

# 1. THE CHRISTCHURCH CITY COUNCIL CHRISTCHURCH CITY LIQUOR CONTROL BYLAW 2004

<b>Officer responsible</b> Environmental Health Policy Leader	<b>Author</b> The Regulatory and Consents Committee
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The purpose of this report is to recommend the adoption of the Liquor Control Bylaw for Christchurch City. A copy of the proposed bylaw is outlined as Attachment A.

## INTRODUCTION

At its meeting on 26 February 2004 the Council considered a report which identified, in accordance with the requirements of section 77 of the Local Government Act 2002, all the reasonably practicable options for addressing the perceived problems caused by the consumption of alcohol in public places. Each of those options was assessed by considering the matters specified in section 77(1)(b), in particular:

- (a) the benefits and costs of each option in terms of the present and future social economic, environmental, and cultural well-being of the city;
- (b) the extent to which community outcomes would be promoted or achieved in an integrated and efficient manner by each option;
- (c) the impact of each option on the Council's capacity to meet present and future needs in relation to any statutory responsibility of the Council;
- (d) any other matter which the Council considered relevant.

Four options, which were identified and assessed, were:

- (a) Maintain the status quo (ie do nothing).
- (b) Undertake educational activities regarding drinking in public places.
- (c) Introduce a bylaw covering the central city and the New Year Eve areas.
- (d) Introduce a bylaw covering the central city, Colombo Street South, Sumner and special event times (New Year's Eve) and provide for specific one-off events.

## DRAFT LIQUOR CONTROL BYLAW

Option (d) proposed that a bylaw be introduced under section 147 of the Local Government Act 2002 to cover the current central city liquor ban area, but with extended days and times as requested by the Police. It was initially proposed that a ban be implemented between 7pm and 8am from Wednesday to Sunday owing to increasing problems of disorder during these periods. It was considered, however, in discussions with the Police that the ban should be extended to 24 hours per day for seven days a week to address problems that occur during the daytime.

In the case of Colombo Street South the Police suggest that such a ban should extend from Moorhouse Avenue to Centaurus Road. There was support for such a ban from many businesses in that area and Police noted that there are problems associated with people drinking in public as far down as the Cashmere Club area. The Police sought a ban on Thursday, Friday and Saturday nights for this area. It was decided that for similar reasons as for the central city such a ban should cover a similar period - that is 24 hours per day for seven days of the week.

The Police also requested that an alcohol ban be implemented along the entire length of the Sumner Esplanade from Marriner Street to the Scarborough boat ramp from 7pm on Thursday night until 7am Monday morning as there are reported to be significant problems during these times in this area. Again some residents of the area supported such a ban.

This option also made provision for special event liquor bans at New Year events as at present. Under the bylaw, provision could also be made for the Council to implement liquor bans in other areas and times by resolution, for the purpose of controlling the consumption of alcohol in other areas and for specific limited times by resolution.

The report to the Council meeting discussed the advantages and disadvantages of options (a) to (d). Having assessed the four options, the Council, at its meeting on 26 February 2004, considered that option (d) was the most appropriate way of addressing the problem of alcohol related disorder in public places. The Council resolved that a statement of proposal be prepared to make a draft bylaw, pursuant to its bylaw making powers under the Local Government Act 2002.

The statement of proposal including a draft bylaw was presented to the Council at its meeting on the 25 March 2004 and the following resolutions adopted:

1. *That the Council adopt the statement of proposal and the summary of information attached to this report.*
2. *That the statement of proposal be made available for public inspection at all Council Service Centres, Council libraries and on the Council's website.*
3. *That public notice of the proposal be given in 'The Press' and in the 'Christchurch Star' newspapers and on the Council's website on Wednesday 31 March 2004.*
4. *That the summary of information be distributed by way of publication (together with the public notice of the proposal) in 'The Press' and in the 'Christchurch Star' newspapers and on the Council's website on Wednesday 31 March 2004.*
5. *That the period within which written submissions on the proposal may be made to the Council be between Wednesday 31 March 2004 and Friday 7 May 2004.*
6. *That the Regulatory and Consents Committee hear submissions on the statement of proposal on the draft bylaw on 9, 10 and 11 June 2004 and report back directly to the Council at its meeting on 1 July 2004.*
7. *That, in the event the draft bylaw is approved following the consultation process, the NZ Police be asked to provide six monthly reports on the administration and enforcement of the bylaw, and the bylaw be reviewed annually on the basis of such reports and other relevant information.*
8. *That officers prepare a list of frequently asked questions to be released on the Council's website to assist the community in understanding the essential aspects of the proposed liquor ban."*

#### **CONSULTATION AND SUBMISSION PROCESS**

An extensive consultation process was undertaken by the Council on the proposed bylaw between 31 March and 7 May 2004. Public notices were placed in local newspapers on the proposed bylaw and newspapers also ran additional stories, information and submission forms were made available on the Council website and at libraries and service centres, and posters were sent to Council offices and liquor outlets on the proposed bylaw.

Forty-one submissions were received by the due date, together with a petition form indicating agreement or disagreement with the "Sumner" ban. The latter contained 22 signatures, 19 in agreement and 3 in disagreement.

A late petition was also received by the Council immediately prior to the hearing of submissions - the content of this petition is discussed under the 'Oral Submissions' section of this report.

**Table 1. Breakdown of Submissions by Source**

Category	No of Submissions	Percent
Residents	35	85.4
Residents Associations/Groups	2	4.9
Community Boards	3	7.3
Professional Interest Group (ALAC)	1	2.4
<b>TOTAL</b>	<b>41</b>	<b>100</b>

The majority of submissions were received from members of the public who reside in Christchurch City, many of whom live near the areas where the bylaw would be enforced. Two submissions were received from residents' associations and three from community boards. One submission was received from the Alcohol Advisory Council of New Zealand.

**Table 2. Key themes identified for Analysis**

<b>Key Theme</b>	<b>Sub-theme</b>
Overall Submitter Position	Support Oppose Extend areas of ban
Safety	Glass and litter Vandalism Intimidation/aggression Dangerous driving
Youth Behaviour	Drinking age Discrimination against young people
Policing/Enforcement	Discrimination/selective enforcement Boundaries Education and information
Process	Timing ie Alcohol Policy Inclusion of affected groups

Several (12%) submitters were opposed to the proposed bylaw. One was concerned for the civil liberties of city residents; two regretted that the drinking behaviour of some residents will impact upon the freedom of responsible drinkers; and two argued that the proposed times were excessive.

A significant proportion (44%) of submitters indicated support for the proposed bylaw. A few also wrote in specifically approving the extension of the zone to the Colombo Street south and Sumner areas.

Supporters of the bylaw commonly indicated that they considered the bylaw would improve safety and security in the proposed zones. Many submissions indicated concern over rubbish left by drinkers, particularly glass and the remainders of takeaways; vandalism and aggressive behaviour. Many submitters also indicated a belief that the bylaw will play a significant role in eliminating the presence of "hoons" and/or "boy racers" from the designated zones.

General support was indicated for the extension of the ban to include Sumner. Nineteen of those signing a petition indicated their support for the extension of the ban to include the Sumner Esplanade. Three signatories objected. Two other submitters also objected to a ban being placed on the Sumner area.

However, while recognising the intent of the bylaw, almost a third of submitters argue that in order to be really effective, it must be applied city wide. These 12 submitters indicated that the implementation of the bylaw in specified areas will only displace the problem to other parts of the city. In total, 34% (14 submitters) of submissions requested that the proposed ban zones be extended in some way.

Other issues that were raised in submissions included:

- the capacity of the bylaw to address the issues that underly drinking in public,
- youths as the perpetrators of drinking and disruptive behaviour associated with this,
- the potential of the ban to prevent responsible adults from enjoying alcohol in public places,
- the potential for the ban to shift problem behaviour to areas outside the ban area,
- concerns about how the ban was enforced by the Police, and the need for Police education,
- the ability of the Police to enforce the terms of the ban,
- concerns that the bylaw was considered before the Christchurch City Alcohol Policy was finalised.

#### **HEARING OF SUBMISSIONS**

The Committee heard and considered submissions at a meeting held on 9 June 2004 and subsequently met on 11 June 2004 to give further consideration to submissions.

Seven submitters were scheduled to appear before the Committee, but two submitters sent their apologies and one further submitter did not appear before the Committee.

#### **Police Comment**

Senior Sergeant Colin Campbell of the Christchurch Police was invited to speak as part of the hearing process and spoke on the effectiveness of the liquor ban to date. Comments made by Senior Sergeant Campbell included the following:

- *“As a result of the liquor ban the whole psyche of the inner city at night is changing.”*
- *“The ammunition the liquor ban gave us was just fantastic.”*
- *“When enforcing the ban we look at the bottle not the person.”*
- *“Christchurch is now the safest city in the cruise ship network in the South Pacific.”*
- *“When enforcing the liquor ban we don’t look at the numbers of arrests as success of failure.”*
- *“The liquor ban gives us ammunition to stop disorder.”*

Senior Sergeant Campbell reported that since the introduction of the liquor ban in the central city area (and with the introduction of increased early morning enforcement operations) there had been a 40% reduction in robberies and a 70% reduction in wilful damage in the area. A reduction in the amount of broken glass in the area and decreased problems with ‘boy racers’ was also reported. Senior Sergeant Campbell indicated that he considered increased signage was required in liquor ban areas, and that this signage should be visible at night.

Senior Sergeant Campbell also noted that other local authorities had required party bus operators to hold a conveyance licence and that this may help address problems associated with intoxication on these buses.

### **Oral Submissions**

Five oral submissions were heard by the Committee. Two submitters spoke in support of the proposed bylaw but requested that the Council consider whether the bylaw should be implemented throughout the city. Both submitters considered that alcohol related disorder was a problem throughout the city. One submitter spoke in support of the proposed bylaw being implemented in Sumner and indicated that local residents had experienced considerable problems associated with drinking in this area, such as loud noise at night, car racing, drunk driving, littering of bottles and intimidation by intoxicated individuals.

One submission was received which expressed concern about the consultation process the Council had undertaken, and did not consider that the ban would be effective in addressing alcohol related disorder. This submitter also alleged that the bylaw was being improperly or selectively enforced by the Police.

The Hagley/Ferrymead Community Board made a submissions that did not support the proposed ban in Sumner and expressed concern about the implementation of the bylaw before the Christchurch City Alcohol Policy was finalised.

A submission was also received with an accompanying petition (with 115 signatures) requesting that the implementation of a liquor bylaw be considered in the residential area around the University of Canterbury. Additional evidence was also presented to the Committee which outlined instances of vandalism, graffiti, theft, public disorder and intimidation resulting from student drinking in the area around the University. The problems associated with student drinking were reported to occur between February and October from Wednesday to Saturday nights.

### **CONSIDERATION OF SUBMISSIONS**

In its consideration of submissions on the draft liquor control bylaw, the Committee discussed the following issues and made the following recommendations.

#### **Proposed Areas and Times of the Bylaw**

When considering written submissions the Committee noted that at least 90% of the submissions received supported the proposed liquor ban areas as the minimum the Council should do. No submissions were received opposing the implementation of the liquor bylaw in the Colombo Street South Area. Virtually all submissions supported the implementation of the bylaw in the Central Business District, while around 80% of submissions supported the implementation of the bylaw in the central city area as proposed.

The majority of submissions which commented on the proposed bylaw in the Sumner area supported the implementation of the ban in this area. The Committee noted that while the Hagley/Ferrymead Community Board was opposed to the introduction of the ban in Sumner, this was at odds with the majority of submissions from local residents. The Committee also noted that the Board’s submission did not result from consultation with local residents on the proposed liquor ban.

Through the submission process the Committee did not receive any convincing evidence which indicated that there was a need for the bylaw to be implemented in different areas or times to those proposed. The Committee accepted evidence supplied by the Christchurch Police and submitters that the proposed bylaw should be implemented at the times and areas proposed, and considered that there was evidence of alcohol related disorder in the residential area around the University of Canterbury and that further investigation of this problem should be undertaken.

### **Effectiveness of the Proposed Ban**

After hearing evidence and submissions on the proposed ban the Committee considered that any infringement of civil liberties associated with the ban was justified due to the improvement in public safety expected from the ban. The Committee accepted evidence provided by the Police which indicated that the introduction of the ban had been associated with a significant decrease in some types of crimes, such as robberies and wilful damage, and had generally improved the safety of the city.

The Committee considered that there was evidence that other methods of addressing alcohol related disorder alone would not be effective, whereas it was likely that the Liquor Control Bylaw would be effective in addressing this problem.

### **Implementation of the Proposed Ban**

The Committee did not accept the allegation made by one submitter that the ban was being improperly or selectively enforced by the Police. The Committee noted that the Police response to this allegation was that the bylaw was enforced by "looking at the bottle and not the person". Later evidence was supplied by the Christchurch Police indicating that of 257 arrests under the Bylaw only five of the individuals arrested were under 17 years old - the legal definition of a young person. The Police also supplied evidence that 80% of those arrested were European.

During the submission process the Committee heard evidence from the Police that increased signage was required to indicate where the ban was operating and that this signage needed to be visible at night. The Committee considered that increased resources were required for signage associated with the liquor ban, and also requested that the Police be encouraged to promote the terms of the bylaw to the public.

Some submissions were received which indicated that the proposed bylaw had not received sufficient publicity and the Committee considered that adequate resources should be allocated to publicise the bylaw.

The Committee also considered that the issue of party bus conveyance licences, raised by the Police, merited further investigation, and could help to address drunkenness and disorder in the city.

The Committee concluded that the bylaw should be implemented from 7 July 2004, which would allow time for the public notification of the proposed bylaw. Legal advice has since been received that the bylaw may continue to operate without public notification, but that the Police's powers of search under the bylaw are limited without this notification and for the first 14 days following this notice. Staff have contacted the Police to inform them of this advice. Accordingly, staff recommend that if the Council adopts the bylaw, it take effect from 1 July 2004 as outlined in the draft bylaw, and that it be publicly notified at the earliest practicable date after 1 July 2004. The legal advice received by the Council also advised that the definition of "public notice" included in the draft bylaw did not need to be included. Staff therefore recommend that this definition be removed from the bylaw.

### **Review/Amendment of the Bylaw**

The Committee considered that the process by which the bylaw was reviewed or amended needed clarification, as did the role of the Regulatory and Consents Committee and Community Boards.

Should alcohol related problems arise in areas outside the ban area, they could be addressed through a resolution of the Council under clause 4.1 of the bylaw to introduce the bylaw to this area. The Committee received and accepted legal advice that minor adjustments to the boundaries of the ban area would not necessarily require public consultation, but that significant changes to the proposed bylaw area would require consultation before a resolution was passed. Legal advice indicated that further consultation would be required before a resolution could be passed to introduce a liquor control bylaw in the Ilam area (see comments under the section on the times and areas of the proposed bylaw).

The Committee agreed the need for a review be undertaken of the effectiveness of the bylaw after it had been in operation for a year. It was recommended that this review should assess whether the bylaw had caused alcohol related problems to shift to areas outside the bylaw area, and that following this, the introduction of the bylaw to the whole or parts of the city should be considered. The Committee requested that the Police provide six monthly monitoring reports to the Regulatory and Consents Committee on the activities undertaken to enforce the bylaw and the outcomes of this enforcement.

The Committee also recommended that proposed amendments to the bylaw should first be raised with the Regulatory and Consents Committee and then brought before the appropriate Community Board for their input. The Regulatory and Consents Committee would then make a recommendation regarding an amendment to the bylaw for consideration at a Council meeting.

#### **Committee**

#### **Recommendation:**

1. That the Liquor Control Bylaw 2004 as outlined on attachment A be adopted with no change to the proposed areas of the bylaw as existing evidence supports the implementation of the bylaw in these areas.
2. That the draft Liquor Control Bylaw 2004 as outlined on attachment A be adopted with no change to the proposed times of the bylaw as existing evidence supports the implementation of the bylaw at these times.
3. That in view of evidence of alcohol related problems in the residential area around Canterbury University, consultation with appropriate parties (including the Police, Canterbury University, local residents and the Riccarton/ Wigram Community Board) be undertaken by the Regulatory and Consents Committee to recommend whether a resolution under clause 4.1 of the Liquor Control Bylaw is necessary or not.
4. That adequate Council resources be made available to promote the Liquor Control Bylaw and that the Police be encouraged to make adequate resources available to promote the Bylaw.
5. That a report be submitted to a future meeting of the Regulatory and Consents Committee on the use of party bus licences and that District Licensing Agency staff and the Police be invited to this meeting.
6. That the Liquor Control Bylaw be adopted by the Council and that the bylaw be amended to remove the definition of "public notice" included in the bylaw.
7. That the introduction of the bylaw in the whole or parts of the city be considered after a review has been undertaken regarding the operational effectiveness of the first full year of the Liquor Control Bylaw, and that this review assess whether the introduction of the Liquor Control Bylaw has resulted in alcohol related problems being shifted to areas outside the bylaw area.
8. That the Police be requested to provide six monthly reports to the Regulatory and Consents Committee on the activities undertaken to enforce the Liquor Control Bylaw and the outcomes of this enforcement.
9. That for the next twelve months until the first full yearly review of the Liquor Control Bylaw is completed, alterations to the Bylaw shall be considered through the following process, except in exceptional circumstances:

- in the first instance proposed amendments should be brought before the Regulatory and Consents Committee,
- the proposed amendment will then be brought before the appropriate Community Board to obtain their input,
- if the proposal merits further consideration, the proposal shall be brought before the Regulatory and Consents Committee in order for the Committee to make a recommendation to the Council on whether a resolution under clause 4.1 of the Bylaw is required,
- the Council shall consider the recommendation of the Regulatory and Consents Committee and pass a resolution which either introduces a variation to the Bylaw under clause 4.1 or does not introduce such a variation.

The meeting concluded at 11.30am.

**CONSIDERED THIS 1ST DAY OF JULY 2004**

**MAYOR**