditure which is non-cash or committed for/from reserves or capital.

Total MDC operating income for the year is ahead of budget by \$7.3M (8%) after allowing for non-operational revenue. Total MDC operating expenditure is ahead of budget by \$4.62M (-5%) after allowing for non-operational expenditure. Comments were provided on variances greater than \$100,000.

Members were advised that budgeted capital expenditure for the year is \$71.7M including \$22.64M of carryovers from the 2015-16 financial year. Actual net expenditure of \$44.02M is higher than last year (\$23.14M) and \$27.69M less than budgeted for the year.

It was noted that requests for deferrals and carryovers to 2017-2018 of approximately \$35.96M will be presented to the next Council Committee meetings.

Clrs Shenfield/Oddie:

That the interim financial report for the period ended 30 June 2017 be received.

Carried

ATTENDANCE: Cllr Dawson rejoined the meeting at 10.49 am

A.17/18.95 Information Package -

Cllr Hook noted that the committee would like Glenn Webster, District Libraries Manager, to provide a report to the committee at its next meeting. Dean noted that it had been agreed that Glenn will provide a report at every second meeting to update councillors.

Clrs Shenfield/Andrews:

That the Planning, Finance & Community Information Package dated 7 September 2017 be received and noted.

Carried

A.17/18.96 Decision to Conduct Business with the Public Excluded -

Clrs Shenfield/Oddie:

That the public be excluded from the following parts of the proceedings of this meeting, namely:

- Confirmation of public excluded minutes
- Trustee Appointment
- Director Appointment

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
Minutes	As set out in the Minutes and Reports	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under Section 7 of the Local Government Official Information and Meetings Act 1987.
Trustee Appointment Director Appointment	In order to protect the privacy of natural persons, as provided for under Section 7(2)(a).	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under Section 7 of the Local Government Official Information and Meetings Act 1987.

Carried

A.17/18.97 Civic Theatre Update – Year End Financial Result

The Civic Theatre Year End Unaudited Financial result was circulated to members. It was noted that there is a deficit of \$43,211 to 30 June 2017 which is a good result bearing mind the Community Subsidy was originally budgeted at \$165,491 and the actual was just over \$100,000 higher. It was noted that depreciation is a non-cash expense so the Theatre's cash position has improved by over \$100,000 from operations.

Mr Fletcher advised that it is anticipated that the Trust will present their Audited Financial Statements to the next Planning, Finance & Community meeting scheduled for 19 October along with their new Strategic Plan.

It was noted that the Board has approved the 2017/18 budget with the current level of assistance provided by Council being adequate.

Members were advised that the Board has approved the restructure undertaken which has aligned resources with the Theatre's Strategic Plan. It was noted that the total number of Full Time Equivalent positions remains unchanged. Six new positions were created - Three have been filled by existing staff and recruitment is underway for the remaining three.

In follow-up to a query from Cllr Shenfield on repairs and maintenance Mr Fletcher circulated the following information after the meeting:

Repairs and Maintenance – Year ended 30 June 2017

Budget	\$25,200
Actual	\$12,583

Year ended 30 June 2018

Budget	\$10,200
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The meeting closed at 11.10 am.

Record No: 17168649