

QLDC Council

23 March 2023

Report for Agenda Item | Rīpoata moto e Rāraki take [11]

Department: Strategy & Policy

Title | Taitara : Consultation – Draft Alcohol Restrictions in Public Places Bylaw 2018

Purpose of the Report | Te Take mō te Pūroko

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The purpose of this report is to present Council with proposed changes to the Alcohol Restrictions in Public Places Bylaw 2018, and seek that that Council endorse the proposed changes in the draft Alcohol Restrictions in Public Places Bylaw 2018 / Ngā ture aukatinga waipiro i ngā wāhi tūmatanui for formal consultation, via the Special Consultative Procedure.

Executive Summary | Whakarāpopototaka Matua

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The Alcohol Restrictions in Public Places Bylaw 2018 is due for review. Officers commenced the process to review the bylaw by undertaking preliminary engagement in late 2022.

The main changes proposed are to add a permanent alcohol ban for Christmas Day and Boxing Day for Queenstown public places, and to remove the 8.00pm-8.00am year-round alcohol bans in Frankton, Arrowtown and Hāwea public places, as well as remove the Queenstown Winter Festival Ban. It is recommended to remove these bans because there is insufficient evidence to support their continuation. If Council endorses the draft bylaw and adopts the statement of proposal for consultation, staff will undertake consultation in accordance with the Special Consultative Procedure from 8.00am 3 April 2023 to 5.00pm 5 May 2023.

Recommendation | Kā Tūtohuka

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That Council:

1. **Note** the contents of this report;
2. **Note** that the Community and Services Committee recommended that Council endorse the draft Alcohol Restrictions in Public Places Bylaw 2018 / Ngā ture aukatinga waipiro i ngā wāhi tūmatanui for consultation;
3. **Determine** pursuant to sections 147A and 155(1) of the Local Government Act 2002 that a bylaw is the most appropriate way of addressing the problem of crime or disorder caused or made worse by the consumption of alcohol in public places;
4. **Determine** pursuant to section 155(2)(a) of the Local Government Act 2002 that the draft Alcohol Restrictions in Public Places Bylaw 2018 is the most appropriate form of bylaw;
5. **Determine** pursuant to sections 147A and 155(2)(b) of the Local Government Act 2002, that the draft Alcohol Restrictions in Public Places Bylaw 2018 does not give rise to any implications under the New Zealand Bill of Rights Act 1990;

6. **Endorse** the draft Alcohol Restrictions in Public Places Bylaw 2018 / Ngā ture aukatinga waipiro i ngā wāhi tūmatanui (Attachment A);
7. **Adopt** the statement of proposal outlined in Attachment C for consultation in accordance with the Special Consultative Procedure outlined in sections 83 and 86 of the Local Government Act 2002, from 8.00am Monday 3 April 2023 to 5.00pm Friday May 5 2023; and
8. **Appoint** four councillors (to be named) of which three are required to form a hearings panel to hear and consider the submissions on the proposal and make recommendations to the Council on adoption of the draft bylaw.

**Prepared by:**



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23 February 2023

**Reviewed and Authorised by:**



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24 February 2023

## Context | Horopaki

### The bylaw review process

1. The Local Government Act 2002 (LGA) requires councils to review their bylaws every five years, and in some cases, every ten years. When a bylaw is first made, if it is reviewed by Council within five years, the subsequent review period is ten years. If a bylaw is not reviewed within five years of being made, there is a two year grace period within which the bylaw is still valid, after which it automatically expires. A review done in the two year grace period invokes a subsequent five year review requirement.
2. Two bylaws are currently under review and are being progressed and consulted on together for efficiency. This includes:
  - Activities in Public Places Bylaw 2016 - in place since November 2016 and due for review and will expire if not reviewed prior to September 2023. Once reviewed, it will next have a five year review requirement.
  - Alcohol Restrictions in Public Places Bylaw 2018 - in place since November 2018, last reviewed in 2018 and due for review this year. If the review is completed before October 2023, it is eligible for a ten year review period.
3. The Activities in Public Places Bylaw 2016 is addressed in a separate report.
4. Before commencing the process for making or reviewing a bylaw (including consultation), Council is required to make the determinations in section 155 of the LGA. This is to determine whether a bylaw is the most appropriate way of addressing the perceived problem, whether the proposed bylaw is in the most appropriate form, and if it gives rise to any implications under the New Zealand Bill of Rights Act 1990. There are additional criteria in the LGA for alcohol control bylaws. These requirements are canvassed in this report.
5. The bylaw has now reached the stage in the process for public consultation. The current progress of the bylaw is set out in the diagram below.



6. Preliminary engagement was undertaken on both bylaws during November 2022 to gather information as to what stakeholders view as the main issues with these bylaws. Targeted emails were sent to stakeholder groups, inviting them to provide feedback on Council's Let's Talk platform. Anyone in the community could also respond to the online survey.
7. Respondents who provided feedback said that the current bylaw is working well. There were also comments that there is a lack of enforcement of the bylaw. There were calls to increase the duration and days of alcohol bans, as well as feedback that the bylaw prohibits people from having a quiet drink on the lakefront.
8. The draft bylaw was presented to the Community and Services Committee (the committee) at its 21 February 2023 meeting. The committee recommended that Council endorse the draft bylaw for consultation.

### **The Alcohol Restrictions in Public Places Bylaw 2018**

9. The bylaw currently bans alcohol in specified public places (Queenstown, Frankton, Arrowtown, Wānaka and Hāwea) mapped in the bylaw as follows (called 'specified periods' in the bylaw):
  - from 8.00pm to 8.00am the following day
  - from 6.00am on the 27 December to 6.00am on 6 January of the following year
  - any additional period that may be defined by Council by resolution from time to time.
10. The bylaw also has specific bans relating to Queenstown specified public places only, including:
  - National Crate Day 12:00am-12:00am
  - Winter Festival from 6:00am on opening day to 6:00am the day after closing day.
11. The provision in the bylaw to introduce a ban in any additional period as defined by Council resolution has been invoked to ban alcohol on Christmas Day and Boxing Day in 2020, 2021 and 2022, for all specified public places.
12. Police requested that Council consider a 24 hour, year round alcohol ban covering the Queenstown and Wānaka specified areas, examine whether the bylaw needs to apply to the other specified areas (Frankton, Arrowtown, Lake Hāwea) and improve the signage and advertising of the alcohol ban times and conditions.

### **Analysis and Advice | Tatāritaka me kā Tohutohu**

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### **Proposed changes to the Alcohol Restrictions in Public Places Bylaw 2018**

13. The main features of the bylaw and the changes recommended are discussed below. All proposed changes are marked up in the draft Alcohol Restrictions in Public Places Bylaw 2018 at Attachment A.
14. Sections 147(2) and (3) of the LGA empowers councils to be able to make bylaws that regulate or control alcohol relative to public places. Sections 147A and 147B set out statutory criteria that must be met before a council imposes alcohol bans or other controls in a bylaw or by resolution in a bylaw. The effect of the criteria is to establish an evidential threshold for the imposition of alcohol controls, that is different and higher as compared to other bylaws.
15. In general, a council must be satisfied that:
  - there is evidence that the area to which the proposed controls will apply has experienced a high level of crime or disorder that can be shown to have been caused or made worse by alcohol consumption in the area; and
  - the proposed controls are appropriate and proportionate in the light of that crime and disorder.
16. The statutory criteria are discussed in more detail in the Legal Considerations section of this report.
17. The evidence provided by Police and other key stakeholders for each alcohol ban is included at Attachment D to this report. Most Police interactions arising in relation to alcohol being consumed or possessed within the current alcohol ban areas are resolved through bylaw education, rather than issuing an infringement fine. Observations and experience from Police interactions arising from alcohol being consumed or possessed within alcohol ban areas however are therefore a critical indicator. Information from

stakeholders is also a valuable source of information as to whether there is crime and disorder from alcohol consumption in public places.

18. Historical Police statistics of alcohol-related crime has been included, but as there is a low number of reported offences, this data is not as useful for identifying whether alcohol-related crime and disorder will return without a bylaw in place, because there is a low number of reported offences due to the current bylaw. The COVID-19 pandemic has also meant that more recent data is not available.
19. Police interactions relating to educating people about the alcohol ban areas are not routinely recorded. However, it is understood that Police have been recording this information since before Christmas 2022 and intend to use this information in their formal submission to the draft bylaw.

#### Continuation of 8.00pm – 8.00am bans for Queenstown and Wānaka

20. Existing information supports the continuation of year-round 8.00pm to 8.00am bans for Queenstown and Wānaka specified public places. The most demand on Police services for both Queenstown and Wānaka is from 8.00pm-8.00am. In addition, for Queenstown, data from 2019 (latest data) to Queenstown-Lakes hospital shows that the vast majority of alcohol-related admissions occur between midnight and 6.00am.
21. There is currently insufficient evidence to support adding 8.00am to 8.00pm to the bans for Queenstown or Wānaka, so that these are 24 hours a day, 365 days a year bans for these public places. There is very little demand on Police services outside of the early morning (i.e., prior to 8.00am) throughout the year. It is recommended not to include a 24 hour, 365 day a year ban for Queenstown or Wānaka. The statement of proposal is drafted to allow for this to be changed (if adequate evidence is provided) through the formal consultation process.

#### Insufficient evidence to support 8.00pm – 8.00am bans for Frankton, Arrowtown and Hāwea public places

22. There is currently insufficient evidence to support the continuation of the 8.00pm to 8.00am year round ban for Frankton, Arrowtown and Hāwea. Police and stakeholders have not reported any issues of crime and disorder due to alcohol consumption in public places in these townships to show that there is currently a problem that justifies an alcohol ban. It is acknowledged that gathering evidence to show crime and disorder due to public consumption of alcohol is difficult when there is already a ban in place. However, the information available supports the position that even without a ban, there would not be problems in these places.
23. Since the bylaw was first adopted, alcohol consumption in public places has ebbed in Arrowtown because camping that had previously caused issues with public alcohol consumption is now more family-oriented and at a lower scale. In the past, events held in Hāwea township caused public alcohol consumption issues, that are no longer occurring or are at a lower scale.
24. It is therefore recommended to remove the 8.00pm – 8.00am year-round alcohol bans for Frankton, Arrowtown and Hāwea. The statement of proposal is drafted to allow for this to be changed, if adequate evidence is provided, through the formal consultation process.

#### Addition of Christmas and Boxing Day permanent bans

25. To add this ban to the bylaw permanently, Council requires evidence to show that there is currently crime and disorder occurring on Christmas Day and Boxing Day in the specified public places, that is linked to alcohol consumption.

26. Evidence used to justify the previous temporary ban resolutions can be used as part of the evidential basis for a permanent ban. There is adequate qualitative information of crime and disorder due to alcohol consumption in Queenstown on these dates in the years prior to the temporary alcohol bans being in place.
27. There is no information that shows that there is crime and disorder caused by alcohol consumption occurring on these dates for Wānaka, Frankton, Arrowtown or Hāwea. The statement of proposal is drafted to allow for this to be changed, if adequate evidence is provided, through the formal consultation process.
28. It is recommended that Christmas and Boxing Day are added to the draft bylaw as permanent bans for Queenstown only, and that the ban time be adjusted to commence and end at 8.00am, in line with the other permanent bans.

#### Continuation of 27 December – 6 January ban for Queenstown and Wānaka

29. The summer holiday period is a busy and popular time for locals and visitors alike, with visitor numbers likely to increase going forward, post-COVID-19. Information from stakeholders and Police indicates that crime and disorder due to public alcohol consumption continues to be an issue for Queenstown and Wānaka public places during this time.
30. It is therefore recommended to continue this ban for Queenstown and Wānaka, and that it commences and end at 8.00am, in line with the other permanent bans in the bylaw. Along with the introduction of a permanent Christmas and Boxing Day ban for Queenstown, this means that the holiday ban for Queenstown in the draft bylaw would commence at 8.00am 25 December and end at 8.00am 6 January the following year.
31. There is insufficient evidence to support the continuation of the holiday ban for Frankton, Arrowtown and Hāwea. It is recommended to remove the ban for these places in the bylaw.

#### Continuation of Crate Day ban for Queenstown

32. The Crate Day ban for Queenstown was added to the bylaw as an outcome of the 2018 bylaw review. The definition of National Crate Day in the bylaw is somewhat flexible as it provides for any variation of this event e.g., a popularised, alcohol-focussed, free public event. Evidence used to justify this ban when it was introduced has been used as the evidential basis to support its continuation, alongside the ongoing national uptake and popularity of this event.
33. It is recommended that the Crate Day ban for Queenstown be continued, and that the ban times be adjusted to commence at 8.00am on the date of Crate Day and end at 8.00pm the next day, in line with the other permanent bans.

#### Removal of Queenstown Winter Festival ban

34. Over the past several years, and exacerbated by COVID-19, the Queenstown Winter Festival event has downgraded such that Police have substantially reduced the resources previously engaged to regulate public alcohol consumption. Police no longer consider that there is evidence of crime and disorder due to public drinking to support a ban but will monitor with a view to advocating for reinstatement of a permanent or temporary ban if warranted.

35. Due to insufficient evidence to support the continuation of this ban in the draft bylaw, it is recommended that it be removed.

**Options and analysis**

36. This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002.

37. Note that Council is able to make changes to the draft bylaw as an outcome of formal consultation in response to feedback received, as long as the changes are within the scope of what is contemplated in the statement of proposal. Material changes to the draft bylaw proposed after consultation that are not contemplated in the statement of proposal may require Council to consult again.

38. **Option 1:** that Council endorse the draft Alcohol Restrictions in Public Places Bylaw 2018 for consultation following the Special Consultative Procedure. Note that it is open to Council to recommend changes to the draft bylaw as part of this option.

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> <li>• Initiates a compliant bylaw review process in a timely fashion.</li> <li>• Police retain a preventative and enforcement tool to help address crime and disorder associated with consumption of alcohol within Queenstown and Wānaka public places.</li> <li>• Ensures that rights and freedoms to possess and consume alcohol within specified public places in the district are appropriate and proportionate considering the evidence of crime and disorder that is linked to the consumption of alcohol in public places.</li> <li>• Acts as a deterrent to the public consumption of alcohol in central Queenstown and Wānaka.</li> <li>• Facilitates continued low levels of crime and disorder associated with the consumption of alcohol in Queenstown and Wānaka.</li> <li>• There would be no negative economic impact to businesses due to the impacts and perception of crime and disorder associated with the consumption of alcohol in Queenstown and Wānaka public places.</li> <li>• Council retains the ability to establish alcohol bans by resolution if LGA requirements are met.</li> </ul>	<ul style="list-style-type: none"> <li>• There may be an increase in alcohol-related crime and disorder in public places where alcohol bans are removed.</li> <li>• The existing limitations of rights and freedoms to possess and consume alcohol within specified public places in the district are retained.</li> <li>• The potential to move alcohol consumption in specified public places to other locations is continued, that some people may not support.</li> <li>• There is time and costs associated with consultation and implementation.</li> </ul>

39. **Option 2:** that Council not endorse the draft Alcohol Restrictions in Public Places Bylaw 2018 for consultation following the Special Consultative Procedure.

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> <li>• There would be no limitations of rights and freedoms to possess and consume alcohol within any public places in the district, which some people in the community may support.</li> <li>• There would be reduced time and cost associated with consultation and implementation of the bylaw.</li> </ul>	<ul style="list-style-type: none"> <li>• The bylaw review process would not be continued and the bylaw would lapse.</li> <li>• Police will lose a preventative and enforcement tool to help address crime and disorder associated to consumption of alcohol within Queenstown and Wānaka public places.</li> <li>• The deterrent to public consumption of alcohol in Queenstown and Wānaka public places would cease.</li> <li>• Having no alcohol ban zones may increase crime and disorder associated with the consumption of alcohol within Queenstown and Wānaka public places.</li> <li>• There may be a negative economic impact to businesses due to the impacts and perception of crime and disorder associated with the consumption of alcohol in Queenstown and Wānaka public places.</li> <li>• There may be a reduced public perception of safety.</li> <li>• Council would have no ability to establish alcohol bans by resolution if LGA requirements are met.</li> </ul>

40. This report recommends **Option 1** for addressing the matter, as this option regulates crime and disorder associated with the consumption of alcohol in public places, whilst balancing individual rights and freedoms.

**Next steps**

41. If endorsed by Council, the draft bylaw and statement of proposal will go out for public consultation from 8.00am 3 April 2023 to 5.00pm 5 May 2023.

42. It is intended that the written submissions received will be presented and a hearing on this matter for those that would like to present their submission verbally will take place in June 2023.

43. Staff would then present the draft bylaw to Council for deliberation and adoption at its 18 August 2023 meeting, to come into effect from September 2023.



## Consultation Process | Hātepe Matapaki

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### Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka

44. This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because:
- the matters have minimal to moderate impact on the community
  - the proposal will not change the level of services provided by Council, or Council's capacity
  - there is a low level of financial consequence as a result of adopting the recommended option.
45. During the later stages of reviewing this bylaw, such as when the decision is made to adopt the final bylaw, the degree of importance of this matter may reach the threshold of being a significant decision.
46. The persons who are affected by or interested in this matter are residents/ratepayers and visitors to the Queenstown Lakes district.
47. Officers have sought feedback from Police, stakeholders (Wānaka Community Board, Red Frogs, event organisers) and the community on this draft bylaw. If Council endorses the draft bylaw and adopts the statement of proposal for public consultation, the public will be formally consulted using the Special Consultative Procedure. This will enable Council to better understand community views.

### Māori Consultation | Iwi Rūnaka

48. Input will be sought on the draft bylaw from Te Ao Marama and Aukaha through the formal consultation process. In order to continue to educate and socialise the use of te reo Māori the community, the title of the bylaw has been translated.

## Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

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49. This matter relates to the Regulatory/Legal/Compliance risk category. It is associated with RISK00018 Damage to the Environment - noise pollution events and facilities and RISK00038 Lack of Alignment - strategies and policies within the QLDC Risk Register. This risk has been assessed as having a low inherent risk rating.
50. The approval of the recommended option will support the Council by allowing it to retain the risk at its current level. This shall be achieved by review of this bylaw to ensure that they respond appropriately to the issues in the district regarding alcohol control in public places.

## Financial Implications | Kā Riteka ā-Pūtea

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51. The costs associated with reviewing the bylaw including staff time and advertising will be met within current Council budgets. Costs include staff time and advertising.
52. The draft bylaw does not propose any significant changes to Council enforcement practices that would require additional funding, noting that this bylaw is enforced by Police.

### Council Effects and Views | Kā Whakaaweawe me kā Tirohaka a te Kaunihera

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53. The following Council policies, strategies and bylaws were considered:

- the outcomes and principles of Vision Beyond 2050
- the QLDC Annual Plan
- the QLDC Ten Year Plan 2021-31.

54. The recommended option is consistent with the principles set out in the named instruments.

55. Provision for bylaw review is included in the Ten Year Plan/Annual Plan.

### Legal Considerations and Statutory Responsibilities | Ka Ture Whaiwhakaaro me kā Takohaka Waeture

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56. Council is bound by the LGA when making or reviewing bylaws. The base determination, notification and consultation procedures set out under sections 155, 156 and 157 of the LGA, apply. Legal advice has been received in relation to the draft bylaw and statement of proposal.

#### **Special Consultative Procedure**

57. It is proposed to consult on the draft bylaw using the Special Consultative Procedure outlined in sections 83 and 86 of the LGA. The Special Consultative Procedure requires that Council adopts a formal statement of proposal, has a consultation period of not less than one month, and allows people to present their views to Council in a manner that enables spoken interaction, such as by having a hearing.

58. It is proposed that Council will make the statement of proposal as widely available as is reasonably practicable (in accordance with section 83 of the LGA), and encourage people to give feedback, by:

- placing advertisements in local newspapers
- promoting the consultation on Council's social media pages
- having the statement of proposal accessible on Council's Let's Talk website.

#### **Determinations**

59. Before making or reviewing a bylaw, Council must make the determinations required under section 155 of the LGA. Set out below is the assessment for each required determination.

#### Most appropriate way of addressing the perceived problem

60. Council must, before commencing the process for making a bylaw, determine whether a bylaw is the most appropriate way of addressing the perceived problem or issue.

61. Across New Zealand Aotearoa, bylaws remain a common method used by territorial authorities to restrict the possession and/or consumption of alcohol in public places and remain an effective tool used by Police to reduce and quickly address associated harm, including disorderly behaviour and criminal offending.

62. Officers believe an alcohol control bylaw for Queenstown and Wānaka for the dates and times proposed in the draft bylaw is the most appropriate option compared with having no bylaw. For the public areas that no longer meet the criteria for an alcohol ban zone (Frankton, Arrowtown and Hāwea), alternative preventative measures such as community engagement and education measures are appropriate to address any perceived issues or problems. If the bans are removed as proposed, a temporary ban

resolution under the bylaw could also be an option for any of the specified public places in the event of problems arising in these places in future (if they are removed from the bylaw).

#### Most appropriate form of bylaw

63. Council is also required to determine whether the proposed bylaw is the most appropriate form of bylaw before it makes its decision. Officers consider that the draft bylaw is the most appropriate form of bylaw.
64. The draft Alcohol Restrictions in Public Places Bylaw 2018 allows the alcohol ban areas in Queenstown and Wānaka to be easily enforced by Police and provides the flexibility to respond to any need to establish additional alcohol ban areas within the district where a high level of crime or disorder arises.

#### New Zealand Bill of Rights Act 1990

65. Council is required to determine whether the draft bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990 (NZBORA), which grants certain civil and political rights to people in New Zealand Aotearoa. In accordance with section 5 of the NZBORA, 'the rights and freedoms contained in the Bill of Rights may be subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society'.
66. While the draft Alcohol Restrictions in Public Places Bylaw 2018 provides that people can be asked to leave, or to stop consuming alcohol in alcohol ban areas, people are still able to enjoy alcohol responsibly in licensed premises and private premises along with the lake front and park during daylight hours (8.00am-8.00pm), with the exception of the proposed bans for the holiday periods in Wānaka (27 December – 6 January ) and Queenstown (25 December – 6 January) and Crate Day in Queenstown. Alcohol control bylaws prevent harm to the community and their adoption by Council is restricted by sections 147 and 147A-C of the LGA. Staff believe the provisions of the draft bylaw do not unreasonably interfere with any of the rights in the NZBORA.

#### **Criteria for reviewing an alcohol control bylaw**

67. Council is empowered by sections 145, 147 and 147A-C of the LGA to make bylaws to control the consumption, bringing, and possession of alcohol in public places to reduce alcohol related harm.
68. Section 147A sets additional specific criteria for alcohol control bylaws. The criteria for continuing bans in the current bylaw requires Council to show that the same levels of crime and disorder are likely to return if the ban does not continue (section 147A(2)). To introduce a new alcohol ban, Council is required to show evidence that there is currently crime and disorder occurring during the proposed ban time, that is linked to alcohol consumption in that place (section 147A(1)).

#### Reasonable limitation on people's rights and freedoms

69. Expanding on the general NZBORA determination above, Council must also be satisfied before adopting the draft Alcohol Restrictions in Public Places Bylaw 2018, that it can be justified as a reasonable limitation of people's rights and freedoms. The draft bylaw will limit the rights and freedoms of persons 18 years and older to possess and consume alcohol within the specified public places and times.
70. The ability to establish additional specified public places and times by separate resolution of Council, does not by itself limit people's rights and freedoms. This is required to be separately considered under section 147B of the LGA prior to establishment of any additional alcohol ban areas.

71. If the proposed draft bylaw comes into force, the specified public places will be limited within central Queenstown and Wānaka. It does not impact possession or consumption of alcohol within private or licensed premises within, or outside of, those areas. Officers consider that the limitation on people's rights and freedoms are reasonable to prevent harm arising from crime and disorder caused or made worse by the consumption of alcohol within the alcohol ban areas.

#### Crime or disorder

72. For the current bans in the bylaw, Council must be satisfied there is evidence that the level of crime or disorder experienced before the bylaw was made (and linked to alcohol consumption in these areas and times), is likely to return to the Queenstown and Wānaka areas, if the bans in the bylaw do not continue. The evidence provided by Police and other key stakeholders for each alcohol ban is included at Attachment D to this report. Observations and experience from Police interactions arising from alcohol being consumed or possessed within the current alcohol ban areas are a critical indicator.

73. As most Police interactions arising related to alcohol being consumed or possessed within the current alcohol ban areas are resolved through bylaw education, it is reasonable to foresee that without a bylaw in place, the ability of Police to educate and in turn prevent alcohol-related crime and disorder occurring within the current alcohol-free area is reduced significantly.

74. With no bylaw in place to act as a deterrent, education and enforcement tool, officers believe the absence of preventative education may lead to crime and disorder, caused or made worse by the consumption of alcohol within the current alcohol ban areas in Queenstown and Wānaka, being likely to increase relative to the low numbers currently identified by Police. This applies to the 8.00pm to 8.00am year-round bans for both Queenstown and Wānaka as well as the Crate Day and the 27 December to 6 January ban for Queenstown.

75. As discussed in the Analysis and Advice section of this report, there is currently not sufficient information to support any alcohol ban for public places in Frankton, Arrowtown and Hāwea, the 27 December to 6 January ban for Wānaka, or the Winterfest ban for Queenstown. Council may choose to impose bans in the absence of sufficient evidence, but risk such bans being challenged.

76. Evidence to support adding Christmas and Boxing Day as a permanent ban in the draft bylaw for Queenstown needs to show there is currently crime and disorder occurring on these days. Police have provided photos and written reports of the crime and disorder caused by large scale alcohol consumption on the lakefront on Christmas and Boxing Day, prior to Council invoking temporary bans.

#### Appropriate and proportionate in the light of crime or disorder

77. Council must also be satisfied that the alcohol control bylaw is appropriate and proportionate to the crime and disorder likely to arise in the ban areas without a bylaw in place.

78. Because the bans proposed in the draft bylaw focus on specific dates and times where there is evidence of crime and disorder due to alcohol consumption in public places, officers are of the view that they are appropriate and proportionate.

Local Government Act 2002 Purpose Provisions | Te Whakatureture 2002 o te Kāwanataka ā-Kiaka

79. Section 10 of the Local Government Act 2002 states the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. The bylaw promotes and improves community health and safety by reducing the potential for alcohol related offensive behaviour and harm, damage, disorder and crime. As such, the recommendation in this report is appropriate and within the ambit of Section 10 of the Act and:

- can be implemented through current funding under the Ten Year Plan and Annual Plan;
- is consistent with the Council's plans and policies; and
- would not significantly alter the intended level of service provision for any significant activity undertaken by or on behalf of the Council or transfer the ownership or control of a strategic asset to or from the Council.

Attachments | Kā Tāpirihaka

A	Draft Alcohol Restrictions in Public Places Bylaw 2018
B	Current Alcohol Restrictions in Public Places Bylaw 2018
C	Statement of proposal
D	Information and evidence to support proposed alcohol bans

Document revision: 2023-1