



**QUEENSTOWN LAKES DISTRICT COUNCIL
ALCOHOL BAN BYLAW 2014**

STATEMENT OF PROPOSAL

INTRODUCTION

The Queenstown Lakes District 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.

The Queenstown Lakes District Council Control of Liquor in Public Places Bylaw 2009 (the current Bylaw), made pursuant to section 147 of the Local Government Act 2002 (LGA02), is one of the tools used by Council to regulate alcohol related offending in the district.

Since the current Bylaw became operative in 2009, the Police have been responsible for the enforcement of the bylaw and have used this as an effective enforcement tool to reduce alcohol related crime and disorder.

In reviewing the current Bylaw, Council received feedback from preliminary consultation with the Police, Wanaka Community Board, Wanaka Alcohol Group, Wanaka Residential Association and Hawea Community Association.

The Council undertook a review of the current Bylaw in consideration of the following matters:

- a) It was due to be reviewed under the requirements of the Local Government Act 2002; and
- b) Updating it according to the amended legislation.

PROPOSAL

As a consequence of Council's review of alcohol regulation and controls, the Council determined that the current Bylaw should be amended by:

- Updating the language used in the bylaw; and
- Replacing the definition of a Public Place to reflect the definition in the Sale and Supply of Alcohol Act 2012; and

This statement of proposal considers the passing of an amended bylaw to control alcohol in public places, which must follow the special consultative procedure in the LGA02.

This statement of proposal has been prepared in accordance with the requirements of section 83 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) Any implications under the New Zealand Bill of Rights Act 1990; and
- e) A draft of the proposed bylaw.

REASON FOR PROPOSAL

The proposal to amend the current Bylaw has been made to ensure the effectiveness of the bylaw in assisting to reduce alcohol related harm and offending. The bylaw also provides a consistent message of where and when the ban is in place to facilitate voluntary compliance.

CONSIDERATION BY COUNCIL UNDER SECTION 155 OF THE LGA02

Problem definition

The areas specified in the current Bylaw have been identified as locations where high levels of crime and disorder (for our district) are made worse by alcohol consumption or are likely to arise in the area where the bylaw is intended to apply, if the bylaw is not made.

IS THE PROPOSED BYLAW THE MOST APPROPRIATE BYLAW?

The proposed bylaw provides clarity regarding the areas included to address crime and disorder in the areas identified. The times of the restriction reflect the most efficient time to deal with the issues identified.

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

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.

There is Police evidence to establish this and it is not considered that such controls impose an unjustifiable restriction on the right to movement³. That is 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.

PROPOSED BYLAW

A draft of the proposed Bylaw is attached. The new Bylaw will revoke the current Bylaw.

TIMETABLE FOR CONSULTATION

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

25 September 2014	Council resolves to undertake public consultation regarding the proposed bylaw
29 Sept – 3 October 2014	Advertisement in Otago Daily Times, Southland Times, Mirror and Wanaka Sun.
29 October 2014	Submissions close
10 – 21 November 2014	Submissions heard by a subcommittee of Councillors (to be confirmed)
18 December 2014	Council considers outcome of consultation process. Adoption of Queenstown Lakes District Alcohol Ban Bylaw 2014.
19 - 27 December 2014	Public notice of final decision (if Council resolve to adopt the bylaw) The Bylaw comes into effect subject to the above.

³ Section 18 New Zealand Bill of Rights Act 1990

INSPECTION OF DOCUMENTS AND OBTAINING COPIES

Copies of this proposal, the draft Bylaw and the supporting reports 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.
- c) The Council website – www.qldc.govt.nz

RIGHT TO MAKE A SUBMISSION AND BE HEARD

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

The Council would prefer that all parties intending to make a submission set those submissions out in writing and email them to services@qldc.govt.nz or submit them to QLDC, Private Bag 50072, Queenstown, no later than 29 October 2014. The Council will then convene a hearing, which it intends to hold between 10 – 21 November 2014, at which any party who wishes to do so can present their submission in person.

Equal weight will be given to written and oral submissions.

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.

Every submission made to the Council will be acknowledged in accordance with the Act, will be copied and made available to the public, and every submission will be heard in a meeting that is open to the public.

Section 82 of the Local Government Act 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

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.

Submissions on matters outside the scope of the Bylaw cannot be considered by the Hearings Panel.

Adam Feeley
CHIEF EXECUTIVE

APPENDIX 1 - Proposed Queenstown Lakes District Council Alcohol Ban Bylaw 2014

APPENDIX 2 - A Summary of the Statement of Proposal prepared in accordance with
Section 83 Local Government Act 2002