

Minutes of a hearing of submissions on the proposed Queenstown Lakes District Nuisance Bylaw 2016 held in the Council Chambers, 10 Gorge Road, Queenstown on Tuesday, 9 August 2016 beginning at 1.30pm

Present

Mayor Vanessa van Uden (Chairperson); Councillor Craig Ferguson and Councillor Calum MacLeod

In attendance

Mr Lee Webster (Regulatory Manager), Ms Heidi Thomson (Regulatory Support Co-ordinator) and Ms Jane Robertson (Senior Governance Advisor)

Election of Chairperson

The Governance Advisor called the meeting to order and invited the elected members to elect a chairperson for the hearing.

On the motion of Councillors Ferguson and MacLeod it was resolved to appoint Mayor Vanessa van Uden as chair of the hearings panel.

Apologies

An apology was received from Councillor Merv Aoake.

On the motion of the Mayor and Councillor MacLeod it was resolved that the apology be accepted.

Conflicts

Councillor MacLeod stated that he had a greater than 10% interest in a company in possession of a liquor licence. The Chair did not consider that this was a conflict of interest that prevented him from participating as a member of the hearings panel.

Confirmation of Agenda

The agenda was confirmed without addition or alteration.

Hearing of submissions

- Dexter Devlin (also representing Matthew Sutherland), Big Night Out Ltd ('BNO')
Mr Devlin did not support for the bylaw for the reasons outlined in his written submission, in particular, those clauses proposing to control the activities of licenced premise tours ('LPT').

He stated that there was no proof that these activities caused any public nuisance and whilst groups had to use footpaths to travel between venues, the activity itself did not occur in a public place but in licenced premises. There were no recorded complaints to police about this activity and there was no evidence that they encouraged the excessive consumption of alcohol. Notwithstanding

this, the Sale and Supply of Liquor Act 2012 dealt with the excessive consumption of alcohol, not the bylaw. If police had concerns about BNO activities they would have referred BNO to the District Licensing Committee and BNO had a vested interest in ensuring that it did not breach liquor legislation.

In response to concerns raised several years previously, BNO had modified its practices and now believed that it contributed to a safer environment in the CBD. Police had not provided any evidence to substantiate their concerns and the police submission had been made well after the closing date for submissions. The submission's poor quality and lack of depth of detail suggested that it had been hurriedly and poorly prepared and opposing submissions from other organisations also provided scant evidence. The additional time allowed for its receipt suggested that the Council had been 'chasing' this evidence.

He concluded that the concerns of the Council were unfounded and unsubstantiated, whilst any excessive use of alcohol was better addressed under dedicated legislation.

In reply to questions from the panel, Mr Devlin commented as follows:

- BNO has a limit of 60 people per tour, for which there would be four tour guides (1 guide: 15 people). A group of 25 would have two guides.
- The capacity of venues serves to limit of number of people able to take part in a tour.
- It is a condition of BNO entering some of the venues that food (pizza) and water are provided.
- Entertainment and other games take place during the evening and participants cannot hold a drink in their hands whilst playing.
- No games involve the consumption of alcohol.
- No count is made of how many drinks each customer consumes per night so there are no figures about what is 'usual' or 'average'. However, every 45 minutes participants are checked for intoxication when they enter a new venue.
- Anyone refused entry to a venue is encouraged either to take a break or drink water. No statistics are kept for the number of people refused entry as it is not a regular issue. Such occurrences may be recorded in the tour report book but it would depend upon on what was involved in the incident.
- The traffic and pedestrian management plan involves where tour participants will cross the road. If it is a very busy night in town or an especially big group, a decision will be made to split into two groups.

Councillor Macleod asked how what was proposed in the bylaw represented undue restriction or fettering of LPT. Mr Devlin stated that provisions put in place in 2012 following discussion with the Council provided adequate control and if the Council had had any specific concerns about tour operations he would have expected to be contacted by the Council before preparation of the bylaw.

Councillor MacLeod observed that many matters covered by the bylaw were already voluntarily in place and its adoption would therefore make little difference. Mr Devlin expressed concern that the bylaw was targeting commercial pub crawls whilst unpaid pub crawls would not be subject to the proposed rules.

Mr Webster was asked to comment on the lateness of the police submission and the concern Mr Devlin had expressed that it had been 'chased up' by the Council. Mr Webster advised that police had indicated from the moment that the bylaw had been publicly notified that they wanted to make a submission but other policing matters had not permitted them to get it in in time. In addition, he stressed that the bylaw did not propose banning Licenced Premise Tours.

- Ben Calder, Big Night Out Ltd

Mr Calder opposed the provisions of the bylaw which proposed control over LPT. He highlighted the following points:

- In 8.5 years of operation BNO had had no need for attendance by emergency services.
- The Council had targeted pub crawls in 2012 and an operating agreement had been developed. BNO had received overwhelming support at that time to continue.
- The bylaw unfairly targeted paid LPT and ignored the good operating procedures and policies already in existence.
- Council had been misled about how the tours were operated and incidence/management of intoxicated patrons.

Mr Calder cited the following as evidence that the Council's processes to adopt the bylaw had been both flawed and biased:

- As key stakeholders none of the LPT operators had been contacted by the Council to discuss the proposed bylaw. By contrast, there had been extensive follow up by the Council with police allowing them to make a submission after the closing date. LPT operators had not been permitted to make late submissions. He considered that a retrospective submission was not acceptable from a public agency and asked the hearings panel to decline consideration of the police submission because of its lateness.
- The police submission was contradictory and obviously not aware of how tours operated. He was disappointed that many of the police concerns were subject to bias.
- The hearing had originally been scheduled to take place on 9 June and had been cancelled with little notice and no explanation.
- The Mayor had instructed Councillors not to talk to BNO, had developed the bylaw in conjunction with the Regulatory team and was now included on the hearings panel, thereby becoming both the prosecutor and the judge.
- The agenda for the hearing was biased in tone. There had been much opposition to the proposed LPT provisions in the bylaw but there was little weight placed on this.

In summary, he stated that LPT operators should not be burdened by unnecessary bureaucracy; the inclusion of clauses 11 and 15 of the draft bylaw did not reflect public opinion; and proper procedures to adopt the bylaw had not been followed.

In reply to Mr Calder's criticisms, the Mayor advised that she had only raised the issue that LPT were something that needed consideration as there were no existing rules to deal with them apart from liquor laws. She had not instructed Councillors not to speak but once in a formal consultation process had started it was important for elected members to maintain an open mind. There was no foregone conclusion and the submissions/hearings process was simply the

standard Council procedure. There was no 'outcome' to advise of because there had been no decision made.

- Gavin Larsen, Kiwi Crawl Ltd

Mr Larsen also addressed provisions in the bylaw controlling LPT:

- There had been no public complaints laid against LPT.
- The hearings process was flawed: police had had to be prompted to make a submission and it had been received late; SDHB was not initially on the speaking schedule and was now appearing; the hearing scheduled for 9 June had been changed with little notice and for no reason. This suggested manipulation of the system at the Council's favour.
- Paid and free bar crawls were not differentiated and the Council showed little understanding that LPT operators have a safe operating procedures, insurance, practise host responsibly and are first aid trained. The emphasis of tours is on fun and not the consumption of alcohol.
- Tours were already covered by the Sale and Supply of Liquor Act which was the most appropriate governance means.
- The proposed permit infringes freedom of movement and was a personal attack on bar crawls and shows double standards.
- The average group size was 20 people which was not 'a large intimidating group'. Kiwi Crawl was a responsible operator and should not require a permit to operate.

Councillor MacLeod asked if Kiwi Crawl already had good operating procedures what was the problem with having a permit. Mr Larsen explained that restrictions would be imposed which would give the Council a right to control the business. The Council could also make it an unreasonable cost to apply for a permit, could restrict numbers on tours and could control hours/days of operation. Councillor MacLeod noted that a bar operator could also control numbers and timing, so why did Mr Larsen have a problem with the Council? Mr Larsen noted that any change promulgated by a bar would be by mutual agreement so that the business generated worked mutually for both companies.

It was noted that Thomas Clarke (Jealous Panda Ltd) could no longer attend the hearing.

- Lewis Norman (Jealous Panda Ltd)

Mr Norman advised that Jealous Panda was an organised musical based event. It was well managed and run, customer safety was a priority and excessive alcohol consumption was never promoted. It had worked alongside LPT as they were also well run and he was happy to be associated with this activity. Whilst not a bar crawl per se, Jealous Panda did travel between different venues.

- Matthew Jenkins

Mr Jenkins advised that he was the manager of The Bungalow and had been in the position for 8 years. Over this time he had worked alongside pub crawls and during any time they spent in the bar they had to work within the Sale and Supply of Liquor Act. In this regard bars had to limit the amount of alcohol a customer was able to consume. He considered that paid pub crawls were managed unlike others and dealt fairly with any issues, especially individuals who may be intoxicated or have to be ejected for inappropriate behaviour. Bars could inform

each other if someone on a pub crawl was becoming intoxicated and this sort of information would not be circulated with a casual customer.

- Siana Corbett

Ms Corbett advised that she was a manager at Base Backpackers and was appearing to express her support for Big Night Out. She believed tours were a fun and secure way to meet people and as a bar manager she had not observed any problems with pub crawls, as each bar has to check individuals at the door. The tour guides were also good with supporting people who were becoming intoxicated or refused entry and at dealing with bar staff.

- Rich Dean (Jealous Panda Ltd)

Mr Dean also objected to clauses 11 and 15 in the proposed bylaw. He had worked in local backpackers and had had a lot of interaction with Big Night Out. He believed it was a well-managed operation, he continued to do business with them now and would not do so unless he considered them a good organisation. He noted that Jealous Panda ran music tours between 2-3 venues and whilst the tours were music based they operated under a very similar concept to LPT.

Councillor MacLeod echoed his earlier question, noting that if everything was being run in a positive and constructive way, what restriction would a Council permit system impose? Mr Dean noted that it could limit operating times and fees to be charged. He added that the tours were well run and he was not aware of any issues so he questioned the need to introduce a permit system. Councillor MacLeod observed that it was unlikely any Council conditions would be outrageous but Mr Dean noted the potential that it could happen.

- Louise Berry

Ms Berry stated that she was also a Manager at The Bungalow and she did not believe that pub crawls were a nuisance in town. She believed that were a good way of meeting people and they were not a nuisance in the street, especially as they were not in the street for very long and normally had a guide at each end.

- Chelsea Cartmel

Ms Cartmel advised that she was an employee of Big Night Out and had received extensive training. She was always professional and briefed the group before leaving on the tour. The operating guidelines were strict and she always adhered to them with guides at the front and back of the group to ensure that clients did not walk on the road. Groups did abide with the instructions given by guides and excessive drinking was not promoted. There were always 2-3 guides on a tour and the tour always received great feedback. .

- Aoife

Aoife advised that she was a manager at Bungy Backpackers and she was always happy to recommend Big Night Out. She believed that safety was a priority and had observed Big Night Out staff dealing with a rowdy participant. She did not believe that a permit system would change the safety of a tour. She received no benefit for recommending Big Night Out

- Sam Crane

Mr Crane worked at The London and observed LPT as a safe and fun night out. He had experienced no problems with any of the pub crawls and believed tours were well run and managed well by the staff. He had only ever received positive reviews from customers.

- Jason Laine

Mr Laine stated that he was tour manager for Big Night Out and oversaw all operations to ensure a safe and fun evening. This included organising pizza and coordinating the group's arrival at a venue. Clients generally stayed about 35 minutes in each bar and were then guided to the next bar. He had been a Duty Manager for 5 years including experience at a large bar in Auckland and was first aid certificated. The traffic management plan required a member of staff to oversee clients crossing the road with pedestrian crossings used where possible. Only 3-4 % of the time was spent on the street and the consumption of alcohol was not promoted. Customers were checked 5 times over the night.

The company had always been open to dialogue with the Council but there had been no communication since 2012. 100,000 customers had participated in tours with no proof of any nuisance or accidents and no laws being broken.

- Abigail (Bobby) Whitfield

Ms Whitfield stated that she was a guide for Big Night Out and had been in this position for one year. Customer safety was the number one priority for the company, she had received first aid training and got regular feedback on how to keep the tour safe and enjoyable. Positive feedback came from on-line reviews and she did not know where perception of 'nuisance' came from. Guides worked closely with venues on all visits and have good relationships with them and she would not work for a company if she felt it was a 'nuisance' for the public.

- Derek Bell, Southern District Health Board, Medical Officer of Health

Dr Bell acknowledged the positive and responsible steps that LPT operators had taken. He observed that many submitters expressing concerns about the proposed controls on Licence Premise Tours interpreted them as a ban, but they only represented some soft controls and if organisers were responsible they should have nothing to fear from the bylaw. He added that they could help the Council to develop the conditions. He wondered whether their opposition arose from the use of 'nuisance' and its negative connotations.

Dr Bell noted that bar tours by their very nature glorified drinking alcohol and promoted binge drinking, with participants usually drinking more after the tour finished. The Sale and Supply of Alcohol Act promoted the responsible sale, supply and consumption of alcohol and sought to minimise the harm of consumption. Further, QLDC would not be the first Council to look at Licenced Premise Tours, with many local authorities attempting to control bar tours because of previous troubles. He believed that what the Council proposed was only to implement some basic controls. He noted that during tours bar staff did not have much direct control over the serving of alcohol and it was mainly the tour guides assessing the level of intoxication. In this way, he believed that tour guides should have the same level of control over the actions of people in the group as licensees. Dr Bell quoted reviews on the Big Night Out website which emphasised drunken behaviour and he believed that it added up to a very good case for having a permit system. He noted that operators already provided most of the safety features that would be part of a permit system and he agreed that the activity deserved recognition under some soft regulatory approach.

Dr Bell also supported the proposed controls over psychoactive substances.

- Sian Swinney

Ms Swinney spoke as a Liquor Licensing Inspector at the Queenstown Lakes District Council. She noted that a key purpose of the Bylaw was to provide guidance to the Council and licensees and aid in the reduction of alcohol related harm in the community.

Ms Swinney noted that there were 440 active licences in the community. The Bylaw should reflect section 4 of Sale and Supply of Alcohol Act which sought to minimise excessive and inappropriate use of alcohol. The Bylaw therefore provided an additional tool for dealing with a variety of activities.

Ms Swinney presented a detailed submission containing the following key points:

- The proposal to define what would be considered a “licensed premises tour organiser” is supported but should be amended to potentially include, along with “a person”, “trade, company, agency, agent, or establishment” in this definition.
- Further consideration to the wording of the section “to whom a fee is paid” is needed because it does not necessarily include groups such as booking agents or accommodation providers, as these entities do not charge for the tours offered.
- Conditions listed for LPT permits were supported but the submission suggested other wording and legislative references should be included such as the addition of possible minimum staff numbers. In addition, a ratio formula should be considered where the number of staff would depend on the number of people booked on the tour. This would need flexibility to take account of the fact that some tours increased in size during the tour’s progression.
- The submission encouraged adding other wording and legislative references including the addition of “criminal behaviour” such as drugs and making reference to section 237 of the Sale and Supply of Alcohol Act re ‘irresponsible promotion of alcohol’.

Ms Swinney presented photographic evidence taken from social media sites that showed some of the activities which take place in public spaces and shows the size of groups and in some cases the pre-loading which takes place in some of the tours.

The hearing adjourned at 3.01pm and reconvened at 3.16pm.

The hearings panel agreed to accept the police submission for consideration.

- Sergeant Mark Gill, NZ Police

Sergeant Gill stated that police support the bylaw in particular the requirements for LPT and use of mind-altering substances in a public space. He noted that police worked to reduce instances of alcohol-related harm in the community and bar crawls were outside the control of the Sale and Supply of Alcohol Act wherein they actively promoted the consumption of alcohol. He noted that incidents involving alcohol-related violence could occur when an intoxicated person was ejected from a facility or not admitted or two groups met. Late at night the town was mainly populated by bar goers and it was an unregulated and unsupervised environment in contrast to the daytime environment where ordinary people may become offenders and victims. It was a time when there was increased noise and queuing at venues, with large numbers of people and large groups. The

Bylaw would therefore give the police and the Council to have some control over these activities.

Councillor MacLeod noted that there was some level of control if people participated in organised tours. Sergeant Gill stated that there would be value in tours being vetted or certified as at present there was little information about these groups and their experience or qualifications.

It was noted that Sophie Wood could no longer attend the hearing.

- Steve Wilde, Downtown Queenstown

Mr Wilde stated that a survey of members, many of whom are in hospitality, supported restrictions being placed on LPT. Whilst it was agreed that they added vitality to the town, the introduction of a permit system was supported.

Downtown Queenstown did not support the Council's proposition to relax busking rules and believed that buskers should still be required to obtain a permit should display this whilst performing. About 75 busking permits were issued annually and Mr Wilde believed anecdotally that there were more buskers on the street than that. Downtown Queenstown would also like to restrict where buskers could perform as some performances could attract large crowds which could impede shop entries.

- Evan Jenkins

Mr Jenkins noted that canvassing and the circulation of leaflets was occurring in the streets all the time and the Council should enforce what was already happen and not introduce more.

Mr Jenkins supported the introduction of controls over LBT. Despite the massive response opposing it he did not see what the problem was to place some minor controls over LPT operators' activities. He noted that at the moment they had a free rein and it was a good idea to control numbers and introduce a host/client ratio.

Mr Jenkins questioned the wording used in the clauses dealing with psychoactive substances and the stated desire to ban 'pleasurable sensations'. He questioned what could be deemed consuming something pleasurable, suggesting that this could extend to substances such as coffee or ice cream. He believed that this wording needed review and questioned the need to describe what could be deemed 'pleasurable'.

Mr Jenkins endorsed the previous speaker's comment that 75 busking permits issued did not mean only 75 people busking. He questioned use of the word 'aerobatics' which he presumed mean 'acrobatics'. Without a permit on display the public did not know what controls or parameters over the performance there were and it should be displayed. In his view, buskers were out of control and there was no Council enforcement.

- Angela Wybourne

Ms Wybourne noted that as someone in the music industry it was good to have something that encouraged patrons go around a variety of bars. She was a busker who performed on the street late at night and she had never had issues with anyone from a pub crawl acting inappropriately or any incidents. She agreed

that the emphasis was on a good vibe and having a good time. She herself had not experienced any problems with participants on pub crawls and she believed that there should be more evidence of what problems the Council was trying to address before it introduced new regulations.

Ms Wybourne wanted to see more restrictions on busking so that noise levels were better controlled, as loud busking created ill will for all. She believed that if someone had received three warnings about loud busking some restriction on their activity should be imposed. She also noted that loud activity encouraged others to get louder so that they could be heard.

In relation to organised locations, Ms Wybourne believed the main problem was near the Rees statue because crowds impeded access to adjacent businesses. She added that buskers who are very loud can be very selfish and distracting, adding that some were in the nature of hustlers and tried to build up a big crowd before beginning their performance. She believed that if a busker used amplification, it would be good to have some control over their performance location.

- Basil Walker

Ms Thomson presented Mr Walker's submission on his behalf in which he expressed strong feelings about Wicked Campers and signage.

The public part of the hearing concluded at 3.58pm, at which point deliberations commenced.

Deliberations

A draft bylaw was circulated containing suggested changes as a result of submissions.

Definitions

'Enforcement officers': Members questioned the need to separately identify potential enforcement officers, including Alcohol Inspectors. It was agreed to amend to include only the addition of environmental health officers.

Event: 'Non-alcoholic beverages': Members did not believe that this needed inclusion to cover wine tours as part of Licence Premise Tours as wine was an alcoholic beverage.

'Licenced premises tour organiser': Agreed to delete 'to whom a fee is paid' to take account of free bar crawls.

'Mind altering substances': Definitions need to be expressed in plain English and should exclude specific mention of nicotine and caffeine.

Addition to 7(1)(c) '... be injurious to or cause a nuisance to any person or damage Council property'

10. 'Events in public places': There was discussion about whether a LPT was an event in a public place. The Mayor considered that LPT should not be included as an event but separately.

The Mayor stated that many events in public places would already have resource consent so they should not have to get an additional permit, adding that they should only need a permit for an event if not otherwise needing resource consent. She also stressed that only one approval should ever be required and there was no need to add another layer of permits to run events. She asked staff to work on producing one seamless permission in plain English and for this to be circulated to the hearings panel for their agreement.

11. Organised licensed premises tours: It was noted that the purpose of the permit was to formalise the earlier agreement with operators. It was agreed that it was appropriate to consult with operators with the type of permit proposed. The Mayor observed that approved walking tours needed 1 guide for 12 patrons so rules for LPT needed to be consistent. Consideration was given to some draft permit conditions. Members agreed that it was appropriate to offer the first year for free. The Mayor suggested that the setting of an actual fee be determined as part of the annual review of fees and charges and it was agreed that \$200 might be appropriate.

13. Permits: It was agreed to change 'When deciding whether to issue a permit...' to 'Council may grant permission...'

Staff were directed to make further amendments to the draft and for the hearings panel to reconvene after a new draft was available and staff had liaised with those LPT operators who had made submissions.

The meeting concluded at 5.27pm.

The meeting reconvened on Wednesday 31 August 2016 at 2pm. Councillor MacLeod could not attend owing to sickness.

Consideration was given to an email from Matthew Sutherland of Big Night Out dated 25 August 2016 detailing the company's (and Kiwi Crawl's) position on the proposed permit conditions. His comments indicated that he was still not happy with the hearing and the proposed provisions of the bylaw.

Staff reported that there had been meetings with representatives of Big Night Out to discuss the permit conditions and representatives from other areas of Council had also attended to try to address their concerns. At this meeting staff had stressed the need to place some controls around LPT but there was no desire to ban them entirely and there was no pre-conceived position on this activity.

A new proposed draft bylaw was circulated containing minor changes recommended as a result of fresh legal advice.

Members supported the proposed name change for the bylaw which was directly in response to the hearing where the negative connotation of 'nuisance' had been raised.

The Mayor believed that it would be better for regulatory support staff to issue permissions rather than alcohol inspectors.

It was noted that time restrictions for busking had been removed as noise could be dealt with under District Plan rules (12(1)(c)).

Fees structure: Members agreed that there should be no charge for the first year for LPT permission but there would be a charge in subsequent years. The fee needed to include some provision for monitoring over the year.

The Mayor asked for the permit conditions to be adopted with the report.

Staff were asked to check the rationale for determining a ratio for 1:12 on walking tours. Members accepted this as an appropriate ratio as by contrast, walking tours were occurring during the day and participants were not drinking alcohol. Staff noted that LPT operators had complained at this proposal stating that tours would not be economic if the ratio was more than 1:20. Following consideration it was agreed to set the ratio at 1:12 with the rider that it could be reviewed if necessary as it was not something contained in the bylaw itself.

Recommendation

That the Hearings panel recommend to Council adoption of the Bylaw as amended.

That the Hearings Panel recommend to Council adoption of the Proposed Permit conditions for Licensed Premise Tours.

The meeting concluded at 3.04pm.

Attachment B (2)

Queenstown Lakes District Council - Activities in Public Places Bylaw 2016 Hearing Deliberations Summary

General Information

The hearing panel consisted of the following members:-

- Mayor Vanessa Van Uden
- Councillor Calum MacLeod
- Councillor Craig Ferguson
- Councillor Merv Aoake

The hearing of submissions was held on Tuesday 9 August 2016. Councillor Merv Aoake gave his apologies as being unable to attend due to bereavement. Initial deliberations followed the hearing.

A second meeting to deliberate was held on Wednesday 31 August 2016. Councillors Merv Aoake and Calum MacLeod gave their apologies as being unable to attend due to annual leave and sickness.

Licensed Premises Tours

During the course of the submission hearing on 8 August 2016 the directors of the main licensed premises tour operators within Queenstown requested a meeting to discuss the possible permit conditions that may be imposed in the event the Bylaw was passed.

A meeting was held on Tuesday 23rd August 2016 in which one representative from each company wishing to discuss the proposed permit conditions was invited to attend. The following attended the meeting:-

- Heidi Thomson (Regulatory Support Coordinator)
- Sian Swinney (Team Leader – Alcohol Licensing Inspector)
- Matthew Sutherland (Director – Big Night Out)
- Gavin Larsen (Director – Kiwi Crawl)
- Richard Dean (Director – Jealous Panda)

Ms Swinney attended the meeting as an independent Alcohol Inspector to give advice/answer questions to the group on their concerns and comments regarding the Sale and Supply of Alcohol Act 2012.

The main comments from the directors were as follows:-

- Their current ratio of staff to patrons is 1 – 20 which they believe is an acceptable ratio
- Free licenced premises tours should be included in the Bylaw
- They are of the position that licensed premises tours should not be included in the Bylaw. They believe that an agreement should be met between council and the operators regarding the operation of the tour just as they did in 2012/2013.

Deliberation Resolutions

After considering all submissions and general comments the following changes were made to the Bylaw:

- The name of the Bylaw was changed from Nuisance Bylaw 2016 to Activities in Public Places Bylaw 2016
- The definition of 'licensed premises tour organiser' was changed to include non-fee paying tours:-

***Licensed premises tour organiser** means a person who has responsibility or oversight of the management, operation or organisation of an organised licensed premise tour.*

- The definition of 'organised licensed premises tour' was changed to include non-fee paying groups:-

***Organises licensed premises tour** means a tour of two or more licensed premises involving a group of persons that is marketed or advertised to the public or a section of the public in any form. It does not include a privately organised tour of licensed premises that is not marketed or advertised to the public.*

- The following statement was added in relation to licensed premises tours:-

No person, agency, or business may sell ticket to, or otherwise promote an organised licensed premises tour that is to occur in a public place unless the tour is authorised by Council

- The application forms for 'Licenced Premises Tours' will be processed by the Regulatory Support Team.
- A fees structure will be in place for 'Licenced Premises Tour' permits. The first year's application will be free however the renewal (which will last for 3 years) will incur a charge in which standard monitoring fees will be included in the fee. Any extra monitoring due to non-compliance or complaints will incur extra costs. The cost of the renewal permit and the monitoring fees will be determined during the next 12 months with Council.
- The permit for 'Licenced Premises Tours' will be granted for use on general council land, if they wish to cross over onto reserve land they will need to apply for a subsequent reserves permit.
- Permit conditions for 'Licenced Premises Tours' will be formalised with the inclusion that 1 member of staff must be present for every twelve patrons.
- Buskers will be required to complete an online register to gain permission in order to perform their busking activity.
- No specific time restrictions will be imposed on buskers, however they must comply with the district plan in relation to noise levels
- Anyone wishing to have a pop up will be required to complete an online register to gain permission in order to perform their trading activity.

The hearing panel will be recommending to Council on 29th September 2016 that the Bylaw is adopted in its new draft and that the suggested permit conditions for licenced premises tours be formalised and adopted.