

## Council Briefing Agenda

**Date:** Tuesday, 31 July, 2018

**Time:** 11:30 am

**Location:** Council Chamber  
Forum North, Rust Avenue  
Whangarei

**Elected Members:** Her Worship the Mayor Sheryl Mai  
(Chairperson)

Cr Stu Bell

Cr Gavin Benney

Cr Crichton Christie

Cr Vince Cocurullo

Cr Tricia Cutforth

Cr Shelley Deeming

Cr Sue Glen

Cr Phil Halse

Cr Cherry Hermon

Cr Greg Innes

Cr Greg Martin

Cr Sharon Morgan

Cr Anna Murphy

For any queries regarding this meeting please contact  
the Whangarei District Council on (09) 430-4200.

**1. Apologies**

**2. Reports**

**2.1 Alcohol Control Bylaw**

**1**

**3. Closure of Meeting**

## 2.1 Alcohol Control Bylaw review

**Meeting:** Whangarei District Council  
**Date of meeting:** 31 July 2018  
**Reporting officer:** Shireen Munday (Strategic Planner)

### 1 Purpose

To provide Councillors with an overview of the analysis to date on the alcohol control bylaw matters and the proposed consultation process.

### 2 Background

At the March and June Planning and Development scoping meetings, Councillors were given an overview of the legislative triggers for the review and the associated changes in legislation that impact on what councils must consider when making alcohol control bylaws. The proposed process for the 2018 review, based on these matters, was also outlined.

At the March meeting, a staff proposal to establish a working group to support the review was agreed to and this working group has been meeting since April. The review is also supported by a cross-council staff working group, with Kaipara and Far North District Councils.

The June presentation discussed the more stringent test for crime and disorder now required to be met for new individual alcohol control areas, but that the test for existing areas is less stringent (Attachment 1).

Councillors also discussed the communications plan for the review process, which was designed to give communities a 'heads up' that the consultation on this matter is coming up in September so that they can, if they choose to, start preparing the relevant information that will be needed to complete the specialised consultation form for this process.

Flyers were distributed to Councillors to provide to the various Resident and Ratepayer and similar type groups they have been appointed to for this term, so that they can advise these groups of the upcoming consultation at the meetings they attend (Attachment 2).

### 3 Discussion

#### 3.1 Bylaw structure and content

The process proposed at the June scoping meeting was that the review focus solely on existing alcohol control areas.

Any information or data that is obtained through the process for requests for new alcohol control areas, which are subject to the higher crime and disorder test requirements, will be collated and incorporated into the forward work programme of staff. This approach is supported by the proposed 'structure' of the new bylaw which will allow Council to make

individual alcohol bans by way of resolution, after appropriate and targeted community consultation. This will allow a more efficient and timely development of new alcohol control areas.

The draft bylaw will also include provisions for Council to make temporary alcohol control areas in relation to events in the community.

Staff have been working with NZ Police to obtain the necessary information to support the continuation of Council's existing alcohol control areas:

Kamo	Oakura	Otangarei	Tikipunga	Whangarei Falls (Otuihau)
Marsden Village	Onerahi	Pataua North	Waipu	Whangarei CBD
Matapouri	Otaika	Pataua South	Whananaki	Mean low water springs to 300 metres inland on coast where WDC public land

Feedback has not been obtained for all areas at the date of writing this report, however verbal indications are that there is support from NZ Police for all the existing control areas, excluding the general coastal control area. Staff will advise on the final status of feedback received at this meeting.

Feedback for the general coastal alcohol control area has however been received. This is that it is seldom used as a policing tool, if at all, and that the key coastal problem areas are covered in the specific alcohol control areas. NZ Police therefore do not consider this specific alcohol control necessary.

### 3.2 Consultation process

As outlined at the June Planning and Development Committee scoping meeting staff have proposed a slightly different approach for consultation on the Alcohol Control Bylaw due to the new legislative framework within which Council can now make alcohol controls.

The approach has included a communications programme designed to give interested parties as well as the public a 'heads up' that the consultation on the Bylaw will be starting in September.

The consultation itself is required to be undertaken in accordance with section 83 of the Local Government Act 2002. Due to the nature of this bylaw development process, staff propose the more formal process as follows:

Consultation period	Early September to early October
Hearing for those submitters who wish to be heard	Mid-October
Deliberations	Early November
Council makes final Bylaw and makes resolutions for individual alcohol control areas	December Council meeting

The consultation will be supported by a public notice, a presence on our webpage, email advisories to all identified stakeholders and updates in Council's Leader pages.

## **4 Next steps**

A Statement of Proposal for public consultation is being prepared for adoption at the 30 August 2018 Council meeting. The Statement of Proposal will include a draft of the new bylaw. As part of this package a proposed set of alcohol control areas, based on the existing alcohol control areas, will be consulted on with the community.

## **5 Attachments**

1. Presentation to June Planning and Development Scoping meeting
2. Flyer for Councillor distribution



# Alcohol Control Bylaw

## statutory review

# Overview

- Council's responsibilities on alcohol matters – where bylaws fit in the framework
- Alcohol Control Bylaws and NZ Police
- Legislation changes and requirements
- Review process and your input



# Local Authorities and alcohol matters

What Councils must do	What Councils may do under legislation	What Councils may do in general	What Council can't do (examples)
Administer the Sale and Supply of Alcohol Act 2012.  Issue, manage and monitor: <ul style="list-style-type: none"> <li>• On and off licenses</li> <li>• Special licenses</li> <li>• Managers certificates</li> </ul>	Local Alcohol Policies	Control alcohol at Council venues	Control alcohol advertising standards
	Alcohol Control Bylaws:	Education and advocacy	Change the drinking age
	Restrict or limit the consumption of alcohol in public places; enforceable by NZ Police	Urban design practices (CPTED)	Prohibit alcohol sales and consumption
		Submit to Central Government on alcohol related issues	Change the alcohol driving breath limit

# NZ Police and the Bylaw

- Only constables can enforce the Bylaw
- Alcohol Control Bylaws as a tool
- discretionary powers of constables
- how it works 'on the ground'

# Bylaw history/context

- Local Government Act 1974 – request by NZ Police
- Local Government Act 2002 – 2002 to 2012
  - provided specifically for bylaws for alcohol control purposes
  - no additional provisions guiding how alcohol control areas are to be made (subject only to standard LGA provisions)
  - general bylaw considerations (appropriate in addressing the problem, NZ Bill Of Rights considerations)
- Local Government Act 2002 - since 2012
  - amended provisions for alcohol control bylaws
  - evidence based decisions
  - changes to 'public place' definition
  - general considerations still apply

# What does this mean?

- Existing control areas
  - Councils must be satisfied crime and disorder is likely to arise if alcohol control not retained
- New control areas
  - Councils must be satisfied there is evidence of crime and disorder caused or worsened by alcohol

# Evidence required

- Existing control areas
  - Reliant on 'before the control' data and anecdotal evidence
  - Councils' historical data limited
  - NZ Police data and anecdotal evidence important
  - community feedback can support retention of control areas
- New control areas
  - NZ Police data on crime and disorder caused by alcohol vital
  - can still be supported by community feedback

## 2018 process

- Change 'structure' of Bylaw to allow for new control areas to be more easily made
- Focus on retention of existing alcohol control areas where appropriate and possible
- collect evidence and community support for new controls to be proposed as part of ongoing work programme (2019 onwards)

# Communications and engagement

- Different consultation process
- focused on evidence gathering
- specialised consultation form
- supported by 'heads up' communications plan

# Audiences

- Stakeholder workshop with 'alcohol harm' interested organisations, Hospitality NZ & licensed premises operators already held
- Advisories to DOC, Ministry of Education, supermarket chains and Northland Chamber of Commerce sent ( public places)
- ***Councillors to provide the 'heads up' information to R&R groups and similar at meetings you attend – starting July***
- Staff to send advisory notices to other R&R organisations on file
- Media programme to be rolled out early August for general public



# Questions?





# Alcohol Control Bylaw Review

## Keeping our communities safe

We are reviewing our Alcohol Control Bylaw this September and will be consulting with the community to hear your views.

Because this is such an important issue for the community, we wanted to give you a “heads up” that this is happening and let you know the kind of feedback we will be seeking from you.

### Why are we reviewing the Bylaw?

Changes to the legislation that governs how we make Alcohol Control Bylaws mean we must replace our existing bylaw with a new one by December 2018.

In the past Council used to have quite broad powers to create alcohol control areas. These alcohol bans (also known as alcohol-control areas) are designed to create safe public spaces. They are usually introduced because of concern about disorderly behaviour and criminal offending linked to the consumption of alcohol in certain areas.

New legislation passed in 2012 means that to create any new alcohol control areas, councils must have strong evidence that the consumption of alcohol in a public place is contributing to a high level of crime and disorder in that location. Council can now also create control areas in other public places, such as school playgrounds or supermarket carparks.

Council must also be able to justify retaining existing control areas through good feedback from the NZ Police and our communities.

### What is happening this year?

When we begin our formal consultation with the community in September, we will be wanting to hear from you about your support for existing alcohol control areas, as well as requests for new alcohol control areas.

For this year, Council is focusing on our existing alcohol control areas; however, any requests for new alcohol areas will be incorporated into our future work programme. This is because we will need to work closely with the relevant community and the Police to provide the necessary evidence to justify a new control area.

### What type of feedback will you need to provide in September?

- descriptions of, as accurately as possible, the public place you want to see a control continued or put in place
- descriptions of the type(s) of crime or disorder you witnessed in the past or are currently witnessing, that you believe has been contributed to by the consumption of alcohol in that public place
- how often this type of crime and disorder is/was occurring
- when this type of crime and disorder is/was most frequently experienced (time of day, day(s) of the week, time of year)
- what, if any, other things that could be done to prevent the crime or disorder happening.

### For more information

If you would like more information on the review, and the consultation process, please let us know by sending an email to [mailroom@wdc.govt.nz](mailto:mailroom@wdc.govt.nz) with ‘alcohol control bylaw review’ in the subject line. Please remember that we are not yet seeking feedback from you.