



**QUEENSTOWN
LAKES DISTRICT
COUNCIL**

PROPOSED QUEENSTOWN LAKES DISTRICT ALCOHOL BAN BYLAW 2018

STATEMENT OF PROPOSAL

INTRODUCTION

- 1 The Queenstown Lakes District Council (**Council**) is one of the regulatory agencies along with the Police, who have enforcement capabilities regarding alcohol consumption in public places, with the objective to reduce alcohol related harm and offending.
- 2 The Council is required to review its bylaws periodically under the Local Government Act 2002 (**LGA02**). In accordance with section 147 of the Act the Council can make bylaws to prohibit or control the consumption, possession and bringing of alcohol into public places. These areas are referred to as either permanent or temporary alcohol ban areas. A ban must be a reasonable limitation on rights and freedoms and there must be evidence of a high level of crime or disorder that was caused by alcohol consumption.
- 3 The Council currently has the Alcohol Ban Bylaw 2014 (**Alcohol Bylaw**) which was made pursuant to section 147 of the LGA02. The Council is in the process of reviewing the Alcohol Bylaw. This review forms part of Councils programme of bylaw reviews.

PROPOSAL

- 4 The Council has determined that the current bylaw should be revoked, and replaced with the proposed Queenstown Lakes District Council Alcohol Ban Bylaw 2018 (**Proposed Bylaw**). Under the Alcohol Bylaw the following bans exist:
 - (a) From 10.00 pm on any day to 8.00 am the following day;
 - (b) 6.00 am on 27 December of any given year to 6.00 am on 6 January the following year; and
 - (c) 6.00 am on the opening day of the Queenstown Winter Festival to 6.00 am the day after the closing day of the Queenstown Winter Festival.
- 5 These bans were put in place because of alcohol related crime or disorder being experienced at those times or locations.
- 6 The Council proposes to include the following bans in the Proposed Bylaw:
 - a. the current specified period for an alcohol ban of 10.00 pm on any day to 8.00 am the following day be increased to 8.00 pm on any day to 8.00 am the following day for the public places specified in Schedule A of the Alcohol Bylaw; and
 - b. an additional alcohol ban be included for National Crate Day (or any other similar event or promotion).
- 7 The reason for the proposal is to help reduce alcohol-related harm that is currently occurring during these times.
- 8 This Statement of Proposal has been prepared in accordance with the requirements of sections 83 and 86 of the LGA02, and includes:
 - a. The reason for the proposal;
 - b. Consideration of whether a bylaw is the most appropriate way to address the perceived problem;
 - c. Consideration of whether the Proposed Bylaw is the most appropriate form of bylaw;

- d. Consideration of any implications under the New Zealand Bill of Rights Act 1990;
- e. A statement that the current bylaw is to be revoked; and
- f. A draft of the Proposed Bylaw.

REASON FOR PROPOSAL

- 9 The Council has undertaken a review of the Alcohol Bylaw to consider the making of a replacement bylaw. The review has involved Council Officers having discussions with the Police.
- 10 The reason for the proposal is to help reduce alcohol-related harm that is occurring during the proposed alcohol ban times.

CONSIDERATION BY COUNCIL UNDER SECTION 155 OF THE LGA2002

Problem definition

Issues

- 11 The district is facing issues relating to the consumption of alcohol in public places. In particular, there have been issues during the National Crate Day event. Police have noticed an uplift in the numbers of people congregating in public places in the district to consume large amounts of alcohol. This has caused issues of disorder and placed a strain on Police resources.
- 12 Council Officers have observed a significant amount of alcohol related litter left in public areas following the National Crate Day.
- 13 In 2017 the Council used its powers under clause 6 of the Alcohol Bylaw to impose a temporary alcohol ban for a period of 48 hours for National Crate Day. This temporary ban, coupled with additional Police presence, resulted in a reduction in alcohol related incidents and litter in the area subject to the alcohol ban.
- 14 Council Officers also consider that alcohol related harm and the potential for offensive behaviour will be minimised if the current alcohol ban which begins at 10.00pm was changed to 8.00pm. The reason for this is that there will be a buffer created between members of the public consuming alcohol in public places and then leaving that public place to resume consumption on licensed premises.
- 15 Council Officers consider that alcohol related harm and the potential for offensive behaviour will be minimised if the current alcohol ban which begins at 10.00pm was changed to 8.00pm. The reason for this is that the earlier ban will create a buffer in time which may deter members of the public consuming alcohol in public places and then leaving that public place to immediately resume consumption on licensed premises. The change from 10.00pm to 8.00pm is a compromise between agency requests and the community. To have a 24 hour a day, seven days a week ban would be preferred by the agencies however vibrancy of the community and community requests also should be considered.

IS THE PROPOSED BYLAW THE MOST APPROPRIATE BYLAW?

- 16 The Council has considered the most appropriate way of addressing the issues described in the problem definition section above, the options available, and determined that the Proposed Bylaw is the most appropriate means for addressing the issues.

17 In considering whether a bylaw is the most appropriate, Council has considered the following options:

Option 1: maintain the status quo;

Option 2: adopt a total ban across the district; and

Option 3: the Proposal.

Option 1: Status quo

18 There is evidence of increased incidences of alcohol related harm on National Crate Day. If the status quo is maintained, the Police will be powerless to prevent day-time alcohol consumption in public on the weekend of National Crate Day (or any other similar event or promotion) and between 8pm and 10pm on all other days. The Police will only be able to intervene where disorderly or criminal conduct is observed, and may have difficulty controlling a large crowd of intoxicated persons. There is likely to be an increase in public disorder, including littering, and may cause some members of the public to feel unsafe.

Option 2: Adopt a total ban across the district

19 While a total ban would undoubtedly reduce alcohol related harm in the district, if such an approach is adopted, members of the public who wish to consume even a small amount of alcohol in public places will not be able continue to do so. There is also insufficient evidence of high levels of crime or disorder that have been caused or made worse by alcohol consumption in the general district outside of the National Crate Day or before 8pm.

Option 3: The Proposal

20 The proposed ban will give the Police preventative enforcement tools to respond immediately to the public consumption of alcohol in breach of the ban. These tools include seizing and removing alcohol in breach of the ban, issuing infringement notices, arresting any person refusing to surrender alcohol or refusing to leave a place subject to the ban, and searching persons or vehicles within the area to ascertain whether alcohol is present.

21 The additional alcohol ban is likely to reduce the risk of disorder and crime posed by the heavy consumption of alcohol during 'National Crate Day'. Members of the public and visitors may feel safer if there is no public consumption of alcohol in the town centre on National Crate Day (or any other similar event or promotion) and in the areas specified in Schedule A of the Alcohol Bylaw between 8pm and 10pm.

ARE THERE ANY IMPLICATIONS UNDER THE NEW ZEALAND BILL OF RIGHTS ACT 1990?

22 The Proposed Bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990 (NZBORA). The proposed controls are considered reasonable limits as allowed for in section 5 of the NZBORA:

Subject to section 4, the rights and freedoms contained in this 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.

23 The LGA02 requires that there is evidence that the area to which the bylaw applies (or will apply by virtue of Council resolution) 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 areas identified.

24 It is not considered that such controls impose an unjustifiable restriction on the right to movement because the freedom of movement remains for all with alcohol that is not open, to purchase alcohol and take it to a permitted area to consume it e.g. home.

TIMETABLE FOR CONSULTATION

25 The following dates represent the key times in the consultation programme:

- a. Council resolves to undertake public consultation regarding the Proposal – **26 July 2018**.
- b. Advertisement in Otago Daily Times, Southland Times, and Wanaka Sun – between **28 July and 26 August 2018**.
- c. Submissions close on **26 August 2018**.
- d. Submissions heard by a subcommittee of Councillors **10 – 14 September 2018**.
- e. Council considers outcome of consultation process and whether to make decisions in the Proposal – **25 October 2018**.
- f. Public notice of final decision – **27 October 2018**.

26 The Proposed Bylaw comes into effect subject to the above.

INSPECTION OF DOCUMENTS AND OBTAINING COPIES

27 Copies of this Statement of Proposal and the Proposed Bylaw may be inspected, and a copy obtained, at no cost, from:

- a. either of the Council offices at 10 Gorge Road, Queenstown or the Wanaka Service Centre, 47 Ardmore Street, Wanaka;
- b. any Council library within the Queenstown Lakes District; or
- c. the Council website – www.qldc.govt.nz

RIGHT TO MAKE A SUBMISSION AND BE HEARD

28 Any person or organisation has a right to be heard in regard to this proposal and the Council encourages everyone with an interest to do so.

29 The Council would prefer that all parties intending to make a submission:

- a. go to the Queenstown Lakes District Council Website: www.qldc.govt.nz or
- b. post their submission to: Regulatory Department, Queenstown Lakes District Council, Private Bag 50072, Queenstown 9348.

- 30 Submissions must be received by **Sunday 26th August**. The Council will then convene a hearing, which it intends to hold between **Monday 10th September and Friday 14th September 2018** at which any party who wishes to do so can present their submission in person. The Council will give equal consideration to written and oral submissions.
- 31 The Council will permit parties to make oral submissions (without prior written material) or to make a late submission, only where it considers that special circumstances apply.
- 32 Every submission made to the Council will be acknowledged in accordance with the LGA02, will be copied and made available to the public, and every submission will be heard in a meeting that is open to the public.
- 33 Section 82 of the LGA02 sets out the obligations of the Council in regard to consultation and the Council will take all steps necessary to meet the spirit and intent of the law.

MAKING AN EFFECTIVE SUBMISSION

- 34 Written submissions can take any form (e.g. Email, letter). An effective submission references the clause(s) of the draft Bylaw you wish to submit on, states why the clause is supported or not supported and states what change to the clause is sought.
- 35 Submissions on matters outside the scope of the Proposed Bylaw cannot be considered by the Hearings Panel.

Mike Theelen
CHIEF EXECUTIVE

APPENDIX 1 - Proposed Queenstown Lakes District Council Alcohol Ban Bylaw 2018

APPENDIX 2 - Current Queenstown Lakes District Council Alcohol Ban Bylaw 2014*

*The above documents are appended elsewhere as part of this agenda item and are not repeated here.