



**AGENDA FOR A MEETING OF THE COUNCIL TO BE HELD IN THE COUNCIL CHAMBER  
AT WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON,  
WAITAKERE, ON WEDNESDAY, 21 OCTOBER 2009,  
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 Chairman 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 CONFLICTS OF INTEREST**

The Council has acknowledged in its Code of Conduct that Members need to be vigilant to stand aside from decision making when a conflict arises between their role as a member of the Council and any private or other external interest they might have. This note is provided as a reminder to members to check that no such conflicts arise in relation to any items on this agenda.



4 **DRAFT SUBMISSION ON THE LAW COMMISSION'S ISSUES PAPER 'ALCOHOL IN OUR LIVES'**

**GLOSSARY**

Law Commission's Issues Paper 'Alcohol In Our Lives' (the Issues Paper)

**EXECUTIVE SUMMARY**

A1-A7

The purpose of this report is to seek approval from the Council on the draft submission on the Law Commission's Issues Paper 'Alcohol In Our Lives' (the Issues Paper), attached at pages A1 to A7. The Issues Paper provides a review of the regulatory framework for the sale and supply of liquor: The draft submission addresses issues relevant to the Council and is based on local data, preferred options from a workshop held with Elected Members and input from relevant Council officers.

The overall approach of the draft submission takes into account the City's unique position of containing two of the remaining three district and suburban licensing trust environments in New Zealand.

The preferred options are supportive of the key changes proposed in the Issues Paper. Submissions are due on Friday, 30 October 2009.

**RECOMMENDATIONS**

It is recommended that the Council resolve to:

1. **Receive** the Draft Submission on the Law Commission's Issues Paper 'Alcohol In Our Lives' report.
2. **Approve** the draft submission on the Law Commission's Issues Paper 'Alcohol In Our Lives', including any amendments that may be added at the Council meeting held on Wednesday, 21 October 2009.
3. **Agree** that the Deputy Mayor be authorised to sign off the final submission to the Law Commission in response to the Issues Paper 'Alcohol In Our Lives'.

**BACKGROUND**

1. In 2008, the Law Commission was asked to review the sale and supply of liquor in response to growing public concern about the harms associated with drinking and the misuse of alcohol. The Law Commission produced an Issues Paper in July 2009 reporting that harmful drinking has become a source of serious social problems in New Zealand with significant impacts on police and hospital resources.
2. Key problem areas were highlighted as well as a range of options to address these. Public feedback is being sought by the Law Commission to the Issues Paper before a final report is prepared. The Law Commission has indicated that this will include a new policy framework and draft legislation reflecting the evidence gathered and the submissions received.
3. The purpose of the Sale of Liquor Act 1989 is to reduce alcohol related harm. In the past two decades alcohol related harm has substantially increased rather than decreased. Amendments to the Sale of Liquor Act 1989, such as lowering the purchase age from 20 to 18 in 2000, and subsequent rises in youth related harm statistics have given further cause for concern. The Law Commission has signalled that it is proposing a new Sale of Liquor Act that will provide an integrated legislative package of the most effective approaches to reduce alcohol related harm.

4. The Council has a specified regulatory role with respect to the local sale and supply of liquor in its capacity as a District Licensing Agency.
5. The Council also has a Citywide Alcohol Strategy 2005 and a Liquor Licensing Policy 2003 that currently provides a robust framework and policy guidelines for addressing alcohol issues and determining liquor licensing decisions at a local level. Council has also approved a Control of Liquor in Public Places Bylaw 2008 which imposes a liquor ban in selected locations in Waitakere.

### **DECISION MAKING**

6. The proposed submission addresses the following key areas of particular interest to the Council and the Law Commission:
  - Licensing Trusts;
  - Types of Licences;
  - Liquor Licensing Authority and District Licensing Agencies;
  - Local Alcohol Plans;
  - Licensing Hours;
  - Age of Purchase;
  - Liquor in Public Places;
  - Drink Driving and Transport Policies;
  - Enforcement and Penalties; and
  - Price.
7. The draft submission contains data from both local police and the Council showing areas of concern and trends with regards to alcohol-related offences in Waitakere.
8. This submission is complementary to the Safer Journeys 2020 Road Safety Plan submission recently made by the Council to the Ministry of Transport.
9. As a result of Waitakere's unique licensing trust environment, there are comparatively fewer licensed premises in Waitakere than most other cities of similar size. This situation is highlighted within the submission. The future may be uncertain in light of the Licensing Trusts options provided by the Issues Paper because it now includes two options: (a) no change and (b) allow competition in the licensing trust areas where they currently have exclusive rights to be granted on-licenses and off-licenses.
10. There is currently a range of different licensing hours across the different councils in the Auckland region. The transition to the Auckland Council may have an impact on the licensing environment in Waitakere.

### **STRATEGIC CONTEXT**

11. The focus of the submission is guided by the Council's Social Strategy where "everyone is safe in their families and communities" and Council's strategic priority for a Safe City where "Waitakere is a safe place to be" and promotes community safety and the reduction of injury and crime.
12. The Council has delegated responsibility from central Government for liquor licensing under the Sale of Liquor Act 1989.

13. Key community outcomes that guide the draft submission are Strong Communities, Strong Economy, Urban and Rural Villages and Toi Ora - Healthy Lifestyles. This submission is also relevant within the context of the Growth Management Strategy and town centre concept planning to provide safe and vibrant environments within the urban areas of the City.

### CONSULTATION

14. Officers within the Social and Cultural Strategy Group have prepared this submission in consultation with the secretary of the District Licensing Agency and offers from Consents Administration and Legal Services.
15. A workshop was held on 21 September 2009 with Councillors and Community Board Members to discuss key issues and ascertain preferred options where the summary of the Issues Paper was presented.
16. Council officers have attended regional community forums and intersectoral meetings with officers from other councils in the Auckland region where common issues and approaches have been discussed. There is general consensus across the Auckland councils on agreed responses to most of the key issues identified.

### RESOURCES

17. No additional resources other than staff time are required.

### IMPLEMENTATION ISSUES

18. Once the draft submission is signed off, the final submission will be completed and submitted to the Law Commission by Friday, 30 October 2009.

### AUCKLAND COUNCIL TRANSITION ISSUES

19. The decision making proposed in this report is not constrained by section 31 of the Local Government (Tamaki Makaurau Reorganisation) Act 2009, as it does not directly or because of its consequences: significantly prejudice the reorganisation, significantly constrain the powers or capacity of the Auckland Council or any subsidiary of the Auckland Council following the reorganisation, or have a significant negative impact on the assets or liabilities that are transferred to the Auckland Council as a result of the reorganisation.

**Report prepared by:** Kim Conway, Strategic Analyst: Social Wellbeing and Kylie Hill, Alcohol Project Leader: Safe Waitakere.



## 5 LONGER TERM FUNDING AGREEMENTS FOR COMMUNITY ORGANISATIONS

### GLOSSARY

Long Term Council Community Plan (LTCCP)  
Auckland Transition Authority (ATA)

### EXECUTIVE SUMMARY

The purpose of this report is to recommend to Council approval of certain organisations for extensions of their current longer term funding arrangements to 30 June 2012.

Council approved a group of organisations for longer term funding to 30 June 2011 in the deliberations on the Long Term Council Community Plan (LTCCP) 2009-2019. Council also resolved that these organisations be referred to the Auckland Council for consideration of a further period of three year funding from 1 July 2011 to 30 June 2014.

The Auckland Transition Agency (ATA) has since requested that councils provide for funding for community organisations through to 30 June 2012 when the first LTCCP of the Auckland Council will be adopted.

In order to approve the community organisations for extension of their current funding arrangements to 30 June 2012, it is necessary to revoke the resolutions approved by the Long Term Council Community Plan and Annual Plan Committee.

In view of the advice from the ATA, additional organisations to those approved in the LTCCP 2009-2019 have been included for consideration for an extended period of funding.

### RECOMMENDATIONS

It is recommended that the Council resolve to:

1. **Receive** the Longer Term Funding Agreements for Community Organisations report.
2. **Approve**, subject to resolution 5 below, three year funding from 1 July 2009 to 30 June 2012, subject to negotiation of appropriate service agreements and any requirements of quality assurance, at the level of funding approved in the Long Term Council Community Plan 2009-2019 for the organisations listed as follows:
  - Waitakere Citizens Advice Bureaux Inc.;
  - Community Waitakere Charitable Trust;
  - Lopdell House Society;
  - Waitakere Arts and Cultural Development Trust;
  - Keep Waitakere Beautiful Trust;
  - Waitakere Ethnic Board Inc.;
  - Waitakere Pacific Board Inc.;
  - EcoMatters Environment Trust;
  - Neighbourhood Support Waitakere Inc.;
  - Weedfree Waitakere Trust;
  - Titirangi Community Arts Council Inc.;
  - Waitakere Central Community Arts Council;
  - McLaren Park and Henderson South Initiative Inc.;
  - Sport Waitakere Charitable Trust;
  - Waitakere Workers' Educational Association Inc.;

- Hoani Waititi Marae Trust; and
  - Te Ukaipo Mercy Initiatives for Rangatahi Ltd.
3. **Agree**, subject to resolution 5 below, that pursuant to Standing Order 27.18 resolution (part) number 1016/2009:

*“The Long Term Council Community Plan and Annual Plan Committee resolved to:*

2. **Agree** that after consideration of submissions received, the organisations listed below be approved for two year funding from 1 July 2009 to 30 June 2011, subject to negotiation of appropriate service agreements, and any requirements of Quality Assurance, at the level of funding approved in the Long Term Council Community Plan 2009-2019 and Annual Plan 2009/2010.
  - Waitakere Citizens Advice Bureaux Inc
  - Community Waitakere (formerly WADCOSS)
  - Lopdell House Society
  - Waitakere Arts and Cultural Development Trust
  - Keep Waitakere Beautiful Trust
  - Waitakere Ethnic Board
  - Waitakere Pacific Board
  - EcoMatters Environment Trust
  - Neighbourhood Support Waitakere
3. **Agree** that after consideration of submissions received, the organisations listed below be referred to the Auckland Council for consideration of a further period of three year funding from 1 July 2011 to 30 June 2014.
  - Waitakere Citizens Advice Bureaux Inc
  - Community Waitakere (formerly WADCOSS)
  - Lopdell House Society
  - Waitakere Arts and Cultural Development Trust
  - Keep Waitakere Beautiful Trust
  - Waitakere Ethnic Board
  - Waitakere Pacific Board
  - EcoMatters Environment Trust
  - Neighbourhood Support Waitakere.”

1016/2009

be revoked.

4. **Agree**, subject to resolution 5 below, that pursuant to Standing Order 27.18 resolution (part) number 1064/2009:

*“The Long Term Council Community Plan and Annual Plan Committee resolved to:*

1. **Agree** that after consideration of submissions received, the following organisations be added to the list of organisations for two year funding from 1 July 2009 to 30 June 2011, subject to negotiation of appropriate service agreements, and any requirements of Quality Assurance, at the level of funding approved in the Long Term Council Community Plan 2009-2019 and Annual Plan 2009/2010:
  - Weedfree Waitakere Trust
  - Waitakere Central Community Arts Council
  - Titirangi Community Arts Council
2. **Agree** that after consideration of submissions received, the organisations listed below be referred to the Auckland Council for consideration of a further period of three year funding from 1 July 2011 to 30 June 2014.
  - Weedfree Waitakere Trust
  - Waitakere Central Community Arts Council
  - Titirangi Community Arts Council.”

1016/2009

be revoked.

5. **Note** that resolutions 2, 3 and 4 above be subject to confirmation by the Auckland Transition Agency.

## BACKGROUND

1. In 2003, the City Development Committee agreed to a set of criteria and a process for providing long term funding to local organisations. Nine organisations were approved for three year funding in 2003 and 10 organisations approved in 2006.
2. During the deliberations on the LTCCP 2009-2019 resolutions were passed by the Long Term Council Community Plan and Annual Plan Committee on 11 June 2009 and 16 June 2009 approving a list of community organisations for two year funding from 1 July 2009 to 30 June 2011. An additional resolution was passed referring the same organisations to the Auckland Council for a further period of three year funding from 1 July 2011 to 30 June 2014.
3. Since the adoption of the LTCCP 2009-2019 the ATA has requested that councils provide certainty of funding for the various community groups for the period to 30 June 2012 when the first LTCCP of the Auckland Council will be adopted. This request was based on the need to ensure that no community group was overlooked during the early life of the Auckland Council. An extract from the letter dated 8 July 2009 from Rodger Kerr-Newell, Chief Executive of the ATA requests:

*"It is clear that there are many differing approaches to the funding of community groups across the region and to that end ATA would like to see a common solution to the issue particularly during the early period of the new Auckland Council. Please provide for funding for the various community groups for the period to 30/06/2012 when the first LTCCP of the new council will be adopted; this will ensure that no community group "falls through the cracks" in the early life of the council."*

## DECISION MAKING

### Issues

#### Auckland Transition Authority

4. The ATA has recognised that there are many differing approaches to the funding of community groups across the region and would prefer to see a common solution to the issue, particularly during the early period of the new Auckland Council. This has resulted in the request from the ATA to provide certainty of funding for community groups for the period to 30 June 2012.

#### Additional Organisations

5. In addition to those organisations approved during the LTCCP 2009-2019, it is recommended that a further four organisations be approved for three year funding to 30 June 2012:
  - Sport Waitakere Charitable Trust;
  - Waitakere Workers' Educational Association Inc.;
  - Te Ukaipo Mercy Initiatives for Rangatahi Ltd; and
  - Hoani Waititi Marae Trust.
6. All four organisations meet the criteria for longer term funding and have funding allocated in the LTCCP 2009-2019 up to 30 June 2012 and meet the intent of the ATA's request to fund community groups through 2012.

## Consideration of Community Views

7. Individual liaison officers discussed future funding arrangements with each organisation during the LTCCP process. There was a level of anxiety among community organisations about stability of funding given the impending changes in the governance of Auckland. Overall, the preference of community organisations was to know funding is assured for three years rather than two years only.

## STRATEGIC CONTEXT

8. Longer term funding arrangements contribute to the following Community Outcomes: strong communities, sustainable environment and working together. The arrangements also assist in delivery of outcomes in the Social Strategy, Environment Strategy and draft Cultural Wellbeing Strategy.
9. Council has many longstanding funding agreements with a range of organisations, each of which contributes to the delivery of a range of the Council's strategic priorities. The expected benefits of Council providing longer term funding are:
  - Greater stability for organisations;
  - More strategically and long term focused planning, rather than annual planning;
  - Organisations spend less time seeking funding and justifying their existence and more on their 'core' services, to the benefit of the community and Council;
  - Decreased compliance costs for organisations and for Council in managing funding arrangements; and,
  - Strengthening of the relationships between Council and its key partner organisations.

## CONSULTATION

10. Consultation has been undertaken between managers within the Council responsible for managing the relationship with each community organisation.

## RESOURCES

11. The resourcing for each agreement will be as approved in the final LTCCP 2009-2019 for the individual community organisation.

## IMPLEMENTATION ISSUES

12. Council liaison officers negotiate service agreements or joint work programmes with each organisation for approval by the relevant committee of Council.

## AUCKLAND COUNCIL TRANSITION ISSUES

13. The Local Government (Tamaki Makaurau Reorganisation) Act 2009 imposes restrictions on Council's decision making capabilities in respect of contracts extending beyond June 2011 involving a sum of \$20,000 or more.

*"Section 31(4)(i) to enter into any contract (other than an employment agreement)—*

- (i) that imposes, or will continue to impose, any obligation on the existing local authority after 30 June 2011; and*
- (ii) the consideration for which is, or is equivalent to, \$20,000 or more."*

**Report prepared by:** Tony Rea, Group Manager: Social and Cultural Strategy.



**PUBLIC EXCLUDED MATTER**

**6 TRAM VALLEY ROAD FLOODING: EMERGENCY MAINTENANCE AND RENEWAL**

This item will be considered in the confidential supplement of the agenda and has been circulated to members separately with this agenda.

**PROCEDURAL MOTION TO EXCLUDE THE PUBLIC**

That the public be excluded from the following part of the proceedings of this meeting, namely, Tram Valley Road Flooding: Emergency Maintenance and Renewal.

The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution in relation of the 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 the matter to be considered.	Reason for passing this resolution in relation to the matter.	Ground(s) under Section 48(1)(a) for the passing of this resolution.
Tram Valley Road Flooding: Emergency Maintenance and Renewal	The withholding of information is necessary in order to: <ul style="list-style-type: none"> <li>• Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</li> </ul>	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 would exist.

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Sections 7(2)(i) of that Act which would be prejudiced by the holding of the relevant parts of the proceedings of the meeting in public as follows:

- *The report contains information which if released could affect Council's negotiations.*

