



TEMPORARY LIQUOR BAN OKAINS BAY NEW YEARS EVE

General Manager responsible:	General Manager Strategy and Planning, DDI 941-8281
Officer responsible:	Programme Manager Strong Communities
Author:	Terence Moody, Principal Advisor – Environmental Health

PURPOSE OF REPORT

1. To consider a proposal for a Temporary Alcohol Ban for the Okains Bay beach and reserve area.

EXECUTIVE SUMMARY

2. A request has been received from the Okains Bay Reserve Management Committee to introduce a liquor ban covering the Okains Bay beach and reserve for the period from 31 December 2010 to 1 January 2011 (New Years Eve). The Police through the officer in charge in Akaroa have indicated support for such a ban.
3. Both parties have provided information as to problems caused in the area during the New Year period of 2009/2010 (and previous years) and consider a temporary ban should be introduced this year in an attempt to preclude issues of disorder and alcohol-related harm occurring.
4. There are a number of considerations the Council has to make before applying a temporary alcohol ban. These are detailed in Clause 5(2) in the Christchurch City Council Alcohol Restrictions in Public Places Bylaw (and paragraph 11 of this report). In addition the Council needs to ensure it has met the consultation requirements under Sections 77 to 82 of the Local Government Act 2002 (the Act).
5. Specifically for the proposed temporary alcohol ban in Okains Bay the Council needs to give further consideration to the areas to be covered by the ban and the time/duration of the ban.
6. The Council could approve a recommendation from the Community Board to initiate the process to introduce the temporary alcohol ban at its 23 September 2010 meeting. Staff could then carry out the necessary work to satisfy these considerations and requirements in time for the new Council to decide on the matter at its first meeting in November or December 2010.

FINANCIAL IMPLICATIONS

7. Financial provision will be required for public notices and display advertisements as well as appropriate signage. The costs of enforcement rest with the Police under powers in the Local Government Act 2002.

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

8. There is no specific budgetary provision for introducing temporary alcohol bans. The costs of investigating the temporary ban can be absorbed in the Long Term Policy and Planning Activity. The costs of public notices and signage could be absorbed in the Enforcement and Inspection Activity as per page 95 of the 2009-19 LTCCP.

LEGAL CONSIDERATIONS

9. The Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2009 (the Bylaw) provides the power to put Temporary Alcohol Ban Areas in place, by resolution, to control anticipated or potential negative alcohol-related behaviour associated with specified events or specified dates. Section 151 of the Act and section 13 of the Bylaws Act 1910 make it clear that a bylaw may contain discretion. The Council must be careful to ensure that any discretion left to the Council is not so great that it might be considered unreasonable (which could make the bylaw, or part of it, invalid). To ensure this is not the case, clause 5 of the bylaw specifies a number of matters the Council must consider before it imposes a temporary ban.
10. The Act allows for such liquor bans in public places which are under the control of the Council as opposed to public places as defined in other legislation. It can include roads over which the Council has control but not private parking areas for example.

11. Under clause 5(2) of the Bylaw the Council must consider, in the case of resolving to introduce any temporary alcohol ban, the following matters:
- the nature of the expected event
 - the number of people expected to attend;
 - the history of the event (if any); and
 - the area in which the event is to be held; and
 - the nature and history of alcohol-related problems usually associated with the area, together with any anticipated alcohol-related problems; and
 - whether the benefits to local residents and to the city outweigh the restrictions imposed on local residents and other people in the area covered by the resolution;
 - any information from the Police and other sources about the proposed dates, the event or the area to be covered by the resolution; and
 - whether the Police support the proposed Temporary Alcohol Ban Area.

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

12. Yes – as above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

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

13. Introducing a temporary alcohol ban in Okains Bay could be considered to broadly align to the following LOS in the Strengthening Communities Activity Management Plan, 2.2.3.1. *Maintain Safe City Accreditation every 15 years.*

ALIGNMENT WITH STRATEGIES

14. The Safer Christchurch Strategy aims to see rates of injury and crime decline, for people to feel safe at times in Christchurch City and for Christchurch to have excellent safety networks, support people and services.

Do the recommendations align with the Council's strategies?

15. Yes – as above.

CONSULTATION FULFILMENT

16. The Okains Bay Reserve Committee advise that there is community support for the proposal. At this stage no consultation has been carried out by staff.

STAFF RECOMMENDATION

It is recommended that the Akaroa/Wairewa Community Board recommends to Council that it commence the process to introduce a Temporary Alcohol Ban in the Okains Bay beach and reserve area on 31 December 2010 to 1 January 2011.

BACKGROUND (THE ISSUES)

17. A request has been received from the Okains Bay Reserve Management Committee to introduce a liquor ban covering the Okains Bay beach and reserve on the 31 December 2010 and 1 January 2011 due to problems caused in the past with underage drinking, dangerous driving, and unacceptable behaviour, allegedly associated with excessive drinking in public places at the time of New Year celebrations.
18. The public place liquor ban is supported by Senior Constable Steve Ditmer who is officer in charge Akaroa. The police report advises that last New Years Eve there was considerable disorder caused by alcohol consumption by young people attracted to a publicised "Cave Rave" at a nearby cave on the beach. Activities of the Police concentrating on possession of alcohol at the cave area led to the young people congregating in the Okains Bay Camping Ground with the subsequent concern of families in the area. The Police are working with the Okains Bay Camp to detract underage youth from taking over the camp for this one night. Increased security and unaccompanied youth under 18 years will be addressed.
19. Under the Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2009 the Council may declare a Temporary Alcohol Ban Area by resolution. Before doing so the Council must consider the nature and history of alcohol-related problems associated with the area together with any anticipated alcohol-related problems. Whether the benefits to local residents and to the city outweigh the restrictions placed on other persons; information from the Police about the proposed dates and times and whether they support the Temporary Alcohol Ban Area.
20. The letter from the Okains Bay Reserve Management Committee indicates that there is full support from the local community and the Police have provided information as to the reasons for the ban and expressed their support for it.

THE OBJECTIVES

21. To consider a proposal to introduce a Temporary Alcohol Ban Area in some of the public places under the control of the Council in the Okains Bay area.

THE OPTIONS

Option 1 – Do Nothing

22. Evidence from the Police indicates that a certain amount of disorder occurred during the New Year period in 2009/2010 and this is corroborated by the Okains Bay Reserve Management Committee. Both parties consider that while there is an option to do nothing this would not address the consumption of alcohol in public places nor avoid the congregation of young people at that time and in that area. To this end the "do nothing" option was rejected.

Option 2 – Permanent Alcohol Ban

23. Due to the timing of introducing a permanent ban in the area, which would require an amendment to the schedule of the bylaw, and undertaking a Special Consultative Procedure, this option was not preferred. There would be insufficient time for the Council to receive a report and undertake the required consultative procedure and establish the ban before the New Year.

THE PREFERRED OPTION

Option 3 – Introduce a Temporary Alcohol Ban

24. The Council may, by resolution, determine that a temporary alcohol ban can be applied on the evidence that a problem could exist during the period. This could come into effect by the due date.