

9. TEMPORARY ALCOHOL BANS IN PAPANUI, MERIVALE AND AKAROA

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PURPOSE OF REPORT

1. To examine a proposal to develop Temporary Alcohol Bans under the provisions of the Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2009 (the Bylaw) to cover the Papanui, Merivale and Akaroa areas, as described in the attached maps (**Attachments 2, 3 and 4**).

EXECUTIVE SUMMARY

2. The Council considered preliminary advice on these areas on 26 May 2011. The Council resolved to approve staff undertaking section 155 of the Local Government Act 2002 (LGA02) analyses of possible amendments to the 2009 Bylaw for Riccarton/Ilam, Papanui, Merivale, Akaroa and Okains Bay.
3. In the report to Council for its 23 June 2011 meeting staff recommended against a change in the current Northlands Mall Surrounds Permanent Alcohol Ban Area or the Akaroa Permanent Alcohol Ban Area as there was insufficient evidence to support a permanent ban in these areas. Staff also recommended against a new permanent alcohol ban in Merivale as again there was insufficient evidence to support this.
4. However staff acknowledged that problems could emerge in the Papanui and Merivale areas due to increased alcohol consumption as a result of displacement of people from the Central City to these areas due to the 22 February 2011 earthquake.
5. The Council, at its meeting on 23 June 2011, resolved:
 - (c) *That staff report back on the possible temporary liquor bans for the Merivale, Papanui and Akaroa areas by the end of August 2011.*
6. There is evidence that drinking habits and numbers of people frequenting the Papanui and Merivale areas have changed as a result of the inaccessibility of the Central Business District (CBD) since the February earthquake. The problems being experienced in these areas are likely to diminish as the cordon around the CBD is progressively lifted and the Central City comes alive again. Hence since the issues are likely to be temporary, temporary alcohol bans in these areas may be appropriate.
7. The matters the Council must consider, as contained in Clause 5(2) of the Bylaw, have been examined for each area. There is currently a Permanent Alcohol Ban covering Northlands Mall Surrounds which applies on Thursday, Friday and Saturday nights from 9.00 pm to 6.00 am but there is no ban in Merivale. The Police are advocating that the Northlands ban be extended to apply 24 hours per day, 7 days per week and a ban be imposed in Merivale to apply 24 hours per day, 7 days per week. The nature of the issues in Papanui and Merivale suggest that a temporary ban in each area could address these problems. Staff recommend a temporary ban be applied for six months from 8 September 2011 to 8 March 2012, each week from Wednesday to Sunday 6.00 pm to 6.00 am in both Papanui and Merivale. The areas to which the bans would apply are shown in the attached maps (**Attachments 2, 3 and 4**).
8. However the situation in Akaroa is different. There is little evidence of significant alcohol-related issues in Akaroa that could be affected by a temporary ban. Further, the issues noted there are not of a temporary nature, and not as a result of the earthquake, so it is not appropriate to use a temporary ban there.

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FINANCIAL IMPLICATIONS

9. The Police have the responsibility for enforcement of bans and can provide funding for enforcement if they accept the duty. There is no funding specifically for advertising and the provision of signage, including costs of production, erection, and where necessary replacement. The costs of signs will depend on the area chosen for the ban to cover. For the Papanui and Merivale areas these bans would cover it is estimated a minimum of 80 signs may be required plus some 40 to cover replacements over the period. For 120 signs, if installed with posts, the cost could be in the order of \$16,000. These costs do not include any additional publicity the Council may see as needed.
10. Should the Council decide to implement a Temporary Ban in Akaroa, signs would also be required there. It is estimated that 30 signs would be required in Akaroa.
11. As these signs will be temporary they will be funded through the City and Community Long Term Planning and Policy Activity budget. The costs of public notices and advertising will be funded through this Activity.

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

12. See above.

LEGAL CONSIDERATIONS

13. The Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2009 (the Bylaw) provides the power, by resolution, to put Temporary Alcohol Ban Areas in place. Clause 5 of the Bylaw specifies a number of matters the Council must consider before it imposes a Temporary Alcohol Ban Area. Clause 5 also requires that the resolution must describe the specific area that is the Temporary Alcohol Ban Area and the times, days or dates during which the alcohol restrictions apply to any public places in the area.
14. The Bylaw defines a **Temporary Alcohol Ban Area** as meaning "*an area described in a resolution made under this bylaw in which alcohol restrictions are **temporarily** in place in the public places within the area **during the times, days or dates specified in the resolution.***"
15. Section 47 of the Local Government Act 2002 (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.
16. Under clause 5(2) of the Bylaw the Council must consider, in the case of resolving to introduce any Temporary Alcohol Ban Area, the following matters:
 - (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); and
 - (iv) the area in which the event is to be held; and
 - (b) The nature and history of alcohol-related problems usually associated with the area, together with any anticipated alcohol-related problems; and
 - (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; and
 - (d) Any information from the Police and other sources about the proposed dates, the event or the area to be covered by the resolution; and

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- (e) Whether the Police support the proposed Temporary Alcohol Ban Area; and
 - (f) Any other information the Council considers relevant.
17. The Police have various powers to enforce the Bylaw, including the power to search containers and vehicles in public places for alcohol, seize and remove alcohol, and arrest any person who is found to be breaching the Bylaw. Before the Police exercise these powers they must comply with the warning provisions in section 170 of the Local Government Act 2002. However, in certain circumstances as set out in section 170(3), the Police can search immediately and without notice. In order to give the Police this power, the Council would need to resolve that clause 8(1) of the Bylaw applies to the Temporary Alcohol Ban.¹ In the past the Council has exercised this power and passed a resolution under clause 8(1), where the Council has resolved to impose a Temporary Alcohol Ban Area for an event.

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

18. Yes. The proposed Temporary Alcohol Ban Areas will apply to public places within the meaning of section 147 of the Act. In terms of clause 5(1) of the Bylaw, the proposed resolutions describe the specific areas to which the Temporary Alcohol Ban Areas will apply and the times and dates that it will apply.
19. With respect to the considerations in clause 5(2) of the Bylaw, the following is noted with respect to each of the three areas:

Papanui

20. **Clause 5(2)(a) - whether the proposed bans relate to events**
The proposed ban does not relate to an event.
21. **Clause 5(2)(b) - the nature and history of alcohol-related problems usually associated with the areas, together with any anticipated alcohol-related problems**
The area comprising the "Northlands Mall Surrounds" is currently subject to a Permanent Alcohol Ban Area that applies on Thursday, Friday and Saturday nights from 9.00 pm to 6.00 am. The Police indicated in earlier discussions that the Alcohol Ban Area had generally been successful in mitigating alcohol-related problems in the area. However, since the February earthquake, patronage of licensed premises in the wider Papanui area has increased because of the inaccessibility of licensed premises in CBD. Police are of the view that due to the influx of people, there are greater numbers of people not able to get into some bars in Papanui, particularly on Friday and Saturday nights. This has led to increased drinking in areas surrounding these bars with an associated increase in broken bottles, urination and other problem behaviour.
22. Police statistics indicate that there has been a small increase in the number of disorder offences committed in Papanui.
23. However, it should be noted that these problems may lessen once the cordon in the CBD is reduced and licensed premises in the CBD begin to reopen.

¹ Note that clause 8 provides as follows:

8. POLICE POWERS OF SEARCH IN TEMPORARY ALCOHOL BAN AREAS

(1) This bylaw authorises a member of the Police to exercise the power of search under section 169(2)(a) of the Act for the purposes of Section 170(2) of the Act in areas to which a resolution declaring a Temporary Alcohol Ban Area applies.

(2) Clause 8(1) only applies if the resolution declaring a Temporary Alcohol Ban Area provides that clause 8(1) of this bylaw will apply.

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24. **Clause 5(2)(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**
It is considered that 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. The anticipated benefits are that there will be fewer persons consuming alcohol in public places and subsequently causing disorder. There will be less broken glass and other problem behaviours. It is noted that the Temporary Alcohol Ban Area will only apply for a limited number of days and hours per week. There is not a complete restriction on people's freedoms to consume alcohol in Council controlled public places.
25. It should be noted that the Police consider that extending the ban area (from the current ban around Northlands Mall) would enable greater control over entry of persons and vehicles into the area where consumption of alcohol in a public place may occur. The Police see this as a preventative measure aimed at dealing with anticipated problems that may be alcohol-related.
26. **Clause 5(2)(d) - any information from the Police and other sources about the proposed dates, the events or the areas to be covered by the resolution**
The Police have provided information (summarised in this report) of the issues and behaviours being experienced in the Papanui Area.
27. On 4 May 2011 Police surveyed 42 businesses located along Papanui/Main North Road, between Grants Road and Mary Street. The survey asked whether business owners and/or their staff had problems that may be associated with people drinking in nearby bars both before and after the February 2011 earthquake. Two-thirds of respondents said that there were problems before and after the earthquake, while 40 per cent said that problems had significantly worsened after the earthquake. Problems identified in the survey included broken beer bottles, rubbish, vomiting and urinating in doorways.
28. **Clause 5(2)(e) - whether the Police support the proposed Temporary Alcohol Ban Areas**
The Police support the proposed Temporary Alcohol Ban Area but would like the Ban to apply 24 hours per day, 7 days per week.

Merivale

29. **Clause 5(2)(a) - whether the proposed bans relate to events**
The proposed ban does not relate to an event.
30. **Clause 5(2)(b) - the nature and history of alcohol-related problems usually associated with the areas, together with any anticipated alcohol-related problems**
There is currently no Permanent Alcohol Ban Area in place for Merivale. However, as with Papanui, since the February earthquake, patronage of licensed premises in the Merivale area have increased because of the inaccessibility of licensed premises in CBD. Police are of the view that due to the influx of people, there are greater numbers of people not able to get into some bars in Merivale, particularly on Friday and Saturday nights, which has led to increased drinking in areas surrounding these bars with an associated increase in broken bottles, urination and other problem behaviour. There have also been some alcohol-related issues associated with the Merivale Mall carpark (although the Council is unable to apply a Temporary Alcohol Ban Area to a private owned carpark).
31. It is noted that Police statistics **do not show** that there has been an increase in the number of disorder offences committed in Merivale.
32. Again, it should be noted that these problems may lessen once the cordon in the CBD is reduced and licensed premises in the CBD begin to reopen.

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33. ***Clause 5(2)(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***

It is considered that 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. The anticipated benefits are that there will be fewer persons consuming alcohol in public places and subsequently causing disorder. There will be less broken glass and other problem behaviours. It is noted that the Temporary Alcohol Ban Area will only apply for a limited number of days and hours per week. There is not a complete restriction on people's freedoms to consume alcohol in Council controlled public places.

34. It should be noted that the area which is the subject of the proposed Temporary Alcohol Ban covers a broader area than that where the licensed premises are situated on or near to Papanui Road. There is no easy way of delineating the area because of the location of streets. The Police consider that the current proposed area will provide clear boundaries of where the area begins and ends.

35. ***Clause 5(2)(d) - any information from the Police and other sources about the proposed dates, the events or the areas to be covered by the resolution***

The Police have provided information (summarised in this report) of the issues and behaviours being experienced in the Merivale Area.

36. On 2 and 3 May 2011, the Police surveyed 23 business owners in Merivale, along Papanui Road between McDougall Avenue and St Albans Street, regarding alcohol concerns in the proximity of Merivale bars before and after the earthquake. Half of the respondents noted increased problems, predominantly more people on the street and patronising bars in the area and more bottles and rubbish.

37. ***Clause 5(2)(e) - whether the Police support the proposed Temporary Alcohol Ban Areas***

The Police have indicated that they support the proposed Temporary Alcohol Ban Area but would like the Ban to apply 24 hours per day, 7 days per week.

Akaroa

38. ***Clause 5(2)(a) - whether the proposed bans relate to events***

The proposed ban does not relate to an event.

39. ***Clause 5(2)(b) - the nature and history of alcohol-related problems usually associated with the areas, together with any anticipated alcohol-related problems***

There is already an alcohol ban in place in Akaroa, which applies on New Year's Eve from 5.00pm 31 December to 7.00am on 1 January each year. The area includes Akaroa Beach and the waterfront area (including any wharf or jetty) from Children's Bay to Takapunueke Reserve, the Garden of Tane, Waeckerie Green, Reclamation Parking and Slipway Area, Akaroa Recreation Ground, Jubilee Park, Children's Bay and the War Memorial Grounds.

40. Prior to the Permanent Alcohol Ban Area being imposed for New Year's Eve, alcohol consumption, broken glass, wilful damage and disorderly behaviour were identified as a significant concern in and around the recreation ground and the business area along the Akaroa waterfront. However, once the Alcohol Ban was imposed for New Year's Eve, Police enforcement of the ban has been successful in eliminating problems of drunkenness and disorder.

41. Over the past year, a very small number of disorder offences has been committed. There is anecdotal evidence of people consuming alcohol on the beachfront at other times of the year. However, there does not appear to be a change in alcohol-related behaviour issues as a result of the earthquakes (as compared with Papanui and Merivale) or any other temporary factors. The current evidence is not considered sufficient to justify a change to the current Akaroa Permanent Alcohol Ban Area, or the imposition of a Temporary Alcohol Ban Area.

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42. **Clause 5(2)(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**
It is considered that the benefits to local residents and to the city would not outweigh the restrictions imposed on local residents and other people in the area covered by the resolution. Because there is a lack of evidence about the alcohol-related issues in the area, restrictions on various freedoms are not considered to be justified.
43. **Clause 5(2)(d) - any information from the Police and other sources about the proposed dates, the event or the area to be covered by the resolution**
See the information below under clause 5(2)(f).
44. **Clause 5(2)(e) - whether the Police support the proposed Temporary Alcohol Ban Area**
The Police have indicated that they would support the imposition of a Temporary Alcohol Ban Area in Akaroa.
45. **Clause 5(2)(f) - any other information the Council considers relevant**
A petition was presented to the Akaroa/Wairewa Community Board on 20 April and subsequently referred to the Council on 9 June 2011. The petition requested, amongst other things, a liquor ban from 10.00 pm to 8.00 am in public areas.
46. In addition to analysing the various matters under clause 5(2) of the Bylaw, consideration has also been given to the duration of the Temporary Alcohol Bans. The recommended period is for no longer than 6 months. As mentioned above, the Bylaw defines a Temporary Alcohol Ban Area as meaning "*an area described in a resolution made under this bylaw in which alcohol restrictions are temporarily in place in the public places within the area during the times, days or dates specified in the resolution.*" The Shorter Oxford Dictionary defines the word "temporary" as meaning "*lasting or meant to last for a limited time only; not permanent, made or arranged to supply a passing need ... belonging or relating to a particular time or period*".
47. Taking into account these definitions, it is considered that a Temporary Alcohol Ban should be in place for a period of no longer than six months. The longer a Temporary Alcohol Ban is in place, the greater the chance is that the Council may be seen to be imposing a de-facto Permanent Alcohol Ban without going through the proper processes. In other words there is a risk that the Council could be seen to be imposing a Permanent Alcohol Ban without complying with sections 155 and 156 of the Local Government Act 2002 (ie completing a section 155 analysis and using the special consultative procedure to make the Bylaw).
48. It should be noted that if the Council wishes to continue any of the Temporary Alcohol Bans beyond six months, consideration should be given to putting in place a Permanent Alcohol Ban. It is not open to the Council to simply "roll-over" Temporary Alcohol Bans.
49. However, if the Council had expressed an intention to introduce a Permanent Alcohol Ban, then it may be tolerable for the Council to resolve to put in place a second Temporary Alcohol Ban whilst the Council undertakes the necessary processes to introduce the Permanent Alcohol Ban.
50. Consideration has also been given to the fact that there is already a Permanent Alcohol Ban Area in place for Northlands Mall Surrounds. Previously, when the Council has imposed a Temporary Alcohol Ban Area in conjunction with a Permanent Alcohol Ban Area, the Council has imposed the Temporary Alcohol Ban Area so that it operates at the times and dates when the Permanent Alcohol Ban Area is not in force. (For example, see the Temporary Alcohol Ban Area that will operate in conjunction with the Permanent Alcohol Ban Area for Hagley Park during the Rugby World Cup, Cup and Show Week, and during the Buskers festival in 2012.)

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51. However, in this instance with respect to the Papanui Temporary Alcohol Ban Area, because the proposal is to impose the Temporary Alcohol Ban Area on a wider Papanui area as well have the ban applying on a greater number days and over a longer number of hours when compared with the Northlands Mall Surrounds Permanent Alcohol Ban Area, the Temporary Alcohol Ban will apply concurrently with the Northlands Mall Surrounds Permanent Alcohol Ban Area. The fact that there will be two alcohol ban areas applying for a short period of time will make no difference for enforcement purposes.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

52. See 53 below.

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

53. Introducing a Temporary Alcohol Ban for the Papanui and Merivale areas 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

54. 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?

55. Yes – as above.

CONSULTATION FULFILMENT

56. A number of key stakeholders were contacted regarding the proposed alcohol bans in the Papanui, Merivale and Akaroa areas.
57. Consultation regarding alcohol bans has been undertaken with the Chair of the Shirley/Papanui Community Board, the Fendalton/Waimairi and Akaroa/Wairewa Community Boards and the Police. Police surveyed businesses in Papanui and Merivale in May.
58. The Akaroa/Wairewa Community Board received two petitions regarding an additional alcohol ban in the area (there is already a permanent ban in place on New Year's Eve). The first petition, received 20 April 2011 requested an alcohol ban be imposed (between certain hours); the second one, received 27 June 2011 requested a public meeting be held to discuss the proposed ban and allow the community's voice to be heard.
59. In response, the Board held a public forum in Akaroa on the evening of 9 August 2012. In addition to Community Board members, Council staff and the Police, about 20 members of the public attended the forum. After introductions and information presented by staff to the meeting attendees were asked to write down their views on two questions:
- (a) Outline any problems you think exist in the Akaroa Community relating to alcohol; and
 - (b) What do you want the Community Board to do about any alcohol-related problems in Akaroa?

There were 19 responses to Question a and 15 responses to Question b.

60. Although it was noted that there have been some issues regarding rubbish and noise, respondents did not want an additional ban, as they considered there was no need for such a ban. They noted the suggestion for a ban came from a very small minority of Akaroa residents.

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61. Respondents' concerns centred more around the hours that licensed premises are open and that alcohol is able to be purchased, particularly off-licence purchases.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Having considered the matters in clause 5(2) of the Christchurch City Alcohol Restrictions in Public Places Bylaw 2009, declares a Temporary Alcohol Ban Area in Papanui, (being the area shown on the attached map (**Attachment 2**)), applying for six months from 8 September 2011 to 8 March 2012 for Wednesday, Thursday, Friday and Saturday nights from 6.00pm to 6.00am.
- (b) Having considered the matters in clause 5(2) of the Christchurch City Alcohol Restrictions in Public Places Bylaw 2009, declares a Temporary Alcohol Ban Area in Merivale, (being the area shown on the attached map (**Attachment 3**)), applying for six months from 8 September 2011 to 8 March 2012 for Wednesday, Thursday, Friday and Saturday nights from 6.00pm to 6.00am.
- (c) Having considered the matters in clause 5(2) of the Christchurch City Alcohol Restrictions in Public Places Bylaw 2009, concludes there is insufficient evidence to impose a Temporary Alcohol Ban in Akaroa, given the nature and history of alcohol-related problems usually associated with the area, and any anticipated alcohol-related problems there.

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BACKGROUND (THE ISSUES)

62. On 26 May 2011, the Council considered preliminary advice on introducing Permanent Alcohol Bans in the Merivale and Akaroa areas and amending the current Permanent Alcohol Ban Area in Northlands by extending the area covered with a Temporary Ban. The Council resolved to approve staff undertaking section 155 of the Local Government Act 2002 (LGA02) analyses of possible amendments to the 2009 Bylaw for Riccarton/Ilam, Papanui, Merivale, Akaroa and Okains Bay.
63. In the report to Council for its 23 June 2011 meeting, staff recommended against a change in the current Northlands Mall Surrounds Permanent Alcohol Ban or the Akaroa Permanent Alcohol Ban Area as there was insufficient evidence to support a permanent ban in these areas. Staff also recommended against a new permanent alcohol ban in Merivale as again there was insufficient evidence to support this.
64. However staff acknowledged that problems could emerge in the Papanui and Merivale areas due to increased alcohol consumption as a result of displacement of people from the Central City to these areas due to the 22 February 2011 earthquake.
65. The Council, at its meeting on 23 June 2011, resolved:
 - (c) That staff report back on the possible temporary liquor bans for the Merivale, Papanui and Akaroa areas by the end of August 2011.
66. Following the devastation experienced in the Central Business District (CBD) Police have identified a very clear trend where patronage of bars has shifted from the CBD to Riccarton, Papanui and Merivale in particular. This has resulted in an increase in violence and disorder in these areas.
67. In respect of Akaroa, a petition was presented to the Akaroa/Wairewa Community Board on 20 April 2011 and subsequently to Council at its meeting of 28 April 2011. The petition requested a number of measures, of which one was the introduction of an alcohol ban from 10.00 pm to 8.00 am in public areas.
68. The Police advise that experience has shown that alcohol bans are one of the most successful tools in reducing violence and disorder. They note that the alcohol ban in the CBD had resulted in reductions of six per cent for serious violence and six per cent for minor assaults each year for the last three years. However it is not clear that there is a direct causal link with the ban of drinking in public places or whether increased Police presence and the introduction of Safe City Officers have added to the reductions noted.
69. Analysis of the matters in clause 5(2) of the Bylaw can be found in the legal considerations section of this report. However, further information about the alcohol-related issues in Papanui, Merivale and Akaroa areas is discussed below.

Papanui

70. There is currently an alcohol ban around the Northlands Mall Surrounds, which covers the area bounded by Main North Road, Sawyers Arms Road, Sisson Drive, Restell Street and Harewood Road, and also includes St James Park (see attached map (**Attachment 1**)). The restrictions apply Thursday, Friday and Saturday nights, from 9.00 pm to 6.00 am.
71. Police have noted that since the earthquake, patronage of bars has shifted from the central city to other areas including Papanui and that there has been an increase in disorder in these areas.

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72. The Table below shows provisional Police data for Papanui for 1 July 2010 to 31 December 2010 and 1 January 2011 to 31 June 2011

Papanui	1 July 2010 to 31 December 2010	1 January 2011 to 31 June 2011
Disorder	59	80
Violence	23	13
Wilful Damage	21	20
Total	103	113

73. There appears to have been an increase in disorder although no increase in Wilful Damage and incidents of Violence have decreased.
74. The Police advocated for a much larger area in Papanui to be incorporated into a Permanent Alcohol Ban area, due to additional licensed premises in the area as well as general movement from the central city to the Papanui commercial district. The Police note that due to an influx of people into Papanui after the February earthquake, there are greater numbers of people not able to get into some bars, particularly on Friday and Saturday nights, which has led to increased drinking in areas surrounding these bars with an associated increase in broken bottles, urination and other problem behaviour.
75. The proposed area is bounded by the railway line from Vagues Road to Harewood, St James Avenue, Blighs Road, Grants Road, Grassmere Street, Main North Road and Vagues Road (see attached map (**Attachment 2**)). This incorporates the smaller existing Permanent Alcohol Ban area of Northlands Mall Surrounds. The Police consider that extending the Ban area (from the current Ban around Northlands Mall) would enable greater control over entry of persons and vehicles into the area where consumption of alcohol in a public place may occur. The Police see this as a preventive measure aimed at dealing with anticipated problems that may be alcohol-related.
76. On 4 May 2011 Police surveyed survey of 42 businesses located along Papanui/Main North Road, between Grants Road and Mary Street. The survey asked whether business owners and/or their staff had problems that may be associated with people drinking in nearby bars both before and after the February 2011 earthquake. Two-thirds of respondents said that there were problems before and after the earthquake, while 40 per cent said that problems had significantly worsened after the earthquake. Problems identified in the survey included broken beer bottles, rubbish, vomiting and urinating in doorways.
77. The Council's Customer Service Request (CSR) database was queried for the period between 1 June 2010 and 1 June 2011. There were no complaints of drinking in public places in the database for the period queried. Of the 33 incidents logged in the CSR database for Papanui during this period, only four might have been alcohol-related, although there is not enough information to confirm this:
- One incident of bottles and other rubbish around a bus stop
 - Two incidents of smashed/broken glass on the side of the road
 - One incident of "a lot of glass" on the road.
78. Staff consulted with Mr Chris Mene, Chair of the Shirley Papanui Community Board about alcohol issues in the ward. Mr Mene commented that, anecdotally, there is a combination of drinking and drunkenness around licensed premises.
79. The Police proposed to extend the coverage of the ban to 24 hours per day, 7 days per week in the expanded Papanui area, but to date there has not been strong enough evidence to justify a change to the current Northlands Mall Surrounds Permanent Ban.
80. However, there has definitely been a change in drinking habits and numbers of people frequenting the Papanui area since the February 22 earthquake. The problems being experienced in Papanui may be alleviated over time as the Central City cordon is reduced and the CBD comes back to life.

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81. The evidence of a significant increase in alcohol related issues in Papanui as a result of the earthquake is not compelling. On the basis of the evidence a temporary ban could be justified but it is hard to justify a temporary alcohol ban for 24 hours, 7 days a week. Staff are of the view that a temporary alcohol ban focused on the days/times of the week on which alcohol related issues are most likely to take place is more appropriate.
82. On that basis staff recommend a Temporary Alcohol Ban for six months from 8 September 2011 to 8 March 2012 for the extended area for Wednesday, Thursday, Friday and Saturday nights from 6.00 pm to 6.00 am.

Merivale

83. There is currently no alcohol ban, either permanent or temporary, in Merivale.
84. The Police are advocating for an alcohol ban in Merivale to protect the public from nuisance, to protect and maintain public health and safety and to minimise the potential for offensive behaviour in public places. The Police estimate that patronage at local bars and restaurants has increased by 25 to 35 per cent, and note that some former Oxford Terrace patrons appear to have shifted to Merivale's commercial district. As noted in the discussion concerning Papanui above, there appears to have been an increase in offending in the Papanui and Merivale areas since the September and February earthquakes.
85. The Table below shows provisional Police data for Merivale for 1 July 2010 to 31 December 2010 and 1 January 2011 to 31 June 2011.

Merivale	1 July 2010 to 31 December 2010	1 January 2011 to 31 June 2011
Disorder	52	46
Violence	5	6
Wilful Damage	9	10
Total	66	62

86. There appears to have been no increase in offending between the two periods but it must be acknowledged that the numbers are small and longer monitoring may present a different picture.
87. The area proposed for a Permanent Alcohol Ban is bounded by Rossall Street, Rugby Street, Browns Road and Innes Road/Heaton Street (map attached (**Attachment 3**)). Although licensed premises in Merivale are largely situated in, or adjacent to, Papanui Road, Aikmans Road, and Mansfield Avenue corner, the Police are advocating for a larger area in order to provide clear boundaries to the ban, aligned with streets in the area. Moreover, Police consider that a wide area will help control transport of alcohol into the car park at the Merivale Mall, which has allegedly been used for drinking in public, as well as other private car parks at the rear of shops on the east side of Papanui Road. Alcohol bans are unable to be applied directly to private car parks.
88. On 2 and 3 May 2011, the Police surveyed 23 business owners in Merivale, along Papanui Road between McDougall Avenue and St Albans Street, regarding alcohol concerns in the proximity of Merivale bars before and after the earthquake. Half of the respondents noted increased problems, predominantly more people on the street and patronising bars in the area and more bottles and rubbish.
89. The Council's CSR database contains 22 incidents for Merivale for the period from 1 June 2010 to 1 June 2011. No complaints were received regarding drinking in public. Two incidents might have been alcohol-related, although there is no direct evidence:
- One incident of a street littered with rubbish and bottles
 - One incident of "a lot of smashed glass" (the type of glass was not specified).

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90. The Fendalton/Waimari Community Board support a Temporary Alcohol Ban for six months from 8 September 2011 to 8 March 2012 for the area for Wednesday, Thursday, Friday and Saturday nights from 6.00pm to 6.00am.
91. They also support the area proposed by the Police and are keen to ensure Merivale Reserve is included in the area as they are aware of some issues in the Reserve. The Reserve is within the proposed area.
92. Additionally, the Fendalton/Waimari Community Board would like to see good monitoring during the Temporary Alcohol Ban, including encouraging residents to report on their perceptions of its effects, as a basis for deciding on a permanent ban.
93. The Police have advocated for a 24 hours per day, 7 days per week Alcohol Ban for Merivale but there is a lack of clear evidence of the need for a permanent alcohol ban in Merivale at this time.
94. However, there has definitely been a change in drinking habits and numbers of people frequenting the Merivale area since the February 22 earthquake. The problems being experienced in Merivale may be alleviated over time as the Central City cordon is reduced and the CBD comes back to life.
95. The evidence of a significant increase in alcohol related issues in Merivale as a result of the earthquake is not compelling. On the basis of the evidence a temporary ban could be justified but it is hard to justify a temporary alcohol ban for 24 hours, 7 days a week. Staff are of the view that a temporary alcohol ban focused on the days/times of the week on which alcohol related issues are most likely to take place is more appropriate.
96. On that basis staff recommend a Temporary Alcohol Ban for six months from 8 September 2011 to 31 March 2012 for the extended area for Wednesday, Thursday, Friday and Saturday nights from 6.00pm to 6.00am.

Akaroa

97. There is already an Alcohol Ban in place in Akaroa, which applies on New Year's Eve from 5.00pm on 31 December to 7.00am on 1 January each year. The area is mapped in the Bylaw (map attached (**Attachment 4**)) and includes Akaroa Beach and the waterfront area (including any wharf or jetty) from Children's Bay to Takapunueke Reserve, the Garden of Tane, Waeckerie Green, Reclamation Parking and Slipway Area, Akaroa Recreation Ground, Jubilee Park, Children's Bay and the War Memorial Grounds.
98. A possible amendment to the Alcohol Ban was raised in a petition to the Council received at its meeting of 28 April 2011. The petition requested the following:
 - A liquor ban from 10.00 pm to 8.00 am in public areas.
 - Trading hours for hotels restricted to 12.00 am.
 - Liquor outlet sales banned after 10.00 pm.
 - A lower speed limit in the village to 30 kph or measures to reduce the speed of traffic.
99. The petition was also presented to the Akaroa/Wairewa Community Board on 20 April 2011. The Board decided to receive and support the petition and:
 - (a) Forward it to staff for information with a request that the Board be informed of steps that could be taken to enact the requests in the petition.
 - (b) Ask the Bank Peninsula Councillor to support the petition at Council.
 - (c) Ask staff to forward the petition to the Liquor Licensing Agency as evidence of "history of need", for its information in considering liquor licensing hours for Akaroa licence holders.

9 Contd

100. A second petition was received by the Community Board on 27 June 2011 which requested the Board hold a public meeting to discuss the proposed ban and allow the community's voice to be heard.
101. In response to these petitions, the Board held a public forum in Akaroa on the evening of 9 August 2012. In addition to Community Board members, Council staff and the Police, about 20 members of the public attended the forum. After introductions and information presented by staff to the meeting attendees were asked to write down their views on two questions:
 - (a) Outline any problems you think exist in the Akaroa Community relating to alcohol; and
 - (b) What do you want the Community Board to do about any alcohol-related problems in Akaroa?

There were 19 responses to Question a and 15 responses to Question b.

102. Although it was noted that there have been some issues regarding rubbish and noise, respondents did not want an additional ban, as they considered there was no need for such a ban. They noted the suggestion for a ban came from a very small minority of Akaroa residents.
103. Respondents' concerns centred more around the hours that licensed premises are open and that alcohol is able to be purchased, particularly off-licence purchases.
104. In regard to the issue in paragraph 99 (c) above, the initial response from the Liquor Licensing Inspectors was that the matter of hours of operation of the one hotel mentioned in the petition would be considered by the District Licensing Agency at its time of renewal in January 2012. They have advised that there does not appear to be any good reason for change on the basis of their evidence nor evidence provided by the Police to date. It should be noted that this is not a matter that is relevant to this consideration of the Bylaw. According to the records of noise complaints investigated there have been reductions over a period of years in relation to the premises. That is, in any case, a matter for control under the Resource Management Act 1991.
105. The decision of the Akaroa/Wairewa Community Board was included within the Board's Report to Council at the 9 June 2011 Council meeting.
106. Provisional Police data show there were two incidents of Disorder in the period 1 July 2010 to 31 December 2010 and four, also of Disorder, for the period 1 January 2011 to 30 June 2011. There is anecdotal evidence of people consuming alcohol on the beachfront at other times of the year, but it is not considered sufficient to justify a change to the current Akaroa Permanent Alcohol Ban Area.
107. Evidence to support the expansion of the existing alcohol ban appears to be limited to the views of the local Police Officers and some local residents and business owners. It is considered insufficient to introduce a significant restriction on persons who may be consuming alcohol in the public place without committing any offences under the Summary Offences Act 1981, or indeed any other criminal legislation. Moreover, Council CSR data for the period from 8 June 2010 to 18 May 2011 has revealed that there was only one complaint regarding bottles left (with other debris) on the beach area, apparently following the Paralympics and Busker events in December 2010.

9 Contd

108. The petition identified one licensed premise as being a problem to a nearby business, largely through noise but also behaviour from allegedly patrons when leaving the premise. This is not a matter that relates to this Bylaw as it does not provide evidence that consuming alcohol in the public place is occurring. Sufficient controls are provided under the Summary Offences Act 1981 to deal with offensive or disorderly behaviour. Noise from the premises can be controlled under the provisions of the Resource Management Act 1991. Records of noise complaints received show there have been a reduction in the past year. Over a period of six years (from 2006 to 2011) a total of 18 complaints had been received relating to the Madeira Hotel and 14 in relation to the Gaiety Hall, all relating to music being played. This total can be compared with 65 over the same period relating to music from residential premises, spread over the area. These all were dealt with under the Resource Management Act 1991 provisions by enforcement officers.
109. Unlike Papanui and Merivale, there are no earthquake-related issues in Akaroa; that is there are no temporary issues to address and thus staff do not recommend putting a Temporary Alcohol Ban in place in Akaroa.

Options analysis

110. For each area the primary options open to the Council are either to apply a Temporary Alcohol Ban or not to do so. For any area where the Council decides to introduce a Temporary Alcohol Ban there are options relating to the days and times of the week, the area covered by the Ban and the duration over which the Temporary Ban should apply.