

ALCOHOL POLICY AND LIQUOR CONTROL BYLAW SUBCOMMITTEE AGENDA

THURSDAY 3 JUNE 2010

AT CONCLUSION OF THE REGULATORY AND PLANNING COMMITTEE MEETING

IN THE NO 3 COMMITTEE ROOM, CIVIC OFFICES

Committee: Councillor Sue Wells (Chairperson),
Councillors Helen Broughton, Sally Buck, Ngaire Button, Yani Johanson, Claudia Reid,
Bob Shearing, Mike Wall and Chrissie Williams.

Principal Adviser
Alan Bywater
Telephone: 941-6430

Committee Adviser
Sean Rainey
Telephone: 941-8536

INDEX

- 1. APOLOGIES**
- 2. MINUTES FROM ALCOHOL POLICY AND LIQUOR CONTROL BYLAW
SUBCOMMITTEE MEETING: 23 JUNE 2009**
- 3. REPORT TO THE ALCOHOL POLICY SUBCOMMITTEE FROM THE ILAM ALCOHOL
WORKING PARTY ON ALCOHOL-RELATED ISSUES IN THE ILAM AREA**
- 4. LAW COMMISSION REPORT ON THE REVIEW OF REGULATORY FRAMEWORK FOR THE
SALE AND SUPPLY OF LIQUOR – APRIL 2010**

1. **APOLOGIES**

2. **MINUTES FROM ALCOHOL POLICY AND LIQUOR CONTROL BYLAW SUBCOMMITTEE MEETING: 23 JUNE 2009**

A meeting of the Alcohol Policy and Liquor Control Bylaw Subcommittee was held on Tuesday 23 June 2009 at 9am

PRESENT: Councillor Sue Wells (Chairperson),
Councillors Helen Broughton (from 9.46am), Sally Buck, Yani Johanson,
Claudia Reid, Bob Shearing, Mike Wall and Chrissie Williams.

IN ATTENDANCE: Deputy Mayor Norm Withers

APOLOGIES: Apologies for absence were received and accepted from
Councillors Helen Broughton and Ngaire Button.

1. **MINUTES FROM ALCOHOL POLICY AND LIQUOR CONTROL BYLAW SUBCOMMITTEE MEETING: 4 JUNE 2009**

The Subcommittee decided unanimously to accept the minutes from the Alcohol Policy and Liquor Control Bylaw Subcommittee meeting of 4 June 2009 as a true and correct record of that meeting.

2. **SIGNAGE**

Staff presented draft signage to the Subcommittee for its consideration. The following issues were raised:

- Staff informed the Subcommittee that location of signs will be decided after an audit of existing signage, scoping of the new Alcohol Ban Areas and discussions with the Police to ensure the best visibility in areas of greatest need.
- Signs will be placed so as to ensure visibility and to avoid potential damage and theft.
- The Subcommittee asked staff whether any exemptions to the restrictions (eg carrying alcohol through a Ban area) would be communicated on the signs.
- Staff advised there are no plans to list all the exemptions on the signs, as they would become too wordy, confusing and detailed. The main message to get across is that alcohol is not allowed in the area. The new signs refer to the bylaw, which people could follow up, if they wished.
- The Subcommittee asked staff whether any consequences of breaching the bylaw would be communicated on the signs.
- Staff advised the signs had been designed to be as clear and simple as possible, but will explore the inclusion of wording about offences and/or penalties.
- Budget for signage is a one-off cost of \$40,000. This will cover the costs of around 70 larger signs and 70 smaller signs across the seven Alcohol Ban Areas (the remaining two areas are New Year's Eve bans and will be dealt with closer to the time).
- The use of existing electronic parking signage within the city is also a possibility once the parking buildings are closed each night.
- It is intended that larger signs will be used in places leading into Alcohol Ban Areas. Smaller signs will act as reminders within Alcohol Ban Areas.
- The Subcommittee asked staff to ensure that signage colour and composition was tested. It was satisfied that so long as signage was clear, visible and simple, it would be effective.

2 Cont'd

A Police representative was also at the meeting. The Subcommittee was advised:

- While there is some confusion amongst the public over the restrictions in ban areas, Police use communication and discretion when dealing with potential bylaw breaches.
- Police support the lobbying of Government for the enabling of an infringement regime to deal with bylaw breaches ie the ability to issue instant fines.
- Police clarified that prosecution may result in a fine, which is usually set at a relatively low level (ie \$150, when the maximum fine is \$20,000), but the level is decided by the judge. For first offences, diversion is a common outcome.
- Police commented that the bylaw is a very useful tool for preventing more serious crime.

3. **COMMUNICATIONS/MEDIA/PUBLIC EDUCATION AND AWARENESS**

Staff discussed communication issues in regard to the bylaw with the Subcommittee. The following issues were raised:

- The problem is generally seasonal. Winter is less of a problem, so while some initial communications activities will take place when the new bylaw comes into force (on 1 July) the majority of the communications initiatives will take place in the lead up to the summer/Christmas/New Year's Eve period.
- Alcohol Accord members have indicated a willingness to help publicise the bylaw through central city bars, such as by security staff handing out cards with information on the bylaw.
- Transport Accord members will also be approached, particularly bus and taxi companies.
- Safe City Officers will work to communicate the restrictions in the central city.
- The Hospitality Association (HANZ) will be invited to be involved in getting the message out its members, such as through its newsletter.
- There is currently no funding allocated for a more concerted communications package. Staff are investigating cost-effective ways of communicating messages relating to the bylaw, such as tapping in to existing networks.
- It is intended that posters will be put in buses to advertise the bylaw. This is cost-effective and will target younger drinkers.
- Posters in off-licenses and stickers in Alcohol Accord premises will also be investigated.
- Communications will target youth and student networks, where the impact is considered to be effective eg during orientation activities and through student unions.
- Staff will investigate awareness of alcohol bans within groups – such as ethnic and youth groups.
- The Subcommittee indicated that the consequences of breaching the restrictions in an Alcohol Ban Area should be one of the key messages. Staff will look into making this clear in communications material eg business cards and on signage
- It is intended that signage will be in place by mid July 2009.
- Publicity through community newspapers will be occurring in the short-term.

4. **FORMATION OF A WORKING PARTY**

It was **resolved** on the motion of Councillor Shearing, seconded by Councillor Buck, that the Subcommittee agree to add the formation of a working party to the agenda which fulfils the Council resolution of 28 May 2009:

That further work be undertaken to investigate the possibility of an Alcohol Ban Area in the public places around the University of Canterbury in Ilam, in conjunction with the Liquor Control Bylaw and Alcohol Policy Subcommittee, and that the Subcommittee be authorised to form any appropriate working parties to give effect to this resolution.

The Subcommittee agreed that membership of the Working Party consist of Councillors Helen Broughton, Yani Johanson and Bob Shearing and one member of the Riccarton/Wigram Community Board (appointed by nomination). Councillor Yani Johanson was appointed Chairperson.

The meeting was adjourned at 9.59am.

3. REPORT TO THE ALCOHOL POLICY SUBCOMMITTEE FROM THE ILAM ALCOHOL WORKING PARTY ON ALCOHOL-RELATED ISSUES IN THE ILAM AREA

PURPOSE

1. This report presents the findings and recommendations of the Ilam Alcohol Working Party. The report summarises the information gathered by the working party and discusses possible options for addressing alcohol-related issues in the Ilam area.

EXECUTIVE SUMMARY

2. On 28 May 2009 the Council adopted the Alcohol Restrictions in Public Places Bylaw 2009 (the "Bylaw"). At the same meeting, the Council agreed that further work be undertaken to investigate the possibility of applying the Bylaw to an area around the University of Canterbury in response to residents' concerns.
3. On 23 June 2009, the Liquor Control Bylaw and Alcohol Policy Subcommittee resolved to form the Ilam Alcohol Working Party consisting of Councillors Yani Johanson (Chair), Helen Broughton and Bob Shearing, and Beth Dunn as the nominated member of the Riccarton/Wigram Community Board. The Terms of Reference of the Working Party were:

That further work be undertaken to investigate the possibility of applying the Bylaw to an area in the public places around the University of Canterbury in Ilam, in conjunction with the Liquor Control Bylaw and Alcohol Policy Subcommittee, and that the Subcommittee be authorised to form any appropriate working parties to give effect to this resolution.

4. The working party asked a range of interested parties to comment on their perception of alcohol-related problems or nuisances in the Ilam area¹ (with a focus on the past 12 to 18 months) and any evidence of such problems/nuisances. These parties were Community Watch Riccarton, the Ilam and Upper Riccarton Residents Association, the New Zealand Police, the University of Canterbury Students' Association (UCSA), the University of Canterbury and a small group of residents living in the vicinity of the University. A summary of these meetings is appended as **Attachment 1**.
5. Stakeholders differed in their view of the scale and extent of problems but there appears to be a general consensus that there are problems associated with intoxicated people on the streets. Problems predominantly occur late at night and include:
 - Damage and disorderly behaviour.
 - Broken glass and other litter (on the street and footpaths, and in parks).
 - Noise (both from parties and people walking by late at night).
 - Local residents, particularly elderly residents, feeling scared and intimidated as a result.
6. The Police and other stakeholders noted that there have been particular issues associated with Bush Bar at the Bush Inn relating to large numbers of people congregating and drinking in the car park area. Problems are also associated with intoxicated people walking from the Foundry Bar at the university to the Bush Bar after the Foundry closed for the night, but this appears to have been moderated by the Liquor Licensing Authority bringing back the time to which the Bush Bar may sell alcohol from 2am to 1am.
7. There was a marked difference in view on the scale of alcohol-related problems and the extent to which the situation has improved in recent years. Residents report problems are worse than in previous years but Community Watch, NZ Police, Ilam and Upper Riccarton Residents Association and the UCSA all stated they believed 2009 was a better year and there was a distorted perception of the issues due to media coverage of historical events.

¹ The area under investigation was broadly defined by the working party as being bounded by Memorial Avenue, Fendalton Road, Deans Avenue, Blenheim Road, Curletts Road, Peer Street and Waimairi Road.

3 Cont'd

8. There is limited data of the evidence available to help determine the scale of problems. Council statistics on complaints about broken glass in the Ilam area indicate that ten or less (non-accident-related) complaints were recorded in each of the past five years. However, due to the fact that broken glass has multiple sources aside from alcohol use and there is limited ability to identify the persons responsible, using broken glass as the defined measure of alcohol issues with students in Ilam is a flawed methodology. Hence, it is not possible to collect this information separately for Ilam within the CCC database.
9. Police data on disorder, assaults and wilful damage in the area in the 18 months between 1 January 2008 and 30 June 2009 suggests that the area between Riccarton Road and Blenheim Road is of more concern than the area around the university. The data does not provide a clear picture about whether the situation is improving or getting worse.
10. Residents have stated they feel applying the Bylaw to public places around Ilam would address some of the issues. However, there are mixed views on the cause of the issues being attributed to drinking in public places; most stakeholders feel it is intoxication rather than drinking in a public place that is the underlying issue and an alcohol restriction in public places according to the Bylaw would not address this.
11. Various options aside from instating the Bylaw to the Ilam area have been identified by the Working Party as part of the process of determining appropriate solutions, many of which involve outside agencies and/or lie outside the scope of Council.
12. Two of these tactics have already been actioned due to the critical timing with the start of the university year and orientation week. These were to write to local residents about knowing which agency to contact (either CCC or Police) depending on the issue arising, and to write to the Vice-Chancellor encouraging him to communicate his expectations to students for their alcohol use.
13. One of these options included the establishment of an inter-agency group of key stakeholders that would carry on investigating collaborative tactics to address the issues within the community and to explore ongoing monitoring of the situation in Ilam. As Community & Public Health has taken the initiative to bring together a number of key stakeholder agencies to look at the wider issues of alcohol use amongst university students, it was agreed the best way forward would be to continue this work as part of this overall project with a particular focus on Ilam. This was to avoid duplication of meetings and purpose with the same stakeholders.
14. The Community Development Advisor and the Community Engagement Advisor for Riccarton/Wigram will be the Council's representatives on this inter-agency group, and will be taking a leading role in the management and liaison with the other agencies' representatives, local residents and the Community Board.
15. The key recommendations from the Ilam Alcohol Working Party are:
 - Not to consider applying the Alcohol Restrictions in Public Places Bylaw 2009 (either permanent or temporary) in the Ilam and Riccarton area at this time.
 - To propose that Council investigate further the installation of CCTV cameras for Ilam Road that will link into the University Security system
 - To propose the kerbside bin collection days are changed from Thursday to earlier in the week.
 - Note the Council is to be a lead agency working with key stakeholders in the community to monitor the situation, compile data and look at collaborative short and long term options to address the ongoing issues within the Ilam area.
 - To reconvene the Ilam Alcohol Working Party in July to review the monitoring and effectiveness of initiatives put in place with a view to giving consideration to the formation of a governance group.
 - To requests that the Call Centre develop an improved system to record nuisance type complaints in the Ilam area that do not generate a request for service.

3 Cont'd

BACKGROUND

16. On 28 May 2009 the Council adopted the Alcohol Restrictions in Public Places Bylaw 2009. The bylaw prohibits the consumption of alcohol and restricts the possession and carriage of alcohol in public places within certain areas of the district (Alcohol Ban Areas). At the same meeting, the Council agreed:

That further work be undertaken to investigate the possibility of applying the Bylaw to an area in the public places around the University of Canterbury in Ilam, in conjunction with the Liquor Control Bylaw and Alcohol Policy Subcommittee, and that the Subcommittee be authorised to form any appropriate working parties to give effect to this resolution.

17. On 23 June 2009, the Liquor Control Bylaw and Alcohol Policy Subcommittee resolved to form a working party consisting of Councillors Yani Johanson (Chair), Helen Broughton and Bob Shearing, and a nominated member of the Riccarton/Wigram Community Board. Beth Dunn was subsequently nominated by the Community Board.

Legislative Requirements

Power to make a liquor control bylaw

18. The Local Government Act 2002 enables the Council to make bylaws for liquor control purposes. Such bylaws can prohibit, regulate or control:
- (a) The consumption of liquor in a public place.
 - (b) The bringing of liquor into a public place.
 - (c) The possession of liquor in a public place.
 - (d) In conjunction with a prohibition under (a) to (c), the presence or use of a vehicle in a public place (section 147(2)).
19. A public place is defined as a place that is “under the control of the territorial authority” and “open to, or being used by the public, whether or not there is a charge for admission”. It includes a road, whether or not the road is under the control of the territorial authority (section 147(1)).
20. Section 147(3) provides for certain exemptions relating to unopened bottles or containers, including commercial deliveries to licensed premises, carrying alcohol bought from an off-licence, carrying alcohol to or from BYO licensed premises and carrying alcohol to or from private residences. Some of these exemptions require the alcohol to be promptly removed from public places covered by alcohol restrictions.

Procedure for making bylaws

21. Other sections of the Local Government Act 2002 set out the procedure that must be followed in making bylaws.
22. Section 155 (1) provides that, before making a bylaw, the Council must “determine whether a bylaw is the most appropriate way of addressing the perceived problem.” If so, the Council must then determine whether the proposed bylaw (a) is the most appropriate form of bylaw and (b) gives rise to any implications under the New Zealand Bill of Rights Act 1990 (section 155(2)). A bylaw cannot be made that is inconsistent with the New Zealand Bill of Rights Act 1990 (section 155(3)).
23. Section 156 requires that the special consultative procedure, as modified by section 86, be used when making, amending or revoking a bylaw made under the Act. Section 86 requires that the Council’s statement of proposal include a draft of the proposed bylaw or a statement that the bylaw is to be revoked, reasons for the proposal and a report on the Council’s determinations under section 155. Section 157 sets out requirements for public notice of the bylaw and the availability of copies, once a bylaw has been made.

3 Cont'd

Problem definition

24. The working party asked a range of interested parties to comment on their perception of alcohol-related problems or nuisances in the Ilam area² (with a focus on the past 12 to 18 months) and any evidence of such problems/nuisances. The working party met with Community Watch Riccarton, the Ilam and Upper Riccarton Residents Association, the New Zealand Police, the University of Canterbury Students' Association (UCSA), the University of Canterbury and a small group of residents living in the vicinity of the University. A summary of these meetings is appended as **Attachment 1**.

Nature of problems

25. While stakeholders differed in their view of the scale and extent of problems (see below), there appears to be a general consensus that there are problems associated with intoxicated people on the streets. Problems predominantly occur late at night but also during the day at times. Problems include:
- Damage and disorderly behaviour.
 - Broken glass and other litter (on the street and footpaths, and in parks).
 - Noise (both from parties and people walking by late at night).
 - Local residents, particularly elderly residents, feeling scared and intimidated as a result.
26. Residents living in the area – most of whom live on or near the section of Ilam Road that runs between Riccarton Road and the University – identified a wide range of damage and disorderly behaviour, including:
- Damage to trees, fences and letterboxes.
 - Bottles being thrown into residents' gardens and at their windows.
 - People urinating on parked cars and defecating in parks and gardens.
 - Plants and a watering system being ripped out of a resident's garden.
 - Shopping trolleys being used as barbeques.
 - People lighting bonfires.
 - Full wheelie bins being tipped over at night.
 - Damage to the road surface as a result of a mattress, couch and other items being burnt.

Location-specific issues

27. As noted above, most of the issues identified by residents relate to the streets and area around Ilam Road between Riccarton Road and the university. Residents commented that issues can vary from street to street.
28. The Police and other stakeholders noted that there have been particular issues associated with Bush Bar at the Bush Inn. The main problem appears to relate to large numbers of people congregating and drinking in the car park area rather than the bar itself. There have also been problems associated with intoxicated people walking from the Foundry Bar at the university to the Bush Bar after the Foundry closed for the night. However, this particular issue appears to have been moderated by the Liquor Licensing Authority bringing back the time to which the Bush Bar may sell alcohol from 2am to 1am.

Times/days of week

29. Stakeholders reported that most problems occur at the end of the week on Thursday, Friday or Saturday nights. There have also been issues on Wednesday nights in the vicinity of the Bush Inn, which seem to have reduced following the reduction to the Bush Bar opening hours.
30. Since the introduction of the new kerbside bin system, Wednesday nights have proved problematic for tipping bins along Ilam roads and other residential streets between the Bush Bar and University halls.

² The area under investigation was broadly defined by the working party as being bounded by Memorial Avenue, Fendalton Road, Deans Avenue, Blenheim Road, Curletts Road, Peer Street and Waimairi Road.

3 Cont'd

31. Residents report that most incidents occur late at night (after midnight) and that incidents are more likely to occur on warm nights, nights when there is a Super 14 game on, and after a big student event (such as the end of lectures function). Residents noted that Community Watch Riccarton stops patrolling the streets at 11pm, before most incidents arise.

Scale of problems

32. There was a marked difference in view on the scale of alcohol-related problems and the extent to which the situation has improved in recent years. Community Watch Riccarton and the Ilam and Upper Riccarton Residents Association consider that 2009 has been a 'better' year than previous years. Community Watch Riccarton commented that many issues reported in the media are historical and that it appears there are discrepancies between the residents' perceptions of events and the actual events that occur, which may lead to an over-reporting of incidents at times. The University of Canterbury and the UCSA commented that the scale of the problem needs to be kept in perspective, given the large number of students and other young people living in the area, and that at times behavioural problems were incorrectly attributed to students
33. Residents living in the area, on the other hand, report that the situation has worsened in the past five years. One resident expressed particular concern about the impact such issues are having on elderly residents, who have become frightened and intimidated and are considering moving. Residents acknowledge, however, that the recently reduced hours of the Bush Bar has led to fewer problems on Wednesday and Thursday nights.
34. There is limited data available to help determine the scale of problems. Council statistics on complaints about broken glass in the Ilam area indicate that 10 or less (non-accident-related) complaints were recorded in each of the past five years. Discussions with residents and the Ilam and Upper Riccarton Residents Association suggest broken glass is under-reported, with residents either unaware that they can call the Council or unprepared to do so because of a perceived lack of response when calls have been made.
35. Police data on disorder, assaults and wilful damage in the area in the 18 months between 1 January 2008 and 30 June 2009 suggests that the area between Riccarton Road and Blenheim Road is of more concern than the area around the university. The data does not provide a clear picture about whether the situation is improving or getting worse.

Cause of problems

36. There appears to be a general consensus that problems are alcohol-fuelled and arise when intoxicated people migrate between licensed premises, parties and other events, and their home. A number of stakeholders commented on how the easy availability and low price of alcohol purchased from supermarkets and bottle stores contributes to high levels of alcohol consumption and 'pre-loading' before going to licensed premises and events.
37. A number of stakeholders noted that it is not necessarily students that are causing all the problems. Community Watch Riccarton, for example, advised that approximately half of those excluded from local bars through the Com-Be-Zone initiative were not students. Residents living near the university, on the other hand, feel that students are the cause of most of the problems they experience and noted that things tend to quieten down at the end of the university year in November.
38. There are also mixed views on whether people are drinking alcohol in the streets and other public places. Community Watch Riccarton and the Police are of the view that the underlying issue is intoxication rather than people consuming alcohol in the streets. The UCSA also sees intoxication as the primary issue. Residents, on the other hand, consider that both intoxication and the consumption of alcohol in the streets are issues of concern and point to the level of broken glass in the streets as evidence of the latter.

3 Cont'd

Options

39. The working party was established for the express purpose of investigating the possibility of applying the Bylaw to the Ilam area. However, in doing so, it is necessary to determine whether applying the Bylaw is the most appropriate way of addressing perceived problems. A number of options have been canvassed in discussions with stakeholders.
40. Existing mechanisms for addressing alcohol-related issues in the Ilam area include:
- Patrols of the area by Community Watch Riccarton.
 - The Com-Be-Zone initiative.
 - Police response to specific incidents as they occur.
 - The presence of a Police officer on-campus, available to encourage responsible behaviour by students and respond to complaints.
 - The UCSA Neighbourhood Relationship and Responsibility Programme.
 - University of Canterbury disciplinary procedures.
41. Additional options raised in discussions include:
- Ensuring that residents are aware of who to ring to make complaints about specific issues such as broken glass, noise and damage to private property.
 - Extending community patrols through a “guardians of the streets” approach and/or the use of Safe City Officers (while not raised in discussions, the use of Maori wardens is another possible approach).
 - Placing CCTV cameras in known trouble spots.
 - Bush Bar security staff and Police making more use of their authority to trespass people from the Bush Inn car park area.
 - The Vice-Chancellor setting out expectations for student behaviour at the start of every academic year.
 - Making environmental changes to the car park area at the Bush Inn in order to discourage congregation.
 - Approaching the landlords of tenants known to be a source of problems.
 - Restricting the number of liquor licences in the area.
 - Changing the dates of kerbside bin collection from Thursdays to earlier in the week.
 - Providing greater education about the effects of alcohol.
 - Applying the Bylaw to the Ilam area permanently.
 - Applying the Bylaw to the Ilam area temporarily, focused on specific events such as Orientation and/or the Tea Party.
 - Establishing a mechanism for key stakeholders to jointly ‘own’ the problem, determine what actions are necessary and regularly review the situation
 - Doing nothing – bearing in mind that legislative changes are likely to result from the Law Commission’s review of liquor laws.
42. There are advantages and disadvantages associated with each option and no one option will provide ‘the answer’ to what is a longstanding social problem. A summary analysis of options is provided in **Attachment 2**.

Permanent liquor ban

43. The purpose of the Alcohol Restrictions in Public Places Bylaw is “to reduce alcohol-related harm, damage, disorder and crime and to improve community safety by putting alcohol restrictions in some public places.” The bylaw aims to achieve this by prohibiting the consumption of alcohol and restricting the possession and carriage of alcohol in certain areas of the district.
44. There are mixed views about whether applying the Bylaw would help to address alcohol-related issues in the Ilam area. Residents who met with the working party strongly support this, as does the Ilam and Upper Riccarton Residents Association. However, other stakeholders do not support it. Crucially, applying the Bylaw to the Ilam area is not supported by the New Zealand Police, who would be responsible for its enforcement.

3 Cont'd

45. The difference in views reflects the different views of the problem to be addressed. As noted above, most stakeholders consider that intoxication is the key problem and that applying the Bylaw would not prevent intoxicated people from walking along the streets at night (and potentially creating a nuisance). In addition, they note that the Police does not have the resources to enforce a permanent alcohol ban in public places, which means that the ban would also be ineffective in preventing people from drinking in the streets (if indeed this is a problem). Moreover, applying the Bylaw would not apply to private land such as the car park area at the Bush Inn, outdoor areas in student flats or any of the university grounds.
46. Residents who met with the working party, on the other hand, consider that there is a problem with people drinking in the streets and that applying the Bylaw would provide an additional tool for the Police to deal with those who are causing (or may go on to cause) problems in the neighbourhood. It may also help to reduce the level of broken glass and other litter in the streets.

How is Ilam different from the other areas where the Bylaw prohibiting alcohol in public places applies?

47. During the working party's meetings, there has been some discussion about how the situation in Ilam compares to the situation in areas where the Bylaw is already in place. The area assessments undertaken for the Alcohol Restrictions in Public Places Bylaw 2009 indicate different issues in different areas:
 - In some areas, issues relate to the congregation of people specifically for the purpose of consuming alcohol, leading to problems of broken glass, disorder and other alcohol-related crime. Such areas include the Central City, Hagley Park, New Brighton Mall and beachfront and Jellie Park. There are particular safety issues around the presence of broken glass in popular park and beach areas. At Jellie Park, older youths were apparently supplying alcohol to children using the skate park.
 - In two areas – Akaroa and Spencer Park – issues are confined to New Year's Eve, when large numbers of young people have gathered for the purpose of consuming alcohol.
 - Some areas have been a meeting point for 'boy racers' and their associates. Consumption of alcohol has been identified as an aggravating factor in the resulting damage and disorder in these areas. Examples include the South Colombo Street area, the Sumner Esplanade and the boundaries of the Central City and Hagley Park.
 - With regards to the Northlands Mall area, problems have arisen from a combination of 'party bus' clientele being dropped off in the area and consuming alcohol in the streets, people migrating between bars with takeaway alcohol, and people gathering in the nearby St James Park area to drink.
48. None of the above situations applies to the Ilam area. While there are issues associated with the congregation of drinkers in the Bush Inn car park and for special events at the university, these are not public places, unlike the other areas that are subject to the Bylaw. The existing Bylaw areas are also different in that the Police supported applying the Bylaw to these areas. In these cases, the Police viewed applying the Bylaw prohibiting alcohol in public places as providing an opportunity to remove potential offenders or victims from 'hot spots' and thereby preventing crime from occurring later in the evening.
49. Consideration was also given to implementing the Bylaw to the Merivale Mall area due to alcohol-related problems associated with the migration of people between the various licensed premises in the area. However, it was noted that problems related largely to private land (such as car parks) and that applying the Bylaw was not the most appropriate way of addressing these problems.

3 Cont'd

Working Party Conclusion

50. On balance, the working party considers that there is insufficient evidence to justify permanently applying the Bylaw to the Ilam area at this stage. The working party notes that this may be a consequence of the limited systems for capturing the evidence – particularly whether alcohol-related issues in the area are caused by people drinking in public places. Moreover, Police support is critical to ensure that the Bylaw can be enforced. As already noted, the Police do not support applying the Bylaw to the Ilam area. However, continued monitoring of the situation is required to enable the Council to act should the need arise.

Temporary liquor ban

51. The Alcohol Restrictions in Public Places Bylaw 2009 makes provision for the Council to declare a temporary alcohol prohibition public area by resolution. One option is therefore to apply the Bylaw temporarily to help address alcohol-related issues associated with certain special events (for example, Orientation week or the end of year Tea Party).
52. The Bylaw requires the Council to consider the following before it declares a temporary alcohol ban in public places area:
- (a) If the proposed ban relates to an event:
 - (i) The nature of the expected event.
 - (ii) The number of people expected to attend.
 - (iii) The history of the event (if any).
 - (iv) The area in which the event is to be held
 - (b) The nature and history of alcohol-related problems usually associated with the area, together with any anticipated alcohol-related problems.
 - (c) Whether the benefits to local residents and to the city would outweigh the restrictions the resolution would impose on local residents and other people, including those who may be attending any events, in the area covered by the resolution.
 - (d) Any information from the Police and other sources about the proposed dates, the event or the area to be covered by the resolution.
 - (e) Whether the Police support the proposed temporarily applying of the Bylaw to an area.
 - (f) Any other information the Council considers relevant.
53. The agreed process for temporarily applying the Bylaw to an area is that the relevant Community Board investigates the proposal, including the matters listed above and any implementation requirements such as signage or advertising, and associated costs. If the Community Board agrees that there is a need for this, it must then report to the Regulatory and Planning Committee, which, if it agrees, will refer the report to the Council. The process takes a number of months to complete.
54. There are mixed views about the value of temporarily applying the Bylaw to the Ilam area. On the one hand, any such ban can be timed to coincide with large special events, when there is likely to be large numbers of people consuming alcohol before and after the event, and when the Police have additional resources to enforce the Bylaw. On the other, temporarily applying the Bylaw to an area will not prevent people from becoming intoxicated and subsequently causing damage or other nuisances in the area, and would not apply to privately owned land.
55. Temporarily applying the Bylaw to the Ilam area would only apply to a specific event in a specific year. If the Bylaw were to apply to an event (such as Orientation) every year, then permanently applying the Bylaw that is only in force on certain dates (such as the existing bans on New Year's Eve) would be a more appropriate option.

3 Cont'd

Working Party Conclusion

56. The working party is of the view that temporarily applying the Alcohol Restrictions in Public Places Bylaw 2009 may be a useful tool around particular events that exacerbate the behavioural issues. The inter-agency stakeholder group (identified later in this report) is best positioned to approach the Community Board about the application of temporarily applying the Bylaw if and when it believes such a temporary measure is warranted.

Non-regulatory options

57. A number of the options summarised in **Attachment 2** require other agencies such as the Police or University to action; hence they are beyond the scope of the Council's authority. However, the Council can provide leadership and support in a collaborative approach with other key stakeholders to develop a package of non-regulatory options to address the issue.
58. The option for communication to local residents about which agency to contact for the different issues (i.e. broken glass or damage to private property) has been implemented by staff. A letter to Ilam residents was drafted and approved by the Police Southern Area Commander and the University of Canterbury Campus Security Manager. This letter, along with a Safer Christchurch refrigerator magnet highlighting the main numbers to phone for the various issues, was letter-dropped to residents in the area surrounding the University and along Riccarton Road during Orientation Week. Please refer the **Attachment 3** for a copy of the letter and fridge magnet sent to residents.
59. Another option identified and actioned has been the letter sent to the Vice-Chancellor, Dr Rod Carr, by the working party chair and the Mayor encouraging his communication to students about their responsibilities over alcohol consumption and their behaviour reflecting on the university's position as a good neighbour (refer **Attachment 4**). Dr Carr has confirmed he received the letter in personal communication, but has not written to the students in the current academic year as of yet due to the other tactics employed by the UCSA, the University Security Team and the Student Village Manager appearing to effectively be managing the issues at present. Dr Carr also acknowledged there are times that it is appropriate for the university to be involved and he will consider exploring those options at the times it is needed.
60. An issue that has arisen since the start of the University term has been the vandalism and tipping over of kerbside bins. This is because the collection day of the bins is on Thursday morning, so residents put them out for collection on Wednesday nights, a known heavy drinking night at the Bush Bar. When intoxicated people are travelling back from the Bush Bar, these bins have been knocked over and their contents scattered in the streets. The Police Southern Area Commander has complained about the 'warzone' state of the streets on Thursday mornings. The kerbside collection contractor has reported this has a weekly cost for the extra time his staff needs to clean up after the students. Changing the collection day is a possible action Council can take to address this.
61. One option identified is the establishment of a working group comprising key stakeholders such as the Community Board, the Police, Community & Public Health, the University of Canterbury, the UCSA, residents and licensees. The role of such a working group would be to develop a shared view of the problem, determine what actions are required to address it and review progress over time. Working collaboratively in this way would ensure a more integrated response and may encourage the identification of more creative solutions.
62. A new working group would need to establish mechanisms for gathering better information on the nature of the problem and monitoring the extent to which agreed actions are having an effect in improving the situation. This would enable a more informed assessment of whether applying the Bylaw is necessary in the Ilam area. However, bringing together key stakeholders provides an opportunity to pursue alternative options, regardless of whether or not applying the Bylaw is recommended at this stage.

3 Cont'd

63. Community & Public Health (CPH) has contracted a tertiary health promoter to focus on university student alcohol consumption in the Christchurch city region. Some of the key identified agencies were brought together for discussion around the wider issues in early February by CPH. Contact was made with the health promoter to suggest collaboration for ongoing issues in Ilam specifically.
64. Initial discussions to gauge interest in a collaborative approach have occurred with key stakeholders from the Police, Community & Public Health, University of Canterbury Campus Security, the UCSA, the University Village (student accommodation) management, and Liquor Licensing staff about working collaboratively as an inter-agency group within the Ilam area. All are in agreement thus far. The option exists for local residents to be involved on neighbourhood-specific tactics and it is anticipated they will be approached in the near future.
65. As this is a local community issue, the CCC Community Development Team has agreed to take the lead role on behalf of the Council to work with the inter-agency group. Currently, the Riccarton/Wigram Community Development Advisor is working with the Community Engagement Advisor to develop the Terms of Reference for the key stakeholders to operate under.
66. Ilam residents have expressed concern that they have been talking to the Council (and others) about alcohol-related issues for a number of years now and have yet to see any real progress. While there is a risk that a new working group could be seen as 'more talk', it also provides an opportunity for the local community to take greater ownership of the problem and play a role in finding solutions.

Working party conclusion

67. The working party considers that there would be value in the Council coordinating an inter-agency group to jointly develop a package of non-regulatory options (which might include some of the options summarised in **Attachment 2**). A key task of this group should be to collect better information on the nature of the problems in order to monitor the effectiveness of any initiatives put in place. If necessary, the group could also reconsider the need for permanent applying the Alcohol Restrictions in Public Places Bylaw 2009 timed to coincide with certain events (such as Orientation) once better information is available.
68. Additionally, the working party request that the kerbside collection days be looked at to address the bin tipping issue occurring on Wednesday evenings.

FINANCIAL IMPLICATIONS

69. There are financial implications for Council for a variety of tactics identified. Immediate resourcing needs include the leading by and involvement of Council staff in the inter-agency group. Additional resourcing for identified recommendations includes the cost of security cameras for the CCTV and communication to residents if the kerbside bin collection days are changed.
70. If the Council decides to proceed with applying any form of the Bylaw to the area (either temporarily or permanently), signage and communication costs will need to be factored into the costs of implementing the ban.
71. Some of the initiatives identified have already been implemented; for instance, the communication to Ilam residents about which agency to ring for the different issues. The costs of this tactic have been absorbed within the existing budgets of Safer Christchurch and Strategy and Planning. However, this was limited to a targeted area and if the communication material was to be spread to a wider area, additional resourcing will be needed to do this.

ALIGNMENT WITH COUNCIL STRATEGIES

72. The recommendations align with the Strengthening Communities Strategy 2007 and the Safer Christchurch Strategy 2005.

3 Cont'd

WORKING PARTY RECOMMENDATIONS

The working party recommends that the Liquor Control Bylaw and Alcohol Policy Subcommittee:

- (a) Does not consider applying the Alcohol Restrictions in Public Places Bylaw 2009 (either permanent or temporary) in the Ilam and Riccarton area at this time.
- (b) Recommends Council investigates further the provision of additional CCTV cameras for Ilam Road to link into the University Security System.
- (c) Recommend Council staff investigate changing the kerbside bin collection day from Thursday to earlier in the week to save operational costs for cleanup and vandalism to bins.
- (d) Note that the Council is to be a lead agency working with key stakeholders in the community to monitor the situation, compile data and look at collaborative short and long term options to address the ongoing issues within the Ilam area.
- (e) Reconvenes the Ilam Alcohol Working Party in July to review the monitoring and effectiveness of initiatives put in place by hearing from stakeholders and the inter-agency group with a view to giving consideration to the formation of a governance group.
- (f) Requests that the Call Centre develop an improved system to record nuisance type complaints in the Ilam area that do not generate a request for service.

4. LAW COMMISSION REPORT ON THE REVIEW OF REGULATORY FRAMEWORK FOR THE SALE AND SUPPLY OF LIQUOR – APRIL 2010

General Manager responsible:	General Manager Strategy and Planning DDI 941-8281
Officer responsible:	Programme Manager Strong Communities
Author:	Terry Moody, Principle Advisor Environmental Health Caroline Hart Team Leader Policy

PURPOSE OF REPORT

1. The purpose of this report is:
 - (a) To advise of the relevant findings and recommendations specific to the territorial authority legislative roles in the sale and supply of liquor as set out in the Law Commission Report on the Review of Regulatory Framework for the Sale and Supply of Liquor – April 2010.
 - (b) To compare the Law Commission's recommendations with the Council's view expressed to the previous Law Commission's discussion document in 2009 and the submission of the Canterbury District Health Board (CDHB).
 - (c) To determine next steps regarding the Council's response to the Law Commission Report including development of a Council position on the Law Commission Report which may subsequently be endorsed by the CDHB.

EXECUTIVE SUMMARY

2. The Law Commission has provided a summary document covering all the issues included in the full report³ and a copy of this is attached (**Attachment 1**). All Councillors (including members of the Subcommittee) have been sent a copy of the Summary Document for their information.
3. While the report has been provided to Parliament there has not been any definite indication as to whether, or when, any legislative changes may be developed. The President of the Law Commission has stated that the report was intended to guide policy for at least a decade and it could not all be done immediately.⁴
4. The Mayor and the Chair of the CDHB have both worked as Healthy Christchurch Champions advocating to the Government on the role of alcohol, its impact on communities and measures to mitigate its impact. At a recent informal meeting the CDHB Chair suggested to the Mayor that the effectiveness of the CDHB and Council's advocacy could be strengthened if a shared position on the Law Commission's recommendations was held, effectively the two organisations could speak with one voice on these issues.
5. **Attachment 2** contains a table summarising each of the major recommendations from the Law Commission Report, the Council's position on the issue in its submissions to the Law Commission's consultation document and the CDHB's position in its submission.
6. If the Subcommittee supports the idea of developing a shared position on the Law Commission's recommendations with the CDHB it is recommended that the following process steps are followed:

3 June	CCC Alcohol Subcommittee determines that it would like to develop a formal position on the Law Commission Report with a view to facilitating a shared position with the CDHB;
Early July	Staff prepare a draft formal Christchurch City Council position on the Law Commission Report for the consideration and approval of the Alcohol Subcommittee and recommendation onto the Regulatory and Planning Committee;
5 August	Regulatory and Planning Committee consideration and recommendation of the position to the Council;

³ <http://www.lawcom.govt.nz/ProjectReport.aspx?ProjectID=154>

⁴ Rt Hon Sir Geoffrey Palmer SC, Alcohol in Our Lives: Curbing the Harm, Address to ALAC Conference, Auckland 6 May 2010.

4 Cont'd

2 Sept Council approval of the formal Christchurch City Council position on the Law Commission Report;

September Christchurch City Council's formal position on the Law Commission Report is circulated to CDHB and other Healthy Christchurch partners for endorsement.

7. In developing a draft position on the Law Commission Report, staff will be seeking to endorse or otherwise comment on the Law Commission Report recommendations, adding additional detail where required.

FINANCIAL IMPLICATIONS

8. There are no financial implications other than the staff time in preparing this report. The financial implications of the Law Commission Report will not be able to be clarified until government has determined its response to the report.

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

9. Not applicable.

LEGAL CONSIDERATIONS

10. Law Commission recommendations to Parliament may lead to a review of the Sale of Liquor Act or the introduction of a Bill to replace that Act. At that stage the Council will have the opportunity to make submissions on any proposals and raise concerns it may have in regard to dealing with changes to licences.

Have you considered the legal implications of the issue under consideration?

11. As above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

12. Provisions covered in Democracy Services, Enforcement and Inspections and City Plans and Development.

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

13. As above.

ALIGNMENT WITH STRATEGIES

14. Safer Christchurch Strategy and Strengthening Communities Strategy.

Do the recommendations align with the Council's strategies?

15. Yes – as above.

CONSULTATION FULFILMENT

16. Discussions with liquor licensing inspectors and Canterbury District Health Board staff.

STAFF RECOMMENDATION

It is recommended that the Alcohol Subcommittee:

- (a) Endorse an approach to facilitate the development of a shared position on the Law Commission Report recommendations between Christchurch City Council and the Canterbury District Health Board; and accordingly
- (b) Instruct staff to develop a draft formal Christchurch City Council position on the Law Commission Report and report back to the Alcohol Subcommittee early July.