

QLDC Council  
28 October 2021

Report for Agenda Item | Rīpoata moto e Rāraki take 4

Department: Finance, Legal & Regulatory

Title | Taitara Temporary Christmas Day and Boxing Day 2021 Alcohol Ban – Queenstown and Wānaka

PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO

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- 1 The purpose of this report is to declare a Temporary Alcohol Restriction Area in the CBDs of both Queenstown and Wānaka on Christmas Day and Boxing Day 2021.

EXECUTIVE SUMMARY | WHAKARĀPOPOTOTANGA MATUA

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- 2 In 2020, the police requested that the Council declare a 48 hour temporary alcohol restriction area under the Alcohol Restrictions in Public Places Bylaw 2018. The restriction areas identified by the police, were the Queenstown and Wānaka CBDs for Christmas Day and Boxing Day. The restriction was sought to prevent high numbers of people gathering in the identified areas, which in the past, have caused the congregation of large crowds, foul language, littering and large amounts of rubbish left behind.
- 3 Under the bylaw, the Council imposed a temporary alcohol restriction in the CBDs of Queenstown and Wānaka, which included the lakefronts on Christmas Day and Boxing Day 2020. It is understood that police would like these restrictions to be made permanent in the bylaw. This will be considered next year in 2022 at the time of a wider bylaw review, when an assessment of the entire bylaw will be undertaken which will involve full public consultation.
- 4 The Council has the power to impose temporary alcohol restriction areas in accordance with clauses 1.7 to 1.13 of the Alcohol Restrictions in Public Places Bylaw 2018 (attachment A) if satisfied that the statutory criteria in s.147B of the Local Government Act 2002 (hereafter, LGA) is met.

RECOMMENDATION | NGĀ TŪTOHUNGA

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That Council:

1. **Note** the contents of this report;
2. **Declare**, by resolution, that temporary alcohol restriction areas be implemented between 8.00am Saturday 25 December to 6.00am Monday Sunday 27 December 2021 within the highlighted areas in Queenstown (refer to attachment B) and in Wānaka (refer to attachment C);
3. **Authorise** public notification of the alcohol restriction areas by publication in the Otago Daily Times, Southland Times, Mirror, Mountain Scene and the

Wānaka Sun, along with placing information on online forums such as QLDC's Facebook page and website at least 14 days before the restrictions take effect; and

4. **Authorise** officers to display appropriate signage in conspicuous locations in or adjacent to the geographical areas subject to the temporary ban.

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14/10/2021

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**CONTEXT | HOROPAKI**

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- 5 In 2020, Queenstown Police approached the Council and requested that a temporary 48 hour alcohol ban be imposed in both the Queenstown and Wānaka CBD's for Christmas Day and Boxing Day that year.
- 6 Police are again supportive of the same temporary restrictions being put in place this year and consider it a "key tool alongside the prevention approach we take to keep all members of our community safe". Correspondence from Sergeant Chris Brooks of Queenstown Police regarding this year's restrictions is attached (refer to attachment D).
- 7 The temporary alcohol ban is proposed to prevent the consumption of alcohol in public places, predominantly on Christmas Day where large crowds (mainly made up of migrant workers and holidaymakers) tend to congregate and consume alcohol.
- 8 The Alcohol Restrictions in Public Places Bylaw 2018 enables Council to impose temporary alcohol restriction areas by resolution. The temporary restriction should describe the specific zones, times, days or dates during which the prohibitions should apply. The bylaw requires the Council to comply with the requirements of sections 77 to 82 of the LGA before declaring a temporary alcohol restriction area. These matters are addressed below in the consultation section of this report.
- 9 In addition to the decision-making provisions of the LGA (sections 77-82), it also sets out criteria that must be considered when making resolutions pursuant section 147B, which are:

***147B Criteria for making resolutions relating to bylaws***

*Before making under section 151 a resolution relating to a bylaw under section 147, a territorial authority must be satisfied that—*

*(a) there is evidence that the area to which the bylaw applies (or will apply by virtue of the 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 area; and*

*(b) the bylaw, as applied by the resolution,—*

*(i) is appropriate and proportionate in the light of the evidence; and*

*(ii) can be justified as a reasonable limitation on people's rights and freedoms.*

- 10 No quantitative data has been provided by police to demonstrate that there is a high level of crime or disorder that is made worse by alcohol consumption in the CBD areas. However, anecdotally, we know that on Christmas Day in previous years (pre-2020) in Queenstown, the beach front was occupied with crowds (hundreds of people) drinking large quantities of alcohol. Police describe the crowd as initially good natured, but during the afternoons, police have become concerned with the deterioration of behaviour that has potential to escalate into violence and serious incidents.

- 11 Police state that they have exercised restraint on previous occasions and decided not to make arrests due to concerns that a strict application of the law in relation to disorderly incidents might inflame the intoxicated crowd and lead to a wider disturbances.
- 12 Council staff have observed a significant amount of alcohol related litter (crates, bottles, broken glass, boxes etc.) left on the Queenstown Beach and reserve area after Christmas Day in previous years. Additional litter bins and toilets have been provided by Council in the past to mitigate this.
- 13 In 2019, in addition to the extra litter bins and toilets, ambassadors contracted by Council were located on the Queenstown beach area to assist in reminding people of the alcohol ban start time (8.00pm), where to get taxi's, food, water and to call for assistance if required.
- 14 In 2020, the Council were satisfied that a high level of disorder justified a 48 hour alcohol restriction area in the Queenstown and Wānaka CBDs. They considered the restriction appropriate and proportionate in light of the information provided by police, and that it was a reasonable limitation on people's rights and freedoms.
- 15 The consensus from police was that the temporary restrictions in place in 2020 were successful in reducing the amount of people forming large crowds and intoxication levels in public places within the CBDs.
- 16 Alcohol Licensing Inspectors monitoring the Queenstown CBD on Christmas Day in 2020 reported that despite the impact that Covid-19 has had on the amount of visitors and people living in the area – there were still quite a lot of people in the Queenstown CBD. The beach front was observed to be less busy than in previous years. It is unknown if this was due to the rain in the afternoon, the restriction on consuming alcohol in the area or other unknown factors.
- 17 No reports of litter or disorder were reported after Christmas Day and Boxing Day 2020 in the Wānaka and Queenstown CBDs.
- 18 At present, the bylaw imposes an alcohol restriction on both the Queenstown and Wānaka CBD areas from 8.00pm on any day to 8.00am the following day. Therefore, the proposed temporary alcohol restriction will only address the consumption of alcohol during the day before 8.00pm.
- 19 Under the bylaw, the ordinary New Year alcohol restrictions in the Queenstown and Wānaka CBDs run from 6.00am on 27 December on any given year, to 6.00am on 6 January the following year. The proposed restrictions will be extending this period by 48 hours.

## ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

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- 20 **Option 1: Adopt a temporary alcohol ban to apply to the Queenstown CBD and Wānaka CBD areas (specified in attachments B and C) from 8.00am Saturday 25 December to 6.00am Monday 27 December 2021.**

*Advantages:*

- 21 Potential offensive behaviour, disorder, damage, harm and litter issues are reduced significantly by having less people in the areas consuming alcohol.
- 22 Will make the areas less intimidating for families, visitors and other people that are discouraged by the large crowds drinking alcohol that have formed in previous years.
- 23 Achieve the purpose of the Bylaw, which is to:
  - (a) reduce the potential for alcohol related offensive behaviour and harm, damage, disorder and crime and to promote and improve community health and safety.
  - (b) achieve its objective by putting in place controls and restrictions on the possession, consumption and carriage of alcohol, in some public places within the Queenstown Lakes District.
- 24 Achieve the object of the Sale and Supply of Alcohol Act 2012, which is:
  - (a) the sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and
  - (b) the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.
  - (2) For the purposes of subsection (1), the harm caused by the excessive or inappropriate consumption of alcohol includes—
    - (a) any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and
    - (b) any harm to society generally or the community, directly or indirectly caused, or directly or indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in paragraph (a).

*Disadvantages:*

- 25 Risk of displacement as observed on National Crate Day. On the first Saturday of each December since 2018 in Queenstown (when a permanent alcohol restriction was placed on National Crate Day in the CBD) large crowds congregate and consume alcohol in public places not included in banned areas, such as Fernhill.
- 26 A temporary alcohol ban may interfere with plans (such as a wedding) of members of the public who wish to consume alcohol in the proposed areas on Christmas Day or Boxing Day.
- 27 Some members of the community may consider a public alcohol ban to be an overreaction to the poor behaviour of a minority group.

28 **Option 2: Adopt a temporary alcohol ban to apply to the Queenstown CBD only on Christmas Day (area specified in attachment B) from 8.00am Saturday 25 December to 6.00am Sunday 26 December 2021.**

*Advantages:*

29 A restriction on Christmas Day only in the Queenstown CBD could be deemed appropriate and proportionate in light of the evidence; and could be deemed justified as a reasonable limitation on people's rights and freedoms.

30 Those that wish to consume alcohol in public places in the Wānaka CBD can continue to do so on Christmas Day and Boxing Day and on Boxing Day in the Queenstown CBD.

*Disadvantages:*

31 It could be considered confusing for members of the public to put restrictions in on 25 December and then lift them for just 24 hours on Boxing Day, before the normal alcohol restrictions start on 27 December.

32 No consistency across the district if the restrictions are different in the Queenstown CBD to the Wānaka CBD.

33 **Option 3: Status Quo. Do nothing this year.**

*Advantages:*

34 Allow police to submit further evidence to support the proposed restrictions to satisfy the required evidence in accordance with section 147B of the LGA regarding high levels of crime or disorder associated with alcohol consumption, particularly on Boxing Day in Queenstown and both Christmas and Boxing days in Wānaka. There is limited data from police around numbers of recorded incidents and arrests made in relation to activities taking place in the proposed areas, including drink driving offences.

*Disadvantages:*

35 The activities that have previously taken place on the Queenstown beachfront will continue to occur and could potentially escalate. Police would have limited powers to intervene earlier if the proposed temporary restrictions are not put in place.

36 This report recommends **Option 1** for addressing the matter.

37 **Advice:** The Council are reminded that they must be satisfied that the criteria for making resolutions relating to bylaws in accordance with section 147B of the LGA are met.

## CONSULTATION PROCESS | HĀTEPE MATAPAKI:

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### > SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

- 38 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it is only temporary in nature and primarily impacts those persons who intend to drink alcohol in public areas on Christmas Day.
- 39 The potential for large amounts of litter left behind after Christmas Day (as reported in previous years) will have an impact on the environment and Council staff. Additional resources, such as extra litter bins and collection is likely to be required if none of the proposed restrictions are put in place.
- 40 The Council's Community Vision under the Ten Year Plan advocates for "Vibrant Communities". Public perception could view that their freedoms are being too restricted by an implementation of the proposed alcohol restrictions.
- 41 No public consultation has taken place in relation to the temporary restrictions sought by police.
- 42 Those who are affected by or interested in this matter are police, local businesses and residents (situated within the proposed areas), tourists, and persons intending to use the specified areas.

### > MĀORI CONSULTATION | IWI RŪNANGA

- 43 The Council has not undertaken any consultation with Iwi regarding this matter. When the bylaw is assessed as part of the review in 2022, consultation with Iwi will be considered.

## RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA

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- 44 This matter relates to the Regulatory/Legal/Compliance risk category. It is associated with RISK00006 Ineffective Management of Social Nuisance Issues within the QLDC Risk Register. This risk has been assessed as having a moderate inherent risk rating.
- 45 The approval of Option 1 to put in place temporary restrictions will support the Council to implement additional controls for this risk. This shall be achieved by providing the police with additional powers to warn people to stop consuming alcohol in the areas or to issue them with infringement notices.

## FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

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- 46 It is anticipated that the costs associated with implementing temporary restriction areas can be met with current budgets.

## COUNCIL EFFECTS AND VIEWS | NGĀ WHAKAAWEAWE ME NGĀ TIROHANGA A TE KAUNIHERA

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- 47 The following Council policies, strategies and bylaws were considered:

- Alignment and consideration of the principles in Council’s Vision Beyond 2050 have been given and include ‘Thriving People’, ‘Deafening Dawn Chorus’, and ‘Pride in Sharing our Places’.
- Alcohol Restrictions in Public Places Bylaw 2018
- Activities in Public Places Bylaw 2016
- Enforcement Strategy and Prosecution Policy
- Significance and Engagement Policy
- Queenstown Bay Foreshore Reserve Management Plan
- Queenstown Gardens Reserve Management Plan (Part 1 & 2)
- Wānaka Lakefront Reserves Management Plan

48 The options provided are consistent with the principles set out in the policies named above.

## LEGAL CONSIDERATIONS AND STATUTORY RESPONSIBILITIES | KA TURE WHAIWHAKAARO, ME KĀ TAKOHAKA WAETURE

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49 The Local Government Act 2002 requires that the Council must be satisfied that the statutory criteria in section 147B are met before imposing any temporary ban areas.

50 If the Council adopts any temporary alcohol bans, it should publicly notify its decision at least 14 days before the ban is proposed to take effect, as well as providing clearly legible notices in conspicuous locations on or adjacent to the places where the proposed temporary alcohol ban will apply (LGA s.170(3)(b)). These steps are necessary to enable the police to exercise search powers under the LGA during the temporary alcohol ban.

## LOCAL GOVERNMENT ACT 2002 PURPOSE PROVISIONS | TE WHAKATURETURE 2002 O TE KĀWANATAKA Ā-KĀIKA

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51 Option 1:

- 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 | NGĀ TĀPIRIHANGA

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A	Alcohol Restrictions in Public Places Bylaw 2018
B	Geographical scope of the proposed temporary alcohol ban area in Queenstown.
C	Geographical scope of the proposed temporary alcohol ban area in Wānaka.
D	Email From Sergeant Brooks – Queenstown Police regarding Christmas Day and Boxing Day Restrictions for 2021