



## TE KAUNIHERA O TE AWA KAIRANGI

30 May 2022

Order Paper for Council meeting to be held in the  
Council Chambers, 2nd Floor, 30 Laings Road, Lower Hutt,  
on:

### **Tuesday 7 June 2022 commencing at 12.00pm**

The meeting will be livestreamed on Council's Facebook page.  
Members of the public wishing to speak to an item on the agenda aer asked to contact  
[democraticservicsteam@huttcity.govt.nz](mailto:democraticservicsteam@huttcity.govt.nz)

### **Membership**

	Mayor C Barry (Chair)
	Deputy Mayor T Lewis
Cr G Barratt	Cr J Briggs
Cr K Brown	Cr B Dyer
Cr S Edwards	Cr D Hislop
Cr C Milne	Cr A Mitchell
Cr N Shaw	Cr L Sutton

For the dates and times of Council Meetings please visit [www.huttcity.govt.nz](http://www.huttcity.govt.nz)

#### **Have your say**

You can speak under public comment to items on the agenda to the Mayor and Councillors at this meeting. Please let us know by noon the working day before the meeting. You can do this by emailing [DemocraticServicesTeam@huttcity.govt.nz](mailto:DemocraticServicesTeam@huttcity.govt.nz) or calling the Democratic Services Team on 04 570 6666 | 0800 HUTT CITY

## **COUNCIL**

<b>Membership:</b>	<b>13</b>
<b>Meeting Cycle:</b>	<b>Council meets on an eight weekly basis (Extraordinary Meetings can be called following a resolution of Council; or on the requisition of the Chair or one third of the total membership of Council)</b>
<b>Quorum:</b>	<b>Half of the members</b>

### **POWER TO (BEING A POWER THAT IS NOT CAPABLE OF BEING DELEGATED)<sup>1</sup>:**

- Make a rate.
- Make bylaws.
- Borrow money other than in accordance with the Long Term Plan (LTP).
- Purchase or dispose of assets other than in accordance with the LTP.
- Purchase or dispose of Council land and property other than in accordance with the LTP.
- Adopt the LTP, Annual Plan and Annual Report.
- Adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the LTP or developed for the purpose of the Local Governance Statement.
- Appoint the Chief Executive.
- Exercise any powers and duties conferred or imposed on the local authority by the Local Government Act 1974, the Public Works Act 1981, or the Resource Management Act 1991, that are unable to be delegated.
- Undertake all other actions which are by law not capable of being delegated.
- The power to adopt a Remuneration and Employment Policy for Council employees.

### **DECIDE ON:**

#### **Policy & Bylaw issues:**

- Adoption of all policy required by legislation.
- Adoption of strategies, and policies with a city-wide or strategic focus.
- Approval of draft bylaws prior to consultation.
- Adoption of new or amended bylaws.

#### **District Plan:**

- Approval to call for submissions on any Proposed District Plan, Plan Changes and Variations.

<sup>1</sup> Work required prior to the making of any of these decisions may be delegated.

- Prior to public notification, approval of recommendations of District Plan Hearings Subcommittees on any Proposed Plan, Plan Changes (including private Plan Changes) and Variations.
- The withdrawal of Plan Changes in accordance with clause 8D, Part 1, Schedule 1 of the Resource Management Act 1991.
- Approval, to make operative, District Plan and Plan Changes (in accordance with clause 17, Part 1, Schedule 1 of the Resource Management Act 1991).
- Acceptance, adoption or rejection of private Plan Changes.

**Representation, electoral and governance matters:**

- The method of voting for the Triennial elections.
- Representation reviews.
- Council's Code of Conduct for elected members.
- Local Governance Statement.
- Elected members' remuneration.
- The outcome of any extraordinary vacancies on Council.
- Any other matters for which a local authority decision is required under the Local Electoral Act 2001.
- Appointment and discharge of members of committees when not appointed by the Mayor.
- Adoption of Terms of Reference for Council Committees, Subcommittees and Working Groups, and oversight of those delegations.
- Council's delegations to officers, community boards and community funding panels.

**Delegations and employment of the Chief Executive:**

- Appointment of the Chief Executive of Hutt City Council.
- Review and negotiation of the contract, performance agreement and remuneration of the Chief Executive.

**Meetings and committees:**

- Standing Orders for Council and its committees.
- Council's annual meeting schedule.

**Long Term and Annual Plans:**

- The adoption of the budgetary parameters for the LTP and Annual Plans.
- Determination of rating levels and policies required as part of the LTP.
- Adoption of Consultation Documents, proposed and final LTPs and proposed and final Annual Plans.

**Council Controlled Organisations:**

- The establishment and disposal of any Council Controlled Organisation or Council Controlled Trading Organisation.
- Approval of annual Statements of Corporate Intent for Council Controlled Organisations and Council Controlled Trading Organisations.

**Community Engagement and Advocacy:**

- Receive reports from the Council's Advisory Groups.
- Monitor engagement with the city's communities.

**Operational Matters:**

- Civil Defence Emergency Management matters requiring Council's input.
- Road closing and road stopping matters.
- Approval of overseas travel for elected members.
- All other matters for which final authority is not delegated.

**Appoint:**

- The non-elected members of the Standing Committees, including extraordinary vacancies of non-elected representatives.
- The Directors of Council Controlled Organisations and Council Controlled Trading Organisations.
- Council's nominee on any Trust.
- Council representatives on any outside organisations (where applicable and time permits, recommendations for the appointment may be sought from the appropriate Standing Committee and/or outside organisations).
- Council's Electoral Officer, Principal Rural Fire Officer and any other appointments required by statute.
- The recipients of the annual Civic Honours awards.

**TE KAUNIHERA O TE AWA KAIRANGI | HUTT CITY COUNCIL**

Ordinary meeting to be held in the Council Chambers, 2nd Floor, 30 Laings Road,  
Lower Hutt on  
Tuesday 7 June 2022 commencing at 12.00pm.

**ORDER PAPER**

**PUBLIC BUSINESS**

**1. OPENING FORMALITIES - KARAKIA TIMATANGA (22/1142)**

Whakataka te hau ki te uru	<i>Cease the winds from the west</i>
Whakataka te hau ki te tonga	<i>Cease the winds from the south</i>
Kia mākinakina ki uta	<i>Let the breeze blow over the land</i>
Kia mātaratara ki tai	<i>Let the breeze blow over the ocean</i>
E hī ake ana te atakura	<i>Let the red-tipped dawn come with</i>
He tio, he huka, he hau hū	<i>a sharpened air.</i>
Tīhei mauri ora.	<i>A touch of frost, a promise of a</i>
	<i>glorious day.</i>

**2. APOLOGIES**

**3. PUBLIC COMMENT**

Generally up to 30 minutes is set aside for public comment (three minutes per speaker on items appearing on the agenda). Speakers may be asked questions on the matters they raise.

**4. CONFLICT OF INTEREST DECLARATIONS**

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

**5. RECOMMENDED ITEM TO TE KAUNIHERA O TE AWA KAIRANGI | COUNCIL - 7 June 2022**

**Recommendation to Council from the Long Term Plan/Annual Plan Subcommittee meeting held on 7 June 2022 (22/1251)**

“That Council adopts the recommendations made on the following reports, and any amendments or additional items agreed at the Long Term Plan/Annual Plan Subcommittee meeting held on 7 June 2022:

- a) Seaview Marina Limited – Final Statement of Intent 2022/23 to 2024/25;
- b) Urban Plus Group – Final Statement of Intent 2022/23 to 2024/25; and
- c) Final decisions on the Annual Plan 2022-2023.”

6. **COUNCIL EXTRAORDINARY VACANCY (22/1286)**

Report No. HCC2022/3/102 by the Head of Democratic Services

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**MAYOR'S RECOMMENDATION:**

"That the recommendations contained in the report be discussed."

7. **SALE AND SUPPLY OF ALCOHOL (HARM MINIMISATION)  
AMENDMENT BILL (PRIVATE MEMBER'S BILL) (22/1254)**

Report No. HCC2022/3/101 by the Head of Mayor's Office

13

**MAYOR'S RECOMMENDATION:**

"That the recommendations contained in the report be discussed."

8. **QUESTIONS**

With reference to section 32 of Standing Orders, before putting a question a member shall endeavour to obtain the information. Questions shall be concise and in writing and handed to the Chair prior to the commencement of the meeting.

9. **CLOSING FORMALITIES - KARAKIA WHAKAMUTUNGA**

Unuhia!

Unuhia!

Unuhia i te uru-tapu-nui

Kia wātea, kia māmā

Te ngākau, te tinana, te

wairua i te ara takatū

Koia rā e Rongo whakairihia

ake ki runga

Kia wātea, kia wātea!

Ae rā, kua wātea!

Hau, pai mārire.

*Release us from the supreme sacredness  
of our tasks*

*To be clear and free*

*in heart, body and soul in our*

*continuing journey*

*Oh Rongo, raise these words up high*

*so that we be cleansed and be free,*

*Yes indeed, we are free!*

*Good and peaceful*

Kate Glanville

**SENIOR DEMOCRACY ADVISOR**

27 May 2022

File: (22/1286)

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**Report no: HCC2022/3/102**

## **Council Extraordinary Vacancy**

### **Purpose of Report**

1. The purpose of the report is to outline the options available to Council with respect to an extraordinary vacancy arising from the resignation of Shazly Rasheed from Hutt City Council.

### **Recommendations**

That Council:

- (1) receives and notes the report;
- (2) notes that an extraordinary vacancy on Hutt City Council has been created pursuant to clause 5 Schedule 7 of the Local Government Act 2002 following the resignation of a city wide councillor Shazly Rasheed effective from 27 May 2022;
- (3) acknowledges the work of Shazly Rasheed in the fulfilment of her role as city wide councillor on Hutt City Council during the 2019-2022 term;
- (4) in accordance with s117(3) of the Local Electoral Act 2001, agrees EITHER:
  - (a) the extraordinary vacancy be left unfilled for the remainder of the 2019-2022 triennium; OR
  - (b) the extraordinary vacancy be filled by the appointment of [NAME] and the process and criteria which {NAME} was selected for appointment are {xyz};
- (5) should Council decide to fill the vacancy notes public notice must be given on the process or criteria by which the person was selected for appointment;
- (6) should Council decide not to fill the vacancy agrees the following elected members who will fill former Cr Rasheed's responsibilities for the

remainder of the 2019-2022 triennium:

- (a) Councillor [NAME] as a member of the Komiti Iti Ahumoni I Tūraru | Audit and Risk Subcommittee;
  - (b) Councillor [NAME] as deputy chair of the Komiti Kaupapa Taio | Climate Change and Sustainability Committee;
  - (c) Councillor [NAME] as a member of the Komiti Kaupapa Taio | Climate Change and Sustainability Committee;
  - (d) Councillor [NAME] as an alternate of the Komiti Iti Ara Waka | Traffic Subcommittee;
  - (e) Councillor [NAME] as a member of the Komiti Ratonga o Te Awa Kairangi | Hutt Valley Services Committee;
  - (f) Councillor [NAME] as a city wide member of the Paewhiri Toha Pūtea Hapori ki Te Rāwhiti | Eastern Community Funding Panel;
  - (g) Councillor [NAME] as deputy chair of the Komiti Tuku Raihana ā-Rohe | District Licensing Committee; and
  - (h) Councillor [NAME] as its representative on Eponi Care and Protection Residence; and
- (7) notes that the decision of Council will be publicly notified in accordance with the requirements of the Local Electoral Act 2001.

For the reason that the process for an extraordinary vacancy is mandated through legislations.

## **Background**

2. An extraordinary Council vacancy has been created pursuant to clause 5 Schedule 7 of the Local Government Act 2022.
3. The Chief Executive received a resignation notice from Cr Rasheed on Friday, 27 May 2022. The resignation takes effect from 27 May 2022 and creates an extraordinary vacancy on Council.
4. The vacancy has occurred less than 12 months before the date of the next triennial election on 8 October 2022. Accordingly, the Local Electoral Act 2001 (the Act) provides that Council has the option to either:
  - (a) resolve to appoint a suitably qualified person from the community to fill the vacancy until the October 2022 triennial election; OR
  - (b) resolve to leave the vacancy unfilled until the October 2022 triennial election.



5. Because the vacancy has occurred less than 12 months before the date of the next local election, 8 October 2022, a by-election is not required to fill the vacancy.

### **Options**

6. Council has the option to either:

#### **Fill the vacancy**

7. If Council determines that the vacancy is to be filled by appointment, Council must give public notice of its resolution and the process or criteria by which the person named in the resolution was selected for appointment.
8. Council is only entitled to appoint a person who is qualified to be an elected member. Section 25 of the Act provides that:

*“every parliamentary elector is qualified to be a candidate at every election held under this Act, if that person is a New Zealand citizen unless they are prohibited in terms of section 58 of the Act”*

9. Council is required to name a person in the resolution. As set out in section 117(4) of the Act if for any reason the person specified in the resolution is unavailable, or otherwise unable to be notified of the appointment, a further vacancy occurs in that office.
10. If Council elects to fill the vacancy by resolution, section 118 of the Act requires that:
  - (a) The Council give public notice of the resolution and includes the process or criteria by which the person named in the resolution was selected for appointment; and
  - (b) Within 30 days of that public notice, Council confirms the appointment by resolution at a meeting. The named person would then be declared as ‘elected’ from this date and would receive appropriate training for their new role.

### **Qualification to be an elected member**

11. There is a legal requirement that the candidate must be a New Zealand citizen, over 18 years of age and a parliamentary elector within New Zealand. Section 25 of the Act provides that:

Every parliamentary elector is qualified to be a candidate at every election held under this Act, if that person is a New Zealand citizen unless they are prohibited in terms of section 58 of the Act. Section 58 prohibits a person from being both a candidate for election to a regional council for a region and a candidate for election to a constituent authority of that region. This means that Council can appoint any New Zealand citizen who is a parliamentary elector unless they are already a member of Greater Wellington Regional Council.

12. It is not a requirement that an elector be a resident of the ward or district that they are standing for election, although their nominees must reside within the ward/district.

### **Process or criteria for selection**

13. If Council chooses to fill the vacancy by appointment, a process or criteria for selection needs to be determined, included in the resolution and publicly notified.
14. The criteria could include, for example:
- A city wide candidate that stood for election for the 2019-2022 triennium but was not successfully elected.
  - Someone who is considered to have the necessary skills and experience to undertake the role.
  - Someone who represents a sector of the community that is not represented or well represented around the Council table to better achieve equality of representation.

### **Option to leave position vacant**

15. Council can choose to leave the position vacant, with the remaining elected members taking on the responsibilities of the former councillor for the remaining period of the triennium.
16. If Council resolves to leave the extraordinary vacancy unfilled it must immediately give public notice of its decision.
17. It is noted that Schedule 7 of the Local Government Act 2002 provides that an act or proceeding of Council or of a committee is not invalidated by a vacancy in the membership of Council at the time of that act or proceeding.
18. The 2022 local body elections take place on 8 October 2022 and 142 days remain for this electoral term. Given the 30 day period before the appointment would be effective, the appointment would be for 122 days or one and a half meeting cycles.

### **Climate Change Impact and Considerations**

19. There are no climate change impacts or considerations. This report is of an administrative matter.

### **Consultation**

20. The Act outlines the requirements for filling vacancies less than 12 months before the next triennial election on 8 October 2022, and consultation is not required. However, Council's decision will be publicly notified as required under the legislation.

### **Legal Considerations**

21. The vacancy has occurred less than 12 months before the date of the next triennial election, and the process required under the legislation is being

followed. There are no legal risks associated with the process of electing an extraordinary Council member.

22. If, under section 117(3)(a) of the Act, a local authority or local board or community board resolves to fill a vacancy by appointment, it must immediately give public notice of its decision, pursuant to section 118 of the Local Electoral Act 2001:

*118 Notice of intention to fill vacancy by appointment*

- (1) *If, under section 117(3)(a) or section 117A, a local authority or local board or community board resolves that a vacancy will be filled by the appointment of a person by the local authority or local board or community board, it must immediately, unless the vacancy is for the office of mayor, give public notice of –*

(a) *the resolution; and*

(b) *the process or criteria by which the person named in the resolution was selected for appointment.*

- (2) *The local authority or local board or community board must, at a meeting held not later than the expiry of the prescribed period, by resolution confirm the appointment described in the resolution under subsection (1); and the person appointed is for all purposes to be treated as having been elected to fill the vacancy on the date on which that resolution is made.*

- (3) *For the purposes of subsection (2), the expiry of the prescribed period is 30 days after the date of notification of the resolution under subsection (1).*

- (4) *If for any reason the person specified in the resolution is unavailable or otherwise unable to be confirmed in the appointment, a further vacancy occurs in that office.*

23. If, under section 117(3)(b), a local authority or local board or community board resolves not to fill a vacancy, it must immediately give public notice of its decision, pursuant to section 119 of the Act.

*119 Notice of intention to leave vacancy unfilled*

*If, under section 117(3)(b), a local authority or local board or community board resolves not to fill a vacancy, it must immediately give public notice of its decision.*

### **Financial Considerations**

25. There are minimal financial impacts for Council arising from this decision.
26. There will be minor advertising costs, which will be required for either of the options presented to Council, as the decision must be publicly notified.
27. The Remuneration Authority determines the remuneration, allowances and expenses payable to local government elected members. Both options will not impact the total amount paid to elected members, as this amount is set by the Remuneration Authority each year as a total pool. There is no option to decrease the pool should there be an extraordinary vacancy.

28. Council must not reallocate the salary resulting from an extraordinary vacancy among the remaining councillors. The amount allocated is simply not spent by Council and is available for when the position is filled through a by-election (not applicable in our situation) or by appointment. If the Council decides not to fill a vacancy the amount not being paid as a result of the vacancy must be reallocated among the remaining councillors. Underspends may occur due to a vacancy and if an appointment is made by Council, there could be an underspend due to lag in time to that appointment being sworn in.

### **Responsibilities to be assigned**

29. Should Council resolve not to fill the vacancy, then the responsibilities of the former councillor will need to be allocated to the remaining elected members.

- Audit and Risk Subcommittee (member);
- Hutt Valley Services Committee (member);
- Climate Change and Sustainability Committee (deputy chair);
- Climate Change and Sustainability Committee (member);
- Traffic Subcommittee (alternate);
- Eastern Community Funding Panel (city wide member);
- District Licensing Committee (deputy chair); and
- Epuni Care and Protection Residence (Council representative).

### **Appendices**

There are no appendices for this report.

**Author:** Kathryn Stannard  
Head of Democratic Services

**Reviewed By:** Bradley Cato  
Chief Legal Officer

**Reviewed By:** Jarred Griffiths  
Director Strategy and Engagement

**Approved By:** Jo Miller  
Chief Executive

**23 May 2022**

File: (22/1254)

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**Report no: HCC2022/3/101**

## **Sale and Supply of Alcohol (Harm Minimisation) Amendment Bill (Private Member's Bill)**

### **Purpose of Report**

1. This report seeks Council's decisions on whether to support the Sale and Supply of Alcohol (Harm Minimisation) Amendment Bill (the Bill) and to request the Government and/or non-Executive Members of Parliament to support the Bill.

### **Recommendations**

That Council:

- (1) notes the Health Coalition Aotearoa's request for Hutt City Council to support MP Chlöe Swarbrick's Member's Bill: Sale and Supply of Alcohol (Harm Minimisation) Amendment Bill;
- (2) notes the Sale and Supply of Alcohol (Harm Minimisation) Amendment Bill will:
  - a) remove the appeals process in Local Alcohol Policy adoption;
  - b) end alcohol sponsorship of broadcast sport; and
  - c) strengthen the criteria for District Licensing Committee to consider in licence application decisions;
- (3) considers:
  - a) supporting the Sale and Supply of Alcohol (Harm Minimisation) Amendment Bill;
  - b) requesting that the Sale and Supply of Alcohol (Harm Minimisation) Amendment Bill is supported by the Government and/or non-Executive Members of Parliament; and
  - c) requesting the New Zealand Government review the Sale and Supply of Alcohol Act 2012;

- (4) notes that Auckland, Christchurch City, Hamilton City, and Whanganui District Councils support the Sale and Supply of Alcohol (Harm Minimisation) Amendment Bill.

### **Background**

2. Member of Parliament (MP) Chlöe Swarbrick has introduced a Member's Bill seeking to amend the *Sale and Supply of Alcohol Act 2012* to provide more controls to alcohol advertising, and reforming the appeals process relating to Local Alcohol Policies (LAPs).
3. The Bill is waiting to be drawn from the ballot so it can be introduced for its first reading in Parliament.
4. However, standing orders for this term of Parliament were amended to allow members' bills to bypass the ballot and be introduced for first reading if 61 or more non-executive MPs indicate support for the Bill.

### **Health Coalition Aotearoa have requested Hutt City Council to support the Bill**

5. The Health Coalition Aotearoa (the Coalition) wrote to Mayor Campbell Barry on 21 April 2022 requesting that Hutt City Council:
  - a) support the Bill;
  - b) request the Government and/or non-Executive Members of Parliament to support the Bill; and
  - c) request the New Zealand Government review the Sale and Supply of Alcohol Act 2012.
6. The Coalition's letter to the Mayor is attached as Appendix 1 to the report.
7. The Coalition's mission is to provide a collective voice and expert support for effective policies and actions to reduce the harm from tobacco, alcohol and unhealthy foods and to reduce inequities through a focus on the social determinants of health. It receives advice from a series of expert panels on a range of issues.
8. The Coalition's membership is comprised of non-governmental health and consumer organisations (such as health providers, health charities, medical and health professional organisations) and academic leaders (professors and associate professors with expertise in aspects of health and prevention). The University of Auckland, Consumer NZ, Massey University, and Hāpai Te Hauora (Māori Public Health) are members of the Coalition.

### **The Sale and Supply of Alcohol (Harm Minimisation) Amendment Bill**

9. The Bill has two distinct parts:
  - a) Part One of the Bill abolishes appeals on LAPs in order to provide proper local control over alcohol regulation;

- b) Part Two of the Bill focuses on reducing young people's exposure to messages that encourage them to drink alcohol and removing the link between sport and alcohol.

10. The Bill is attached as Appendix 2 to the report.

#### *Local Alcohol Policies*

11. A LAP is a set of decisions made by a local authority in consultation with its community about the sale and supply of alcohol in its geographical area. Once a LAP is in place, licensing bodies must consider it when they make decisions about alcohol licensing applications.
12. The existing legislation often prevents local authorities from establishing the alcohol rules it wants, by specifically enabling litigation from alcohol companies and supermarkets.
13. Hutt City Council's LAP came into force on 1 September 2016.

#### **Discussion**

14. The following councils have passed motions in support of the Bill:
- Auckland Council;
  - Christchurch City Council;
  - Hamilton City Council; and
  - Whanganui District Council.
15. The Local Government New Zealand conference passed remits in 2018 (95 per cent support) and 2019 (88 per cent support) seeking a review of the *Sale and Supply of Alcohol Act 2012*, with commentary that it be more supportive of community and local involvement.
16. Support for the Bill would align with the key priority 'Tūhono Hapori (Connecting Communities)' in Council's Long-Term Plan, as it would be consistent with its aim to empower neighbourhoods and communities to thrive, remain safe, connected, healthy, inclusive, and resilient.
17. If Council agrees to support the Bill, the Mayor's Office will notify the Coalition of Hutt City Council's support and the Mayor will write a letter to the leader/s of each party in Parliament requesting that their MPs support the Bill.

#### **Options**

18. The options are as follows:
- a) supporting the Sale and Supply of Alcohol (Harm Minimisation) Amendment Bill;
  - b) requesting that the Sale and Supply of Alcohol (Harm Minimisation) Amendment Bill is supported by the Government and/or non-Executive Members of Parliament; and

- c) requesting the New Zealand Government review the Sale and Supply of Alcohol Act 2012.

### **Climate Change Impact and Considerations**

19. The matters addressed in this report have been considered in accordance with the process set out in Council's Climate Change Considerations Guide.
20. There are no climate change implications in this report.

### **Consultation**

21. There are no consultation requirements as part of this report.

### **Legal Considerations**

22. There are no legal implications in this report.

### **Financial Considerations**

23. There are no financial implications in this report.

### **Appendices**

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<a href="#">1</a>	Sale and Supply of Alcohol Harm Minimisation Coalition letter to Mayor Campbell Barry	17
<a href="#">2</a>	Sale and Supply of Alcohol (Harm Minimisation) Amendment Bill	19

**Author:** Cam Meads  
Head of Mayor's Office

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**Approved By:** Campbell Barry  
Mayor



Professor Sally Casswell  
Raawiri (David) Ratu

Co-Chairs, Health Coalition Aotearoa Roopuu Apaarangi  
Waipiro (Alcohol Expert Panel)

21/04/2022

To: Campbell Barry  
By email: [campbell.barry@huttcity.govt.nz](mailto:campbell.barry@huttcity.govt.nz)



Health Coalition Aotearoa

c/o Roopuu Apaarangi Waipiro Co-Chairs

Email: [s.casswell@healthcoalition.org.nz](mailto:s.casswell@healthcoalition.org.nz)  
[david@kokirikt.co.nz](mailto:david@kokirikt.co.nz)

Tēnā koe Mayor Campbell,

We are writing to strongly request Hutt City Council follow the recent leadership [shown by the Auckland Council Governing Body](#) in their unanimous support and call for the Government to take stronger, evidence-based actions to reduce the harm from alcohol.

On March 24, a Notice of Motion was passed unanimously, resulting in the Governing Body:

- supporting Chlöe Swarbrick's proposed Private Members' Bill (Sale and Supply of Alcohol (Harm Minimisation) Amendment Bill);
- requesting the proposed Private Members' Bill is supported by the Government and/or non-Executive Members of Parliament;
- nominating Councillor J Bartley to advocate to central government and to Non-Executive Members of Parliament in support of the proposed Bill; and
- requesting the New Zealand Government review the Sale and Supply of Alcohol Act 2012

As of the 7<sup>th</sup> of April, Christchurch City Council has passed a similar motion of support in favour of the measures in the Bill and a review of our liquor laws, demonstrating the nationwide nature of the need for better support for local authorities to implement healthy alcohol policy.

We recognise and support previous local government leadership on this issue. In 2019, the Local Government remit seeking "a review of the effectiveness of the Sale and Supply of Alcohol Act 2012 in reducing alcohol harm (e.g. price, advertising, purchase age and availability) and fully involve local government in that review" was supported by 88% of the sector.

It is of strong concern that only the scope of the review is to be determined this Parliamentary term, not any drafting of necessary amendments to the legislation. Communities cannot wait this long; change is long overdue. It is therefore imperative that Councils also show support for Chlöe Swarbrick's Private Members' Bill, as this takes important steps towards addressing the availability and marketing of alcohol.

The [Sale and Supply of Alcohol \(Harm Minimisation\) Amendment Bill](#) seeks to:

- remove the appeals process in Local Alcohol Policy adoption;
- end alcohol sponsorship of broadcast sport; and
- strengthen the criteria for District Licensing Committees to consider in licence application decisions.

These steps are in line with Health Coalition Aotearoa's [evidence-based policies](#) for reducing the health harm caused by alcohol in our communities.

You will be well-aware that the Local Alcohol Policy process, provided for in legislation, has been a lengthy, costly process for local government because of supermarket and bottle store appeals. The devolvement of licensing policies to local government has failed to achieve the priority objective of

the 2012 liquor laws “to improve community input into local alcohol licensing decisions”. Democracy requires a level playing field, and that is far from the reality for Councils trying to reflect community desire for greater control of alcohol availability in their neighbourhoods.

We note that councils have also expressed their concern regarding the failure of this process. In 2018, 95% of the sector supported the Local Government New Zealand remit to “amend the Sale and Supply of Alcohol Act 2012 so that Local Alcohol Policies can more accurately reflect local community views and preferences.” It was noted at the time that “the current ability for appellants to endlessly challenge a community’s preferences regarding the sale of alcohol is untenable.”

Further, we welcome the Bill as it provides an end to alcohol sponsorship of broadcast sport. Last month, we [publicly supported the announcement](#) from three Super Rugby Aupiki teams (The Blues, Hurricanes and Matatū/South Island franchises) that they were committed to refusing alcohol branding sponsorships. As such, we believe that the Private Members’ Bill is an important step in the right direction towards comprehensive restrictions to alcohol marketing, akin to New Zealand’s approach to prohibiting tobacco and vaping product advertisements.

We are calling on every Territorial Authority to demonstrate leadership on changing alcohol policy. We encourage you and your Councillors to also request a comprehensive review of the Act, show support for the Private Members’ Bill, and raising the need for a broad review of alcohol law at the Local Government New Zealand conference later this year. Through your actions, you can continue to play a key role in enabling New Zealanders to live in healthy environments that support their physical and mental wellbeing. This, in turn, will significantly reduce the strain on your local health, police and justice services.

We welcome the opportunity to speak with you more about this issue and answer any questions you may have. Please do not hesitate to get in touch with us to schedule a conversation, or a wider briefing for your local council and leadership team.

Ngā mihi maioha,



**Professor Sally Casswell, PhD, ONZM, FRSNZ**

**Co-chair**

Health Coalition Aotearoa Roopuu Apaarangi Waipiro



**Raawiri (David) Ratu**

**Co-chair**

Ngaati te Ata Waiohua, Waikato-Tainui, Ngaati Maniapoto  
Health Coalition Aotearoa Roopuu Apaarangi Waipiro

# DRAFT FOR CONSULTATION

## **Sale and Supply of Alcohol (Harm Minimisation) Amendment Bill**

Member's Bill

### **Explanatory note**

#### **General policy statement**

The objective of the Sale and Supply of Alcohol Act 2012 (**the Act**) includes that “the harm caused by the excessive or inappropriate consumption of alcohol should be minimised”. Unfortunately a number of aspects of the Act do not meet this harm minimisation or public health approach and this Bill does two things to fix this.

Part 1 of the Bill abolishes appeals on local alcohol policies in order to provide proper local control over alcohol regulation. Territorial authorities can try to develop local alcohol policies to enhance community wellbeing. However, this part of the Act has failed because large companies have used their appeal rights in the Act to largely block the development of local alcohol policies. And those that have been adopted have only rarely included regulations over the location and density of stores selling alcohol. This means that communities have not been able to develop public health approaches to the provision of alcohol in their areas.

The Health Promotion Agency, a Crown agent, recommends that the appeal process should be abolished because the appeals process is “expensive and time-consuming”, for community members it is “unfamiliar, stressful and intimidating”, and the Act already requires territorial authorities to go through a special consultative process before adopting a local alcohol policy.

Part 2 of the Bill implements a number of the recommendations of the 2014 Ministerial Forum on Alcohol Advertising and Sponsorship. The Forum’s recommendations focus on reducing young people’s exposure to messages that encourage them to drink alcohol and removing the link between sport and alcohol. The Bill implements their recommendations by banning alcohol sponsorship and advertising of all streamed and live sports and banning alcohol sponsorship at all sporting venues.

The cultural connection between sport and alcohol needs to be broken, particularly given the large number of young people who attend and watch sports games. Similar restrictions on tobacco advertising and sponsorship have contributed to reduced harm from tobacco use and falling rates of youth consumption.

### Clause by clause analysis

*Clause 1* is the Title clause.

*Clause 2* is the commencement clause and provides for:

- *Part 1* of the Bill to come into force on the day after Royal assent; and
- *Part 2* of the Bill to come into force 6 months after Royal assent.

*Clause 3* identifies the Sale and Supply of Alcohol Act 2012 as the Act being amended by the Bill (the **principal Act**).

## Part 1

### Amendments relating to local alcohol policies

*Clause 4* amends section 79 of the principal Act to replace references to a provisional local alcohol policy with references to a final local alcohol policy.

*Clause 5* replaces section 80 of the principal Act, to reflect both the removal of the procedure for producing a provisional local alcohol policy and the ability to appeal against such a policy.

*Clause 6* repeals section 81 to 86 of the principal Act, to remove both the procedure for producing a provisional local alcohol policy and the ability to appeal against such a policy.

*Clause 7* amends section 87 of the principal Act, to reflect both the removal of the procedure for producing a provisional local alcohol policy and the ability to appeal against such a policy.

*Clauses 8 to 10* make consequential amendments to sections 88 to 90 of the principal Act.

*Clause 11* amends section 105 of the principal Act to specify two further criteria that the licensing authority or the licensing committee must have regard to in deciding whether to issue a licence.

*Clause 12* amends section 131 of the principal Act to require the licensing authority or the licensing committee to have regard to all the matters set out in section 105(1) in deciding whether to renew a licence.

*Clause 13* replaces section 133 of the principal Act, which relates to the renewal of licences where a relevant local alcohol policy exists.

*Clause 14* amends section 135 of the principal Act, which relates to decisions on renewal of licences.

*Clause 15* makes a consequential amendment to section 170 of the principal Act.

























