

**PROPOSED RICCARTON / ILAM ALCOHOL BYLAW AMENDMENT HEARINGS PANEL  
1 SEPTEMBER 2011**

**A meeting of the Proposed Riccarton / Ilam Alcohol Bylaw Amendment Hearings Panel  
was held in the Boardroom, Beckenham Service Centre  
on Thursday 1 September 2011 at 9am.**

**PRESENT:** Councillor Claudia Reid (Chairperson)  
Councillors Helen Broughton, Tim Carter, Jimmy Chen and  
Aaron Keown.

**IN ATTENDANCE:** Diane Shelander (Senior Policy Analyst, Strategy and Planning),  
Alan Bywater (Programme Manager, Strong Communities),  
Vivienne Wilson (Solicitor, Legal Services Unit), Janet Anderson  
(Committee Adviser).

**APOLOGIES:** Nil.

**1. DECLARATION OF INTEREST**

Councillor Tim Carter advised that his mother, Mrs Val Carter, would be presenting a submission on behalf of the Fendalton-Waimairi Community Board. He had received legal advice that this did not present him with a conflict of interest as her submission represented the views of the Board, not her personal views.

Councillor Aaron Keown advised that he had previously put forward a notice of motion to the Council calling for an alcohol ban throughout the city. Legal advice received was that this did not constitute a conflict of interest.

**2. STAFF BRIEFING**

Diane Shelander presented her written report previously circulated to panel members with the Agenda. A map of the area covered by the proposed bylaw amendment was distributed at the meeting together with three maps showing extensions suggested by some submitters.

She noted that the majority of submitters were in favour of the proposal. Other concerns raised by submitters who opposed the proposal, and by some submitters who broadly supported it but had reservations, included hours covered by the proposed ban, its applicability to private roads, and breaches resulting in criminal liability.

In response to a question from the Panel Vivienne Wilson advised that the Bylaw would only cover public places under the control of the Council. University land and parks in schools would be under the control of the Education Department and not the Council.

### 3. HEARING OF SUBMISSIONS

The following four submissions were heard by the panel:

#### 3.1 Mike Mora for Riccarton/Wigram Community Board

- Issues related to drunkenness and vandalism increased significantly after the February earthquake
- Improvements noted since temporary liquor ban introduced
- West will be an area of faster growth
- Police need tools to protect the community.

The panel asked for the Community Board's view on the following: need for a review, boundaries, and hours covered by the proposed ban. Mr Mora responded that a review was legally required but if the ban was effective then boundaries could be extended. Location of bars may also change during that time. Daytime drinking can be a problem during student orientation and at long weekends.

The panel requested and received legal advice that legal problems may occur if the temporary ban is rolled over, as this could be construed as a "back-door" amendment of the Bylaw without proper consultation.

#### 3.2 Val Carter for Fendalton/Waimairi Community Board

- Ensure Mona Vale and Riccarton House, which are open to the public, can continue to serve alcohol on their grounds.
- Be aware of visual pollution with signage, if possible use existing street signs.

The panel was advised that staff worked with the police to determine where signs were needed, and utilised businesses in the area and the University to advertise the ban. Riccarton House is operated by a Trust so will not be affected by the Ban. Mona Vale is on Council controlled land and staff were asked to determine what their existing liquor licence covered.

#### 3.3 Garth Wilson for Central Riccarton Residents' Association

- The Association believes that incidents are caused by students from the University and that the City Council needs to take decisive action to make the City Council responsible for their behaviour.
- Absentee property owners rent out houses to large groups with no room to hold parties indoors, so they spill into the streets. The Council needs to enforce compliance with legislation covering Boarding Houses.
- Temporary liquor ban did not prevent the events of 20 July and police do not have resources to enforce it.
- Photographs of vandalism including burning of shopping trolleys and furniture produced. Fire Service wait for Police to arrive before taking action.

In response to questions from the Panel Mr Wilson advised that the area is generally quieter since the temporary ban, but it has not changed behaviours, violence can break out at any time and the police do not have the resources to deal with it. The Residents' Association made submissions to Plan Change 53. Riccarton is densely populated, many houses are "rent a room" with insufficient parking.

### 3.4 Senior Sergeant Peter Laloli for New Zealand Police (Hornby)

- Updated statistics produced.
- Alcohol abuse is biggest problem facing the police and liquor bans provide one more tool for police to use in dealing with this.
- Keep liquor bans simple with defined geographical area and 24/7. There is then no room for confusion or clever defences which put police off enforcing the ban.
- Police support the proposed Bylaw amendment.
- In response to the concerns raised by other submitters, Senior Sergeant Laloli advised.
- Canterbury police are ahead in rostering to demand, with Thursday, Friday and Saturday nights well covered.
- The events of 20 July included people throwing bottles from private property and others tipping over recycle bins getting the bottles and throwing them.
- Police intend to enforce the bylaw according to its spirit, they will not be invading places like Mona Vale to arrest people quietly enjoying a picnic on the riverbank.
- A new Sale of Liquor Act under consultation will offer alternatives to charging persons in breach resulting in a criminal conviction. Police will first speak to an offender, will listen to the explanation and use discretion. If the offender is arrested, then Police still have the option of utilising the “pre-charge warning”.
- A new Police initiative is the Neighbourhood Policing Teams. One of these consisting of a Sergeant and five constables will police the Upper Riccarton area. It will work with residents and deal not only with liquor abuse (including car parks around licensed premises) but also with drugs, burglaries and gangs.
- Problems are with only a small percentage of students and the police have had full support from the Proctor where the student/s can be identified. It is not only students who cause the problems.

The meeting adjourned at 10.45am and resumed at 11.10am.

## 4. CONSIDERATION OF SUBMISSIONS

The Panel identified the following issues arising from the written submissions:

- permanent ban or continue with a further temporary ban
- whether to extend the area covered by the ban
- whether to change the time of operation from 24/7
- whether certain properties to which the public have access should be exempted
- the issue of criminality and enforcement
- whether to support a review and what it might include
- signage
- other matters outside the scope but where a recommendation may be appropriate – recycling bins, planning issues, meeting with University.

The panel **agreed** that the ban should be permanent. Extension of area would require further consultation and it was agreed to keep the area as that defined within the proposal with the clarification that streets included both sides of the street. There was no evidence that problems had increased outside the area covered by the temporary ban and this should be covered by any review. The panel agreed that a 24 hour ban was appropriate for the reasons identified by the Police. Where people wanted to hold a “street party” they could apply for a special licence.

#### 4 Cont'd

**Recommendation:** that a guide on how to apply for special licences should be made available.

The properties at Mona Vale and Riccarton House were discussed. Staff were asked to check what areas were covered by the existing on licences and whether Riccarton House was affected by the ban or not. There was a legal question that could arise as to whether the private roads on the University Campus were covered by the ban.

**Recommendation:** That the following words be added to the schedule defining the area covered by the ban "excluding any part of the University Campus excluding University Drive".

The panel noted that criminality for offences under the bylaw was set by the Local Government Act and that a new Sale of Liquor Act may provide different options. The panel also noted the commonsense approach adopted by the police and the initiatives taken with the pre-warning process and Neighbourhood Policing Teams.

The panel considered whether a review was necessary before the five year term required by the local Government Act. It was agreed that the area could provide a "case study" as to whether it was effective in reducing anti-social behaviour, whether the boundaries needed to be changed and an example for similar proposals in other areas of the City.

**Recommendation:** That the Riccarton/Ilam Alcohol Bylaw Amendment be reviewed two years after its enactment.

Signage was discussed and staff advised that where possible existing poles would be used. The objective was to ensure people entering the area were aware and possibly paint on footpaths would also be used. Pamphlets would be distributed through restaurants, liquor stores and at the University. A media release would also be made.

Councillor Carter advised that the collection of bins was currently under review and the issues in Riccarton had already been noted.

Town Planning issues were also discussed and the Panel suggested that residents in the area should be made aware and invited to submit on Plan Change 53.

The panel noted that there were other issues where the Council and the University had interests in common and that there have been joint meetings in the past.

**Recommendation:** That the Council hold a joint meeting with the University Council to discuss interests/issues in common.

It was **resolved** that a report incorporating the recommendations of the Panel and a draft recommendation to the Council for adoption by the Panel be prepared and circulated to members for approval.

The meeting concluded at 12.25pm.