



Waitakere City Council  
*Te Taiao o Waitakere*

## NOTICE OF MEETING

# COUNCIL

I hereby give notice that a Meeting of the Council will be held on:-

**DATE:**            **Wednesday, 15 February 2006**                            **TIME:**                            **9.30 am**

**VENUE:**        **Civic Centre, 6 Waipareira Avenue, Lincoln, Waitakere City**

to consider the business as set out herein and to take any necessary action connected therewith.

10 February 2006

Audrey Chan  
**COMMITTEE SECRETARY**

Telephone (09) 836 8000 extn 8603

### MEMBERSHIP:

Mayor	RA	Harvey, QSO, JP
Deputy Mayor	CA	Stone
Councillors	DQ	Battersby, JP
	MFP	Chan, JP
	JM	Clews, QSO, JP
	RI	Clow
	LA	Cooper
	AK	Corban, OBE, JP
	RP	Dallow, QPM, JP
	WW	Flaunty, QSM, JP
	DE	Gilmour
	PA	Hulse
	JP	Lawley
	VS	Neeson, JP

(Quorum 8 members)

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(The reports and recommendations contained in all agendas are reports and recommendations only and are not to be construed, in any way, as Council policy until adopted.)

**AGENDA FOR A MEETING OF THE COUNCIL TO BE HELD IN THE CIVIC  
CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,  
ON WEDNESDAY, 15 FEBRUARY 2006  
COMMENCING AT 9.30 AM**

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**1 APOLOGIES**



**2 URGENT BUSINESS**

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 provides that where an item of business is not on the agenda, it may only be dealt with at the meeting if:

- (i) the Council by resolution so decides; and
- (ii) the Chairperson has explained at the beginning of the meeting (when open to the public) that the item will be raised for discussion and decision, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting.

The Council may make a decision on a matter determined to be urgent.

**NOTE:** Urgent Business need not be dealt with now and may be delayed until later in the meeting.



**3 2004 WAITAKERE CITY COUNCIL ELECTIONS: EARLY PROCESSING AND ORDER OF CANDIDATES NAMES ON VOTING PAPERS**

**PURPOSE OF THE REPORT**

The purpose of this report is to seek Council approval for the early processing of the returned voting documents used at the Waitakere Ward By-Election, to be held on Friday, 21 April 2006. A decision is also sought as to the order in which candidates' names are to be shown on the voting documents used at that election.

**BACKGROUND**

**(a) Early Processing**

Section 79 of the Local Electoral Act permits a local authority to process (but not count) returned voting documents over the voting period (Thursday, 30 March 2006 to Friday, 21 April 2006).

**(b) Order of Candidates' Names on Voting Documents**

Formerly, candidates' names were required to be listed on the voting documents in alphabetical order, by surname.

Clause 31 (1) of the Local Electoral Regulations 2001 now allows Council to decide whether the names are to be arranged on the voting documents in Alphabetical Order of Surname, pseudo-random order or random order. In the absence of any Council resolution approving another arrangement, the candidates' names must be arranged in Alphabetical Order of Surname.

**(c) System of Election**

On 28 August 2002 Council resolved by Resolution 2649/2002 to retain the First Past the Post system of election for the 2004 Triennial Elections. In terms of Section 27 of the Local Electoral Act 2001 this also applies to any associated elector to fill any extraordinary vacancy. Furthermore, Council resolved on 31 August 2005 by Resolution 1584/2005 to retain the First Past the Post System for the 2007 Triennial Election. Accordingly First Past the Post will be the system used for the Waitakere Ward By-Election to be held on Friday, 21 April 2006.

**(d) Method of Voting**

In terms of section 36 of the Local Electoral Act 2001, unless Council resolves otherwise the voting method used in all elections conducted by Council will be postal voting. In order to retain consistency with the method used in the 2007 Triennial Election. Council is not being asked to consider any change at this time, so as to retain the default provision for postal voting for the Waitakere Ward By-Election to be held on Friday, 21 April 2006.

**ISSUES**

**(a) Early Processing**

Early processing of voting documents was introduced for the 1998 Waitakere City elections (but restricted to 84 hours before the close of voting) and was used very successfully throughout the country. Because of the success of early processing in 1998 and the benefits which early processing provides, the early processing period was subsequently increased to the whole three-week voting period now provided under the current legislation. The immediate benefit of adopting early processing is that much, if not all, of the cumbersome and time consuming task of extracting and checking the voting documents is undertaken progressively over the 22½ day voting period (under strict security and under the supervision of a Justice of the Peace). This means a quicker and more accurate result can be achieved on polling day.

**(b) Order of Candidates' Names on Voting Documents**

The features of the three arrangements of Alphabetical Order of Surname, pseudo-random order or random order are described below:

Arrangement 1 - Alphabetical Order of Surname

This is the order that has been required to be used at previous elections, and is self-explanatory. This arrangement has worked well in the past and is recommended for this By-Election.

### Arrangement 2 - Pseudo-Random Order\*

Under this arrangement, the candidates names for each issue are placed in a hat (or similar receptacle) mixed together, and then drawn out of the receptacle, with the candidates' names being placed on all voting documents in that issue in the order in which they are drawn.

(\*Note: Although the term "pseudo-random order" is used in the Local Electoral Regulations to describe this arrangement, this is a somewhat imperfect description, in that the term "pseudo-random" is understood by mathematicians and/or information technology specialists to have a quite different meaning.)

### Arrangement 3 - Random Order

Under this arrangement, the names of the candidates for each issue are shown in a different order on each and every voting document, utilising software that permits the names of the candidates to be laser printed in a different order on each paper.

The Local Electoral Regulations 2001 provide that if a local authority has determined that pseudo-random order or random order is to be used, the Electoral Officer must state, in the public notice required to be given, the date, time and place at which the order of the candidates names will be arranged. Any person is entitled to attend while the arrangement is in progress.

On 17 December 2003, Council resolved to use Alphabetical Order of Surname for the 2004 Triennial Elections. Accordingly, for consistency, it is recommended that Council use this arrangement for the Waitakere Ward By-Election to be held on Friday, 21 April 2006.

## **RESOURCES**

The cost of printing the voting documents employing either Arrangement 1 or Arrangement 2 will be identical. Should Council adopt Arrangement 3 (random order) there will be some increase in cost, because of the need to individually laser print each voting document. While it is not yet possible to give an estimate of the likely additional costs that will arise from this arrangement, they are not expected to be substantial. No additional costs will be incurred by undertaking early processing.

## **CONCLUSION**

### **(a) Early Processing**

The Council is required to determine that it will permit early processing of returned voting documents over the voting period as allowed for under Section 79 of the Local Electoral Act 2001. The Electoral Office strongly recommends that approval for early processing be given.

### **(b) Order of Candidates' Names on Voting Documents**

Formerly, candidates' names were required to be listed on the voting documents in alphabetical order, by surname. Council now has the option to continue with that arrangement or adopt a pseudo-random or random arrangement. The default position is that candidates' names must be arranged in Alphabetical Order of Surname. This is the arrangement adopted by Council for the 2004 Triennial Elections and therefore the arrangement recommended for the Waitakere Ward By-Election to be held on Friday, 21 April 2006.

## **RECOMMENDATIONS**

1. That the Waitakere Ward By-Election: Early Processing and Order of Candidates' Names on Voting Documents report be received.
2. That the returned voting documents for the Waitakere Ward By-Election to be held on Friday, 21 April 2006 be processed during the voting period, such early processing to be undertaken in accordance with Section 79 of the Local Electoral Act 2001, the Local Electoral Regulations 2001 and the Society of Local Government Managers' Code of Good Practice for the Management of Local Authority Elections and Polls.
3. That Council determine that the order the names of the candidates at the Waitakere Ward By-Election to be held on Friday, 21 April 2006 are to be arranged in Alphabetical Order of Surname.

Report prepared by: Charlie Inggs, Acting Electoral Officer.



## **4 COMMITTEE APPOINTMENTS**

### **PURPOSE OF THE REPORT**

The purpose of this report is to enable the Council to consider committee appointments following the resignation of former Councillor Mr Pat Booth.

### **BACKGROUND**

On 23 January 2006, Mr Pat Booth resigned from his position as a Waitakere City Councillor. Councillors sit on all standing committees except special committees, membership of which is by Council appointment.

Mr Booth sat on three special committees, as determined at the Council Meeting held on 28 October 2004, namely, the Projects Special Committee, the Emergency Services Special Committee and the Kay Road Balefill Site Management Committee.

### **ISSUES**

A By-Election will be held on 21 April 2006 to fill the extraordinary vacancy arising from Mr Booth's resignation. Meanwhile, as Mr Booth was the Deputy Chairperson of the Projects Special Committee, the Project Special Committee Chairperson has asked for a direction from the Council regarding a replacement Deputy Chairperson. Council may also wish to consider whether to replace Mr Booth on some or all of the three Council special committees of which he was a Member, at this time or await the election of a replacement Councillor on 21 April 2006.

If the replacement Deputy Chairperson is an existing Member of the Projects Special Committee, the Committee will still have one Member less. If the Council does not appoint a replacement Member to the Committee until the Waitakere Ward By-Election has been held, the Council may wish to consider whether to temporarily reduce the quorum for this Committee from four to three.

Apart from the two ex officio members comprising the Mayor and the Deputy Mayor, there are only four Members on the Emergency Services Special Committee. Experience shows that there would likely to be difficulties in ensuring a quorum with only three Members. It is thus recommended that an appointment of a Councillor be made to fill the vacant position on the Emergency Services Special Committee to replace Mr Booth rather than wait for the outcome of the Waitakere Ward By-Election on 21 April 2006.

A replacement Member is deemed necessary for the Kay Road Balefill Site Management Committee as Mr Booth was the only Councillor apart from Cr Hulse, who is the Chairperson, on this Management Committee. However, as meetings of this Committee are held only when issues arise concerning the management of the Balefill Site, the appointment could be deferred until after the Waitakere Ward By-Election has been held on 21 April 2006.

A Councillor replacement for Mr Booth on the Waitakere Community Board can not be made until the conclusion of the Waitakere Ward By-Election has been held on 21 April 2006. Councillors appointed to the Board are required to be elected from the Waitakere Ward.

## **RESOURCES**

No additional resources will be required.

## **CONCLUSION**

The determination of a replacement Deputy Chairperson for the Projects Special Committee is recommended. If the Deputy Chairperson is an existing Member of the Projects Special Committee, a Council decision is required whether to appoint another Councillor on this Committee at this time in order to retain the existing number of members. If a replacement Committee Member is not appointed until after the By-Election, the Council may wish to consider if there should also be a reduction of the quorum for this Committee by one Member.

For the Emergency Services Special Committee appointment of a replacement Councillor is recommended at this time.

As regards Kay Road Balefill Site Management Committee, it is recommended that the appointment be deferred until after the By-Election has been held on 21 April 2006.

## **RECOMMENDATIONS**

1. That the Replacement Councillor for Projects Special Committee, Emergency Services Committee and Kay Road Balefill Site Management Committee report be received.
2. That the Council either appoint a replacement Deputy Chairperson to the Projects Special Committee or direct the Projects Special Committee to make this appointment.
3. That, subject to the Deputy Chairperson being an existing Member of the Projects Special Committee, the Council consider whether or not to appoint a replacement Councillor Member to the Projects Special Committee at this time, or alternatively, to temporarily reduce the quorum for the Projects Special Committee from four to three.
4. That the Council appoint a Councillor Member to the Emergency Services Special Committee.

Report prepared by: Audrey Chan, Committee Secretary.



5 **ELECTED MEMBERS REMUNERATION - REMUNERATION AUTHORITY DETERMINATION 2006/2007**

**PURPOSE OF THE REPORT**

The purpose of this report is to advise the Council of the distribution of the new pool available for the remuneration of Waitakere City Council Elected Members released by the Remuneration Authority for the period 1 July 2006 to 30 June 2007.

This is an annual process and the next new determination will be made available for the year commencing 1 July 2007.

The Council in previous workshops and meetings in 2005 and 2006 has confirmed the basis for allocating the remuneration. This is required to be confirmed by a formal resolution and submitted to the Remuneration Authority for re-approval.

Consultation must take place with Community Boards who have the opportunity to advise the Remuneration Authority whether they agree or disagree with the Council's determination. The Community Boards have also previously discussed the basis for allocating remuneration for Elected Members at Waitakere City and generally agree with the Council's decision.

The Remuneration Authority will make the final Determination.

**BACKGROUND**

The Remuneration Authority is established and derives its delegations and functions from the Remuneration Authority Act 1977 and makes Determinations on local authority remuneration pursuant to Clause 6 of Schedule 7 of the Local Government Act 2002.

Until the enactment of the Local Government (Elected Member Remuneration and Trading Enterprises) Amendment Act 2001 (the Act), Elected Members salaries and meeting allowances were set by a determination of the Minister of Local Government. That determination set maximum salaries and meetings allowances for Local Authority Elected Members. For each determination the remuneration was linked to the population of each Local Authority. Waitakere City's determination was in the over 150,000 population category. Each incoming Council needed to resolve Elected Members salaries and meeting allowances up to the maximum permitted. Over the course of a triennium the Minister would revise the remuneration and the Council would need to consider the issue in light of any new determination.

The responsibility for setting Elected Members remuneration is now with the Remuneration Authority. The Authority is required to determine remuneration, allowances and expenses payable to all Elected Members, whilst having regard to:

- the need to minimise the potential for remuneration to distort the behaviour of Members;
- the need to achieve and maintain fair relativity with the levels of remuneration received elsewhere;
- the need to be fair to both the person and whose remuneration is being determined and rate payers; and
- the need to recruit and retain competent persons.

The Remuneration Authority established remuneration for all Elected Members and all Local Authorities in 2002 following consultation on a discussion paper and the release of the first indicative pool. They have since released new pools on an annual basis and the Council has the opportunity to change the way it allocates remuneration each time a new pool is determined.

The Waitakere City Council has established the apportionment of that pool without significant changes for two years and this has been approved by the Remuneration Authority each time. The Community Boards also considered the Council's decision and made any representations to the Authority. After due consideration, the Remuneration Authority has approved the Council's apportionment of remuneration.

## **STRATEGIC CONTEXT**

One of the nine platforms in the Long Term Council Community Plan is Active Democracy. This encourages high levels of community participation and respect for individual views so that people feel like they can make a difference. One of the cornerstones of this platforms is support for democratically elected representatives.

The way Elected Members are remunerated and the quantum of that remuneration will have considerable bearing on who can and who cannot stand for election. It has long been recognised that the role of an Elected Member can require a substantial investment of time and commitment to the role, and that this commitment can make it difficult to hold down either full or part time employment. The interests of a diverse and young community such as Waitakere are unlikely to be best served should the only candidates putting themselves forward for election be those who have private income available to subsidise the Council duties.

## **ISSUES**

### **Remuneration Pool and Salaries**

*A1-A2*

Attached at pages A1 to A2 is a spreadsheet of Elected Members Remuneration that allocates the new pool on the same basis as has been approved for the last two years.

The total remuneration pool is set by the Remuneration Authority and cannot be adjusted. The total remuneration pool established by the Remuneration Authority for this consideration is \$ 1,078,343 (last year the pool was \$1,026,872).

The Mayors salary is set by the Remuneration Authority and cannot be adjusted. The Mayors salary (including the value of any deduction for a motor vehicle) is included in the indicative pool although separately specified. The total salary payable to the Mayor is set at \$132,151 (last year \$126,457), inclusive of a motor vehicle. A deduction of 20% of the cost of the vehicle is made for full private use of the vehicle. This deduction is set by the Remuneration Authority.

*A3-A11*

A copy of the advice from the Remuneration Authority is attached at pages A3 to A11.

Half of the total sum payable to Community Board Members is deducted from the total remuneration pool and the other half is paid outside of the pool. The half outside the pool can be thought of as a "top up". Any further adjustment to the Community Board Chairs and Members salaries will necessitate an adjustment to the salaries payable to Councillors other than the Mayor.

Because of the complexities in calculating changes a residual variable has been built into the formula for other Councillors.

The Deputy Mayor and the Chairs of Standing Committees are established as a percentage of the Mayor's approved salary. The Chairs of Committees are established as a percentage of a Standing Committee Chair. The principle that all Community Boards be assessed at the same level is continued.

Payments to appointed Community and Iwi/Maori representatives on Committees are outside the indicative pool. These payments are matters that lie with the Council and are not within the Remuneration Authorities brief. Waitakere City Council has set a salary for the Chair of Te Taumata Runanga and meeting fees as appropriate for appointed Members to Te Taumata and any other committee of the Council. The Council has also determined that the representative from Te Taumata Runanga on the City Development Committee be paid the same hourly rate as for Hearing Commissioners - \$60 per hour of meeting and workshop time. Any alteration to the determination made by the Council on this remuneration will not affect the indicative pool established by the Remuneration Authority for Waitakere City. The percentage movement applied to the salary for the Chair of Te Taumata Runanga is the same as the movement in the salaries for Community Board Members.

No changes are proposed to the way in which payments are claimed or made.

Any income for Elected Members from Resource Consent Hearings is outside the pool.

Expenses, including mileage allowances, are outside the pool, although the actual amounts/rates that can be claimed are set by the Remuneration Authority. The Remuneration Authority have been requested by this Council to consider revising mileage allowances in light of the fuel price increases but no amendment has yet been made. A further request is proposed to be made as part of this determination.

This report also recommends amounts/rates for all allowances and reimbursement of expenses for submission to the Remuneration Authority.

Should the Council wish to, it may request the Remuneration Authority to reduce the remuneration pool. This requires a unanimous vote of the Council.

### **Expenses**

The Council should review the expenses currently approved by the Remuneration Authority with a view to recommending any changes. It is suggested that the retention of monthly allowances for Elected Members to cover the cost of technology and communications associated with Council business continue and that Elected Members be required to claim those allowances on their monthly claim forms.

Elected Members may also incur expenses that arise as a direct result of carrying out the role of an elected representative. Some of those expenses not covered by allowances already paid may be claimable as an expense reimbursement through Waitakere City. Other expenses may be claimable in an annual tax return.

Elected Members need to be aware of their responsibility for all taxation issues. Each will need to keep evidence of expenditure incurred for which the appropriately selected reimbursement allowances are claimed in case Inland Revenue seeks justification of the claim.

The Remuneration Authority have jurisdiction to make the determination and have requested representations from the Council. Consequently Elected Members have no pecuniary interests in voting on salaries and personal allowances. Elected Members will be advised when the determination has been made, they will have a choice whether to claim payment of allowances, part claim or not to make any claim at all. With respect to salaries, Elected Members are required to take the amount that is determined by the Remuneration Authority.

## Meeting Allowance Rates

No meeting allowance rates will be payable except for appointed Members to Council Committees and Subcommittees and in respect of Members acting as Hearing Commissioners. The meeting allowance rate has been adjusted by the equivalent movement to remuneration levels.

## CONCLUSION

The Remuneration Authority will make the final determination for the Council and it will review proposals put forward by the Council and its Community Boards before making that determination.

## RECOMMENDATIONS

1. That the Elected Members Remuneration - Remuneration Authority Determination 2006/2007 report be received.
2. That the Council recommend the following salaries for Elected Members to the Remuneration Authority:
  - Deputy Mayor - \$72,683;
  - Chairs of Standing Committees;
    - (City Development, Planning and Regulatory and Finance and Operational Performance Committee) - \$69,379.
  - Committees:
    - Chair of Hearings - \$58,972, Chair of Projects Special - \$58,972, Chair of Arts, Events and Cultural Special Committee- \$58,972;
    - Chair Emergency Services Committee - 0, Chair of Performance Review Committee - 0, Chair of Tenders Subcommittee - 0, Chair of Long Term Council Community Plan and Annual Plan Special Committee - 0.
  - Other Councillors \$48,494;
  - Community Board Chairs - \$22,466;
  - Community Board Members - \$11,563.
3. Resource Consent hearing fees will be paid in accordance with the determination of the Remuneration Authority (currently \$75 per hour of meeting time for the Chair and \$60 per hour of meeting time for the Members).
4. The following reimbursements and expenses be recommended to the Remuneration Authority:

That Councillors and Community Board Members receive a monthly allowance to cover reimbursement of the following costs incurred as appropriate:

- Reimbursement of one domestic line rental and one domestic line maintenance charge related to telephone, fax and email operation and the call minder facility (currently \$46);
- Reimbursement of one cell phone on the basis of the Waitakere City Call Plan including the Call Minder facility (currently \$35) when a cell phone is made available to be used on Council business;
- Reimbursement of the best flat rate monthly fee available to the Council for a Broadband connection suitable for Council business operations (currently \$69) (available to Community Board Chairs but not currently available to Community Board Members).

5. That Councillors and Community Board Members claim reasonable business related core costs on telephone or cell phone on a monthly basis provided they are supported by presentation of an account detailing to whom the calls have been made.
6. That Councillors be paid a flat monthly fee of \$20 to cover all consumables (not currently available to Community Board Members) for computers including lap tops, printers, facsimiles etc.
7. That Councillors will be supplied with either a personal computer at home or a lap top if necessary. Those Councillors who provide their own computer equipment be paid an additional monthly allowance of \$50 (not currently available to Community Board Members).
8. That no other telephones, fax machines or cell phones will be provided to Elected Members except that the Mayor and Deputy Mayor will be provided with a cell phone and the Council will pay for all expenses except private calls.
9. That when on approved Council business all actual or related expenses will be met by the Council.
10. That the rate for reimbursing an Elected Members for travel, using their own motor vehicle on Council business is the maximum set by the Remuneration Authority - (currently \$0.70 per kilometre and the Council make representations to the Remuneration Authority to increase this reimbursing payment to recognise the increases in fuel prices) and the Council also pays the approved rate to appointed Members. Any infringement fees e.g. parking and speeding infringements are by law the responsibility of the offender.
11. That the Chair of Te Taumata Runanga be paid a salary of \$20,245.
12. That the non-elected Te Taumata Runanga representative appointed to the City Development Committee be paid a meeting fee aligned with those fees payable for Resource Consent hearings members (refer to Clause 3 of this resolution) (currently \$60 per hour of meeting and workshop time).
13. That all appointed non-elected Members of Council Committees (except the Te Taumata Runanga representative to the City Development Committee) and subcommittees except the Hearings Committee be paid a meeting fee of \$208.

Report prepared by: Group Manager: Democracy and Support Services, Darryl Griffin.



## 6 TEMPORARY LIQUOR BANS

### PURPOSE OF THE REPORT

The purpose of this report is to seek approval from Council for temporary liquor bans at three special events taking place within the City over the next two months.

### BACKGROUND

On 26 November 2003, Council adopted the Control of Liquor in Public Places Bylaw 2003. The bylaw enables the Council to implement temporary liquor bans to cover Special Events, pursuant to s.147 Local Government Act 2002. The relevant Clause reads:

#### *“Special Event Liquor Bans*

6. *The Council may at any time by ordinary resolution resolve to prohibit any person from bringing liquor into, possessing liquor in, or consuming liquor in any Public Place or part of a Public Place specified in that resolution for the purpose of a Special Event at such times or for such periods as may be specified in that resolution.*
7. *Before passing a resolution under clause 6 the Council must be satisfied that the benefits, in terms of the safe and effective conduct of the Special Event, of the proposed ban outweigh any disadvantages from the imposition of the ban upon the rights of the public. “*

### THE EVENTS

This summer for the first time Council is running a series of five free public music events in parks, beaches and reserves throughout the City collectively entitled ‘Waitakere Sounds’. The concerts are being organised and managed on behalf of Council by an independent company, Ripple Productions. In respect of two of these five events, liquor bans are sought; a total ban in relation to Shadbolt Park, and a partial ban in relation to Triangle Park. Council is also organising an event called ‘Summer Slamz’ in Te Pai Park Henderson on 8 April 2006. This event has been running for a number of years and a partial liquor ban is also sought. The Police have been consulted and recommend imposing liquor bans to the extent outlined below to ensure the safe and effective conduct of these Special Events:

- A12 1. **Shadbolt Park, New Lynn 4 March 2006** - A total liquor ban covering the whole park as shown on the map attached at page A12 is requested between the hours of 10.00 am and 7.00 pm. The event is aimed at the 18-25 year old youth market. The programme consists of hip-hop, pop and rock music. It is expected that 1000 to 1200 young people will attend. Given the likely age and size of the audience, a total liquor ban is considered appropriate to allow better control of the area concerned.
- A13 2. **Triangle Park, Massey 25 March 2006** - A liquor ban applying to part of the Park only is sought as illustrated on the map attached at page A13 between the hours of 3.00 pm and 11.00 pm. This concert features reggae and soul music and again is aimed at the older youth market. It is hoped that the event will attract around 800 people. A liquor ban in only part of the park is being sought because the aim is to control the consumption of liquor rather than prohibit it completely. It is hoped to attract families and local residents to the event in addition to a youth audience. A partial liquor ban is suggested as a means of accommodating the different groups, and enabling those who wish to consume alcohol to do so in a designated controlled area.

- A14 3. **Summer Slamz in Te Pai Park, Lincoln Road Henderson 8 April 2006** - A liquor ban applying to part of the Park is sought as shown on the map attached at page A14 between the hours of 11.00 am - 5.00 pm. The event has been held for a number of years and is aimed at young people and their families. Last year over 4,500 people attended. The event includes activities such as skateboarding, rock climbing, street art and live music. The consumption of alcohol is known to have occurred on previous occasions, but no trouble or disruption has resulted. Again only a partial liquor ban is sought so that those who wish to consume alcohol will still be able do so in a designated controlled area.

### **SUMMARY**

It is submitted that Council can be satisfied that the benefits of the proposed liquor bans outweigh any disadvantage or inconvenience that may be caused to the public. The Police fully support the stance taken in each case. In Shadbolt Park a total liquor ban is proposed because the four-hour concert is aimed at a youth market, a sizeable number of those attending may be under 18 years of age and an audience of over 1000 is anticipated. To prevent the possibility of anti-social behaviour developing as a result of alcohol consumption (either during the event disrupting or interfering with the enjoyment of others, or subsequently as the crowd disperses), it is considered that the benefits of a total liquor ban do outweigh any disadvantages to the public.

As regards the events in Triangle and Te Pai Parks, which are more family orientated events, the proposal is to permit alcohol consumption in controlled designated areas to segregate those who wish to drink from those who do not wish to do so and allow the public an element of choice in that regard.

If Council is minded to approve the temporary liquor bans as recommended, it is further requested that enforcement powers relating to non-compliance with the liquor bans, be delegated to the private security firms employed to manage and control these events. Council's Security Manager has delegated authority to issue warrants to the individual security officers accordingly.

### **RECOMMENDATIONS**

1. That this Temporary Liquor Bans report be received.
2. That being satisfied that the benefits, in terms of the safe and effective conduct of the Special Events listed below outweigh any disadvantages from the imposition of the ban, it is resolved pursuant to Clause 6 of the Control of Liquor in Public Places Bylaw 2003, to prohibit any person bringing liquor in, or consuming liquor in those Public Places below on the dates and during the Special Events listed:
  - (a) Waitakere Sounds, Shadbolt Park, New Lynn 4 March 2006. A liquor ban covering the whole of Shadbolt Park between the hours of 10.00 am and 7.00 pm.
  - A13 (b) Waitakere Sounds, Triangle Park, Massey 25 March 2006. A liquor ban applying to those parts of Triangle Park depicted on the attached map at page A13 between the hours of 3.00 pm and 11.00 pm.
  - A14 (c) Summer Slamz, Te Pai Park, Henderson 8 April 2006. A liquor ban applying to those parts of Te Pai Park depicted on the attached map at page A14 between the hours of 11.00 am and 5.00 pm.

3. That, for the avoidance of any doubt, in the case of partial liquor bans, it is not intended that it would be breach of the ban to carry liquor in closed containers across areas in which liquor is prohibited, to and from designated areas in which the consumption of liquor is permitted.
4. That Council officers be directed to give public notice of the proposed ban and ensure that appropriate signage is erected.
5. That pursuant to Schedule 7 Section 32(5) of the Local Government Act 2002, enforcement powers relating to the above temporary liquor bans are delegated to:
  - (i) Bott Security Services in relation to the 'Waitakere Sounds' concerts at Shadbolt and Triangle Parks; and
  - (ii) ICONZ for the 'Summer Slamz' event in Te Pai Park.

Report prepared by: Denis Sheard, Manager: Legal Services, Yvonne Donaldson, Team Leader: Legal Services and Barbara Cade, Office and Special Projects Manager.

